

**Agenda**  
Shady Cove Planning Commission Public Hearing  
Thursday, January 12, 2023  
6:00 PM

<https://us02web.zoom.us/j/83894578967?pwd=cDNhb01wbzJZeTdKUU5EUFNiTzFOU09>

Meeting ID: 838 9457 8967

Passcode: 906827

One tap mobile

+12532158782,,83894578967#,,,,\*906827# US (Tacoma)

+13462487799,,83894578967#,,,,\*906827# 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 January 26, 2023, 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 Conditional Use Permit located at 20771, 20783, 20795 and 20811 Hwy 62.

Open Public Hearing.

A Public Hearing to accept public testimony and consider the request for a Conditional Use Permit to allow Outdoor Storage in association with a Tourism and Recreational Vehicle business. The property is located at 20771, 20783, 20795 and 20811 Hwy 62, Shady Cove, Oregon. Assessor's Map and Tax Lots: 34-1W-21AD, 2900, 3000, 3100 and 3300. Zoning is General Commercial (GC).

Owner/Applicant: SOWA / Jason Asbill File Number: CUP 22-05.

1. Read Public Hearing Open Statement.
2. If you would like to speak before the Commission, please email ahead of time to [djermain@shadycove.org](mailto: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.

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).

7. Staff Comments. (Schireman)
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. Subject of Workshop**

None

**IV. Department Reports**

A. Planning Technician Report

**V. Public Comment**

**VI. Commissioner Comments**

**VII. Adjournment**



**CITY OF SHADY COVE PLANNING COMMISSION PACKET  
PLANNING FILE NO. CUP 22-05**

**REQUEST FOR CONDITIONAL USE PERMIT LOCATED  
AT 20771, 20783, 20795 and 20811 HIGHWAY 62, SHADY COVE OREGON**

**PUBLIC HEARING: THURSDAY January 12, 2023, 6:00 P.M.**

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## Type III Staff Report Conditional Use Permit

Date: January 4th, 2023

Description of Property: 34-1W-21AD, Tax Lots 2900, 3000, 3100, and 3300

Address: 20811, 20795, 20783, and 20771 Highway 62

Planning Application: CUP 22-05

Owner/Applicant: SOWA/ Jason Asbill

Proposal: Conditional Use Permit to allow Outdoor Storage in association with a Tourism and Recreational Vehicle business

Zoning: GC (General Commercial)

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Planning Commission Public Hearing Date: January 12, 2023

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### I. PROPOSAL:

The request is for a conditional use permit to approve to allow outdoor storage in association with a tourism and recreational vehicle business. 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 property 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 (SCMC§154.395). The applicant hopes to use the area to conveniently store vehicles while also possibly serving as an advertising space.

### II. AUTHORITY:

Conditional Use Permits shall be reviewed through a Type III review process as per §154.397, and subject to the criteria of 154.401. Conditional Use Permits shall be reviewed through a Type III review process as per §154.397, and §154.396 authorizes the Planning Commission to consider the request and make a decision to approve, approve with conditions, or deny the requested conditional use permit, or they may grant a continuance of the public hearing to a date and time certain.

### III. APPEAL PROCEDURE:

Appeals to a variance shall be processed in accordance to §154.455 through §154.462. Being as this decision shall come from the Planning Commission, an

appeal may be made to the City Council no later than 10 calendar days after the decision has been made.

#### **IV. NOTICE PROCEDURE**

Adhering to §154.379, on December 12, 2022 relevant agencies were noticed of this application, the property owners, neighbors within 200 feet, and other invested stakeholders were mailed on December 22, 2022, providing 20 days' notice of the public hearing.

#### **V. GENERAL FINDINGS**

The property in question has long served as an illegal outdoor storage operation, but the applicant wishes to rectify the matter with the appropriate mitigation measures and permit. Primarily, past outdoor storage operations have struggled to address the appropriate screening, landscaping, and surfacing requirements in order to address objectionable impacts including runoff, dust, and general unsightliness. The requirement to provide plans addressing these criteria has exacerbated the timeline of past conditional use outdoor storage applications, and thus staff has prepared this staff report with those criteria in mind so such items can be concisely prepared.

#### **VI. CONFORMANCE WITH APPLICABLE CRITERIA**

Per §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

**The City shall approve, approve with conditions or deny the application for a variance based on a finding that all of the following criteria, as outlined in §154.401, are satisfied.**

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

#### **(1) Staff response: Planning Commission Determination Required.**

While the applicant has submitted a cursory plan depicting access, fencing, and landscaping, (shown as exhibit 1), some more detailed plans may be necessary in order for the Planning Commission to decide whether to approve, approve with conditions, or deny the application.

**Architectural drawings:** No buildings are proposed on site, and so no architectural drawings shall be required.

**Preliminary grading plan:** Because of the use proposed and relatively flat nature of the site, staff does not anticipate a preliminary grading plan shall be required by placing 500 or more cubic yards of cut or fill, as stated in §154.314(4)(a).

**Landscaping plan:** The current Code of Ordinances has landscaping standards which have been included as §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. Staff recommends that the Planning Commission continue this hearing to a specific date and time so that the applicant has adequate time to prepare the plans in question. This application's 120-day deadline for decision is February 15<sup>th</sup>, 2022, so the applicant would need to have such plans prepared prior to the regularly scheduled February 9<sup>th</sup> hearing, or otherwise the Planning Commission would be forced to deny the application for failing to address all applicable criteria. If the applicant is unable to prepare the plans according to this deadline, the City should entertain a request from them to waive or extend 120 day deadline for decision. The requirements for a landscape plan for an outdoor vehicle of storage are as follows:

### **§154.318 Landscaping**

(C) *Landscaping and screening.*

(1) *General landscape standard.* All portions of a lot not otherwise developed with buildings, accessory structures, vehicle maneuvering areas, or parking shall be landscaped.

(2) *Minimum landscape area.* All lots shall conform to the minimum landscape areas standards of The Planning Commission, consistent with the purposes in division (A) of this section, may allow credit toward the minimum landscape area for existing vegetation that is retained in the development.

(3) *Plant selection.* A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions, among other factors. When new vegetation is planted, soils shall be amended and irrigation shall be provided, as necessary, to allow for healthy plant growth. The selection of plants shall be based on all of the following standards and guidelines:

(a) Use plants that are appropriate to the local climate, exposure, and water availability. The presence of utilities and drainage conditions shall also be considered. The city may rely on Oregon State University Extension Service bulletins, University of Washington Urban Forestry Program guidelines, or other Firewise expert sources in evaluating landscape plans.

(b) Plant species that do not require irrigation once established (naturalized) are preferred over species that require irrigation.

(c) Trees shall be not less than two-inch caliper for street trees and 1.5-inch caliper for other trees at the time of planting. Trees to be planted under or near power lines shall be selected so as to not conflict with power lines at maturity.

- (d) Shrubs shall be planted from five-gallon containers, minimum, where they are for required screens or buffers, and two-gallon containers minimum elsewhere.
- (e) Shrubs shall be spaced in order to provide the intended screen or canopy cover within two years of planting.
- (f) All landscape areas, whether required or not, that are not planted with trees and shrubs or covered with allowable non-plant material, shall have ground cover plants that are sized and spaced to achieve plant coverage of not less than 50% at maturity.
- (g) Bark dust, chips, aggregate, or other non-plant ground covers may be used, but shall cover not more than 50% of any landscape area. Non-plant ground covers cannot be a substitute for required ground cover plants.
- (h) Where storm water retention or detention, or water quality treatment facilities are proposed, they shall be planted with water-tolerant species.
- (i) Existing mature trees that can thrive in a developed area and that do not conflict with other provisions of this code shall be retained where specimens are in good health, have desirable aesthetic characteristics, and do not present a hazard.
- (j) Landscape plans shall avoid conflicts between plants and buildings, streets, walkways, utilities, and other features of the built environment.
- (k) Evergreen plants shall be used where a sight obscuring landscape screen is required.
- (l) Deciduous trees may be used where summer shade and winter sunlight is desirable.
- (m) Landscape plans shall provide focal points within a development, for example, by preserving large or unique trees or groves or by using flowering plants or trees with fall color.
- (n) Landscape plans shall use a combination of plants for seasonal variation in color and yearlong interest.
- (o) Where plants are used to screen outdoor storage or mechanical equipment, the selected plants shall have growth characteristics that are compatible with such features.
- (p) Landscape plans shall provide for both temporary and permanent erosion control measures, which shall include plantings where cuts or fills, including berms, swales, storm water detention facilities, and similar grading, are proposed.
- (q) When new vegetation is planted, soils shall be amended and irrigation provided, as necessary, until the plants are naturalized and able to grow on their own.

(r) Where landscaping is not otherwise feasible, planter boxes or decorative tubs shall be installed. Planting shall be consistent with in-ground landscaping requirements.

(5) *Screening requirements.* Screening is required for outdoor storage areas, unenclosed uses, and parking lots, and may be required in other situations as determined by the Planning Commission. Landscaping shall be provided pursuant to the standards of divisions (C)(5)(a)-(c), below:

(a) *Outdoor storage and unenclosed uses.* All areas of a site containing or proposed to contain outdoor storage of goods, materials, equipment, and vehicles (other than required parking lots and service and delivery areas, per site design review), and areas containing junk, salvage materials, or similar contents, shall be screened from view from adjacent rights-of-way and residential uses by a sight-obscuring fence, wall, landscape screen, or combination of screening methods. See also § 154.085 (Commercial) or § 154.105 (Public Uses) for related fence and wall standards.

(b) *Parking lots.* The edges of parking lots shall be screened to minimize vehicle headlights shining into adjacent rights-of-way and residential yards. Parking lots abutting a sidewalk or walkway shall be screened using a low-growing hedge or low garden wall to a height of between three feet and four feet.

(c) *Other uses requiring screening.* The Planning Commission may require screening in other situations as authorized by this code, including, but not limited to, outdoor storage areas, blank walls, and as mitigation where an applicant has requested an adjustment.

**Sign Drawings:** The applicant has expressed the desire to use the property as an advertising space for their business. As such, sign drawings will need to be made in conformance with §154.350 through §154.362.

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

**(2) Staff response: Satisfied**

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 and recreational vehicles on across the 4 undeveloped lots, but will not permit storage of destroyed or defunct vehicles commonly associated with a junkyard operation. Notice of the proposed use was mailed out to property owners within 200 feet of the tax lot. The use has existed illegally for numerous years yet no major outcry of adverse effect has been raised citizens.

**Criterion (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*



### **(3) Staff Response: Satisfied**

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.

**Criterion (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.*

### **(4) Staff Response: Planning Commission Determination Required.**

The applicant has proposed numerous accesses along HWY 62, Maple Dr, and Braughton Way, which staff have addressed individually below. Overall §95.31(H)(2)(a) states "The number of street access points for multiple-family, commercial, industrial and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users". Moreover §95.31(F)(1)(a) mandates when a lot has a frontage onto two or more streets, access shall be provided first from the street with the lowest classification.

**HWY 62:** According to page I-7 of the Shady Cove comprehensive plan, Braughton Way is classified as an arterial with asphalt surfacing.

The applicant proposes 2 access options along HWY 62, preferring to utilize option 2 as shown in exhibit X. 2 informal accessways exist to allow entry into the site, but staff finds that §95.319H)(2)(a) encourages one of these accessways be limited to minimize the overall number. ODOT staff have reviewed the application and offered the following comments on what access can be allowed and under what conditions.

**Maple Dr:** According to page I-5 of the Shady Cove comprehensive plan, Maple Drive is classified as a local street with asphalt surfacing.

The applicant proposes 1 access along Maple Drive. §95.31(F)(1)(a) indicates that access should first be provided along this sheet, as it is a lower classification than Hw 62.

**Braughton Way:** According to page I-3 of the Shady Cove comprehensive plan, Braughton Way is classified as a dead-end local street with rock surfacing.

The applicant proposes 1 access along Maple Drive. While §95.31(F)(1)(a) indicates that street should have the same priority of access as Maple Drive, the surfacing present may not meet the dust control criterion found in §154.334(B)(3), potentially requiring a surface improvement of gravel or equivalent measure.

Overall, staff anticipates the following accesses options as appropriate for the outdoor storage of recreational vehicles.

**Access Option 1:** The applicant is allowed one access onto to Hwy 62, preferably the southern entrance across the Owner's business. This access will be upgraded in accordance to ODOT standards, with a paved landing at appropriate grades at least 20' back from the fog line. This access will likely only be used as an exit for vehicles. An additional access is located along Maple Drive.

**Access Option 2:** The applicant is allowed one access onto to Hwy 62 preferably the southern entrance across the Owner's business located in reference to the appropriate spacing standards per ODOT. This access will be upgraded in accordance to ODOT standards, with a paved landing at appropriate grades at least 20' back from the fog line an additional access is located along Braughton Way, and the surface is appropriately improved to minimize the production of dust.

**Overall, staff cannot recommend the Commission approve an access plan that allows more than 2 access points.**

**Criterion (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.*

**(5) Staff Response: Planning Commission Determination Required.**

While the lot for the proposed outdoor storage use features some fencing, it's largely lacking in the appropriate screening and landscaping needed to mitigate for surrounding residential properties and surrounding right of ways. Submission and review of plans pertaining to these issues will determine if the proposed use may inflict adverse impact.

Regarding the surfacing options of the lot itself, the applicant has expressed concern about the costs to pave the lot, and while §154.333 allows the Planning Commission to "allow or require adjustments to established standards for good reason, but, at a minimum, shall require a durable and dust free surface that is properly drained and that will prevent the tracing of mud, dirt, gravel or other materials onto public streets". **It is for this reason that staff recommends the applicant prepare a more detailed surfacing plan to be reviewed by the City**

**engineer and ultimately approved by the Commission.** The applicant shall bear the cost of additional engineer or staff cost in reviewing these plans.

## VII. COMMENTS

Two comments were received from invested citizens regarding this application. One citizen requests that the hearing be postponed to a later date in order to formulate a more detailed response in regards to the application. ORS 197.763 (6)(a) states that any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. The local hearings authority must grant such request by continuing the public hearing pursuant to paragraph b of the subsection, which states that continuance must occur at seven (7) days from the date of the initial hearing.

Another citizen expressed concern that “RV Storage” may be a danger as there is no turn lane on HWY 62 and the business will add a large volume of traffic to HWY 62. The citizen also questioned the land use of the parcel due to a housing shortage in the area, but the property has been zoned commercial for some time and therefore only allows dwellings in conjunction to commercial activity.

The Oregon Department of Transportation Region 3 development review team proved pivotal in the review of the application, due to the requirement to access HWY 62. The ODOT review team voiced the following concerns and potential mitigation measures:

1: Surface Runoff from the Paving of the Lot: ODOT staff expressed that should the lot be paved with an impervious surface, drainage would need to be addressed and potentially mitigated.

2: The Purpose of the Lot: ODOT staff expressed concern that should the lot serve as customer parking for Southern Oregon Wilderness Adventure patrons, the use would greatly increase the risk of pedestrians being struck by vehicles travelling on HWY 62. Using disconnected customer parking would necessitate adequate pedestrian safety features to ensure regular safe crossing from the two businesses.

3: Non-road legal vehicles leaving the lot: ODOT staff highlighted complaints in the area of non-road legal vehicles entering and leaving the proposed site, and travelling along HWY 62. Staff believes that a condition stating that non road legal vehicles shall be towed or transported through road-legal means could alleviate this concern.

4: HWY 62 Access: ODOT staff pointed out that only one access should be allowed onto HWY 62, and that the access would need to be utilize a paved apron to ODOT standards.

5: Signs Advertising the Property: Signs visible from state highways which are placed on properties not at a location of a business or activity open to the public. Overall the intention of this lot will inform whether or not a ODOT sign permit is appropriate for the proposed land use.

6: Gates located on the property: Any gates serving as entrances to the outdoor storage area should be set back enough to prevent vehicles from lingering in traveling lanes. This depth should also account for the fact that vehicles entering the lot may be pulling trailers with other recreational vehicles.

### **VIII. 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.

## IX. CONCLUSION

The applicant seeks to establish a recreational vehicle storage area across these lots. While the activity has taken place for some time, 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 initial actions to mitigate the proposed use, but it is lacking in detail to make a truly informed decision.

If the Planning Commission is satisfied that the initial proposal meets the criteria, or can meet the criteria with through later review, it should consider approving this application with the conditions of approval below.

### **A. The following shall be accomplished before the outdoor storage 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 are implemented, and to show that surfacing is sufficient to limit mud tracking onto adjacent properties. This description shall be reviewed by the City Engineer, the cost of review borne by the applicant, and the final plan approved by the City Planning Commission.
4. Applicant shall inquire about ODOT advertising sign permit standards, and shall apply if deemed necessary. All signs shall require City permits as well.
5. One access onto Hwy 62 shall be allowed, and the access provided as an apron with proper paving to ODOT standards.
6. Any gates for entry to the site shall be recessed enough to prevent vehicles from protruding into the travel lanes of HWY 62, accounting for the fact that vehicles entering the storage area may be pulling trailers.

**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. The proposed outdoor storage facility shall be used for the storage of SOWA vehicles only, and not used as customer parking. Signage will indicate the premises as being for employees only and direct customers to park at the business location across the street.
6. Only roadway legal vehicles shall enter or exit the outdoor storage facility. Recreational vehicles that aren't roadway legal must be transported with a roadway legal vehicle or trailer.

Should the commission wish to review the required plans before granting or denying the conditional use, staff would like to reiterate that this application's 120 day deadline for decision is February 15<sup>th</sup>, 2022. Overall the applicant would need to have such plans prepared prior to the regularly scheduled February 9<sup>th</sup> hearing, or otherwise the Planning Commission would be forced to deny the application for failing to address all applicable criteria. To be included in the appropriate agenda packet for this meeting. If the applicant is unable to prepare the plans according to this deadline, the City should entertain a request from them to waive or extend 120 day deadline for decision.

Respectfully submitted this 4th day of January 2023



James Schireman  
Associate Contract Planner

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

**OFFICE USE:**

Application No. CUP 22-05 Received By D. Germain Date 9-22-22  
Amount Paid \$600.00 Receipt No. 27294 Hearing Date TBD

**TO BE COMPLETED BY APPLICANT:**

Name of Property Owner(s): JASON ASBELL

Property Street Address: 20811, 20795, 20783, 20771 Hwy 62

Between MAPLE ST and CINDY streets.

County Assessor's Map & Tax Lot Number: 341W 21AD, 2900, 3000, 3100, 3300

Current Zoning: GC Adjacent Zoning: GC, R-1-6

**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    copies of property plat map.
- 3) Attach    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 [Signature]

ADDRESS PO Box 301 TRAIL OR PHONE NUMBER 541-810-1700

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

PLANNER OR HIS/HER DESIGNATE

Complete  Incomplete

Signature [Signature] Date 10/18/22

CITY OF SHADY COVE  
CONDITIONAL USE PERMIT APPLICATION

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Attach additional sheets as necessary

Describe your proposal

I'D LIKE TO PARK MY OVERFLOW  
OF EQUIPMENT ON MY LOT THAT I  
PURCHASED TO USE AS ADVERTISING

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)

THE LOT WILL REGULARLY MAINTAINED. IT IS A PERMITTED USE.  
ALL RULES & REGULATIONS WILL BE MET. THERE WILL BE A  
PRIVATE FENCE ALONG WITH SCREENING.

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

NO VEHICLES WILL BE PARKED AFTER HOURS.  
THERE WILL BE GRAVEL POSSIBLE PUT IN TO  
CONTROL DUST AS LONG AS FUNDS ARE AVAILABLE

- (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.

I WANT TO PARK OVER THERE SO I  
DON'T CLUTTER MY BUSINESS ACROSS THE  
STREET AND BE ABLE TO ADVERTISE MY  
ADVENTURE BUSINESS



CITY OF SHADY COVE  
CONDITIONAL USE PERMIT APPLICATION  
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- (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.

THERE ARE COMMERCIAL USES IN AREA ALREADY.  
PART RITE HAS BEEN PARKING THERE FOR YEARS.  
THE BUSINESS PROMOTES TOURISM TO OUR TOWN

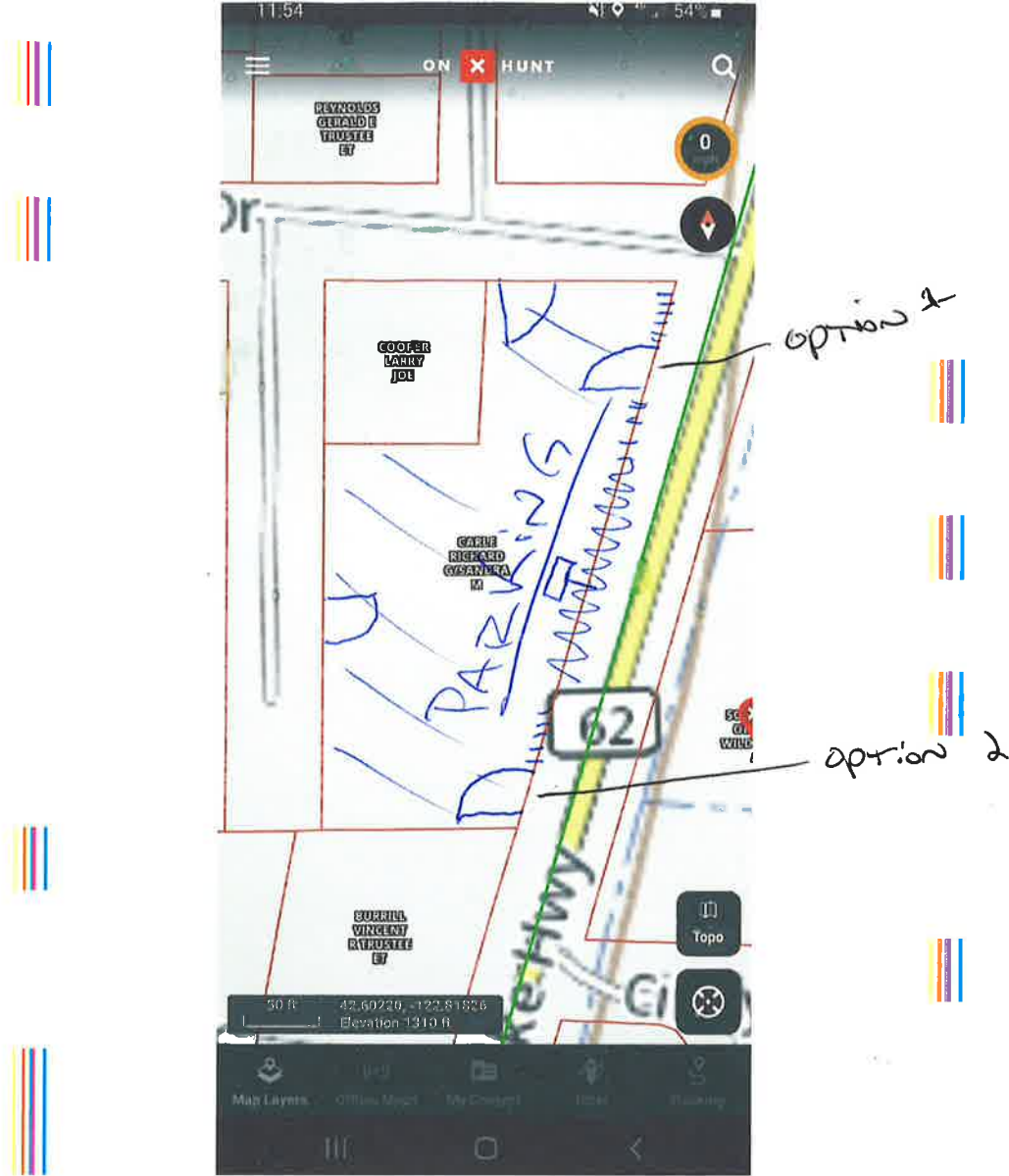
- (5) The establishment, maintenance or operation of the proposed use will not be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood

THE PARKING LOT WILL NOT AFFECT ANY OF THE  
ABOVE. GOODS WILL ONLY BE MOVED DURING REGULAR  
BUSINESS HOURS

On a separate sheet please explain how your proposal complies with Section 154.379(B)(d) which requires applicants to include an impact study for all Site Design Review applications. The impact study shall assess the effect of the development on public facilities and services including, at a minimum, the transportation system, including pedestrian ways and bikeways, the drainage system, the parks system, the water system, the sewer system and the noise impacts of the development. The study shall propose improvements necessary to meet city standards and to minimize the impact of the development on the public at large, public facilities systems and affected private property users.

Other comments you feel are pertinent to your application

THIS PROPERTY HAS SAT FOR MANY YEARS AND I ONLY  
WISH TO UTILIZE IT. PLEASE KEEP IN MIND IT WILL  
COST A LOT OF MONEY TO DEVELOPE IT SO I ASK FOR  
A 2 YEAR ALLOWANCE TO HAVE EVERYTHING COMPLETED.



D = GATES / ENTRANCE  
 ||||| = FENCING  
 □ = SIGNAGE  
 M M M = DEEP DITCH  
Im chaosing to go with option 2





*Mayor*  
Shari Tarvin

*Councilors*  
Tim Evertt  
Tanda Murders  
Paige Winfrey  
Jay Taylor

## CERTIFICATE OF MAILING

I hereby certify that on December 12, 2022 I provided a copy of the AGENCY NOTICE OF CONDITIONAL USE PERMIT APPLICATION NO. CUP 22-05 by first class mail to the following (list attached):

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

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

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

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White City, OR 97503

Julee Scruggs  
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

Thomas Corrigan  
Email

CITY OF SHADY COVE  
PLANNING COMMISSION

NOTIFICATION OF ADJACENT PROPERTY USE PROPOSAL

DESCRIPTION OF PROPERTY: 34-1W-21AD, Tax Lots 2900/3000/3100/3300, located at 20771, 20783, 20795, and 20811 Hwy 62

PROPOSAL: Conditional Use Permit Application No. CUP 22-05. The request is approve outdoor storage associated with a tourism/recreational vehicle business. Zoning is General Commercial (GC).

DATE AND TIME OF MEETING: Thursday, January 12, 2023 at 6:00 p.m.

LOCATION: City Hall Council Chamber, 22451 Highway 62 and via Zoom. RESPONSE DATE: January 4, 2023

APPLICANT: **Jason Asbill**

OWNER: Southern Oregon Wilderness Adventures, LLC

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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

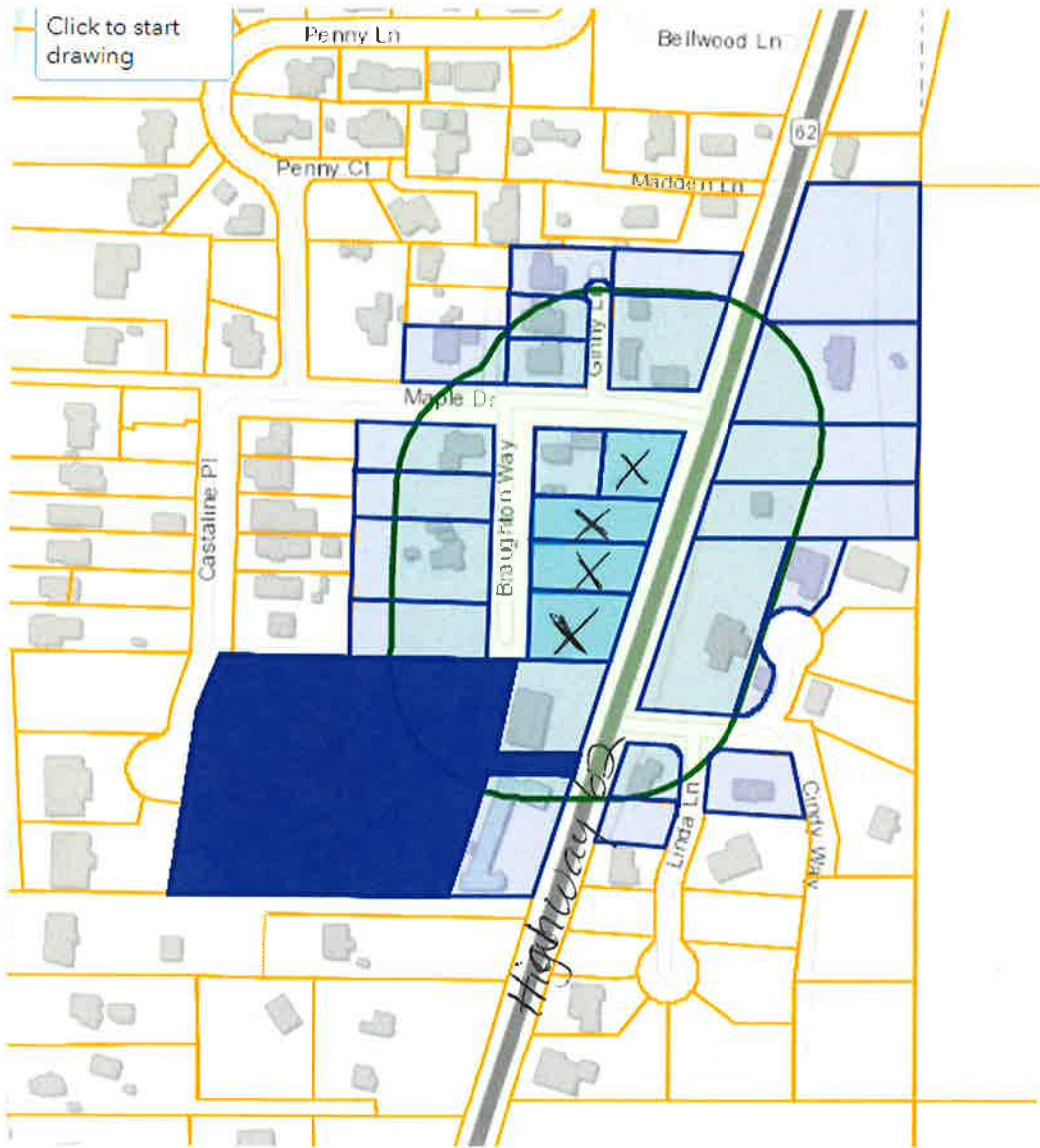
SIGNATURE: \_\_\_\_\_

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."



20771, 20783, 20795, 20811 Hwy. 62





*Mayor*  
Shari Tarvin

*Councilors*  
Tim Evertt  
Tanda Murders  
Paige Winfrey  
Jay Taylor

## CERTIFICATE OF MAILING

I hereby certify that on December 22, 2022 I provided a copy of the  
NOTIFICATION OF ADJACENT USE PROPOSAL APPLICATION NO.  
CUP 22-05 by first class mail to the following (list attached):

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

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

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

CONSINDINE JARED PAUL D/SADA G  
PO BOX 865  
SHADY COVE, OR 97539

DANSONS LLC  
20717 HIGHWAY 62  
SHADY COVE, OR 97539

SIMCOE TERRY W  
100 GINNY LN  
SHADY COVE, OR 97539

~~CONSINDINE JARED PAUL D/SADA G  
PO BOX 865  
SHADY COVE, OR 97539~~ Dup

SHADY ACRES MHP LLC  
~~10127 SE CAMBRIDGE LN  
MILWAUKIE, OR 97222~~ Portland  
PO Box 22129 97269

REYNOLDS GERALD E TRUSTEE ET  
527 VILLA ST  
ELGIN, IL 60120

BELLWOOD PROPERTIES INC  
PO BOX 39  
SHADY COVE, OR 97539

KLEINSCHMIDT PAUL D  
69 MAPLE DR  
SHADY COVE, OR 97539

MCCOLLUM CAROL/STEPHEN  
72 MAPLE DR  
SHADY COVE, OR 97539

~~BELLWOOD PROPERTIES INC  
PO BOX 39  
SHADY COVE, OR 97539~~ Dup

~~CONSINDINE JARED PAUL D/SADA G  
PO BOX 865  
SHADY COVE, OR 97539~~ Dup

WIERS DAVID K  
140 CINDY CT  
SHADY COVE, OR 97539

SOUTHERN OREGON WILDERNESS AD  
PO BOX 301  
TRAIL, OR 97541

HALE ANDREW J  
357 LIVE OAK LP  
CENTRAL POINT, OR 97502

MANZANITA HILLS HOMEOWNERS AS  
718 CARDLEY AVE  
MEDFORD, OR 97504

~~SOUTHERN OREGON WILDERNESS AD  
PO BOX 301  
TRAIL, OR 97541~~ Dup

KELLAM JEFFREY L  
20847 HIGHWAY 62  
SHADY COVE, OR 97539

KATO ROBERT H  
PO BOX 8163  
MEDFORD, OR 97501

~~SOUTHERN OREGON WILDERNESS AD  
PO BOX 301  
TRAIL, OR 97541~~ Dup

SISSON WILLIAM B TRUSTEE ET A  
PO BOX 1154  
SHADY COVE, OR 97539

~~BARNETT BOBBY D/RENEE C  
70 CINDY WAY  
SHADY COVE, OR 97539~~ Dup

~~SOUTHERN OREGON WILDERNESS AD  
PO BOX 301  
TRAIL, OR 97541~~ Dup

~~KELLAM JEFFREY L  
20847 HIGHWAY 62  
SHADY COVE, OR 97539~~ Dup

BURRILL VINCENT R TRUSTEE ET  
2100 NEIL CREEK RD  
ASHLAND, OR 97520  
1467 Siskiyou Blvd #225

COOPER LARRY JOE  
PO BOX 44  
SHADY COVE, OR 97539

~~BARNETT BOBBY D/RENEE C  
70 CINDY WAY~~ PO Box 766  
SHADY COVE, OR 97539

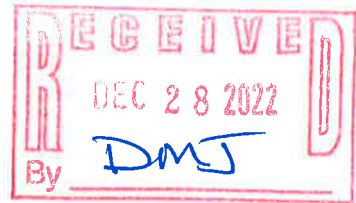
~~BUUS JAMES DAVID  
PO BOX 33  
SHADY COVE, OR 97539~~

~~SOUTHERN OREGON WILDERNESS AD  
PO BOX 301  
TRAIL, OR 97541~~ Dup

EVANS JON CHARLES  
767 SYCAMORE LN  
DAVIS, CA 95616

~~SHADY ACRES MHP LLC  
PO BOX 22129  
PORTLAND, OR 97269~~ Dup

**Jared P Considine**  
PO Box 865  
Shady Cove, OR. 97539



28th December 2022

**City of Shady Cove**

**Administrator and Planning Commission**

Dear Tom and Hank,

Regarding the letter I just received on Dec 23rd informing me of a request for a CUP in Shady Cove for Jason Asbill.

Given that the request was submitted back on Sep 22 and it is now the holidays I would like time to seek legal advice, speak with affected neighbors, and dedicate time to review the facts myself. I am requesting a change in the timing of all this. I don't have time right now to give a proper reply by 1/4/23. Please extend this deadline to 1/18/23. There is a new council and mayor taking over that same week so that is another reason this type of Level III decision be put into their purview and pushed back on the calendar.

**I propose an additional two weeks to respond and the January 12th meeting/hearing. Please move the meeting back to at least January 26th or beyond.**

On another note I want to say that a \$600 fee for applying for this permit variance seems like it presents a hardship to the common business owner and is not a price that one should have to pay for this process. More business may be drawn to Shady Cove if we didn't have such prohibitive policy costs for building and carrying out business.

In my opinion SOWA is one of the best businesses in this town so I will seek a reasonable expectation from the business as neighbors. My comments and considerations will be ready by the deadline you have set, but I am in need of a consideration for extension considering the short notice given.

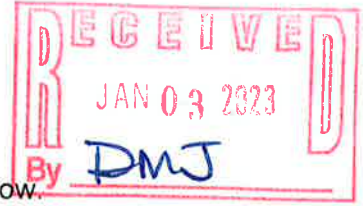
Sincerely,

A handwritten signature in black ink, appearing to be "Jared Considine".

Jared Considine

**\*\* REVIEW AND COMMENT \*\***

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



REMARKS: \_\_\_\_\_

SIGNATURE: *A. Bussard*

PRINTED NAME(S): *Vincent Bussard*

STREET AND MAILING ADDRESS: *2100 NE 1st OR RD Astoria OR*

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

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- ① I think on RV Storage will be a danger. There is no turn lane on Hwy. 62. This will add a large volume of RV traffic on Hwy 62.
- ② I also question the charge of use when we already have a shortage of housing in our area.



**\*\* REVIEW AND COMMENT \*\***

**RECEIVED**  
1-4-2023

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

REMARKS: See attached letter.

SIGNATURE: *Jared Considine*

PRINTED NAME(S): Jared Considine

STREET AND MAILING ADDRESS: 60 Broughton Way, P.O. Box 865 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."

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**Jared Considine**

P.O. Box 865  
Shady Cove, OR 97539

1/4/2023

**To: City of Shady Cove Planning Department**

**Re: CUP application No. CUP 22-05.**

**For this application I have many questions and concerns I would like to have answered and addressed.**

**What vehicles are going to be parked or stored? Will they be late model RV camp trailers from the 70's or 80's like the ones that are stored next to the business now? I do not support having a lot full of RV camp trailers for storage because Shady Cove already has a business that offers that and it appears there are no customers using the space at Shady Cove Mini Storage. There is legitimate concern of property values being affected by this decision. The SOWA business is already storing a boat, large flatbed haul truck, a box truck for a painting business and other trailers in the proposed lot. The application doesn't provide enough detail to know what is planned. Doesn't this business own hundreds of acres just two miles away where storage wouldn't be in the public view and affect residential property values of the neighbors?**

**The chain link fence doesn't currently have any privacy screening. RV's that have been parked across from my house cause the sun to reflect concentrated light right at my house at certain times of day and I get blinded by it if I look in that direction. I've asked the business to put in privacy screening but that has not occurred yet although I do see in the application it says they will have screening. Also the application is vague as to what vehicles will be stored there so I would like to see a more detailed plan of what is intended.**

**How will the City be able to know what RV's or other vehicles and trailers are for the SOWA business or being stored by a customer or friends and family? Are these lots for raft patron parking or storage or both?**

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I hope the business owner will be amenable to the concerns of myself or any other property owners that have been given notice. I look forward to hearing more details of the plan the company has. It's very unfortunate to be given such late notice on this matter as I was just informed on Dec 23rd of this issue. In the future the City should send out info about these types of applications as soon as the City receives them and give more lead time to respond.

Thank you,



Jared Considine

PUBLIC NOTICE



Mayor  
Shari Tarvin

Councilors  
Tim Evert  
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, January 12, 2023, 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 tourism/recreational vehicle business at 20771, 20783, 20795, 20811 Highway 62. Said parcels are legally described as 34-1W-21AD, Tax Lots 2900/3000/3100/3300, and are currently zoned as General Commercial.

Owner: Southern Oregon Wilderness Adventures, LLC      Applicant: Jason Asbill  
File Number: CUP 22-05

Individuals may submit written comments relating to this planning action at any time up to two hours before the meeting. Email [D.Larman@ShadyCove.org](mailto:D.Larman@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/83894578967?pwd=cDNhb01wbzJZcTdKUUSEUFNITzFOU109>

Meeting ID: 838 9457 8967  
Passcode: 906827  
One tap mobile  
+12532158782,,83894578967#,,,,\*906827# US (Tacoma)  
+13462487799,,83894578967#,,,,\*906827# US (Houston)



12/01/22 Through 12/31/22

Planning and Building Activities

YEAR	DATE	NAME	BUILDING PERMITS TYPE	ADDRESS	MAP	TAX LOT
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Permit No.

22-31	12/20/22	Jason Myers	Storage Building	585 Rogue Air Dr	16CA	2100
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**PLANNING APPLICATIONS**

Property Action Log	Name	Address	Notices Mailed	Comments due back	Staff report due	Section/TL
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12/7/2022	MIP 22-02	Eugene Schulze	20400 Hwy 62			21D 404/410
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**FLOODPLAIN CLEARANCE FOR PERMIT**

12/20/2022	FPA 22-10	Quinowski	70 Brophy			28 402
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