

**Agenda**  
Shady Cove Planning Commission Public Hearing  
February 23, 2023  
6:00 PM

<https://us02web.zoom.us/j/84506452539?pwd=RTJoL2RxWm1PdEJreCttUXI2RIM3UT09>

Meeting ID: 845 0645 2539

Passcode: 540493

One tap mobile

+16694449171,,84506452539#,,,,\*540493# US

+16699006833,,84506452539#,,,,\*540493# US (San Jose)

**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 March 9, 2023, at 6:00 PM both in Council Chambers and via Zoom.
3. The meeting date is subject to change.

**II. New Business**

A. Swearing in of Planning Commissioners

B. Appoint Planning Chair

**III. Public Hearing**

A) Public Hearing to Consider a Conditional Use Permit located at 108 Hudspeth 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 108 Hudspeth Lane, Shady Cove, Oregon. Assessor's Map and Tax Lot: 34-1W-10CA, 3100. Zoning is Low Density Residential(R-1-10). Owner/Applicant: Aaron Buckle. File No: CUP 22-06.

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

A) Public Hearing to Consider a Conditional Use Permit located at 20771, 20783, 20795 and 20811 Hwy 62.

Continue 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 back table or via Zoom raise your hand.
3. Jurisdiction Question.
4. Conflict of Interest.
5. Ex Parté Contact.
6. Site Visit.
7. Staff Comments. (Rowan/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

#### **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 22-06**

**REQUEST FOR CONDITIONAL USE PERMIT LOCATED  
AT 108 HUDSPETH LANE, SHADY COVE OREGON**

**PUBLIC HEARING: THURSDAY FEBRUARY 23, 2023, 6:00 P.M.**

	INDEX	PAGE #
	Staff Report	2 – 5
	Conditional Use Permit Application	6 – 10
	Adjacent Property & Agency Request for Comments / Mailing	11 – 16
	Comments returned - None	
	Legal Notice – Notice of Public Hearing	17



## Type III Staff Report Conditional Use Permit

Date: February 16<sup>th</sup>, 2023

Description of Property: 34-1W-10CA, Tax Lot 3100

Address: 108 Hudspeth Lane

Planning Application: CUP 22-06

Owner/ Applicant: Aaron Buckle

Proposal: Conditional Use Permit to use an existing Accessory Dwelling Unit ("ADU") as a vacation or short-term rental by owner ("VRBO")

Zoning: R-1-10, Low Density Residential

Public Hearing Date: February 23<sup>rd</sup>, 2023

---

### Conditional Use Permits are processed as a Type III procedure, per § 154.379

Per § 154.379, 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 approve, approve with conditions, or deny the requested application for a conditional use permit, or they may grant a continuance of the public hearing to a date and time certain.

### Conditional Use Permits shall meet the approval criteria in § 154.401.

The various zoning district descriptions in Chapter 154 of the Shady Cove Municipal Code include lists of "conditional uses", which may be permitted subject to approval of a conditional use permit ("C.U.P."). These particular uses were found to require special consideration because of their unusual or unique characteristics, or characteristics of the area or district.

### Testimony

Notice of this application and pending public hearing was sent to property owners within 200 feet and interested public agencies. No comments were submitted in the 14-day comment period.

## Approval Criteria and Findings

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, per § 154.401.

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

### **Staff Finding: Satisfied**

The applicant is proposing no new structures or improvements on the site.

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

### **Staff Finding: Satisfied with Conditions**

Nearby properties in the neighborhood are zoned R-1-10 (Low Density Residential), R3 (High Density Residential), and GC (General Commercial). There is a diversity of uses and intensity in the neighborhood, and a vacation rental probably would not be disruptive.

Applicant states that the vacation rental "will be an asset to the area."

Maximum occupancy and maximum number of vehicles are not specified in the application; however, the applicant is proposing one (1) single rental unit, so occupancy will be naturally limited, and impacts to peace, comfort and livability should be limited or negligible. Overall, the applicant shall not exceed the operational conditions and not allow more than ten (10) people and four (4) vehicles to occupy a VRBO at time, as stated in §154.476(A) and (B).

**Criterion C:** *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.*

### **Staff Finding: Satisfied With Conditions**

The zoning district of the property is R1 (Low Density Residential). Vacation Rentals may be used in any area zoned residential, per § 154.475 (A), and are therefore compatible. In addition, the proposed VRBO falls outside the 500-foot minimum spacing as mandated by §154.478(A).

The application includes a conceptual plot plan showing the proposed use, but the plot plan does not indicate any exact dimensions. Per the Standards in § 154.476 (D), "*not more than 50% of the front yard setback area may be used for parking. The balance must be landscaped to prevent parking.*" §154.200 states that R-1 parcels should have a 15-foot front setback. A large portion of the vehicle maneuvering area happens to fall within that setback area. Staff recommends the applicant provide a to-scale plan showing the bounds of the parking area and the landscaping meant to separate the use.

While up to 4 vehicles are allowed to park at a single VRBO, staff notes the development standards of §154.334(7) which states, *All parking areas containing four or more spaces shall be surfaced with asphalt or concrete pavement to provide a surface that is durable*

*and dust-free and shall be so graded and drained as to properly dispose of all surface water.* Initial review of the property seems to indicate the parking area is currently gravel, and that allowing 4 vehicles to park on the property would provoke the surfacing standards of 154.334(7). Staff recommends the property be conditioned to either limit the maximum number of cars to three, or improve the surface to the appropriate level.

**Criterion D:** *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.*

**Staff Finding: Satisfied**

The applicant's property has frontage on a wide segment of Hudspeth Lane and a large front yard to be used for parking, so existing or future development in the vicinity should not impact the access and egress of vehicles. The property otherwise shows few unique characteristics.

**Criterion E:** *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.*

**Staff Finding: Satisfied**

Vacation Rentals may be used in any area zoned residential, per § 154.475 (A). The applicant is proposing one (1) single rental unit, so occupancy and vehicle maneuvering will be naturally limited. Impacts to the health, safety, and welfare of other residents should be limited or negligible. Applicant states that "it will not be detrimental to the welfare of the neighborhood".

Per the Standards in § 154.476 (H), the owner must "*subscribe to a scheduled waste service and provide garbage and recycling receptacles on the property.*"

**Conclusion & Staff Determination**

The proposal is to use an existing Accessory Dwelling Unit ("ADU") as a vacation rental by owner ("VRBO"). VRBOs are established as a conditional use for residential zones in the Shady Cove Municipal Code, with standards and requirements stated in § 154.476 through § 154.478. The proposal is generally appropriate to the local neighborhood. If the Planning Commission is satisfied that the proposal meets the criteria, or can meet the criteria with conditions, they may consider approving this application. **Staff recommends approving the request with the following conditions of approval.**

**Conditions Prior to Operation (A)**

- A1. Prior to operation, the applicant shall verify that the size of the proposed parking lot will cover no more than 50% of the front yard setback area, and shall implement the appropriate landscaping improvements to prevent parking on the remainder of the yard, as required by § 154.476 (D). A plan documenting adherence to this requirement may be submitted to the City Planner or designee

and potentially approved using Type I procedure.

- A2. A parking lot providing 4 or more vehicle spaces shall be adequately surfaced with asphalt or concrete, to provide a surface that is durable and dust-free, and shall be so graded and drained as to properly dispose of all surface water, as stated in the development standards of §154.334(A)(7).
- A3. Prior to operation, the applicant shall obtain a Business License from the City of Shady Cove, as required by §110.03.

Conditions During Operation (B)

- B1. The parking area of the VRBO shall host no more than three (3) vehicles at a time. If the applicant improves the parking area with surfacing (Condition A2, above), then the limit shall be four (4) vehicles.
- B2. No guest parking shall be allowed on the public right-of-way, as mandated in §154.476(B) and (C).
- B3. No outdoor activities, constituting a nuisance or loud noise are permitted after 9:00 PM.
- B4. Any outside fire is prohibited, except for barbeques.
- B5. The owner shall pay the transient occupancy tax to the city for all rentals of 30 days or less.
- B6. The VRBO shall comply with all special use and safety standards, as stated in § 154.475 through 154.479.

The decision of the Planning Commission is the final decision of the City. Any party to the decision may appeal to the City Council, within 10 calendar days of the decision, per § 154.456.

Respectfully submitted this 16<sup>th</sup> day of February, 2023,



---

Rowan Fairfield, Contract City Planner

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

**OFFICE USE:**

Application No. CUP 22-06 Received By D. Germain Date 10/28/22  
Amount Paid \$600.00 Receipt No. 27303 <sup>TBD</sup> Hearing Date 2/23/23

**TO BE COMPLETED BY APPLICANT:**

Name of Property Owner(s): Aaron Buckle

Property Street Address: 108 Hudspeth Ln. Shady Cove

Between Cleveland St and T Rain Ln. streets.

County Assessor's Map & Tax Lot Number: 341 w10-CA-03100

Current Zoning: single family R-1-10 Adjacent Zoning: R-1-10

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

- 1) Attach a copy of recorded covenants, conditions or deed restrictions, if any, concerning the present use of this property.
- 2) Attach 2 copies of property plat map.
- 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 Aaron Buckle

ADDRESS 110 Hudspeth Ln. Shady Cove OR. PHONE NUMBER 541-951-2239

**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 

Date 11/15/2022



CITY OF SHADY COVE  
CONDITIONAL USE PERMIT APPLICATION  
Page 2

Attach additional sheets as necessary

Describe your proposal

I have an ADU that I would like to use for  
a vacation / S.T. 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)

Yes it does.

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

As an owner that takes pride in maintaining my property  
in addition to improving it along with the vacation rental,  
It will be an asset to the area.

- (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 it is compatible.

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.

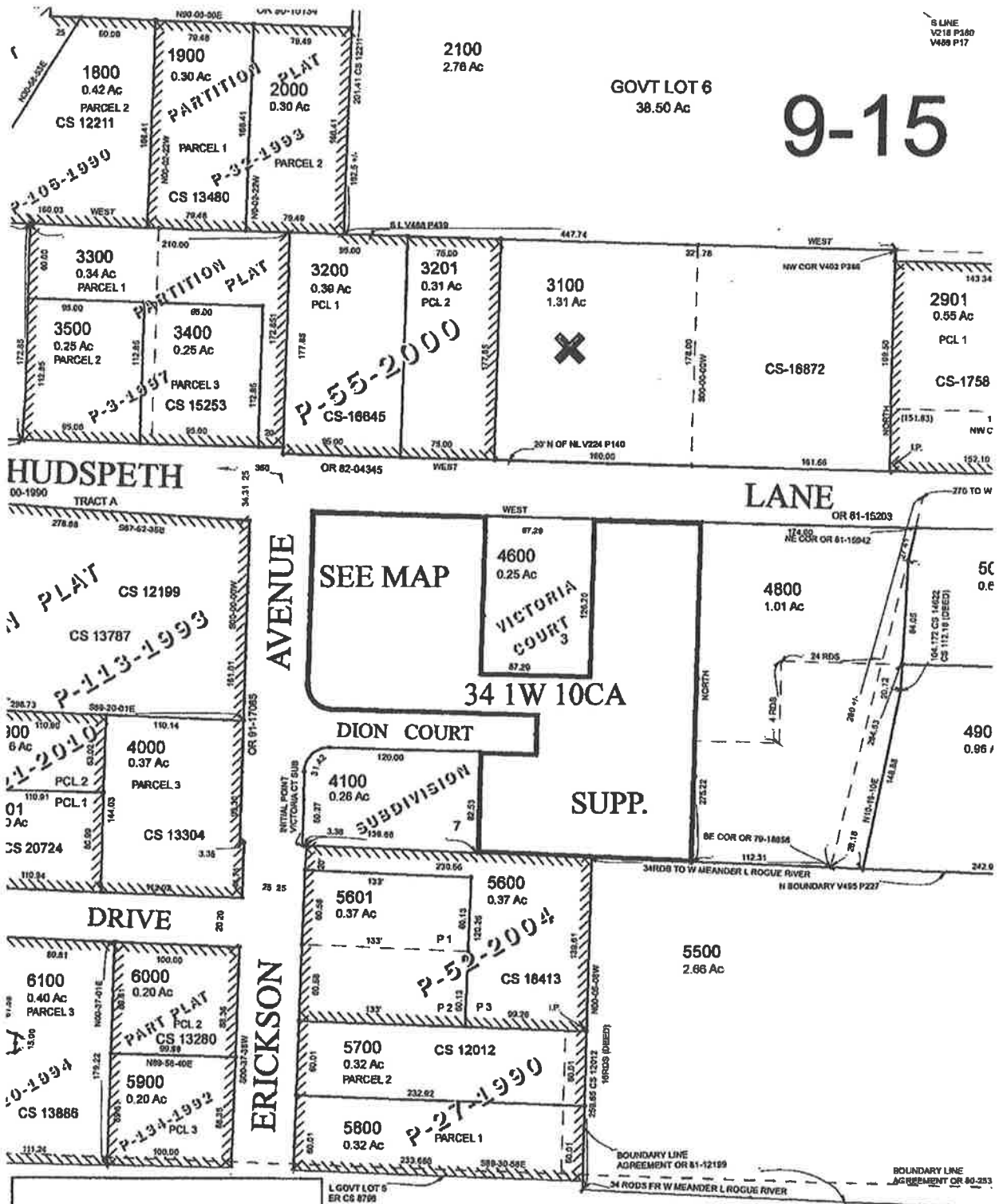
*It is a great looking house already & will look ever better  
as it develops further.*

(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

*It will not be detrimental to the welfare of the neighborhood.*

Other comments you feel are pertinent to your application

*My goal is to offer a quality short term rental that will  
attract good guests while both benefiting myself & the city  
by bringing in some outside income to both.*



9-15

GOVT LOT 6  
38.50 Ac

2100  
2.78 Ac

S LINE  
V218 P180  
V489 P17

HUDSPETH  
00-1990 TRACT A

LANE

AVENUE

SEE MAP

VICTORIA  
COURT  
3

34 1W 10CA

DION COURT

SUPP.

ERICKSON

DRIVE

TOWNSHIP 34 RANGE 1W SECTION 10CA

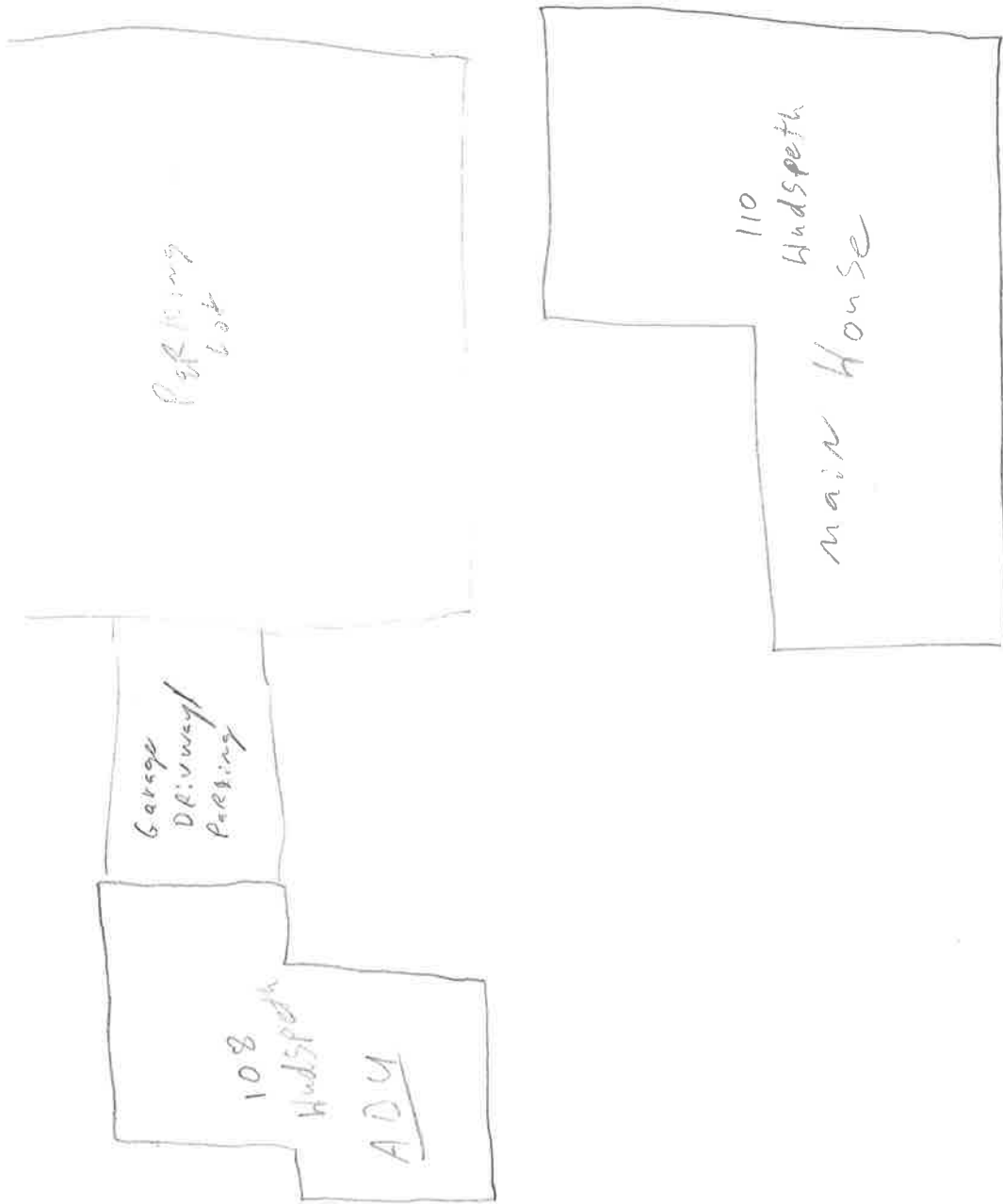
THIS MAP IS FOR LOCATION PURPOSES ONLY  
NO LIABILITY IS ASSUMED FOR VARIATIONS  
DISCLOSED BY SURVEY OR COUNTY RECORDS  
FIRST AMERICAN TITLE



GOVT LOT 5  
30.60 Ac

SEE MAP 34 1W 10CD

108/110 Hudspeth Ln



1.31 AC.



*Mayor*  
Jon Ball

*Councilors*  
Kathy Nuckles  
Paige Winfrey  
Jim Hubbard

## CERTIFICATE OF MAILING

I hereby certify that on January 27, 2023 I provided a copy of the NOTIFICATION OF ADJACENT USE PROPOSAL APPLICATION NO. CUP 22-06 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)

JOHNSON RAY M TRUSTEE ET AL  
PO BOX 706  
SHADY COVE, OR 97539

BUCKLE AARON K  
110 HUDSPETH LN  
SHADY COVE, OR 97539

~~VICTORIA COURT CONOMINIUMS AS  
NO ADDRESS SUPPLIED~~

~~JOHNSON RAY M TRUSTEE ET AL  
PO BOX 706  
SHADY COVE, OR 97539~~

CERVANTES ARMANDO ENCISO  
3835 CREEK MONT DR  
MEDFORD, OR 97504

ANDERSON CHRISTINE ELIZABETH  
40 DION CT 2  
SHADY COVE, OR 97539

UNDERHILL WAYNE Z/REXENE L  
PO BOX 603  
EAGLE POINT, OR 97524

GOVE JON B ET AL  
120 HUDSPETH LN  
SHADY COVE, OR 97539

KUMARAN RAJAN  
PO BOX 1498  
TALENT, OR 97540

MASON KATHLEEN M/MASON IVA M  
PO BOX 806  
SHADY COVE, OR 97539

PETERS NEAL  
150 HUDSPETH LN  
SHADY COVE, OR 97539

~~CHELSEA HOLDINGS LLC  
PO BOX 1024  
JACKSONVILLE, OR 97530~~

NELSON SHEILA J ET AL  
22743 HWY 62  
SHADY COVE, OR 97524

SHIPLEY PAUL T TRUSTEE ET AL  
5047 E ANTELOPE RD  
EAGLE POINT, OR 97524

YANDELL JAMES  
40 DION CT 3  
SHADY COVE, OR 97539

HAIKER LEONA E TRUSTEE ET AL  
PO BOX 67  
SHADY COVE, OR 97539

HERITAGE PROPERTIES LLC  
8630 HILLSIDE AVE  
LOS ANGELES, CA 90069

~~VICTORIA COURT CONOMINIUMS AS  
NO ADDRESS SUPPLIED~~

LANG CHRISTOPHER/BETHANY D  
100 HUDSPETH LN  
SHADY COVE, OR 97539

~~JOHNSON RAY M TRUSTEE ET AL  
PO BOX 706  
SHADY COVE, OR 97539~~

PERRINO JOSEPH L/AMBER M  
3682 ABIGAIL DR  
WHITE CITY, OR 97503

BARMORE JIM N/MARGUERITE  
PO BOX 675  
SHADY COVE, OR 97539

~~VICTORIA COURT CONOMINIUMS AS  
NO ADDRESS SUPPLIED~~

URIATE ADRIANA G  
70 DION CT 1  
SHADY COVE, OR 97539

~~BARMORE MARGUERITE ELLEN/JIMM  
PO BOX 675  
SHADY COVE, OR 97539~~

CHELSEA HOLDINGS LLC  
PO BOX 1024  
JACKSONVILLE, OR 97530

~~KUMARAN RAJAN  
PO BOX 1498  
TALENT, OR 97540~~

NEELY NOLA K/JOHN R  
PO BOX 1233  
SHADY COVE, OR 97539

DAVENPORT KENNETH PAUL/SUSAN  
14957 YORKSHIRE RUN DR  
ORLANDO, FL 32828

~~VICTORIA COURT CONOMINIUMS AS  
NO ADDRESS SUPPLIED~~

SHADION LLC  
PO BOX 320353  
BROOKLYN, NY 11232

SNOPL TIMOTHY SCOTT TRUSTEE E  
2140 W STEWART AVE  
MEDFORD, OR 97501

~~SNOPL TIMOTHY SCOTT TRUSTEE E  
60 DION CT 1  
SHADY COVE, OR 97539~~

~~SNOPL TIMOTHY SCOTT TRUSTEE E  
2140 W STEWART AVE  
MEDFORD, OR 97501~~

CITY OF SHADY COVE  
PLANNING COMMISSION

NOTIFICATION OF ADJACENT PROPERTY USE PROPOSAL

DESCRIPTION OF PROPERTY: 34-1W-10CA, Tax Lot 3100, located at 108 Hudspeth Ln, Shady Cove, Oregon  
PROPOSAL: Conditional Use Permit Application No. CUP 22-06. The request is for a Conditional Use Permit to provide a Vacation Rental by Owner (VRBO). Zoning is Low Density Residential (R-1-10).  
DATE AND TIME OF MEETING: Thursday, February 23, 2023 at 6:00 p.m.  
LOCATION: City Hall Council Chamber, 22451 Highway 62 and via Zoom.  
RESPONSE DATE: February 15, 2023      APPLICANT/OWNER: Aaron Buckle

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: \_\_\_\_\_

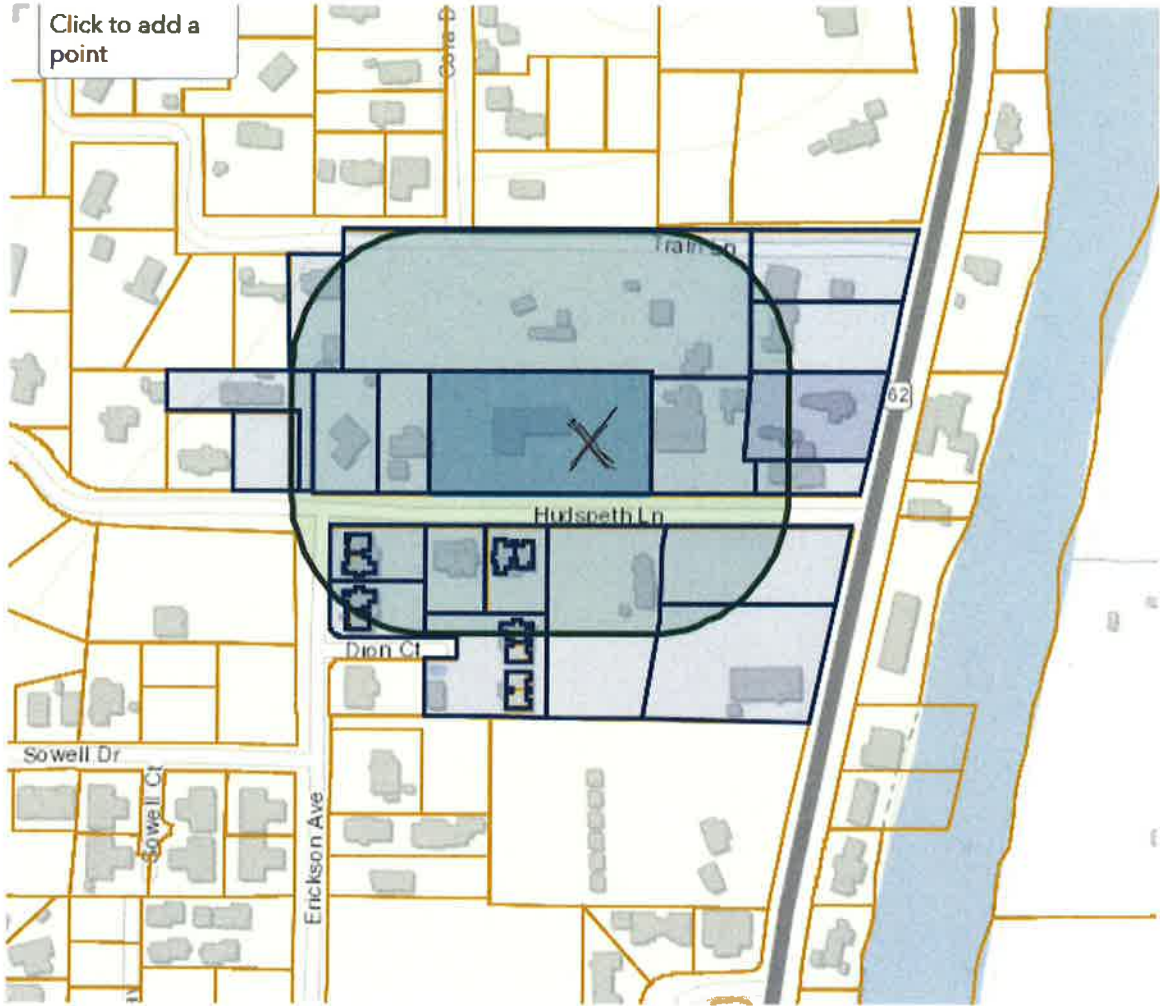
PRINTED NAME(S): \_\_\_\_\_

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."

108 Hudspeth Lane





Mayor  
Jon Ball

Councilors  
Kathy Nuckles  
Paige Winfrey  
Jim Hubbard

## NOTICE OF PUBLIC HEARING

The City of Shady Cove Planning Commission will hold a Public Hearing at 6:00 p.m. on **Thursday, February 23, 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 provide a Vacation Rental by Owner at **108 Hudspeth Lane**. Said parcel is legally described as 34-1W-10CA, Tax Lot 3100, and is currently zoned as Low Density Residential.

Owner/Applicant: Aaron Buckle

File Number: CUP 22-06

Individuals may submit written comments relating to this planning action at any time up to two hours before the meeting. Email [DJermain@ShadyCove.org](mailto: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.

<https://us02web.zoom.us/j/84506452539?pwd=RTJoL2RxWm1PdEJreCttUXI2RlM3UT09>

Meeting ID: 845 0645 2539

Passcode: 540493

One tap mobile

+16694449171,,84506452539#,,,,\*540493# US

+16699006833,,84506452539#,,,,\*540493# US (San Jose)

Posted: 02/10/23  
Published: 02/15/23  
Remove from Posting: 02/24/23

"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)



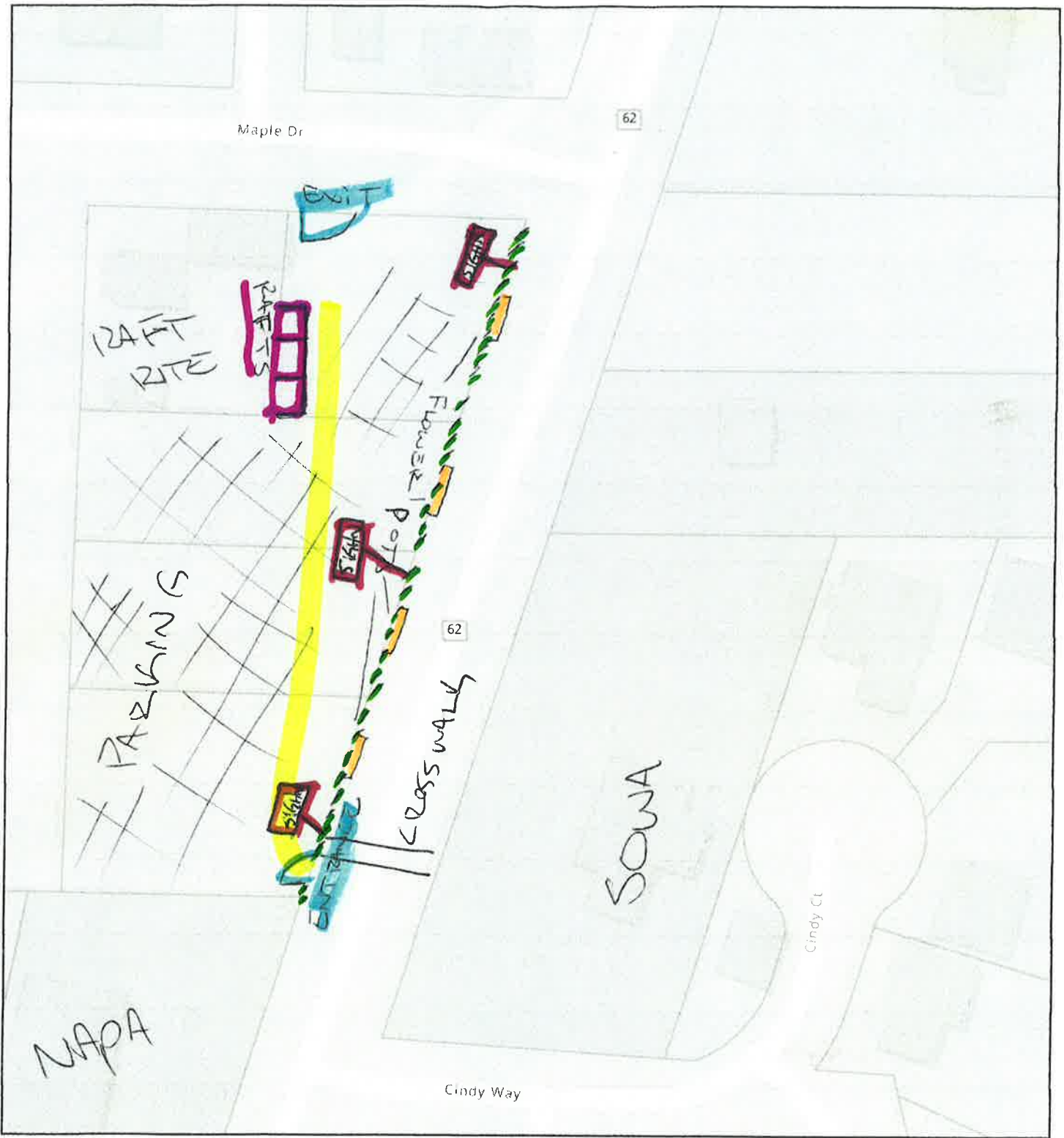
**CITY OF SHADY COVE PLANNING COMMISSION PACKET  
PLANNING FILE NO. CUP 22-05**

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

**CONTINUED PUBLIC HEARING: THURSDAY FEBRUARY 23, 2023, 6:00 P.M.**

	INDEX	PAGE #
	Exhibit 1 – Revised Site Plan	2 – 6
	Exhibit 2 – ODOT Letter	7
	Exhibit 3 – Staff Memorandum	8 – 11
	Additional Comments	12 - 15
	Legal Notice – Notice of Public Hearing	16

# Exhibit 1 Jackson County Development Overlays

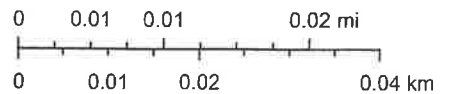


1/23/2023, 10:39:31 AM

-  County Boundary
-  Tax Lots
-  Urban Growth Boundary
-  City Limits

-  FLOWER BOXES
-  FENCING
-  GATES
-  SIGNS
-  PARKING
-  RAFT STORAGE

1:1,128



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, County of Jackson, OR, Oregon State Parks, State of Oregon GEO, ©

# Jackson County Development Overlays



1/18/2023, 11:53:21 AM

County Boundary

Tax Lots

Urban Growth Boundary

City Limits

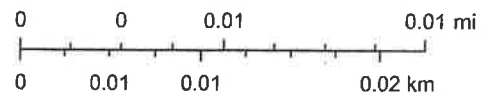
FLOWER BOXES

FENCING

SIGNS

GATE

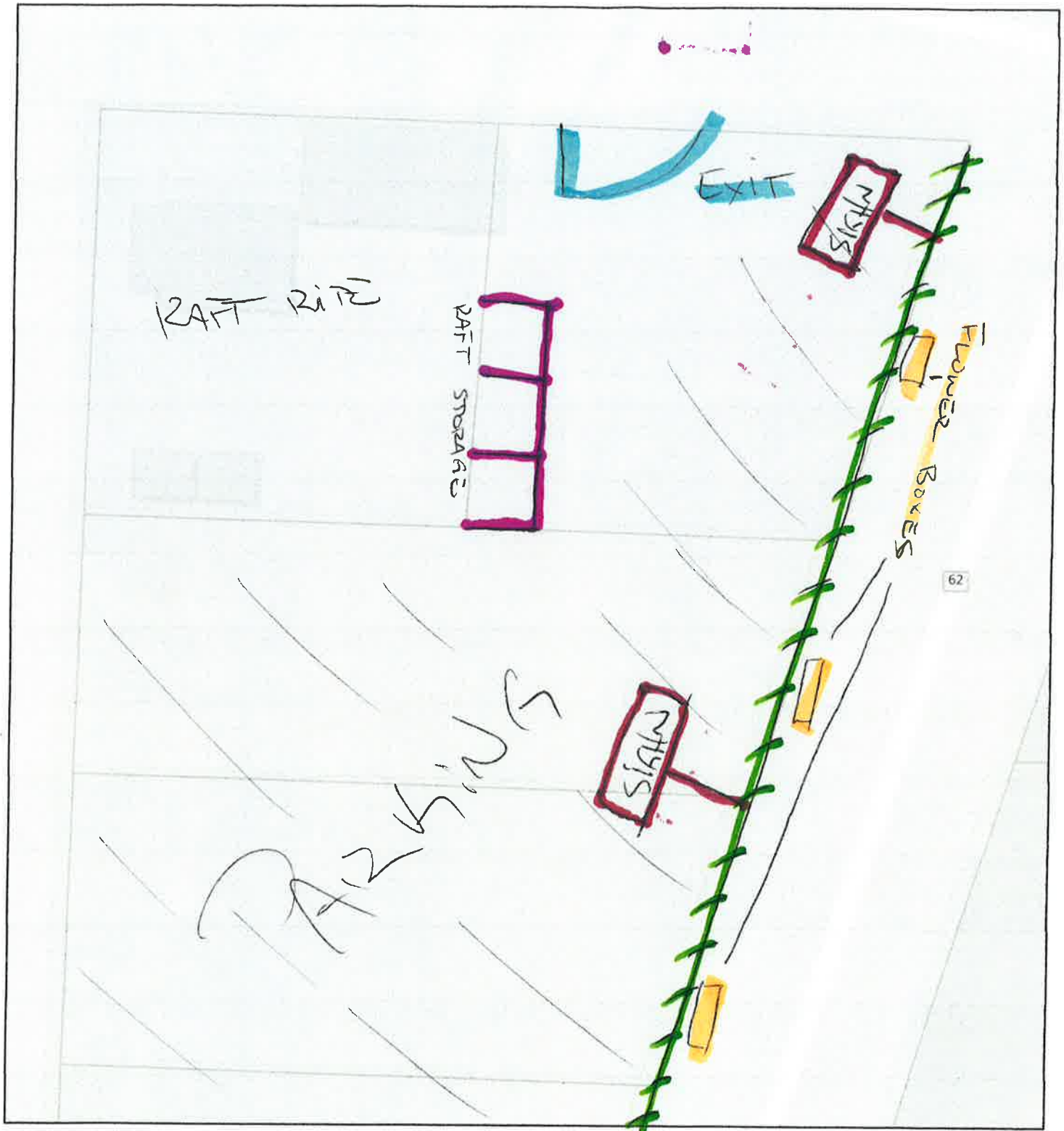
1:564



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, County of Jackson, OR, Oregon State Parks, State of Oregon GEO, ©



# Jackson County Development Overlays



1/23/2023, 10:45:21 AM

County Boundary

Tax Lots

Urban Growth Boundary

City Limits

Flower Boxes

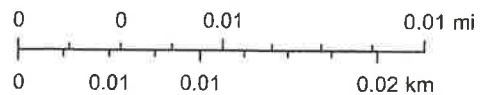
FENCING

GATE

SIGN

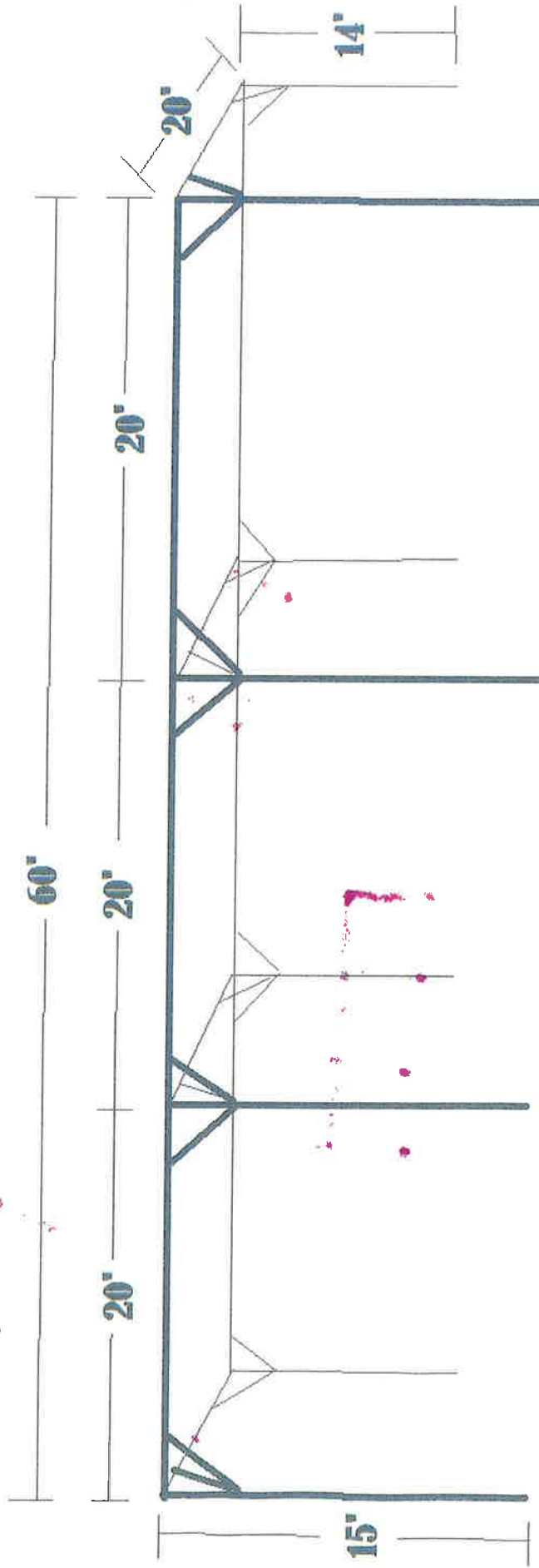
RAFT STORAGE

1:564



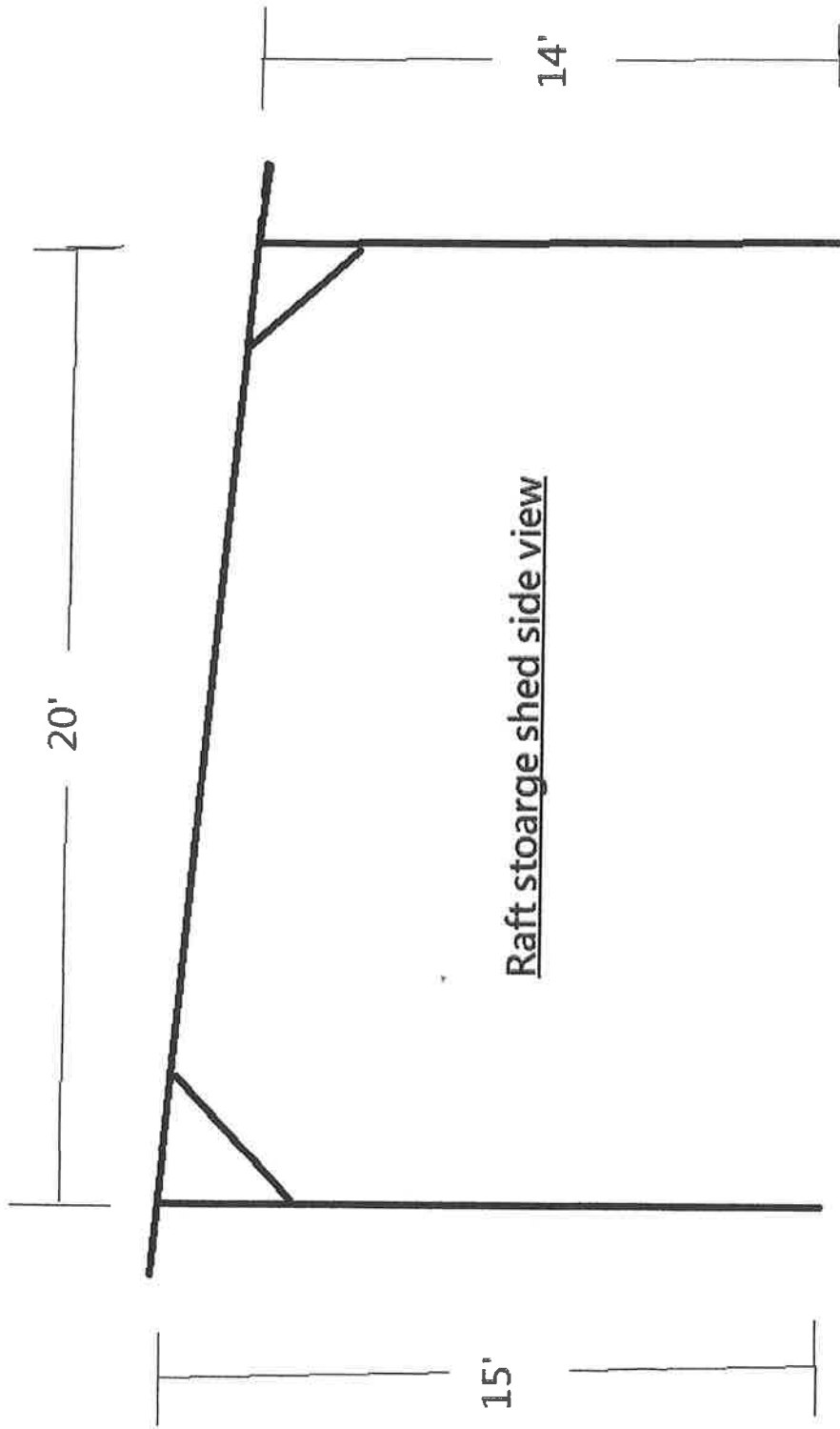
Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, County of Jackson, OR, Oregon State Parks, State of Oregon GEO, ©

Storage shed for rafts during summer



Shed will have a metal roof with wood posts and beams. The other option will be to have a metal building built. Sides are optional





Raft storage shed side view



# Oregon

Tina Kotek, Governor

Exhibit 2

**Department of Transportation**  
Region 3 Planning and Programming  
100 Antelope Drive  
White City, Oregon 97503  
Phone: (541) 774-6299

February 16, 2023

James Schireman  
Rogue Valley Council of Governments  
155 N. 1st Street | P.O. Box 3275  
Central Point, OR 97502

Re: CUP-2205. 20811, 20795, 20783, and 20771 Highway 62

Dear James,

Thank you for providing the Oregon Department of Transportation (ODOT) with the opportunity to provide comments associated with the proposal for a Type III Conditional Use Permit for several parcels adjacent to Highway 62 in the City of Shady Cove (Subject Property). Please find our comments related to the proposal below.

- A. The two existing accesses on the Subject Property should be consolidated into one, preferably located near the existing southerly access. To limit turn moving conflicts this access should be aligned across from the applicant's business driveway on the east side of Highway 62.
- B. ODOT recommends the access be upgraded, paving a landing at appropriate grades at least 20' back from the fog line.
- C. ODOT staff have received complaints about non-highway legal vehicles entering the highway near this location. Only vehicles that are roadway legal should be allowed to travel on/off or across OR62.
- D. ODOT staff have received complaints related to pedestrian safety in the area and recommend the City require installation of sidewalks and associated frontage improvements as a condition of approval, in accordance with City Code of ordinances § 153.19 PEDESTRIAN AND BICYCLE. The applicant should submit civil plans for ODOT approval which are consistent with design standards in the 2023 ODOT Highway Design Manual.
- E. ODOT will need to approve a drainage study prepared by an Oregon Registered Professional Engineer prior to any modifications which increase discharge into the State Right of Way.
- F. The applicant is required to obtain an ODOT Misc./utility permit prior to any disturbance within the State Right of Way. The applicant should contact District 8 Permit specialist Julee Scruggs at [Julee.Y.SCRUGGS@odot.state.or.us](mailto:Julee.Y.SCRUGGS@odot.state.or.us) or 541.864.8811 to discuss the ODOT Permit application process

Please feel free to contact me at [Michah.HOROWITZ@odot.state.or.us](mailto:Michah.HOROWITZ@odot.state.or.us) or 541-774-6331, should you have any questions or concerns.

Sincerely,

*Michah Horowitz*

Michah Horowitz, AICP  
Senior Transportation Planner

# Exhibit 3



## City of Shady Cove

22451 Highway 62  
PO Box 1210  
Shady Cove, OR 97539  
(541) 878-2225 FAX: (541) 878-2226  
[www.shadycove.org](http://www.shadycove.org)

*Mayor*  
Jon Ball

*Councilors*  
Kathy Nuckles  
Paige Winfrey  
Jim Hubbard  
(vacant)

## *Memorandum*

To the members of the Shady Cove Planning Commission,

As evidenced by the newly submitted exhibit 1, it is apparent that the nature of this application has significantly changed and complicated review of the proposed use. Originally, the application inquired the possibility of the lot serving as outdoor storage for SOWA equipment and recreational vehicles. On page 2 of the application, the applicant describes their desire to pursue the conditional use as being that 'I'd like to park my overflow of equipment'. Moreover on page 3, subsection 5 of the application, the applicant states that in response to the welfare of persons residing or working in this neighborhood, "the parking lot will not affect any of the above. Goods will only be moved during regular business hours". It was these descriptions that lead staff to believe the original intent of the applicant was to pursue solely outdoor storage, yet the revised site plan submitted as exhibit 1 fails to delineate any area dedicated to storage. Rather, it seems the entire lot has been dedicated to serve as customer parking. Overall, this significant change in the applicant's intent failed to allow ODOT the proper time to analyze the potential impact of the use. No matter how flexible the city wishes to be in their interpretation of the municipal code, the legal approval of this use relies upon compliance with ODOT standards.

Moreover, the conditions suggested by the Oregon Department of Transportation in the letter serving as Exhibit 2 effectively bar the applicant from pursuing the use due to increased improvement costs. The applicant showed hesitation at being required to pave the lot itself, and ODOT has indicated enhancement of nearby sidewalks and crosswalks would be the only opportunity to facilitate a pedestrian crossing to the off-site parking area. The costs for analysis, engineering, permitting, review, and construction of these necessary improvements will be much greater than the surfacing requirements the applicant found prohibitive. Moreover the requirement for a safe crossing cannot be circumvented as the city cannot approve a use that fails to adhere to the City's pedestrian standards of §95.32, and the fact that HWY 62 falls under ODOT's jurisdiction and improvements should adhere to their agency's standards.

The constraints for providing a safe crossing would have been voiced by ODOT at the soonest opportunity through the agency noticing process had the applicant clearly indicated the desire to provide off-site customer parking at the proposed lot. Yet conflicting descriptions of intent have enabled this application to proceed with no plans to show how the proper pedestrian infrastructure would be provided, nor compliance with ODOT's standards.

Should the applicant communicate an inability to comply with ODOT mandated permitting processes and associated costs for improvement, staff see two options in addressing approval or denial of CUP 22-05.

**Option 1: Outright Denial, Staff's Recommendation**

An extension for this hearing was granted to allow the applicant to provide appropriate evidence, showing compliance with the conditional use criteria contained in §154.401. Staff finds that the applicant has failed to provide evidence demonstrating compliance with §154.401(A)(4), being:

*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 applicant has failed to provide materials indicating compliance with ODOT standards, and should they verbally communicate an incapability to do so due to costs, the Planning Commission cannot legally conditionally approve this application as it fails to ameliorate its adverse impacts.

**Option 2: A Limited Timeline for Conditional Approval**

The review of this application has been exacerbated by the applicant's change in original intent, which should not be afforded by increased flexibility and time to pursue the conditional use. City Staff have suggested that a limited timeline of 3 months to achieve ODOT approval would enable the applicant to continue without continuing to incur further cost from the planning department. Approval of option 2 would warrant a modification of the conditions contained in the original staff report to appear as follows.

**A. The following shall be accomplished within 3 months after this application's notice of decision.**

- 1. The applicant will obtain an ODOT Misc./utility permit to provide the required pedestrian improvements along HWY 62. In doing so the applicant agrees to conform to ODOT's standards and procedure for upgrading the State Right of Way to provide safe and convenient pedestrian access to those parking off-site.**

**a. B. 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. The two accesses on the property shall be consolidated into one southern access. The access shall be aligned directly across from the applicant's business driveway. One access onto Hwy 62 shall be allowed, and the access provided as an apron with proper paving to ODOT standards.

6. The southern access will be upgraded to ODOT standards, providing a paved landing at appropriate grades at least 20' feet back from the fog line.

5.7. The applicant will enhance surrounding crosswalks and sidewalks in accordance to ODOT requirements, providing connectivity to the off-site parking.

~~6.~~ 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.

~~7.8.~~

~~8.9.~~ 8.9. Should the lot be paved, the applicant will be required to submit a drainage study prepared by an Oregon registered Professional Engineer, to be approved by ODOT.

**B.C. 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.

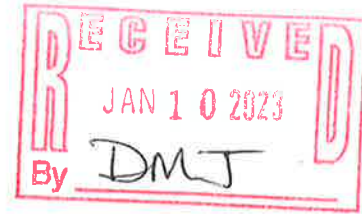
4. All uses must comply with all applicable state and federal environmental, health and safety regulations.
5. The proposed outdoor storage facility shall be used for the storage of SOWA vehicles only, and not used as customer parking. Signage will indicate the premises as being for employees only and 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.

Sincerely,

A handwritten signature in cursive script that reads "James Schireman". The signature is written in black ink and is positioned below the word "Sincerely,".

James Schireman | Contract Associate Land Use Planner





**From:** timgilman13@gmail.com <timgilman13@gmail.com>  
**Sent:** Tuesday, January 10, 2023 12:26 PM  
**To:** Debby Jermain <djermain@shadycove.org>  
**Subject:** Comment on CUP 22-05 / SOWA Outdoor Storage

Debby,  
Happy New Year. Please let me know if you receive this. I've had issues with my emails lately.

---

This is being written on behalf of the Rogue Riviera Estates HOA which is located starting at the intersection of Maple Drive and Penny Lane and includes 20 properties down to Kee Lane.

We are writing in support of approving the subject application with reasonable conditions. Those conditions, in our opinion, would be easy access from Hwy 62 and egress onto Broughton Way or onto Maple. Broughton Way being our preference since it is less traveled and would not interfere with the existing Raft Rite business to as great an extent.

SOWA has proven to be an important business in Shady Cove which could certainly use more of. They have created a clean business frontage and, more importantly have added community focused activities for the holidays which have attracted people outside the city.

We feel that it would be appropriate for the City to support them to the greatest extent possible, given that the storage area is kept organized without storage of inoperable vehicles and unsightly materials. Since this lot has been used for many years for parking to support other businesses (apparently without any use permits), it is only fair that the City do what they can to accommodate SOWA. This could include but limited to, making costly requirements affective over time so as not to adversely affect the finances of SOWA. Requiring fencing may not be a good or functional idea. There is a ditch that inhibits access along Hwy 62, and fencing (especially privacy fencing) would not be attractive.

As any business or municipality knows, it is imperative that reasonable budgets are created and adhered to. It would not be fair to shackle SOWA with costs that would impair their ability to operate profitably. Maybe the City could partner with SOWA to gain some benefits and help defray costs. For instance, SOWA could grant the City area for signage that would advertise upcoming events or activities.

We have only a few businesses in the City that operate year-round and attract visitors beyond Shady Cove. Let's help SOWA to thrive. Flexibility in the application of rules and regulations can be a useful mindset. We support the City being focused on facilitating growth that is positive for us and being a good partner to those that provide it.

Respectfully,  
Tim Gilman  
President RREHOA

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

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



REMARKS: Storing Equipment will be and exposure  
Entering Shady Cove, If approved should have a fence  
should be Paved and have a walk way along Hwy 62

SIGNATURE: Larry J Cooper

PRINTED NAME(S): LARRY J COOPER

STREET AND MAILING ADDRESS: 31 maple dr Shady Cove

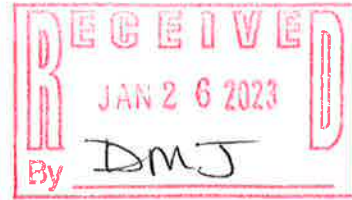
Please submit your response to: City of Shady Cove Planning Dept, PO Box 1210, Shady Cove, OR 97539

"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."



January 25, 2023

City of Shady Cove  
Planning Commission  
Att: Hank Hohenstein



I attended the Planning Commission meeting/Hearing on the application for Southern Oregon Wilderness Adventures, and couldn't help but wonder what the high level of enthusiasm for Jason Asbill is all about.

I was thinking about all the promises Mr. Asbill was making about future improvements that would be required for the conditional permit to be approved. It reminded me of the original application, SD20-01, and the promises that were made to the City of Shady Cove in order to grant his original license. I personally sat down with the applicant, and together we developed a landscape plan. I've enclosed a copy. Please note that, besides his personal promise to me, he initialed the plan and signed it, committing to have it completed in 30 days.

This is another case of promises made and promises not kept. I would be interested in knowing his response to why this landscape work was never completed. A quick and easy drive by would show that to date little, if anything, has been done.

I realize that the commission thinks highly of this applicant, and will undoubtedly make concessions to see that he gets what he wants. I also hope Mr. Asbill grows his business, but what about keeping his prior commitment? Or to put it simply, play by the established rules; not bend or subvert the current codes and standards for his own fun and profit.

I keep hearing that our citizens want Shady Cove to not only grow our tourist trade, but to look good. That's why the landscape ordinance was adopted. I would strongly suggest that members of the Planning Commission review what's currently on the books for landscaping and parking lots. Landscape is more than "just a couple of pots".

Respectfully,

A handwritten signature in black ink that reads "Art Stirling". The signature is fluid and cursive.

Art Stirling  
Shady Cove, Oregon

Enclosure

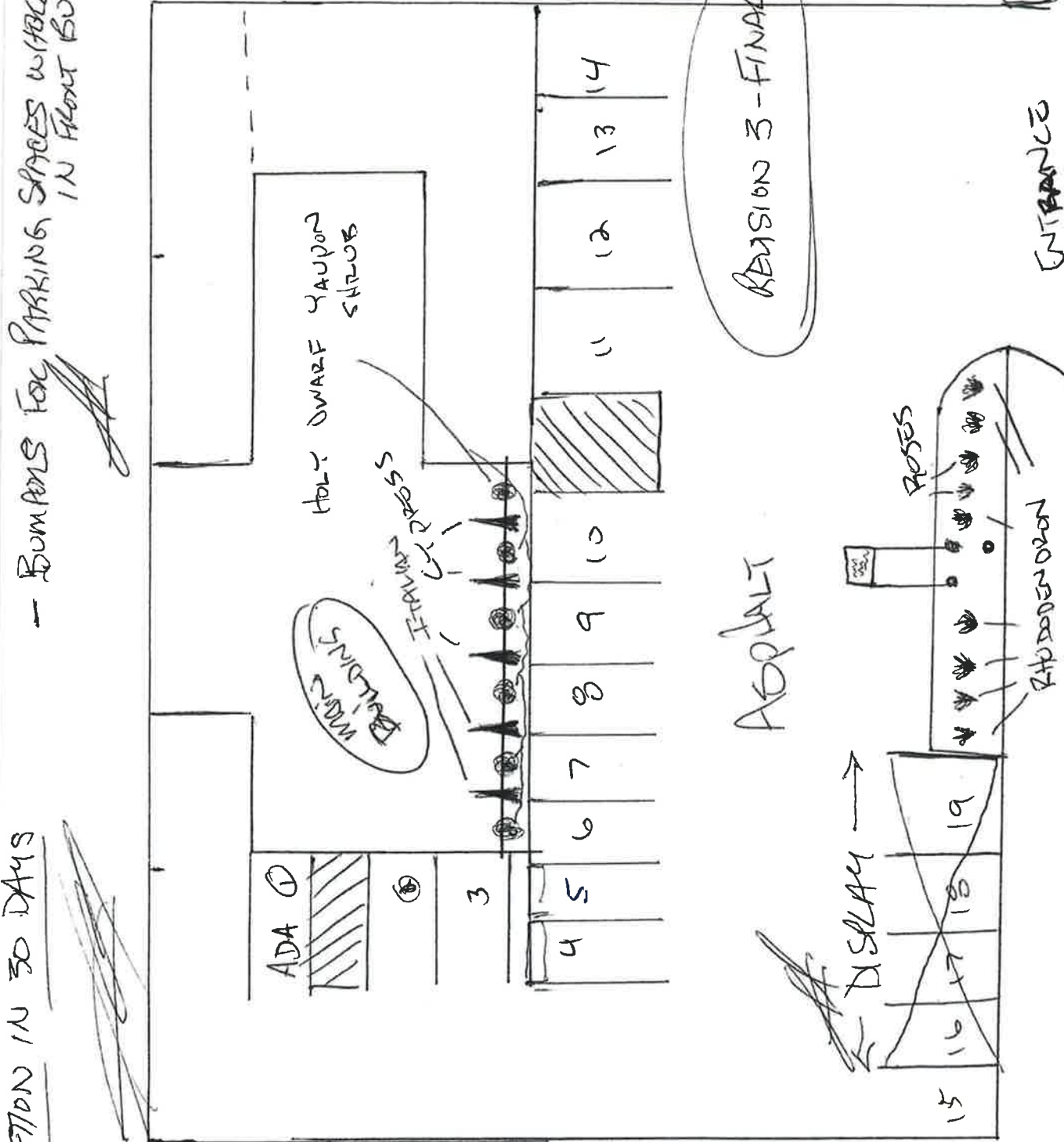
COMPLETION IN 30 DAYS

BUMPERS FOR PARKING SPACES W/IBLE LANDSCAPE IN FRONT BUILDING

NATURAL-GRASS

9/25/20

SOUTH →



NATURAL GRASS

20756 HIGHWAY 62

← NORTH



Mayor  
Jon Ball

Councilors  
Kathy Nuckles  
Paige Winfrey  
Jim Hubbard

## NOTICE OF PUBLIC HEARING

The City of Shady Cove Planning Commission will hold a continued Public Hearing at 6:00 p.m. on **Thursday, February 23, 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 [DJermain@ShadyCove.org](mailto: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 staff Memorandum will be available for public review seven days before the public hearing at 22451 Highway 62, Shady Cove during regular office hours.

<https://us02web.zoom.us/j/84506452539?pwd=RTJoL2RxWm1PdEJreCttUXI2RlM3UT09>

Meeting ID: 845 0645 2539

Passcode: 540493

One tap mobile

+16694449171,,84506452539#,,,,\*540493# US

+16699006833,,84506452539#,,,,\*540493# US (San Jose)

Posted: 02/10/23  
Published: 02/15/23  
Remove from Posting: 02/24/23

"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)