

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

<https://us02web.zoom.us/j/83252815475?pwd=c1F0cHRUY1UyQzBxckdTNW4wa3pYQT09>

Meeting ID: 832 5281 5475

Passcode: 038632

One tap mobile

+12532158782,,83252815475#,,,,\*038632# US (Tacoma)

+13462487799,,83252815475#,,,,\*038632# 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 April 13, 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 21255 Hwy 62.

Open Public Hearing.

A Public Hearing to accept public testimony and consider the request for a Conditional Use Permit to operate an automotive and diesel repair shop business. The property is located at 21255 Hwy 62, Shady Cove, Oregon. Assessor's Map and Tax Lot: 34-1W-15CC, 4500. Zoning is General Commercial (GC). Owner: Grace Costa Johnson  
Applicant: James Cunningham File Number: CUP 22-07

1. Read Public Hearing Open Statement.
2. If you would like to speak before the Commission, 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. (Fairfield)
8. Applicants' Testimony/Proponents Testimony/Commission Questions
9. Opponents' Testimony/Commission Questions.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (541) 878-2225. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title II).

10. Rebuttal.
11. Final Staff Comments.
12. Close/Continue Hearing.
13. Deliberations/Discussion/Decision

**III. New Business**

- A. Appoint Co-Chair

**IV. Old Business**

None

**V. Department Reports**

- A. Planning Technician Report - None

**VI. Public Comment**

**VII. Commissioner Comments**

**VIII. Adjournment**



**CITY OF SHADY COVE PLANNING COMMISSION PACKET  
PLANNING FILE NO. CUP 22-07**

**REQUEST FOR CONDITIONAL USE PERMIT LOCATED  
AT 21255 HIGHWAY 62, SHADY COVE OREGON**

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

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**City of Shady Cove  
Type III Staff Report  
Conditional Use Permit**

Date: March 17, 2023

Proposal: To operate an automotive and diesel repair shop business

Applicant: James Cunningham

Property Owner: Grace Costa Johnson

Address: 21255 Hwy 62

Description of Property: 34-1W-15CC Tax Lot 4500

Planning Application: CUP 22-07

Zoning: General Commercial (GC)

Planning Commission Public Hearing Date: March 23, 2023

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## **1.0 PROPOSAL**

The applicants propose to operate an automotive and diesel repair shop business in the existing two buildings on the property.

## **2.0 AUTHORITY**

Conditional Use Permits are processed as a Type III procedure, per § 154.397.

Per § 154.379 of the Shady Cove Code of Ordinances, 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, time, and place certain.

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

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

**3.0 PROCEDURE and TIMELINE**

- 3.1 Submittal:** The applicant submitted their application on November 16, 2022, and it was deemed complete by city staff on December 1, 2022.
- 3.2 Notice:** The property owners, neighbors within 200 feet, relevant agencies, and other invested stakeholders were mailed notice of this application and public hearing on March 3, 2023, as required by § 154.379.
- 3.3 Hearing:** The public hearing will be held on March 23, 2023, which is at least twenty (20) days after the mailed notice, as required by § 154.379.
- 3.4 Appeal:** A Type III decision is made by the Planning Commission, and therefore may be appealed to the City Council, no later than 10 calendar days after the decision has been made. Appeals shall be processed in accordance to §154.455 through §154.462.

**4.0 PROPERTY CHARACTERISTICS**

- 4.1 Access:** The front door of “Building A” faces Highway 62, but vehicle access to the garage (“Building B”) is from Alder Street.
- 4.2 Zoning:** General Commercial (GC)
- 4.3 Size:** 0.17 acres, or 7,405 square feet
- 4.4 Current Land Use:** Tire Shop (previously)
- 4.5 Adjacent Land Uses:** Residential dwellings, vacant commercial lots, Jackson County Fire District station, gas station and convenience store, pharmacy, Moose Lodge.

**5.0 CONTEXT FINDINGS**

Per a conversation with the property owner Grace Costa Johnson, only Building B is being rented to the applicant. Building A is not being used.

**6.0 CRITERIA FOR APPROVAL**

Per § 154.401, in determining whether 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:

- 6.1 *The proposal meets the requirements for approval of the site development plan, as outlined in § 154.310 through 154.318;*

**Staff Response: Planning Commission Determination Required**

No new structures are proposed at this time. One partial fence may possibly be removed. The existing structure has been used as a tire shop for 25 years and is well-suited to another auto-based use. The existing structure conforms to current standards for lot size, dimensions, coverage, and setbacks.

**Parking is problematic for this development, both on-street and off-street.**

Applicants are generally required to upgrade an existing development that does not conform to the latest land use district standards, per § 154.315. The parking area of the site map has been used for parking for a long time, however, that **parking area encroaches upon the right-of-way of Alder Street**, and cars typically parked there are overhanging. Right-of-way for Alder Street is 50 feet, per the 2018 revised Tax Map, but the width of the surfaced road is between 16 feet and 20 feet. Staff refers to the following section of code:

**§ 70.05 PARKING AND STORING VEHICLES ON PRIVATE PROPERTY.**

*The following regulations shall be applicable to vehicles parked, stored, or maintained in an R-1, R-2, R-3, or G-C zone, or any other property utilized for residential purposes.*

*(A) Subject to the requirements of division (B) of this section, automobiles, buses, motor homes, motor trucks, vans, campers/camper shells mounted on a vehicle, camp trailers, boats on trailers, and tent trailers may be parked in a portion of a yard clearly visible to a public right-of-way provided that the vehicles are:*

*(1) Fully operable, completely assembled, supported by inflated tires, and not supported by blocks, jacks, or similar supports, except that such vehicles may be safely leveled to maintain the proper flow of propane or other gas to built-in appliances.*

*(2) Currently registered for operation on public streets.*

*(3) Located entirely on the subject property with **no overhang or encroachment** permitted into the public right-of-way or adjacent private property.*

**§ 154.334 DEVELOPMENT STANDARDS.**

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

*(1) Ingress and egress. The location of all ingress and egress points shall be subject to the city review and approval. All access points shall be clearly identified and kept to one or two points, if possible.*

*(2) Shared access. Shared access driveway for access to parking on two or more adjacent properties may be approved, or required.*

(3) *Driveways.* Driveways shall not be at or **within 20 feet of any intersection of public streets, highways or any combination thereof.**

(4) **Backing out prohibited.** In commercial or industrial developments, in all residential building containing three or more dwelling units, parking areas shall be designed to make it unnecessary for a vehicle to back into any public street.

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

[...]

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

It is staff's interpretation that the parking area is not adequate for today's Code of Ordinances. Staff notes that applicant's customers could parallel park next to the building, lawfully, for up to 2 parking spaces, without blocking the doors or encroaching. The dimensions of a parking stall are given Section 95.46: *22.5 feet long and 8 feet wide.*

The applicant's site map shows a parking area, but does not show the precise layout or **number of parking spaces** for off-street parking. Off-street parking requirements are given in Section 154.337. The proposed use is closest to "Service or repair shops" and the requirements are:

*1 space for each 600 square feet of gross floor area, plus 1 space per employee*

The gross floor area of Building B is 1800 square feet. Building A is not being rented for this use. Therefore, **at minimum, four (4) off-street parking spaces are required.**

However, there may not be enough open area on the lot to accommodate the minimum parking spaces and adequate egress and ingress, and also meet the standards for intersection spacing (at least 20 feet away) and minimizing access points from the Highway.

Further, this type of commercial use has the least intensive parking space requirements. In other words, there is very probable that **no other commercial use could possibly meet the off-street parking space requirements** for the structures on this lot. The lot meets its standards for size and dimensions, and is therefore a conforming lot. **This may be a case of "nonconforming structure"** as per § 154.270 through § 154.275, because the lot coverage and existing structures prevent adequate parking.

#### § 154.270 PURPOSE.

*Within the community there are lots, land uses and structures that were lawfully established or constructed prior to the effective date of this section, but which would be prohibited or restricted under the requirements of this chapter. This section provides for the continuation of legal nonconforming uses and structures until they are removed, cease or are made to conform to current codes.*

(Ord. 225, passed 10-20-1994, § 20.1)

§ 154.273 NONCONFORMING STRUCTURES.

(A) Any structure that is lawfully constructed but would not be permitted under the current regulations of the city is considered to be a nonconforming structure, but may continue indefinitely; provided, it remains lawful. A nonconforming structure may be subject to other code requirements related to health and safety.

(B) A nonconforming structure may not be expanded or enlarged.

(C) A nonconforming structure that has been removed, destroyed or otherwise terminated, may not be replaced by another nonconforming structure.

(D) Remodeling of a damaged structure shall conform to current codes, setbacks, off-street parking and other site development requirements.

(Ord. 225, passed 10-20-1994, § 20.4)

§ 154.275 TERMINATION OF NONCONFORMING USE OR STRUCTURE.

A nonconforming use or structure shall be considered terminated when:

(A) The use is discontinued for a period of six months;

(B) The structure has been destroyed to an extent exceeding 80% of its true cash value, as indicated by the records of the County Assessor; or

(C) In the case of a sign, when it has not been used in conjunction with a business on the same premise for longer than 30 days.

**Staff recommends, as a condition of approval, that the applicant submit a revised parking plan and clearly show the off-street parking stalls, access points, and vehicles maneuvering areas.**

One option for additional parking is a **shared parking agreement**, as given in § 154.336 *JOINT USE OF PARKING AREAS*.

**If the applicant finds that they cannot fit 4 parking spaces and cannot find another reasonable option for off-site parking, then they should apply for a Variance (Class B) and request a variance to parking standards, as given in § 154.417(A)(2)(g).**

A parking lot with 4 or more spaces needs to be **surfaced with concrete or asphalt**, per §154.334(A)(7).

**Landscaping is a related issue to parking.** There are two aspects of landscaping requirements: the general landscape standard and the parking lot standard.

§ 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. [...]*



(4) *Parking lot landscaping. All of the following standards shall be met for parking lots. If a development contains multiple parking lots, then the standards shall be evaluated separately for each parking lot.*

(a) *A **minimum of 10% of the total surface area of all parking areas**, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. Such landscaping shall consist of canopy trees distributed throughout the parking area. A combination of deciduous and evergreen trees, shrubs, and ground cover plants is required. The trees shall be planted so that they provide a partial canopy cover over the parking lot within five years. At a minimum, **one tree per 12 parking spaces** on average shall be planted over and around the parking area.*

[...]

(c) *All required parking lot landscape areas not otherwise planted with trees must contain a **combination of shrubs and groundcover plants** so that within two years of planting, not less than 50% of that area is covered with living plants.*

(d) *Wheel stops, curbs, bollards, or other **physical barriers** are required along the edges of all vehicle-maneuvering areas to protect landscaping from being damaged by vehicles. Trees shall be planted not less than two feet from any such barrier.*

(e) *Trees planted in tree wells within sidewalks or other paved areas shall be installed with root barriers, consistent with applicable nursery standards.*

(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.*

The site map shows only "planters". Given the proposed use as an auto repair shop and the small size of the lot, it is reasonable that much of the outside area would be devoted to vehicle maneuvering and the landscaping could be very minimal. Staff notes that the Code says one canopy tree per 12 spaces, but the end result for parking may be less than half of that. Whether to round up or down is not given in the Code. Whether the applicant is

required to have one (1) or zero (0) trees is a matter of discretion for the Planning Commission.

**Staff recommends, as a condition of approval, that the applicant include those landscaping elements on a revised site map.**

**6.2**        *The proposed development or land use will not adversely affect the peace, comfort and livability of the neighborhood and adjacent uses;*

**Staff Response: Satisfied with Conditions**

Business hours given in the application are reasonable. Applicant states that “there will be no disruptive activities after 10:00 PM at any point.” Staff notes that under SCCO §90.01 to 90.02, unnecessary noise is declared to be a nuisance which affects public health, safety and/or welfare, and, unnecessary noise includes the following definitions, relevant to this application:

*(2) The use of a vehicle engine, either stationary or moving, so out of repair, loaded or operated as to create any loud or unnecessary grating, grinding, rattling or other noise.*

*(4) The use of mechanical devices operated by compressed air, steam or otherwise, unless the noise thereby created is effectively muffled.*

*(7) The owner of a property may conduct such activities on property occupied by the owner between the hours of 7:00 a.m. and 9:00 p.m. providing such activity does not unnecessarily affect the public health, safety and/or welfare.*

*(9) The discharge of the exhaust of a steam engine, internal combustion engine, motorboat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises and the emission of annoying smoke.*

*(11) The conducting, operating or maintaining of a garage within 100 feet of a residential unit in such a manner as to cause loud or disturbing noises between the hours of 9:00 p.m. and 7:00 a.m.*

**Staff recommends, as a condition of approval, that disruptive activities that meet the definition of a nuisance shall not continue beyond 9 PM.**

**6.3**        *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;*

**Staff Response: Satisfied**

The last use of the property was a tire shop for many years. Applicant states that there are three (3) other auto shops in the vicinity.

- 6.4** *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;*

**Staff Response: Satisfied**

Applicant states that the work will be performed inside the shop and should not affect other businesses.

- 6.5** *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;*

**Staff Response: Satisfied**

Applicant states that the only general health risk would be from used oil, and that he will dispose of used oil according to EPA standards, and that any chemicals on site will have MSDS's (Material Safety Data Sheet).

## **7.0 TESTIMONY**

None submitted.

## **8.0 CONCLUSION and RECOMMENDATION**

Staff recommends that the Commission **approve with conditions** the application.

## **9.0 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, as given in § 154.401(B).

Staff recommends the following conditions of approval.

### **Conditions prior to operation:**

1. The applicant shall submit a revised site map that shows the number and layout of the off-street parking spaces, the access points, and the landscaping, that meets the minimum requirements of the Code of Ordinances;
2. If the applicant finds that it is not possible to satisfy those parking, access, and landscaping requirements, then they shall apply for a Variance to parking standards.
3. The applicant shall obtain a Business License from the City of Shady Cove.

4. The applicant shall obtain a Change of Occupancy permit from Jackson County Development Services.
5. Signs require a permit; apply to City if any signs are to be erected, or altered.
6. If a new parking area is necessary and has four or more spaces, it shall be paved with asphalt or concrete.

**Conditions during operation:**

7. No disruptive activity that creates a loud noise or nuisance shall be allowed between 9:00 PM and 7:00 AM.
8. Applicants will apply for a fence permit, if they decide to expand the fence around their existing storage area.
9. Applicants will follow the parking regulations in Chapter 70 of the Shady Cove Code of Ordinances for their customers' vehicles, especially
  - a. No parking or vehicle overhang on the public right-of-way.
  - b. Inoperable, disassembled, or unregistered vehicles must not be parked where they will be clearly visible from the public right-of-way.
10. Applicants will ensure that all applicable Building and Fire Code standards are met.
11. Changes to the building; plumbing, electrical or mechanical equipment may require permits; call the City before you start work to inquire about permitting requirements.
12. All uses must comply with all applicable state and federal environmental, health and safety regulations.

Respectfully submitted this 17<sup>th</sup> day of March 2023.

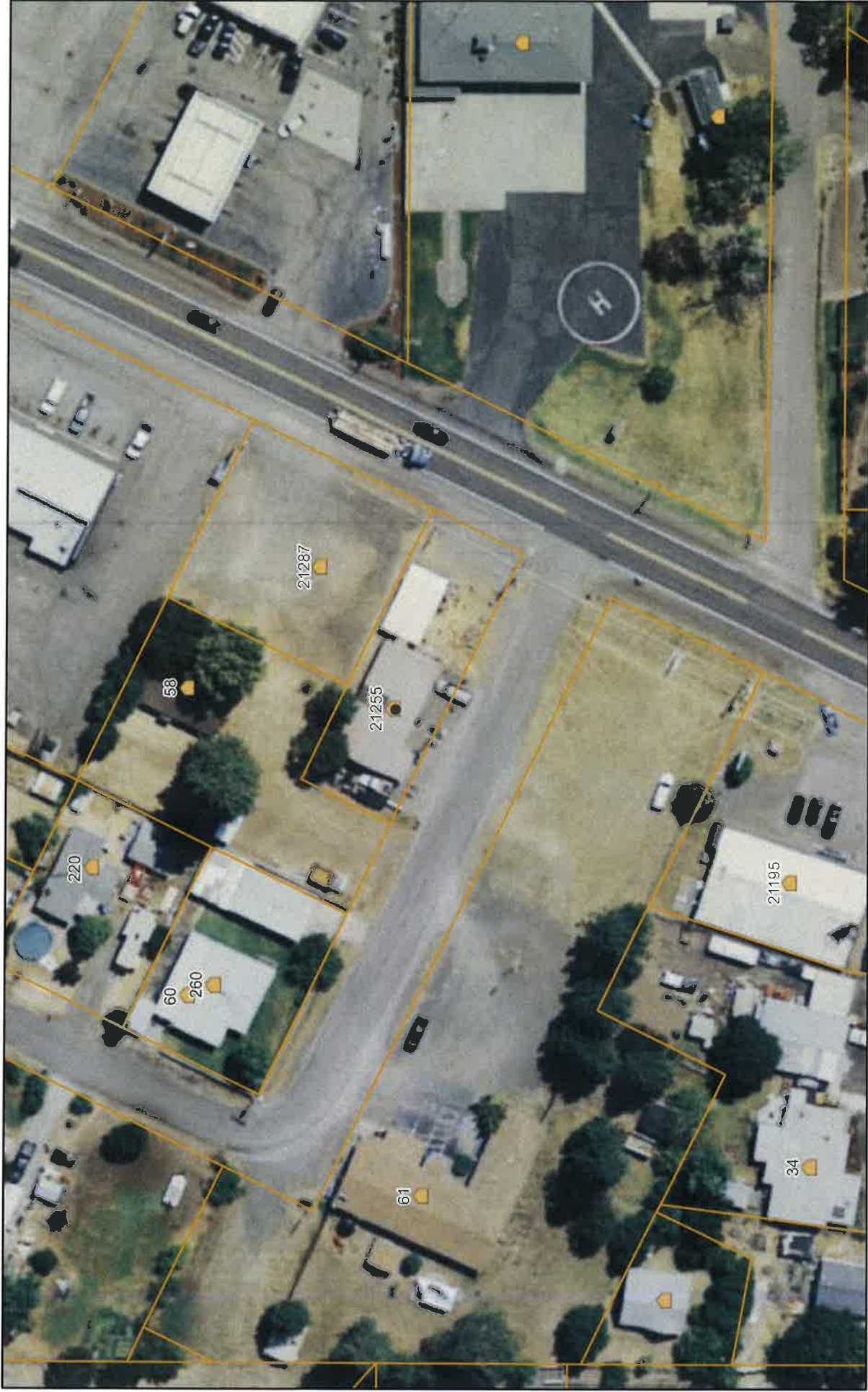


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Rowan Fairfield, Contract City Planner

Attachment: Aerial Map

# CUP 22-07 Aerial Map



3/16/2023, 12:31:35 PM

± Tax Lots

■ Site Address Point

1:1,128



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

**OFFICE USE:**

Application No. CUP 22-07 Received By D. Jermain Date 11-16-22  
Amount Paid \$600.00 Receipt No. 27306 Hearing Date 3/23/23

**TO BE COMPLETED BY APPLICANT:**

Name of Property Owner(s): GRACE COSTA JOHNSON

Property Street Address: 21255 Hwy 62

Between ADLER Alder and BIRCH streets.

County Assessor's Map & Tax Lot Number: 4500 341W-1SCC 4500

Current Zoning: G.C. Adjacent Zoning: G.C.

**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.

Po Box 663

APPLICANT'S SIGNATURE

C & C Customs

MAILING P.O. BOX

1355 SHADY COVE, OR 97539

PHONE NUMBER (754) 544-1388

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 Grace Costa

Date 10/19/2022  
12/1/2022

CITY OF SHADY COVE  
CONDITIONAL USE PERMIT APPLICATION  
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Attach additional sheets as necessary

Describe your proposal

I WILL BE USING THE PROPERTY AS A AUTOMOTIVE + DIESEL  
REPAIR SHOP, BUSINESS HOURS WILL BE 8:00 AM - 6:00 PM  
THE PROPERTY WAS USED AS A TIRE SHOP FOR 25 YEARS SO THE BUILDING  
ALREADY HAS GOOD ACCESS FOR VEHICLES.

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

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

THE PROPERTY WAS USED AS A TIRE FACILITY FOR 25 YEARS  
+ WILL NOW BE USED FOR VEHICLE REPAIRS + MAINTENANCE THAT WILL  
BE PERFORMED INSIDE THE BUILDING.

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

THE BUSINESS HOURS WILL BE 8:00 AM - 6:00 PM MONDAY - SATURDAY  
THERE WILL BE NO DISRUPTIVE ACTIVITIES AFTER 10:00 PM AT ANY POINT.

- (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.

THERE ARE (3) TREE SHOPS THAT ARE SIMILAR BUSINESS PRACTICE AS  
MY PROPOSED; (1) RED BEAR'S DIESEL PERFORMANCE 21425 HWY. 62,  
(2) SHADY COVE AUTOMOTIVE 21825 HWY 62. (3) UPPER ROGUE AUTO CARE  
30 HEE LN.

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.

THE LOCATION HAS BEEN ASSOCIATED WITH AUTOMOTIVE REPAIR IN THE FORM OF A TIRE SHOP WITHOUT ISSUE FOR MANY YEARS, MY WORK WILL BE PERFORMED INSIDE THE SHOP SO IT SHOULD NOT AFFECT ANY OTHER BUSINESSES IN THE AREA.

- (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 ONLY GENERAL HEALTH RISK WOULD BE USED OIL & THAT WILL BE DISPOSED OF ACCORDING TO EPA STANDARDS & ANY CHEMICALS USED WILL HAVE MSDS ONSITE.

Other comments you feel are pertinent to your application

THIS BUILDING HAS BEEN ASSOCIATED WITH THE AUTOMOTIVE INDUSTRY FOR 25+ YEARS WITHOUT ISSUE SERVICING SHADY COVE & THE SURROUNDING AREA I HOPE TO CONTINUE TO PROVIDE FRIENDLY SERVICE FOR MANY YEARS TO COME.





# LETTER OF AUTHORIZATION

Date 10-31-22

JAMES CUNNINGHAM

Let it be known that ~~Grace Costa~~ JAMES CUNNINGHAM is a duly authorized  
Agent  
representative to act as my agent to perform all acts in conjunction with filling applications  
and/or other required documents relative to: CONDITIONAL Use PERMIT  
Type of Permit

on my property located at: 21255 Hwy 62  
Address or Road

Town 34 South, Range 1W, Section 15CC, Tax Lot 4500

GRACE COSTA

Owner's Name (printed)

Grace Costa

Owner's Signature

200 Edgewood PARK

Owner's Mailing Address

541 821-2835

Owner's Phone Number

JAMES CUNNINGHAM

Agent's Name (printed)

[Signature]

Agent's Signature

P.O. Box 1355 SHADY COVE OR.

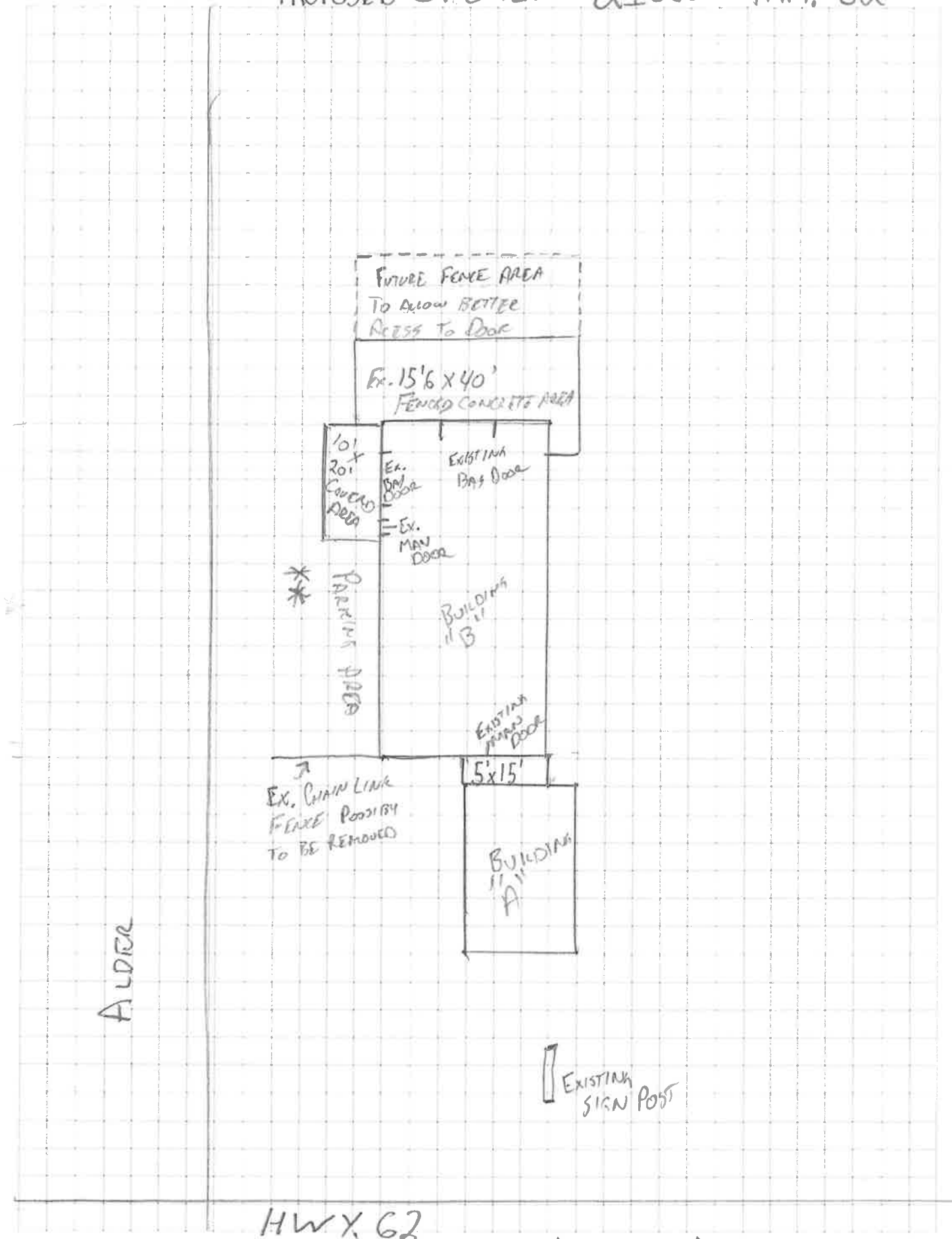
Agent's Mailing Address

(775) 544-1388

Agent's Phone Number

97539

# PROPOSED SITE PLAN 21255 Hwy. 62



\* Planter

1 □ = 5'



*Mayor*  
Jon Ball

*Councilors*  
Kathy Nuckles  
Paige Winfrey  
Jim Hubbard  
Steve Mitchell

## CERTIFICATE OF MAILING

I hereby certify that on March 3, 2023 I provided a copy of the  
NOTIFICATION OF ADJACENT USE PROPOSAL APPLICATION NO.  
CUP 22-07 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)

BOND MELISA  
SELLS JOE T  
55 BIRCH ST  
SHADY COVE, OR 97539

LAST VETS CLUB  
, 0

VFW Post 6881  
PO BOX 1643  
SC 97539

YORK CARMEN C  
PO BOX 232  
SHADY COVE, OR 97539

~~NEWBY RAYMOND L TRUSTEE ET AL~~  
34 EDGEWOOD PARK DR  
SHADY COVE, OR 97539

HODGES SADIE ET AL  
8865 ELK CREEK RD  
TRAIL, OR 97541

NEWBY ELLEN ADDELENE  
34 EDGEWOOD PARK DR  
SHADY COVE, OR 97539

SAUTER JASMINE S/SHAWN A  
1905 BIRDSEYE CREEK RD  
GOLD HILL, OR 97525

21195 HIGHWAY 62 LLC  
TIM AND CAROL LICHLYTER  
683 S STAGE RD  
MEDFORD, OR 97501

COSTA GRACE TRUSTEE ET AL  
PO BOX 663  
SHADY COVE, OR 97539

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

LITLE KATHRYN  
1001 OLD FERRY RD  
SHADY COVE, OR 97539

~~JACKSON COUNTY FIRE DIST #4~~  
~~PO BOX 996~~  
~~SHADY COVE, OR 97539~~

GORDON JAMES ET AL  
LEFFLER WILLIAM ET AL  
LOANCARE SERVICING  
7125 CROWFOOT RD  
TRAIL, OR 97541

JACKSON COUNTY FIRE DISTRICT  
PO BOX 1400  
SHADY COVE, OR 97539

ROSE DOUGLAS W SR/KAREN D  
PO BOX 390  
SHADY COVE, OR 97539

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Medford, OR 97501

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CITY OF SHADY COVE  
PLANNING COMMISSION

NOTIFICATION OF ADJACENT PROPERTY USE PROPOSAL

DESCRIPTION OF PROPERTY: 34-1W-15CC, Tax Lot 4500, located at 21255 Hwy 62

PROPOSAL: Conditional Use Permit Application No. CUP 22-07. The request is approve an automotive and diesel repair shop business. Zoning is General Commercial (GC).

DATE AND TIME OF MEETING: Thursday, March 23, 2023 at 6:00 p.m.

LOCATION: City Hall Council Chamber, 22451 Highway 62 and via Zoom. RESPONSE DATE: March 15, 2023

APPLICANT: James Cunningham

OWNER: Grace Costa

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: \_\_\_\_\_

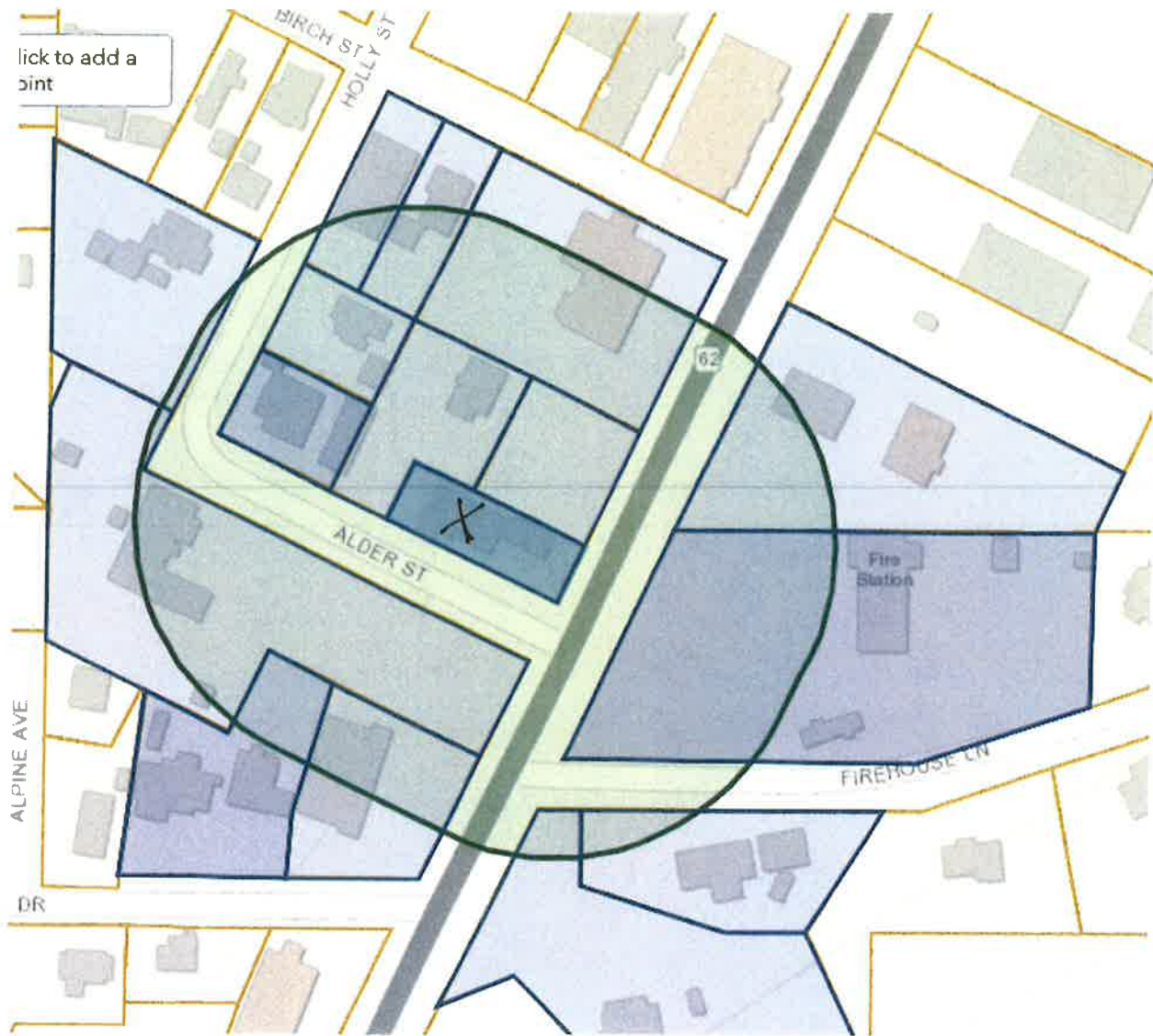
PRINTED NAME(S): \_\_\_\_\_

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."

21255 Hwy 62





Upper Rogue Independent, Eagle Point, Ore. Wednesday, March 8, 2023

## PUBLIC NOTICE



Mayor  
Jon Ball

Councilors  
Kathy Nuckles  
Paige Winfrey  
Jim Hubbard  
Steve Mitchell

### NOTICE OF PUBLIC HEARING

The City of Shady Cove Planning Commission will hold a Public Hearing at 6:00 p.m. on Thursday, March 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 a commercial automotive and diesel repair business at **21255 Highway 62**. Said parcel is legally described as 34-1W-15CC, Tax Lot 4500, and is currently zoned as General Commercial.

Owner: Grace Costa    Applicant: James Cunningham    File Number: CUP 22-07

Individuals may submit written comments relating to this planning action **at any time up to, and during, the public hearing**, although it is preferred that such comments be submitted to the City at least one week prior to the above scheduled hearing date so that they may be included in the agenda packet. Please mail comments to City of Shady Cove, PO Box 1210, Shady Cove, OR 97539.

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/83252815475?pwd=c1F0cHRUY1UyQzBxckdTNW4wa3pYQT09>

Meeting ID: 832 5281 5475

Passcode: 038632

One tap mobile

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+13462487799,,83252815475#,,,,\*038632# US (Houston)