

Agenda

Shady Cove Planning Commission Public Hearing

June 22, 2023

6:00 PM

<https://us02web.zoom.us/j/83225169545?pwd=OFc5RHVlbEJwdHhzWlpDNm5Ka3Zidz09>

Meeting ID: 832 2516 9545

Passcode: 481401

One tap mobile

+12532158782,,83225169545#,,,,*481401# US (Tacoma)

+13462487799,,83225169545#,,,,*481401# 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 July 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 234 Williams Lane

Open Public Hearing.

A Public Hearing to accept public testimony and consider the request for a Conditional Use Permit to use the property for an ADA-compliant vacation rental. The property is located at 234 Williams Lane, Shady Cove, Oregon. Assessor's Map and Tax Lot: 34-1W-15BB, 4500. Zoning is Low Density Residential (R-1-6).

Owner: Kirk Mickelsen

Applicant: Steve Furst

File Number: CUP 23-02.

1. Read Public Hearing Opening Statement.
2. If you would like to speak before the Commission, please 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. Old Business

- A. Discussion – Comprehensive Plan

IV. New Business

None

V. Department Reports

- A. Planning Technician Report

VI. Public Comment

VII. Commissioner Comments

VIII. Adjournment



**CITY OF SHADY COVE PLANNING COMMISSION PACKET
PLANNING FILE NO. CUP 23-02**

**REQUEST FOR CONDITIONAL USE PERMIT LOCATED
AT 234 WILLIAMS LANE, SHADY COVE OREGON**

PUBLIC HEARING: THURSDAY JUNE 22, 2023, 6:00 P.M.

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

Date: June 15, 2023
Applicant: Steve Furst on behalf of David's Chair Outdoor Mobility Systems
Address: 234 Williams Lane
Assessor's Map: 34-1W-15-BB, Tax Lot 4500
Planning File: CUP 23-02

Planning Commission Public Hearing Date: June 22, 2023

1.0 PROPOSAL

To use the property for an ADA-compliant vacation rental. Proceeds will support David's Chair, a 501c3 nonprofit organization.

1.1 Attachments

Staff Report Map

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 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 Code of Ordinances include lists of "conditional uses", which may be permitted subject to approval of a conditional use permit. 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 May 18, 2023, and it was deemed complete by city staff on May 31, 2023.
- 3.2 Notice:** Adhering to § 154.379, on June 1, 2023, the property owners, neighbors within 200 feet, relevant agencies, and other invested stakeholders were mailed notice of this application and public hearing.
- 3.3 Hearing:** The public hearing will be held on June 22, 2023, which is at least twenty (20) days after the mailed notice, as required by § 154.379 (C)(1)(a).
- 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:** From Williams Lane (flag lot)
- 4.2 Zoning:** Low-density residential (R-1-6)
- 4.3 Size:** 0.20 acres, or about 8,700 sq. feet
- 4.4 Current Land Use:** Residential
- 4.5 Neighboring Land Uses:** Residential

5.0 CONTEXT FINDINGS

The home is a new construction and passed its final inspections in May 2023. The home on the front lot (242) is also new construction, passed final inspections in April 2023. Steve Furst, the applicant, founded David's Chair with his friend David Hartrick. Kirk Mickelsen, the property owner, is the Director of Fundraising and Development for David's Chair.

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 154.317;*

Staff Response: Satisfied

The applicant submitted the same site plan as for the original construction (dated March 2022). The site plan meets all standards for single-home development in an R-1 zone. No new structures are proposed.

- 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

The applicant states that vehicles will be limited to 4 (the maximum allowed by the Code) and all parking is off-street. Per § 154.334 "Development Standards" (A)(7), "all parking areas containing four or more spaces shall be 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 a condition of approval, staff recommends that the parking area and driveway be surfaced with asphalt or concrete, or that cars be limited to three (3) maximum.

Applicant states that occupants will be limited to 6 (the maximum is 10), and that privacy fencing and landscaping have been installed.

The applicant will use a third-party service called BookStayHop to find renters, and states that BookStayHop, the booking service, has strict rules and a proven vetting process.

Kirk and Beth Mickelsen will reside in the front lot (242 Williams), having sold the other lot to David's Chair and being very involved in the nonprofit. They will be impacted by any noise or nuisance issues and so they have a vested interest in the peace, comfort and livability of the neighborhood, and in keeping the rental in good standing with the City.

Williams Lane narrows considerably and does not have sidewalks at the site address, however, staff does not find that this is sufficient to deny the application.

- 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 zoning district of the property is R-1 (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).

- 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

Staff does not anticipate any adverse impacts to the property from other developments in the vicinity. Such developments are residential in nature.

- 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

Vacation Rentals may be permitted 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.

The applicant states that BookStayHop, the booking service, has strict rules and a proven vetting process for choosing renters.

7.0 TESTIMONY

One written comment was received from Christine Saling at 235 Williams Lane. She raised concerns about peace, comfort and livability, about compatibility of the development, and about health, safety and general welfare. Staff finds that some of the concerns have merit and should be discussed at the public hearing, and has included some recommendations for conditions of approval to help mitigate these issues.

- Source of the water supply and capacity of any shared well
- Williams Lane is a narrow and unimproved road, presenting safety hazards
- The applicant's property is gravel and rock, and creates a lot of dust
- Fencing and landscaping are not completed
- This is an ADA-focused property – do they have enough parking space for ADA parking standards including aisles?

8.0 CONCLUSION

Staff recommends that this proposal be **approved with conditions**.

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 obtain a Business License from the City of Shady Cove, as required by §110.03.
2. A parking area providing four (4) vehicle spaces shall be 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) **OR** see condition 7.
3. 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.
4. Fencing and landscaping shall be completed.

Conditions during operation:

5. The owner shall pay the transient occupancy tax to the city for all rentals of 30 days or less.
6. The VRBO shall comply with all special use and safety standards, as stated in § 154.475 through 154.479.
7. The rental shall be limited to a maximum of three (3) vehicles, **OR** see condition 2.

Respectfully submitted on June 15, 2023,

A handwritten signature in black ink, appearing to read "Rowan Fairfield". The signature is fluid and cursive, with the first name "Rowan" and last name "Fairfield" clearly distinguishable.

Rowan Fairfield, Contract City Planner

Staff Report Map – 234 Williams Lane



6/12/2023, 2:54:15 PM

 Tax Lots

 Site Address Point

1:2,257

0 0.01 0.03 0.05 mi

0 0.02 0.04 0.09 Km

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLE, OS, NMA, Geodatasyzeisen, Rijkswaterstaat, GSA, Geoland, FEMA,

Jackson County GIS

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

OFFICE USE: <u>CUP 23-02</u>	
Application No. <u>CUP</u>	Received By <u>D. Jermain</u> Date <u>5/18/23</u>
Amount Paid <u>\$600.00</u>	Receipt No. <u>27328</u> Hearing Date <u>6-22-23</u>

TO BE COMPLETED BY APPLICANT:

Name of Property Owner(s): Steve Furst – David's Chair Outdoor Mobility Systems

Property Street Address: 234 Williams Ln. Shady Cove, Or 97539

Between Hwy 62 and Dead end of Williams Ln streets.

County Assessor's Map & Tax Lot Number: 341W15BB/4500

Current Zoning: R-1-6 Adjacent Zoning: 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 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 

ADDRESS 185 Eastern St. Suite 400, White City, Or 97503 PHONE NUMBER 541-941-6976

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 5/31/2023

CITY OF SHADY COVE
CONDITIONAL USE PERMIT APPLICATION
Page 2

Attach additional sheets as necessary

Describe your proposal:

This house will be used as a short stay vacation rental property managed by BookStayHop a local licensed vacation rental property management company. The proceeds from this property will help support David's Chair Outdoor Mobility Systems, a 501 C(3) non-profit that provides free access to outdoor recreation equipment. We provide track chairs and other equipment to people with disabilities to get into the great outdoors. Providing ADA Friendly lodging and our services in Shady Cove is a no brainer due to the summer and winter recreation opportunities nearby. Approving this property shows the cities willingness to provide inclusive housing and recreation opportunities for people with disabilities.

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)

This house is on a flag lot and is one of two new construction houses built by Kirk and Beth Mickelsen on that lot. They will reside in the front house while the back house 234 Williams Ln. will be a short stay vacation rental. The landscaping is within city code and privacy fencing has been put up around the property. With the house being ADA friendly it promotes safe use of the property for people with disabilities.

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

With this property being a flag lot, it provides parking off the main street and has room for the maximum allowance of 4 vehicles. It is a 1400 Square foot house that will sleep a maximum of 6 people and will be limited to that number. BookStayHop will be managing the property and they have strict rules and a proven vetting process to avoid attracting renters that will cause problems to avoid local livability issues and keep the property in good condition.

(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.

This new construction house is attractive and we believe will increase the value of other properties in the area. Having an ADA vacation rental so close to the local businesses and the many outdoor recreation areas makes this a very useful property. For the city of Shady Cove it shows a willingness to provide inclusive housing and recreation opportunities for the disabled community.

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.

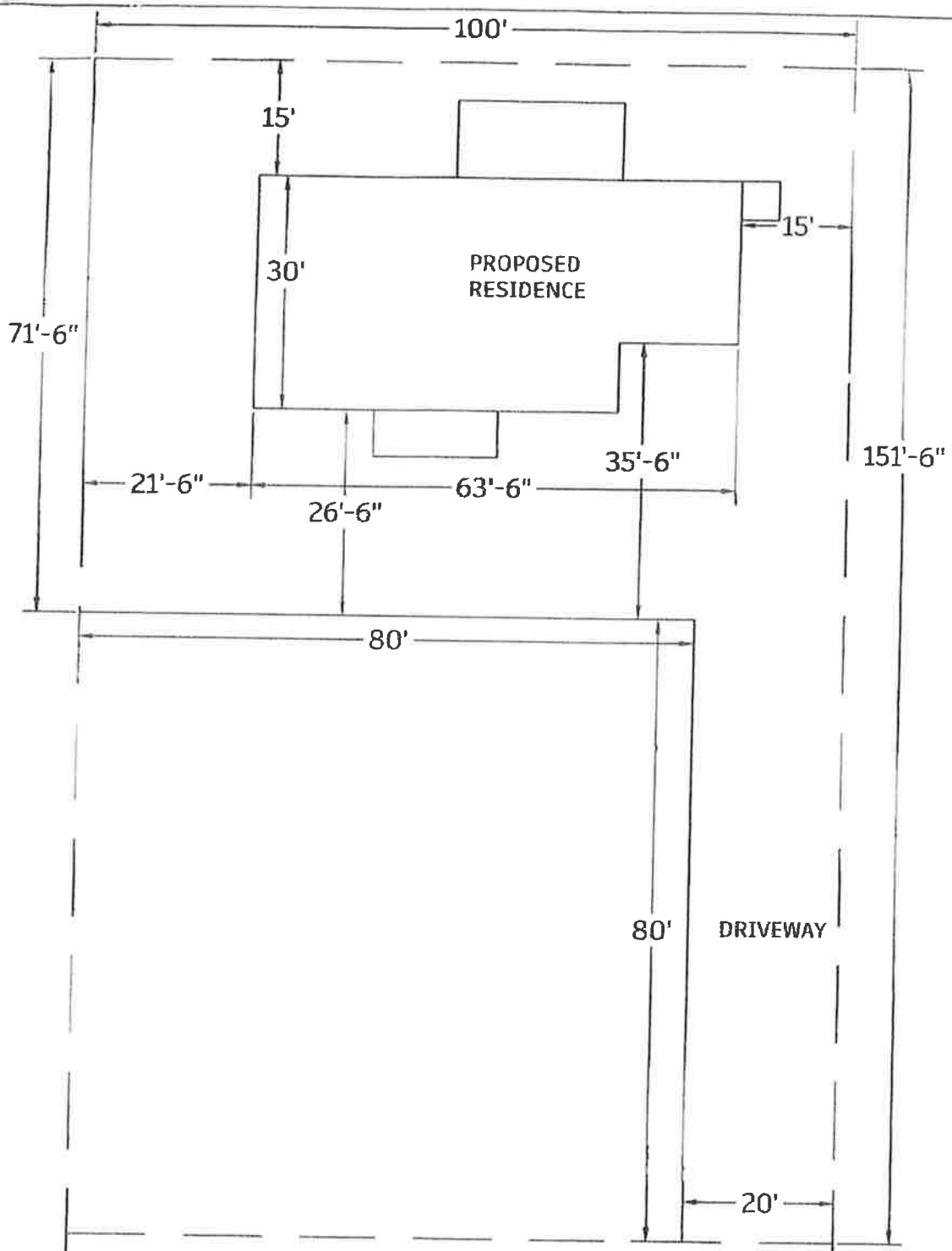
We do not see any issues since this is a house being rented on a short stay basis. It is being used only for occupancy and no other business.

(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

This house like many others in the area will get normal maintenance for landscaping and basic repairs when needed for similar dwellings. There is no extra maintenance that will be performed or needed. We expect most people using the property will be there in the morning and evenings due to it's use as a vacation rental. This coming and going will be similar to residents in the area going to work and coming home.

Other comments you feel are pertinent to your application

We are excited for the opportunity to provide inclusive short stay vacation rental opportunities while we support inclusive outdoor recreation opportunities for people with disabilities. I founded David's Chair with David Hartrick because of the many times we grew up fishing and rafting the Rogue River and hunting in the area. This is our home and we look forward to continuing the mission of David's Chair in Shady Cove.

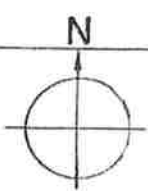


APPROVED

MAR 16 2022 *dj*

SHADY COVE
PLANNING DEPT.

WILLIAMS LANE



PROPOSED RESIDENCE'S
for:
KIRK & ELIZABETH MICKELSEN
234 WILLIAMS LANE
SHADY COVE, OREGON

Site Plan

SCALE: 1" = 20'

SHADY COVE, OREGON
ZONE: R1-SC

Square Footage:
Residence #1: 1,249 SQ. FT.
Residence #1 Garage: 300 SQ. FT.
Residence #1 Other: 341 SQ. FT. 12



LETTER OF AUTHORIZATION

Date 5/17/2013

Let it be known that ~~Steve~~ Steve Forst 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: VRBO Application
Type of Permit
on my property located at: 234 Williams Lane
Address or Road

Town 34 South, Range 1W, Section 15 BB, Tax Lot 34/W.15 BB/45
4500

Kirk Mickelsey
Owner's Name (printed)

[Signature]
Owner's Signature

PO Box 1147 Shady Cove
Owner's Mailing Address

541-821-7331
Owner's Phone Number

STEVE FORST
Agent's Name (printed)

[Signature]
Agent's Signature

185 Eastern S.T. / White City
Agent's Mailing Address

541-941-6976
Agent's Phone Number



Mayor
Jon Ball

Councilors
Kathy Nuckles
Paige Winfrey
Jim Hubbard
Steve Mitchell

CERTIFICATE OF MAILING

I hereby certify that on June 1, 2023 I provided a copy of the NOTIFICATION
OF ADJACENT USE PROPOSAL APPLICATION NO. CUP 23-02 by first class
mail to the following (list attached):



Debby Jermain, Planning Technician

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

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

Bianco Cathy Ann
225 Williams Ln
Shady Cove, OR 97539

Zomerdyk Timothy/Jenny
PO Box 297
Shady Cove, OR 97539

Lemacks Kerry C
PO Box 356
Shady Cove, OR 97539

Ramsay Marcia Jean Et Al
532 Barry Cir
Medford, OR 97501

Silva Kelly A Et Al
321 Flower St
Shady Cove, OR 97539

Rone Lawerance Carl
PO Box 388
Shady Cove, OR 97539

Mickelsen Kirk A/Elizabeth K
PO Box 1147
Shady Cove, OR 97539

Bellwood Properties Inc
PO Box 39
Shady Cove, OR 97539

Owens Travis
165 Williams Ln
Shady Cove, OR 97539

Vandyke Richard George
PO Box 344
Shady Cove, OR 97539

Carrico Cindy Gay/Dalton Eug
285 MalloryLn
Shady Cove, OR 97539

Beers Charles Duane (Tod)
330 Williams Lane
Shady Cove, OR 97539

Ogg Mark R/Ogg Sherry L
PO Box 948
Shady Cove, OR 97539

Jackson County Et Al
Vlieland Julia Anna Et Al
PO Box 201
Shady Cove, OR 97539

Ogg Mark R/Ogg Sherry L
PO Box 948
Shady Cove, OR 97539

Ives David/Patricia
PO Box 618
Shady Cove, OR 97539

Thames Edith
PO Box 997
Shady Cove, OR 97539

Hosier Mike
PO Box 942
Shady Cove, OR 97539

Crowl D Lynn
252 Williams
Shady Cove, OR 97539

Saling Christine E Trustee Et
18863 Moro Cir
Prunedale, CA 93907

Van Dyke Richard D
PO Box 344
Shady Cove, OR 97539

Lemacks Kerry C
PO Box 356
Shady Cove, OR 97539

Dennison Derek
215 Williams Ln
Shady Cove, OR 97539

**CITY OF SHADY COVE
PLANNING COMMISSION**

NOTIFICATION OF ADJACENT PROPERTY USE PROPOSAL

DESCRIPTION OF PROPERTY: 34-1W-15BB, Tax Lot 4500, located at 234 Williams Ln, Shady Cove, Oregon
PROPOSAL: Conditional Use Permit Application No. CUP 23-02. The request is for a Conditional Use Permit to provide a Vacation Rental by Owner (VRBO). Zoning is Low Density Residential (R-1-6).
DATE AND TIME OF MEETING: Thursday, June 22, 2023 at 6:00 p.m.
LOCATION: City Hall Council Chamber, 22451 Highway 62 and via Zoom. RESPONSE DATE: June 15, 2023
OWNER: Kirk Mickelsen APPLICANT: Steve Furst

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: _____

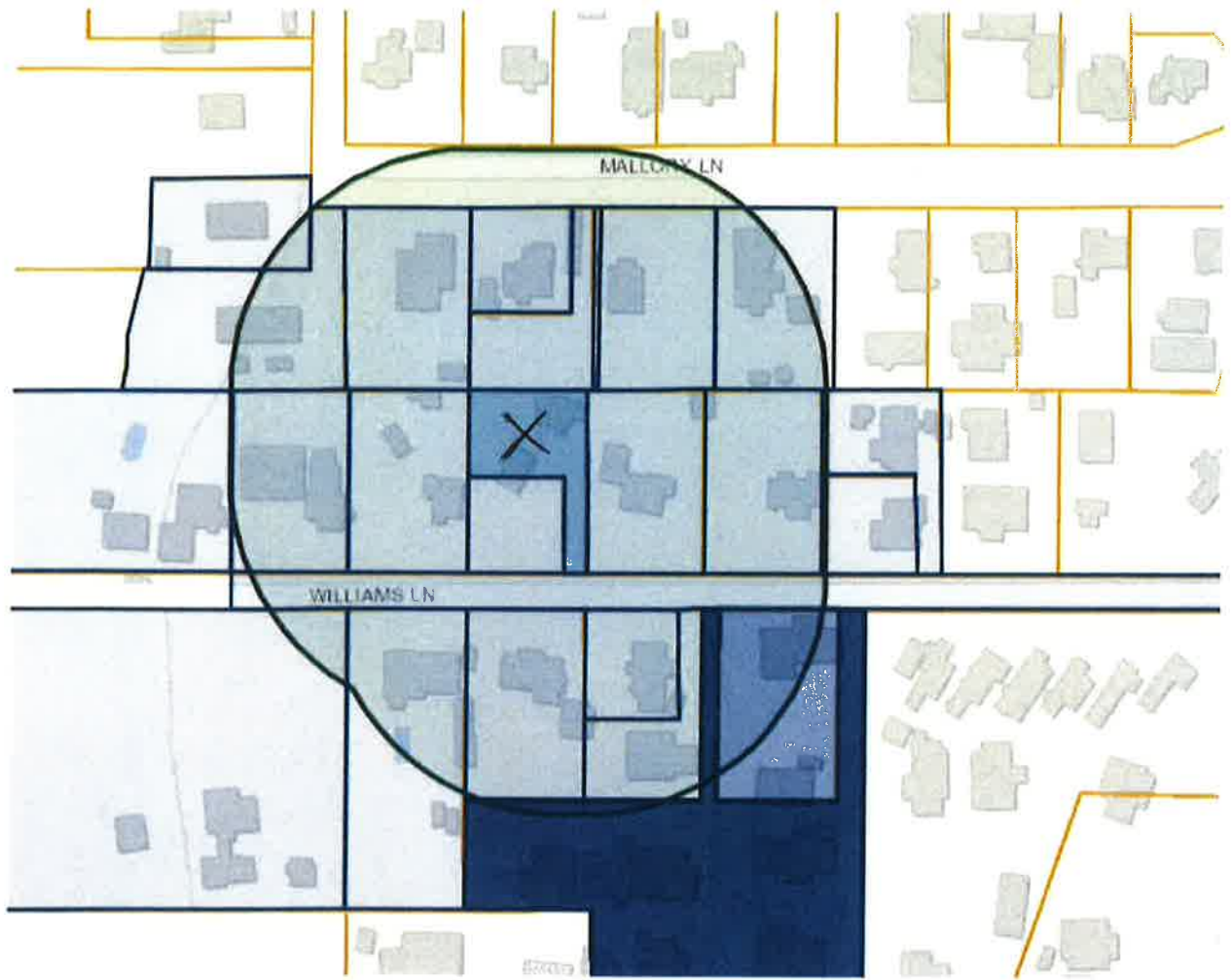
PRINTED NAME(S): _____

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."

234 Williams Lane



Christine Saling
18863 Moro Circle
Salinas, CA 93907
831-663-0544
June 15, 2023



City of Shady Cove
Planning Commission
P.O. Box 1210
22451 Highway 62
Shady Cove Oregon 97539

RE: NOTIFICATION OF ADJACENT PROPERTY USE PROPOSAL
Property: 34-1W-15BB, Tax Lot 4500, 234 Williams Lane Shady Cove Oregon
Conditional Use Permit to provide a Vacation Rental by Owner

Dear Members of the Planning Commission,

I am the owner of property at 235 Williams Lane, Shady Cove, Oregon. My family members live there. This proposal will change this quiet residential neighborhood (many Senior residents) very dramatically.

I am addressing the plans at 234 Williams Lane Permit Application for Rental Vacation Property. I wish to make it known that I have a problem with this. Is this to be commercial property?

The property mentioned is directly across the street from mine. Williams Lane has a very small road way and my driveway is directly across from the property mentioned. There is a very narrow roadway between the 2 properties.

I don't believe that **CRITERIA, STANDARDS AND CONDITIONS OF APPROVAL** can be met.

I have objections to the items highlighted in **yellow**.

154.401 CRITERIA, STANDARDS AND CONDITIONS OF APPROVAL.

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

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

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

The short stay vacation property will have quite a bit of activity with continuous changes of persons staying. Is this organization going to be renting rooms out individually? This would add to the traffic with the flow of more vehicles all year round (?).

I can see that my driveway may be used by the vacation renters to exit the property at 234 Williams Lane and parking could be an issue. There could be a **fire or health** danger as emergency units may not be able to access neighboring properties. There would be more traffic congestion on a narrow street, as well as parking would likely be an issue. The noise levels will increase. This will have an impact on my property and neighborhood.

The theft and crime levels may increase. With people in and out during the vacation rental time frame who knows who will be renting? We will no longer have an established neighborhood.

(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.

This is a Residential area. Will this change zoning to my property? Will it change my taxes? What are they paying in taxes? The value of my property may decrease. Fire Insurance and theft rates may go up. What are they paying in taxes?

Have there been any tests on the "shared well?" The tax lot shares a well not only with 242 Williams Lane but also with the property for 234 Williams Lane. This well has struggled to supply enough water, from my understating so when at least 6 more individuals in and out, that will put a strain on the water situation. This is an issue in the entire city. I believe it may have been destroyed. (?)

They may be using water from another "shared well" at 252 Williams Lane. So what is the water situation?

(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.

235 Williams Lane Letter 061525

There will be more traffic congestion as well as parking would likely be an issue. This is a very narrow road way. It will need to be widened. This would seem to be a **fire or health hazard** as emergency vehicles may not be able to access neighboring properties. We have seniors who live here. The noise levels will increase. The changes in who is staying may affect the crime rate. This will have an impact on my property and neighborhood.

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

(1) Restrictions on times of operation of a business or other activity;

(2) Duration of a particular use;

(3) Physical improvements intended to minimize such environmental effects as noise, vibration, air pollution, water pollution, glare, odor, dust and visual degradation;

The property has is all gravel and rock. Currently, there is no pavement and therefore there is a lot dust coming from the mentioned property. **See 154.334, 7**

(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;

See 154.332, A

(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;

What landscaping? It is nothing but gray rock and gravel and not at all appealing to the eye. **See 154.334,A7,B4,B5**

See 154.476,D

Fencing does not appear to be completed. The fence posts have not been trimmed to level with fence. The fence height could be questionable.

(9) Preservation of natural trees and vegetation, water resources, wildlife habitat, historic resources and visual resources;

235 Williams Lane Letter 061523

(10) Size, number, location and/or design of vehicle access points or parking areas;

I don't think there is enough parking or turn around space without blocking the roadway for an ADA vehicle.

See 95.47

(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.

(Ord. 225, passed 10-20-1994, § 21.7)

I object to this proposal. I do not believe a Business such as this should be in a residential neighborhood or that this application should be approved. I feel that this should be looked into further before any decisions to approve this application are made. I have many concerns and many unanswered questions.

Respectfully,

Christine Saling

Cc: Jelly Roll Saling
City of Shady Cove

Attachments (4)

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Christine Saling
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Cc: Jelly Roll Saling
City of Shady Cove

Attachments (4)

§ 95.47 DISABLED PERSONS VEHICLE PARKING SPACES.

The following parking shall be provided for disabled persons, in conformance with the American with Disabilities Act. Disabled parking is included in the minimum number of required parking spaces as required by ADA standards.

Minimum Number of Accessible Parking Spaces ADA Standards for Accessible Design			
Total Number of Parking Spaces Provided (per lot)	Total Number of Accessible Parking Spaces (60" and 90" aisles)	Van Accessible Parking Spaces with Minimum 96" Wide Access Aisle	Accessible Parking Spaces with Minimum 60" Wide Access Control
	<i>Column A</i>		
Minimum Number of Accessible Parking Spaces ADA Standards for Accessible Design			
Total Number of Parking Spaces Provided (per lot)	Total Number of Accessible Parking Spaces (60" and 90" aisles)	Van Accessible Parking Spaces with Minimum 96" Wide Access Aisle	Accessible Parking Spaces with Minimum 60" Wide Access Control
	<i>Column A</i>		
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1,000	2% of total parking provided in each lot	1/8 of Column A*	7/8 of Column A**
1,001 and over	20, plus 1 for each 100 over 1,000	1/8 of Column A*	7/8 of Column B**
* - 1 out of every 8 accessible spaces			
** - 7 out of every 8 accessible parking spaces			

(Ord. 223, passed 11-18-2004)

§ 154.332 OFF-STREET PARKING REQUIRED.

(A) Off-street parking spaces shall be required for all new development in the city in accordance with the requirements and standards of this section. If there is doubt that sufficient parking can be provided, the matter shall be referred to the Planning Commission for review and approval.

(B) The standards and requirements expressed in this section shall be considered the minimum requirements. Any land use that is not specifically listed in this section shall use the same requirements as the listed use that is most similar. The Planning Commission shall make the final determination when similarity is not apparent, which may be based in part on documentation provided by the applicant to justify the proposal.

(C) Adjustments to established parking standards may be made by the Planning Commission at the time of the site plan review. Any reduction in the number of required spaces shall be based on the approval criteria for a variance, as included in § [154.418](#) or on specific documentation provided by the applicant showing why the required number of spaces will not be necessary and how the parking demands will be met.

(Ord. 225, passed 10-20-1994, § 26.3)

§ 154.334 DEVELOPMENT STANDARDS.

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

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

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

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

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

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

(6) *Small car space adjustment.* In any parking lot containing 20 or more parking spaces, up to 25% of those spaces may be approved for compact cars by the Planning

Commission. The spaces may be reduced in size to a width of eight feet and a length of 15 feet. All compact space shall be grouped together, and each space shall be clearly identified by a sign permanently affixed immediately in front of each space containing the notation "Compact Only".

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

(B) Off-street parking standards for single dwellings and duplex residential development shall include the following, in addition to those standards of division (A) above, which may apply.

(1) Minimum width of driveway for a single-family house, duplex or mobile home on a private lot shall be ten feet.

(2) Any single dwelling unit or duplex lot fronting on an arterial street or highway shall have an on-site turn around so backing into traffic will not be necessary.

(3) Single-family or duplex driveways may be required by the Planning Commission to be paved with asphalt or concrete if the lot fronts on a paved street or highway. In other cases, the driveway shall at least be improved with a gravel surface or other surface that will minimize dust and the tracking of dirt and mud onto the public street.

(4) **The access driveway of a flag lot shall not be used to meet off-street parking requirements, but shall be kept open and unobstructed.**

(5) **Parking areas shall not be designed or constructed to permit vehicles to overhang public walkways, public or adjacent property or to restrict the visibility of traffic on a public road.**

(Ord. 225, passed 10-20-1994, § 26.5)

§ 154.476 STANDARDS.

(A) Maximum occupancy: ten people.

(B) **Maximum number of vehicles: four.**

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

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

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

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

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

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

(I) With the exception of enclosed barbecues, any outside fire is prohibited.

(Ord. 275, passed 8-6-2015)



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, June 22, 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 **234 Williams Lane**. Said parcel is legally described as 34-1W-15BB, Tax Lot 4500, and is currently zoned as Low Density Residential.

Owner: Kirk Mickelsen Applicant: Steve Furst File Number: CUP 23-02

Individuals may submit written comments relating to this planning action before the meeting 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/83225169545?pwd=OFc5RHVlbEJwdHhzWlpDNm5Ka3Zidz09>

Meeting ID: 832 2516 9545

Passcode: 481401

One tap mobile

+12532158782,,83225169545#,,,,*481401# US (Tacoma)

+13462487799,,83225169545#,,,,*481401# US (Houston)

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

06/07/23 Through 06/16/23 Planning and Building Activities

YEAR Permit No.	DATE	NAME	BUILDING PERMITS TYPE	ADDRESS	MAP	TAX LOT
23-18	6/14/23	Roberta Martin	Encroachment Permit	7677 Rogue River Dr	15BC	3100
23-19	6/15/23	Eric Engbretson	Bedroom Addition	430 Rogue Air Dr	16CD	601

PLANNING APPLICATIONS

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

FLOODPLAIN CLEARANCE FOR PERMIT