

Agenda

Shady Cove Planning Commission Public Hearing
Thursday, November 9, 2023
6:00 PM

<https://us02web.zoom.us/j/85776649534?pwd=dIhybnNjSXNJTjFwNzVaTGRIcmJ2UT09>

Meeting ID: 857 7664 9534
Passcode: 413880

One tap mobile

+13462487799,,85776649534#,,,,*413880# US (Houston)

+16694449171,,85776649534#,,,,*413880# US

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 December 14, 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 21411 Hwy 62.

Open Continued Public Hearing.

A Public Hearing to accept public testimony and consider the request for a Conditional Use Permit to add tire sales, installation, and repair to the existing towing business. The property is located at 21411 Hwy 62, Shady Cove, Oregon. Assessor's Map: 34-1W-15CC Tax Lots 1400, 1401, 1404. Zoning is General Commercial (GC).

Owner: Harlon McElroy and Erin Elder

Applicant: Harlon McElroy and Carl Lacy

File Number: CUP 23-04 (pgs. 3 – 29)

1. Read Public Hearing Opening 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)

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).

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

III. New Business

- A. Discussion: Chapter 111: Transient Merchants, Itinerant Merchants, Temporary Vendors (pgs 30 -32)

IV. Old 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 23-04**

**REQUEST FOR CONDITIONAL USE PERMIT LOCATED
AT 21411 HWY 62, SHADY COVE OREGON**

CONTINUED PUBLIC HEARING: THURSDAY NOVEMBER 9, 2023, 6:00 P.M.

	INDEX	PAGE #
	Staff Report	4 – 8
	Staff Report ADDENDUM	9
	Conditional Use Permit Application	10 – 16
	Agency Request for Comments & Adjacent Property Mailing	17 – 26
	Comments Returned	27 -28
	Legal Notice – Notice of Public Hearing	29



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

Date: October 16, 2023
Applicant: Harlon V. McElroy
Address: 21411 Hwy 62
Assessor's Map: Map 34-1W-15CC Tax Lots 1400, 1401, and 1404
Planning File: CUP 23-04

Planning Commission Public Hearing Date: October 26, 2023

1.0 PROPOSAL

To add tire sales, installation, and repair to the existing towing business.

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 17, 2023; it was deemed incomplete by city staff on July 18, 2023. Revised and supplemental materials were submitted on August 23, and the application was deemed complete on September 8.
- 3.2 Notice:** Adhering to § 154.379, on October 5, 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 October 26, 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 Highway 62
- 4.2 Zoning:** General Commercial (GC)
- 4.3 Size:** 0.63 acres across 3 lots, or about 27,400 sq. ft.
- 4.4 Current Land Use:** Towing company with outdoor storage
- 4.5 Neighboring Land Uses:** Commercial and office uses, residences

5.0 CONTEXT FINDINGS

The applicant has a valid Conditional Use Permit (CUP 18-02) already for the towing and recovery service and outdoor storage yard, but it does not cover any other automotive uses, except what was specified in the original application and final order. Applicant was advised that they would need to apply again to either modify the permit or receive a new one.

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 application contained a plot map and a site plan (as-is), narrative statements, and an impact statement (required of all Type III applications). There are no changes proposed to the exterior or to the buildings, and the tire services would be located inside the existing shop building.

One of the requirements for approval of the site development plan, §154.315 (E), states that “*Conditions required as part of a land division, conditional use permit, master planned development, specific area plan or other approval shall be met*”. The conditions of approval for CUP 18-02 were:

1. Comply with all fire department requirements.
2. Comply with City of Shady Cove Business License requirements.
3. All uses must comply with all applicable state and federal environmental, health and safety regulations. Changes to the building; plumbing, electrical or mechanical equipment may require permits.
4. Site-obscuring fencing or landscaping shall be maintained around the storage yard.
5. Submit landscape plan and complete within 30 days of approval.
6. Install fence slats within 60 days of approval.
7. Install functioning bathroom within 60 days.

Conditions 1 – 4 and 6 – 7 appear to have been met, but staff could not determine if a landscape plan was approved by the Planning Commission in 2018. The site plan for this application shows planter boxes, and there are currently hanging flower baskets on the patio.

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

Automotive uses (except minor repairs and parts sales) are a conditional use in the GC zone. B&C Towing already has a valid conditional use permit for a 24-hour towing and recovery service, and wants to add another automotive use on the same site. There should be no significant adverse effects.

Parking may become more scarce if the business attracts new customers, and retail sales have a higher parking requirements than other uses (per §154.337 *Number of Parking Spaces Required*). The parking area is gravel. Staff recommends that the tire sales be only incidental to the repair services, meaning that the tires shall be ordered on-demand for a particular client and installed by B&C Towing employees, and that B&C Towing shall not display or hold on-site any browsable inventory of tires on-site that would create a retail use.

- 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

Automotive uses are most compatible with the GC district, which allows the widest variety and most intensive uses in Shady Cove. No changes are proposed to the exterior or the buildings and the tire service will be inside the existing shop building, so there should be no new impacts on the area's attractiveness, usefulness, or value for future development.

- 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

None of the surrounding uses appears to create any conflicts for the proposed use.

- 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

The proposed use should not be detrimental to health, safety, or welfare.

7.0 CONCLUSION

If the Planning Commission is satisfied that the proposal meets the approval criteria and that conditions from CUP 18-02 have been met, then staff recommends approval with conditions.

8.0 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.

1. Tire sales shall be incidental to service and repair, that is, the tires shall be ordered on-demand for a particular client and installed by B&C Towing employees, and that B&C Towing shall not display or hold on-site any browsable inventory of tires that would create a retail use.
2. Comply with all fire department requirements.
3. Comply with City of Shady Cove Business License requirements.
4. All uses must comply with all applicable state and federal environmental, health and safety regulations. Changes to the building; plumbing, electrical or mechanical equipment may require permits.

Respectfully submitted on October 16, 2023,



Rowan Fairfield, Contract City Planner



**City of Shady Cove
Staff Report ADDENDUM**

Planning File: CUP 23-04
Planning Commission Hearing Date: continued to Nov 9, 2023

Harlon McElroy is the applicant and his shop building will host the new tire use, but the business "B&C Tires" will be a separate business from "Shady Cove Towing and Recovery". B&C Tires is to be co-owned by Mr. McElroy and Carl Lacy.

Parking calculations:

Size of the building per site plan: (80 x 36) + (22 x 16) = 2880 shop + 352 office

The applicants stated that the tire shop will be **400 sq. feet** of the shop space (meeting with city staff on 11/1/2023).

	Square footage	Off-street parking	Spaces calculated	Spaces required
Office	352	1 per 300 sqft	1.17	1
Towing shop	2,480	1 per 600 sqft	4.13	4
Tire shop <i>(if Shop/bulky retail)</i>	400	1 per 600 sqft	0.67	1
Tire shop <i>(if regular Retail)</i>	400	1 per 400 sqft	1.00	1
Total	3,232			6

Parking space available now: unmarked but at least 6 stalls worth of space, and more if the gate and/or roll-up doors are blocked.

Revision to the timeline 3.1: the application was partially submitted on May 17, 2023, except the fee, which was paid on June 20, 2023. The application was considered "submitted" on June 20, 2023. Staff did not exceed the 30-day deadline for completeness checks.

Revision to approval criteria 6.1: staff response should be "Planning Commission Determination Needed", and not "Satisfied".

Respectfully submitted on November 1, 2023,

Rowan Fairfield, Contract City Planner

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

OFFICE USE:

Application No. CUP 23-04 Received By D. Jermain Date 6-20-23
Amount Paid \$600.00 Receipt No. 27337 Hearing Date TBD

TO BE COMPLETED BY APPLICANT:

Name of Property Owner(s): Harlon V McElroy - Erin P Elder

Property Street Address: 21411 Hwy 62 Shady Cove OR 97539

Between Maple St and Cedar St streets.

County Assessor's Map & Tax Lot Number: 341W15CC 1400 - 1401 - 1404

Current Zoning: Commercial Adjacent Zoning: _____

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

- 1) Attach a copy of recorded covenants, conditions or deed restrictions, if any, concerning the present use of this property.
- 2) Attach 2 copies of property plat map.
- 3) Attach 2 copies of a plot plan indicating the existing property lines and the proposed use.
- 4) ~~Attach a metes and bounds description of the property.~~

Any person(s) or developer who proposes any dedication to the City shall enter into a bonding agreement with the City of Shady Cove prior to site plan review by the Planning Commission, or recordation of plat with Jackson County.

CERTIFICATION

I hereby certify that the information given above and attached hereto is true and correct, that the property owner is aware of and agrees with this application, and that falsification of fact will result in invalidation of the application. I understand that any approval given is valid for the specific project only, and is subject to all applicable laws, regulations and conditions. Further, I understand that the fee paid at the time of submitting this application does not cover any professional, legal, or consulting fees incurred by City and that I am responsible for all costs incurred by the City of Shady Cove in connection with processing this application.

APPLICANT'S SIGNATURE [Signature]

ADDRESS 21411 Hwy 62 - PO BOX 4 PHONE NUMBER 541 531 9045
Shady Cove OR 97539

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

PLANNER OR HIS/HER DESIGNATE

Complete Incomplete _____

Signature [Signature]

Date 9/8/2023 RF
~~5/19/2023~~

CITY OF SHADY COVE
CONDITIONAL USE PERMIT APPLICATION
Page 2

Attach additional sheets as necessary

Describe your proposal

New tire store - sale & installation & tire repair

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)

Adding tire services to existing tow yard

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

Nothing would change to the use of the existing commercial property - operations to be conducted, 9am - 4pm

- (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.

same as (2) nothing to change adding a business to an existing commercial property - tow yard

CITY OF SHADY COVE
CONDITIONAL USE PERMIT APPLICATION
Page 3

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

NO change

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

NO change

Other comments you feel are pertinent to your application



Impact Statement:

B & C Tires, LLC will be located at 21411 Highway 62 within the current structure of Shady Cove Towing & Recovery LLC.

The partners of B & C Tires LLC, Harlan McElroy and Carl Lacy feel this will have little to no effect on the surrounding area since it will be operating from the location where a current business is operating.

It is also believed that the business will provide a viable and convenient opportunity for the residents of the Upper Rogue to conduct business without the need to travel into the valley.

All activities will adhere to all State, County and City codes.

Letter ANSI A Landscape



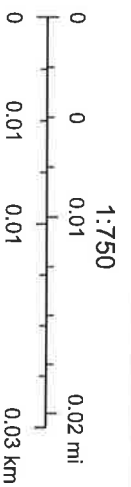
A - shared well-slots
 1400, 1401, 1404 - SC Towing
 1403 - private
 1402 - private

Blue lines show all property (3 lots)
 used for Shady Core Towing & Recovery
 & accessible for B&C Tires

8/23/2023

Taxlots

Taxlot Labels



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NIMA, Geodatasystemen, Rijkswaterstaal, GSA, Geoland, FEMA,

341W15

F. Nagar
8/23/2014

Shed/Storage

341W15CC

1404

Property
line

Covered - open
concrete

Office

gate

341W15CC 1400

Covered
Patio

Planter

16"
Planter boxes

Shop

80'

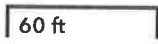
Door

roll up
door

1400



- A - Covered porch/patio
- B - Office
- C - Covered patio 10'x20'
- D - Shop -





Mayor
Jon Ball

Councilors
Kathy Nuckles
Paige Winfrey
Jim Hubbard
Steve Mitchell

CERTIFICATE OF MAILING

I hereby certify that on October 5, 2023 I provided a copy of the REQUEST FOR AGENCY COMMENT APPLICATION NO. CUP 23-04 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

Ted Zuk
Jackson County
10 S Oakdale, Room 100
Medford, OR 97501

Carl Tappert, PE
District Manager, RVSS
PO Box 3130
Central Point, OR 97502

Shavon Haynes
Water Master's Office
10 S Oakdale Avenue, Room 309
Medford, OR 97501

Scott D Pingle, PE, SE
KAS & Associates, Inc
304 S Holly Street
Medford, OR 97501

Travis Crume
Fire District #4
PO Box 1400
Shady Cove, OR 97539

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

Thomas Corrigan
Email

**CITY OF SHADY COVE
PLANNING COMMISSION
REQUEST FOR AGENCY COMMENT**

DESCRIPTION OF PROPERTY: 34-1W-15CC, Tax Lots 1400,1401,1404, located at 21411 Hwy 62

PROPOSAL: Conditional Use Permit Application No. CUP 23-04. The request is approve adding tire services to an existing towing business. Zoning is General Commercial (GC).

DATE AND TIME OF MEETING: Thursday, October 26, 2023 at 6:00 p.m.

LOCATION: City Hall Council Chamber, 22451 Highway 62 & via Zoom. RESPONSE DATE: October 18, 2023

OWNER: Harlon McElroy and Erin Elder APPLICANT: Harlon McElroy and Carl Lacy

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: _____

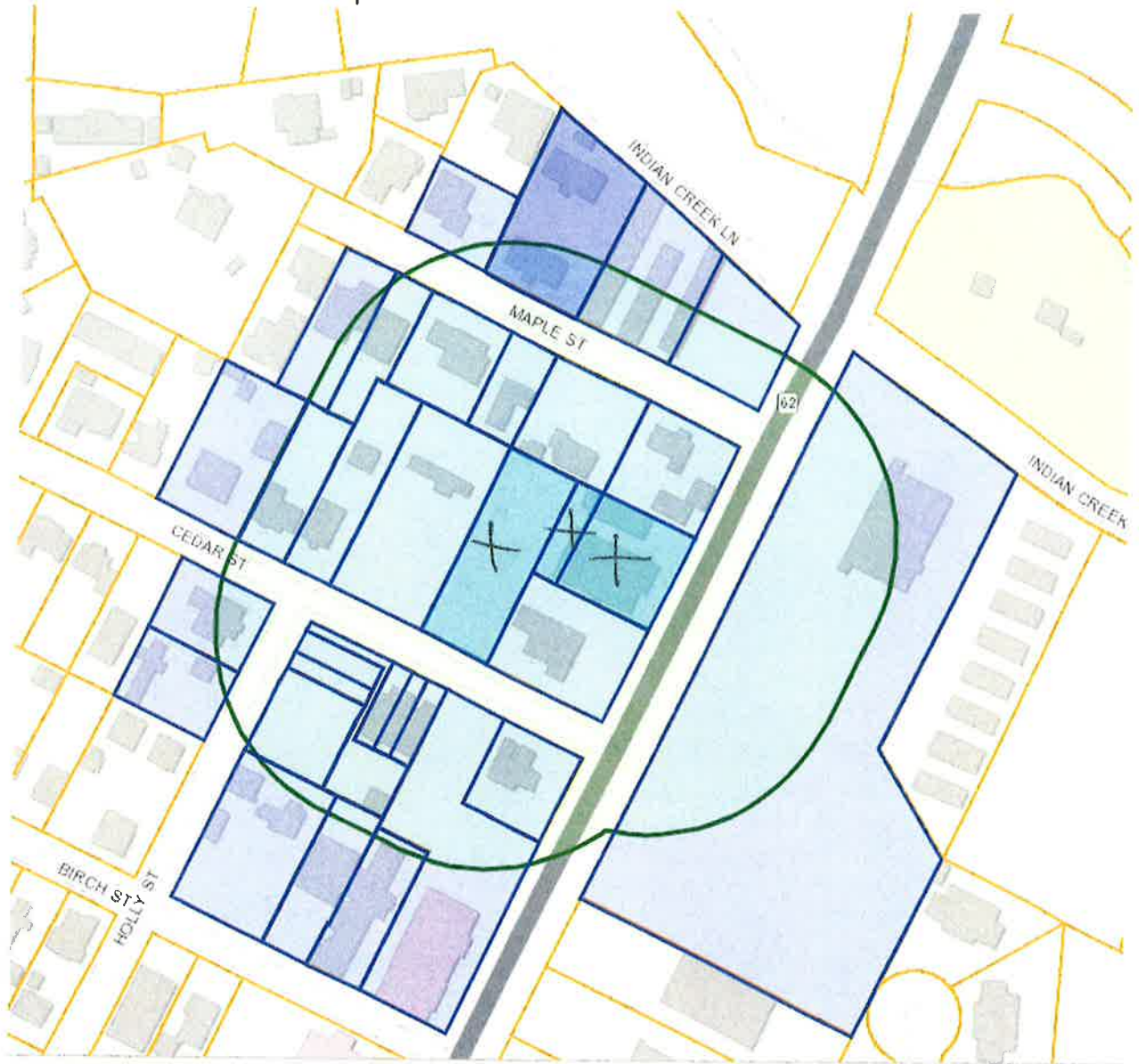
PRINTED NAME(S): _____

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."

21411 Hwy. 62





Mayor
Jon Ball

Councilors
Kathy Nuckles
Paige Winfrey
Jim Hubbard
Steve Mitchell

CERTIFICATE OF MAILING

I hereby certify that on October 5, 2023 I provided a copy of the
NOTIFICATION OF ADJACENT USE PROPOSAL APPLICATION NO.
CUP 23-04 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

Gill, Jennifer
950 Long Branch Rd
Eagle Point, OR 97524

24

55 CEDAR ST
WOODS CODY J
55 CEDAR ST
SHADY COVE, OR 97539
341W15CC2810

55 MAPLE ST
KAZALOFF HEIDI M/LARRY A
PO BOX 287
EAGLE POINT, OR 97524
341W15CC1000

76 CEDAR ST
TEIXEIRA MATTHEW J
76 CEDAR ST
SHADY COVE, OR 97539
341W15CC1600

21377 HWY 62
GOLD BAR INVESTMENTS LLC
PO BOX 39
SHADY COVE, OR 97539
341W15CC2900

45 MAPLE ST
TRG ENTERPRISES LLC
1296 S SHASTA AVE
EAGLE POINT, OR 97524
341W15CC1100

84 CEDAR ST
MEAD CLIFFORD G/CORAL L
84 CEDAR ST
SHADY COVE, OR 97539
341W15CC1700

70 MAPLE ST
CARPENTER LAUREN ET AL
70 MAPLE ST
SHADY COVE, OR 97539
341W15CB1400

35 MAPLE ST
TRG ENTERPRISES LLC
1296 S SHASTA AVE
EAGLE POINT, OR 97524
341W15CC1200

125 HOLLY ST
GRAND MOUNTAIN LLC
1296 S SHASTA AVE
EAGLE POINT, OR 97524
341W15CC2600

21501 HWY 62
SHADY COVE MINI STORAGE LLC
PO BOX 955
SHADY COVE, OR 97539
341W15CC100

21425 HWY 62
BARNES JEFF/JULIA
PO BOX 10
TRAIL, OR 97541
341W15CC1300

127 HOLLY ST
GERONDALE LAUREL
127 HOLLY ST
SHADY COVE, OR 97520
341W15CC2601

30 MAPLE ST
SHADY COVE MINI STORAGE LLC
PO BOX 955
SHADY COVE, OR 97539
341W15CC101

21411 HWY 62
MCELROY HARLON V ET AL
PO BOX 207
SHADY COVE, OR 97539
341W15CC1400

55 CEDAR ST
HOLLY STREET PUD HOMEOWNERS A
4100 HIDDEN VALLEY CT
MEDFORD, OR 97504
341W15CC2800

50 MAPLE ST
50 MAPLE STREET LLC
BETH REGER
157 LITTRELL DR
MEDFORD, OR 97504
341W15CC200

50 CEDAR ST
MCELROY HARLON V ET AL
PO BOX 207
SHADY COVE, OR 97539
341W15CC1401

130 HOLLY ST
LITTLEFIELD BILL/SHARON
130 HOLLY ST
SHADY COVE, OR 97539
341W15CC2801

50 MAPLE ST
VANWART FAMILY TRUST
REGER BETH
157 LITTRELL DR
MEDFORD, OR 97504
341W15CC200

60 CEDAR ST
RUIZ MARIA DEL SOCORRO MEJA
60 CEDAR ST
SHADY COVE, OR 97539
341W15CC1402

CEDAR ST
FAZIO MICHAEL ET AL
2333 MEADOWS LN
MEDFORD, OR 97501
341W15CC2806

52 MAPLE ST
VANWART FAMILY TRUST
REGER BETH
157 LITTRELL DR
MEDFORD, OR 97504
341W15CC200

21401 HWY 62 Johnson, Clifford
HOLLAND RICHARD/KIMBERLY
PO BOX 167 21401 Hwy 62
TRAIL, OR 97541 Shady Cove
341W15CC1403

CEDAR ST
FAZIO MICHAEL ET AL
2333 MEADOWS LN
MEDFORD, OR 97501
341W15CC2807

65 MAPLE ST
WEBSTER TASHINA/FRED MICHAEL
65 MAPLE ST
SHADY COVE, OR 97539
341W15CC800

CEDAR ST
MCELROY HARLON V ET AL
PO BOX 207
SHADY COVE, OR 97539
341W15CC1404

59 CEDAR ST
BINGHAM ANTHONY LONESTAR
~~59 CEDAR ST~~ Po Box 1412
SHADY COVE, OR 97539
341W15CC2808

61 MAPLE ST
TERBECK THOMAS W TRUSTEE ET A
14790 HIGHWAY 62
EAGLE POINT, OR 97524
341W15CC900

74 CEDAR ST
GERATHS RICHARD TRUSTEE ET AL
14822 BLANKET
SISTERS, OR 97759
341W15CC1500

57 CEDAR ST
REARDON RAELENE
~~57 CEDAR ST~~ Po Box 785
SHADY COVE, OR 97539
341W15CC2809

~~21355 HWY 62
GOLD BAR INVESTMENTS LLC
PO BOX 39
SHADY COVE, OR 97539
341W15CC2901~~

~~21331 HWY 62
GOLD BAR INVESTMENTS LLC
PO BOX 39
SHADY COVE, OR 97539
341W15CC3000~~

~~34 BIRCH ST
GOLD BAR INVESTMENTS LLC
PO BOX 39
SHADY COVE, OR 97539
341W15CC3100~~

54 BIRCH ST
WEST LIVING TRUST ET AL
PO BOX 5175
CENTRAL POINT, OR 97502
341W15CC3300

21300 HWY 62
MURPHY FAMILY LLC ET AL
PO BOX 1150
SHADY COVE, OR 97539
341W15CC5800

CITY OF SHADY COVE
PLANNING COMMISSION

NOTIFICATION OF ADJACENT PROPERTY USE PROPOSAL

DESCRIPTION OF PROPERTY: 34-1W-15CC, Tax Lots 1400,1401,1404, located at 21411 Hwy 62

PROPOSAL: Conditional Use Permit Application No. CUP 23-04. The request is approve adding tire services to an existing towing business. Zoning is General Commercial (GC).

DATE AND TIME OF MEETING: Thursday, October 26, 2023 at 6:00 p.m.

LOCATION: City Hall Council Chamber, 22451 Highway 62 & via Zoom. RESPONSE DATE: October 18, 2023

OWNER: Harlon McElroy and Erin Elder

APPLICANT: Harlon McElroy and Carl Lacy

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."

**** REVIEW AND COMMENT ****

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

(Why not have a check box to show support?)
←

REMARKS: As owner of both 35 & 45 maple st we support
the growth & enhanced business usage, we would like to
see this request by Arlon & Erin approved.

SIGNATURE: [Signature]

PRINTED NAME(S): Thaddeus Gole

STREET AND MAILING ADDRESS: 35 & 45 maple st Shady Cove. mailing!

Thaddeus Gole
 1296 S. Shady Ave.
 Eagle Point, OR 97524

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."



ROGUE VALLEY
SEWER SERVICES
CLEAN WATER · HEALTHY COMMUNITIES

October 12, 2023

City of Shady Cove
22451 Highway 62
Shady Cove, OR 97539

RE: CUP 23-04, 21411 Highway 62, Tax Lots 1400, 1401, and 1404, Map 34-1W-15CC

The subject property is currently served by a sewer service lateral connected to the 8 inch sewer main in Cedar Street. The proposed planning action will not affect this service.

The addition of tire service to the business does not affect sewer fees or rates. However, if additional plumbing fixtures are installed or additional buildings connected to the sewer the applicant would be required to pay additional System Development Charges to RVSS.

Feel free to contact me with any questions.

Sincerely,

Carl Tappert, PE
Manager



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 Continued Public Hearing at 6:00 p.m. on **Thursday, November 9, 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 adding tire services to an existing towing business at **21411 Highway 62**. Said parcels are legally described as 34-1W-15CC, Tax Lots 1400, 1401, 1404, and are currently zoned as General Commercial.

Owners: Harlon McElroy and Erin Elder
File Number: CUP 23-04

Applicant: Harlon McElroy and Carl Lacy

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/85776649534?pwd=dIhybnNjSXNJTjFwNzVaTGRIcmJ2UT09>

Meeting ID: 857 7664 9534
Passcode: 413880

One tap mobile
+13462487799,,85776649534#,,,,*413880# US (Houston)
+16694449171,,85776649534#,,,,*413880# US

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

CHAPTER 111: TRANSIENT MERCHANTS, ITINERANT MERCHANTS, TEMPORARY VENDORS

Section

111.01 Short title

111.02 Definitions

111.03 Temporary vendors

111.04 Exceptions

111.99 Penalty

§ 111.01 SHORT TITLE.

This chapter will be known as the "Temporary Vendor Ordinance".

(Ord. 201, passed 5-2-2002)

§ 111.02 DEFINITIONS.

For the purpose of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

MOBILE, TRANSIENT OR TEMPORARY VENDOR. Any vendor who can roll, tow or drive the business off of the site at the close of business each day.

PERMANENT BUSINESS. Any business that does not meet the criteria in the definition of "mobile, transient or temporary vendor" above.

(Ord. 201, passed 5-2-2002)

§ 111.03 TEMPORARY VENDORS.

Where permitted, a temporary unit shall meet the following standards.

(A) Temporary units shall be permitted only in commercial zones.

(B) The temporary unit shall meet all other development requirements of the General Commercial Zone.

(C) Applicant(s) shall submit a site plan with temporary unit dimensions and location shown in detail.

(D) The exterior length and width dimensions of the temporary unit, when multiplied, shall enclose no more than 128 square feet.

(E) The temporary unit shall be located no closer than 100 feet from another unit.

(F) The temporary unit shall be located on an improved surface (i.e., asphalt or concrete).

(G) If the temporary unit is located on, or adjacent to, a public or private walkway, the minimum remaining unobstructed walkway width shall be six feet.

(H) (1) A minimum of three paved off-street parking spaces shall be provided in conjunction with the use.

(2) Spaces shall be in addition to the minimum number required for any existing use on the property.

(I) A trash receptacle shall be located within ten feet of the temporary unit.

(J) If the temporary unit is located on property not owned by the applicant, written consent from the property owner shall be provided.

(K) Paving of property in order to accommodate temporary units is considered to be development of that property and shall require a site development plan application and associated SDC fee requirements.

(L) A city business license is required. If the use is for a single day, weekend or special event, a day permit shall be obtained.

(M) Temporary food units shall provide evidence of compliance with Health Department standards.

(N) All food shall be in ready-to-eat condition when sold.

(O) A temporary unit that remains in constant use on the same site or tax lot will be considered permanent. The units may not be replaced with another temporary use without full compliance with this chapter.

(P) Any deviance from the above standards shall require application for a conditional use permit.

(Q) Hours of operation are daylight only.

(R) The mobile unit must be rolled, towed or driven off the site at the close of business each day.

(Ord. 201, passed 5-2-2002) Penalty, see § 111.99

§ 111.04 EXCEPTIONS.

(A) A mobile vendor at a special event is not required to meet the criteria as long as it remains in a designated location during the special event.

(B) Flea markets/yard sales are allowed in a commercial or public zone if the flea market/yard sale is conducted by the property owner or business owner. The sales are limited to a maximum of two days in any 90-day period.

(C) City-wide yard sale.

(Ord. 201, passed 5-2-2002)

§ 111.99 PENALTY.

(A) Operation by a temporary vendor, without compliance with any portion of this chapter, may, upon conviction in the Municipal Court for the city, be punished by a fine of not more than \$250.

(B) Every full day during which any business activity continues, without full compliance of this chapter, shall be deemed a separate offense.

(Ord. 201, passed 5-2-2002)

09/22/23 Through 11/03/23 Planning and Building Activities

YEAR Permit No.	DATE	NAME	BUILDING PERMITS TYPE	ADDRESS	MAP	TAX LOT
FNL	9/26/23	Christopher Barr	Solar Panels	100 Hart Circle	21BA	700
23-29	10/4/23	JCFD#4	Sign Permit	21200 Hwy 62	15CC	6300
23-30	10/25/23	Ernie Killinger	Detached Garage	559 Hudspeth	09DA	700
23-31	10/25/23	Roberta Martin	Detached Garage	7677 Rogue River Dr	15BC	3100

PLANNING APPLICATIONS

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

FLOODPLAIN CLEARANCE FOR PERMIT

11/1/2023	FPA 23-04	Lee / Wahl	175/161 Edgewood Park	Riparian Permit	21AA 2000/2200
-----------	-----------	------------	-----------------------	-----------------	-------------------