

**City of Shady Cove**  
**PLANNING COMMISSION PUBLIC HEARING**

**CITY HALL, 22451 Highway 62**  
**Thursday, August 25, 2011 at 6:30 p.m.**

Agenda

**I. Call to Order**

- A. Roll call.
- B. Announcements by Presiding Officer.
  - 1. This meeting is being digitally recorded.
  - 2. The next regularly scheduled Planning Commission meeting will be September 8 at 6:30 p.m. in the City Council Chamber.

**II. Public Hearing**

Public hearing to accept public testimony and consider approval to allow outdoor storage of RV's, trucks, autos, boats, trailers, equipment, etc. located at 96 Chapparral Drive, Shady Cove, Oregon. Assessor's Map and Tax Lot: 34-1W-15BC, 300. Zoning is General Commercial (GC). Applicant: Owner: John Collins Agent: Gerold Erlinger. File Number CUP 11-01.

Open Public Hearing.

- A. Read Public Hearing Opening Statement.
- B. If you would like to speak before the Commission, please sign the sheet on the table.
- C. Jurisdiction Question.
- D. Conflict of Interest.
- E. Ex Parté Contact.
- F. Site Visit.
- G. Staff Comments. (De Benedetti)
- H. Applicants' Testimony/Proponents' Testimony/Commission Questions.
- I. Opponents' Testimony/Commission Questions.
- J. Final Staff Comments.
- K. Close/Continue Hearing.
- L. Deliberations/Discussion/Decision

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).

**III. Commissioner Comments**

**IV. Adjournment**



*Mayor*  
Ron Holthusen

*Councilors*

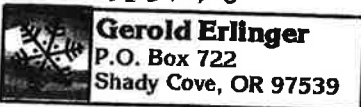
Leith Hayes  
Gary Hughes  
Bill Kyle  
Jim Ulrich

CITY OF SHADY COVE  
PLANNING COMMISSION PUBLIC HEARING  
August 25, 2011

Index of Exhibits

1. Land Use Application materials (pgs 1-8)
2. Letter of Authorization (Pg 9)
3. Notification of Adjacent Property Use Proposal (pgs 10-15)
4. Notice of Public Hearing (pgs 16-17)
5. Comments returned (pg 18)
6. Staff Report (pgs 19-23)

FROM:



# CITY OF SHADY COVE CONDITIONAL USE PERMIT APPLICATION

**OFFICE USE:**  
 Application No. CUP 11-01 Received By Debby Jenmain Date 7-20-11  
 Deposit Paid \$750.00 Receipt No. 25966 Hearing Date 8-25-11  
 Amount

**TO BE COMPLETED BY APPLICANT:**

Name of Property Owner(s): JOHN COLLINS

Property Street Address: 96 CHAPARRAL DR.

Between OLD KINGDOM HARBOR and S/C TRAINER PARK streets.

County Assessor's Map & Tax Lot Number: TL 200 3A-1W-15 BC

Current Zoning: COMMERCIAL Adjacent Zoning: RESIDENTIAL 1 SIDE

**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 4 copies of property plat map.
- 3) Attach 4 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 is only a deposit and that I am responsible for all costs incurred by the City of Shady Cove in connection with processing this application.

Prop. Owner signature John Collins  
 APPLICANT'S SIGNATURE GEROLD ERLINGER, Gerold Erlinger AGENT  
 ADDRESS Mail, Box 722, S/C OR. PHONE NUMBER 541-878-2666

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 8/2/2011

CITY OF SHADY COVE  
CONDITIONAL USE PERMIT APPLICATION  
Page 2

Attach additional sheets as necessary

State below the need existing for the proposed use

PROPOSED USE - OPEN STORAGE FOR R/V<sup>S</sup>  
TRUCKS, AUTOS, BOATS, TRAILERS, EQUIPMENT  
& ETC. NEED - DUE TO THE COLLAPSE  
OF THE REAL ESTATE MARKET, THERE ARE MORE  
PEOPLE IN-TRANSIT. SEEKING EMPLOYMENT  
OUT OF THE AREA & NEED A SAFE PLACE TO  
STORE THINGS THEY CAN'T TAKE WITH THEM.

State below the justification of any impact on the surrounding property

THE PROPERTY WAS USED FOR STORAGE DURING THE  
1960<sup>S</sup> WHILE I WAS STILL GOING TO SEA. THE  
PROPERTY IS FENCED, SURFACED WITH SHALE,  
& WILL CREATE A MINIMUM OF NOISE OR DIS-  
TURBANCE TO NEIGHBORS. THE ONLY CLOSE  
NEIGHBORS WOULD BE 2 MOBILE HOMES AT THE  
SHADY COVE TRAILER LODGE ON THE N. SIDE OF LOT

Other comments you feel are pertinent to your application

I PURCHASED THE INTENDED STORAGE LOT IN  
1959. THE LOT WAS USED FOR STORAGE PRIOR TO  
SHADY COVE BEING INCORPORATED AS A CITY.  
I FEEL THE LOT IS KIND OF "GRANDFATHERED  
IN FOR STORAGE. I WOULD HOPE THE CITY  
WOULD CUT US A LITTLE SLACK ON THE CONDITIONAL  
USE PERMIT. THANK YOU FOR REVIEWING THIS  
APPLICATION

*[Handwritten Signature]*

Gerold Erlinger  
P.O. Box 722  
Shady Cove, OR 97539-0722

Order No. 0792101

EXHIBIT 'A'

The South 105 feet of the following described tract:

Commencing at the Quarter Section corner common to Sections 15 and 16 in Township 34 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon; thence North 1320.0 feet, to the Northwest corner of Lot Three (3) in said Section 15; thence East along the North line of said Lot 807.88 feet to the Northeast corner of tract described in Volume 310 page 84 of the Deed Records of Jackson County, Oregon; thence continuing East along the North line of said Lot 380.12 feet to the true point of beginning (being the Northeast corner of tract described in Volume 366 page 269 said Deed Records); thence South 1°29' East 420.00 feet, more or less, to the North line of a 60-foot strip conveyed to Jackson County, Oregon, by deed recorded in Volume 432 page 299, said Deed Records; thence North 89°06' West along the North line of said 60-foot strip, a distance of 155.10 feet, more or less, to an angle point in said 60-foot strip; thence North 0°45' West 417.58 feet, to the North line of said Lot 3; thence East along said North line 155.10 feet, more or less, to the true point of beginning.

For informational purposes only, the following is included:  
(Map No. 341W15BC, Tax Lot 300, Account No. 1-027072-1, Code 9-15)

792101-KA

10

15-

Jackson County Official Records 2010-003537  
R-WD  
Cnt=1 Stn=6 HELMANO 02/01/2010 08:31:00 AM  
\$15.00 \$10.00 \$5.00 \$11.00 \$15.00 Total: \$56.00

When Recorded Return To:

Send Tax Statements To:

No change



I, Christine Walker, County Clerk for Jackson County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.  
Christine Walker - County Clerk

SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS that PremierWest Bank, Grantor, convey and specially warrant to John Collins as Trustee and Bridget Collins as Trustee of the John Collins & Bridget Collins Revocable Living Trust Dated January 28, 2003, Grantee, the following described real property free of encumbrances created or suffered by the Grantor that real property situated in Jackson County, Oregon, being more particularly described on Exhibit "A", attached hereto and by this reference incorporated herein and made a part hereof.

The true consideration for this conveyance is good and valuable..

**THIS INSTRUMENT WILL NOT ALLOW USE OF THE REAL PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS, WHICH, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND WHICH LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING**

///

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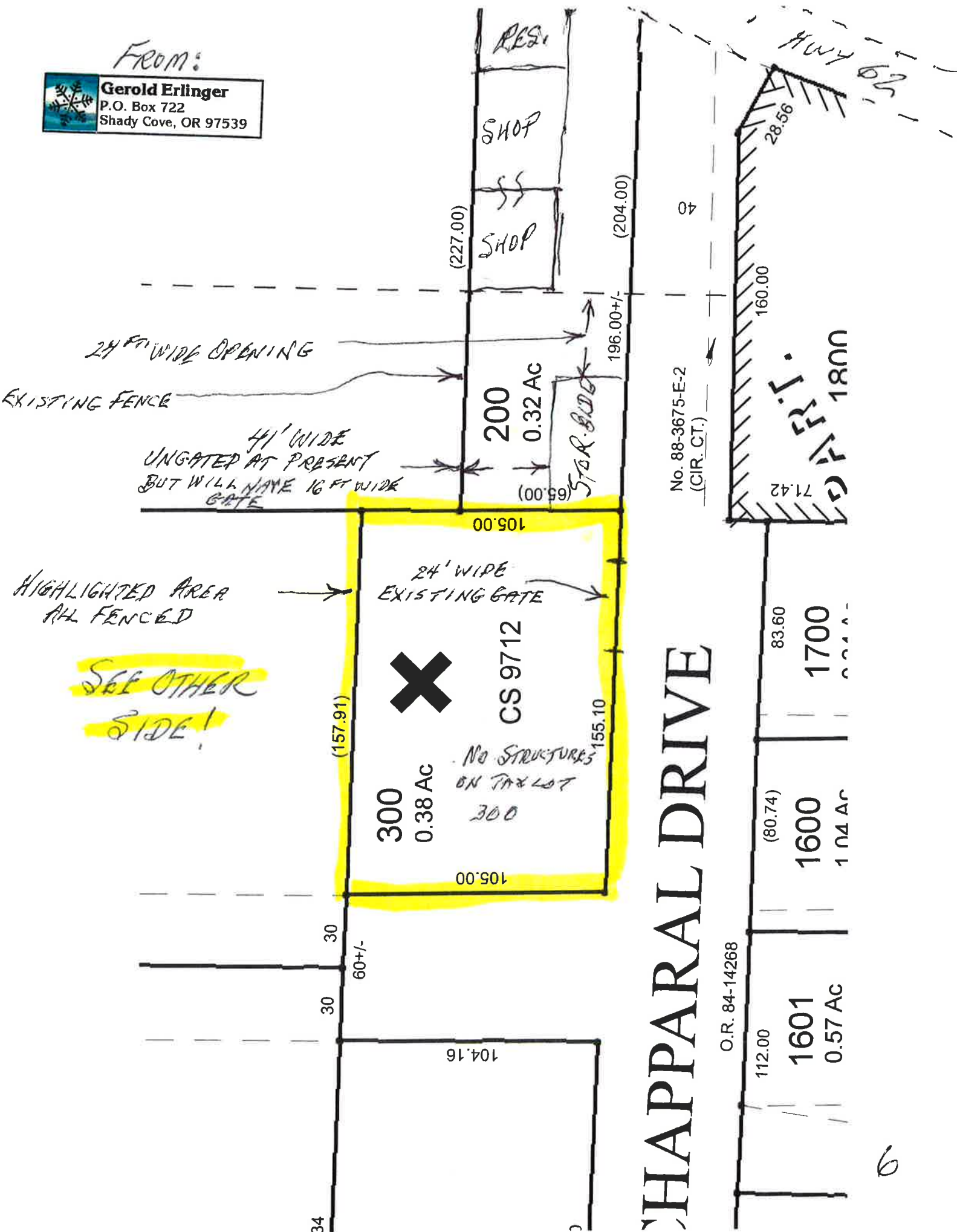
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SEE OTHER SIDE!



FROM:

**Gerold Erlinger**  
P.O. Box 722  
Shady Cove, OR 97539



24' WIDE OPENING

EXISTING FENCE

41' WIDE UNGATED AT PRESENT BUT WILL HAVE 16 FT WIDE GATE

200 0.32 AC

STARBUCKS

196.00 +/-

(227.00)

(204.00)

40

No. 88-3675-E-2 (CIR. CT.)

71.42

160.00

28.56

HWY 62

HIGHLIGHTED AREA ALL FENCED

SEE OTHER SIDE!

24' WIDE EXISTING GATE

105.00

155.10

105.00

157.91

300 0.38 AC

**X**

CS 9712

NO STRUCTURES ON TAX LOT 300

300

60 +/-

30

30

34

104.16

112.00

1601 0.57 AC

83.60

1700

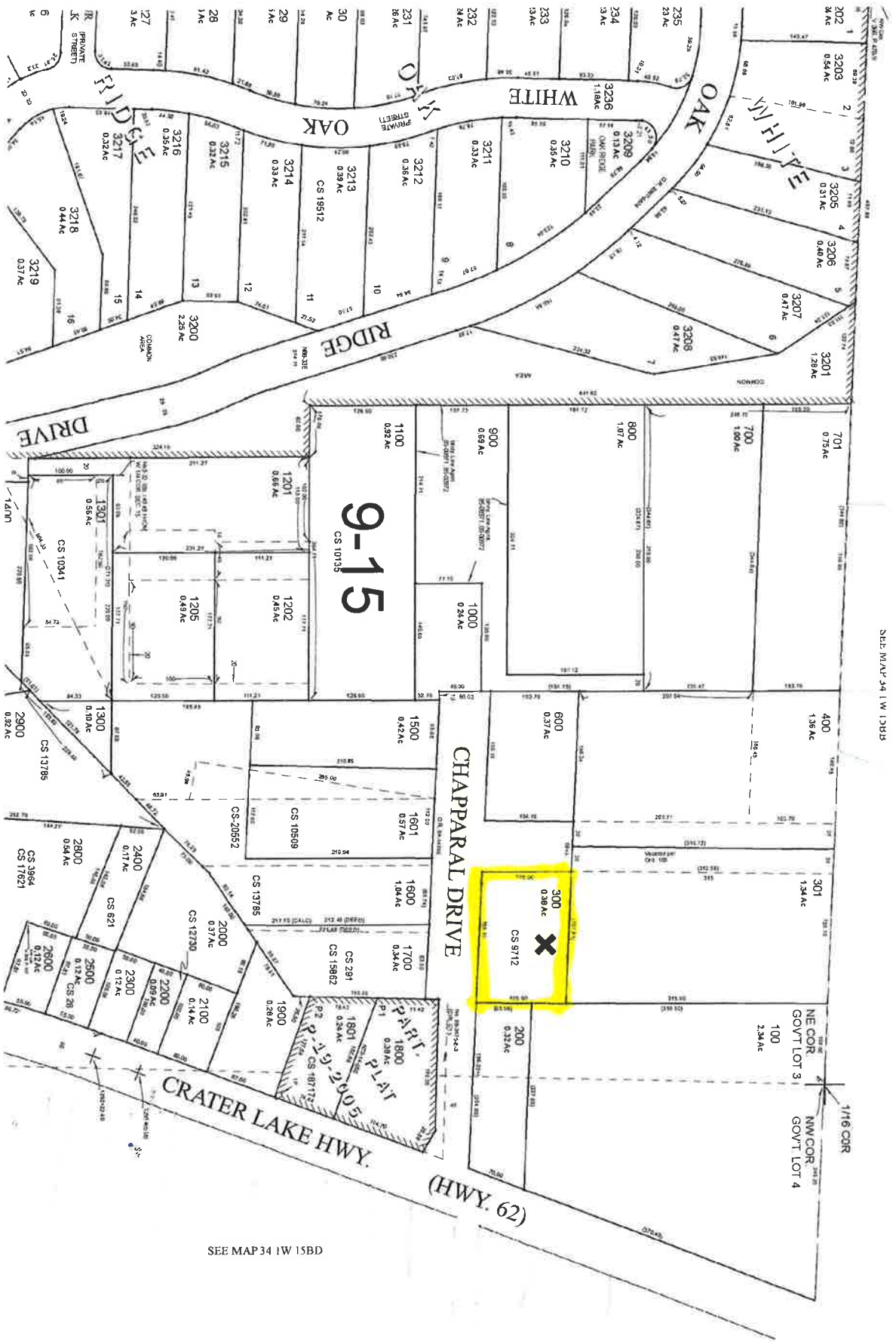
104 AC

1600 (80.74)

O.R. 84-14268

HAPPARAL DRIVE

HAPPARAL DRIVE



SEB MAP 24 1 W 13RB

SEE MAP 34 1 W 15BD

CANCELLED TAX  
LOT NUMBERS:  
1200 ADDED TO 12  
1203 ADDED TO 12  
1204 ADDED TO 12  
1307 ADDED TO 13  
1501 ADDED TO 13  
3204 ADDED TO 32



96 Chaparral Dr, Shady Cove, OR 97539

©2011 Google

©2011 Europa Technologies

©2010 Google

Eyes on 1980 ft

Imager: B101 5201003

©2010 Google

Eyes on 1980 ft



LETTER OF AUTHORIZATION

Date: 8-1-11

Let it be known that GAROLD D. EARLINGER is a duly authorized representative to perform all acts in conjunction with filing applications and/or other required documents relative to building A STORAGE LOT on my property located at:

70 CHAPPERAL DRV.  
Street Address

341W15BD  
Map and Tax Lot Number

John Collins  
Signature of Owner

Box 127 Trout  
Owner's address

541-878-0928  
Telephone Number

Garold D Earlinger  
Signature of Representative

P.O. Box 722 S/C 97531  
Representative's Address

541-878-2661  
Telephone Number

CITY OF SHADY COVE  
PLANNING COMMISSION

NOTIFICATION OF ADJACENT PROPERTY USE PROPOSAL

DESCRIPTION OF PROPERTY: 34-1W-15BC, Tax Lot 300, located at 96 Chapparral Drive.

PROPOSED CHANGE: Conditional Use Permit Application No. CUP 11-01. The request is for approval to allow outdoor storage of RV's, trucks, autos, boats, trailers, equipment, etc. Zoning is General Commercial (GC).

DATE AND TIME OF MEETING: Thursday, August 25, 2011 at 6:30 p.m.

LOCATION: City Hall Council Chamber, 22451 Highway 62.

RESPONSE DATE: August 22, 2011 APPLICANT: Owner: John Collins Agent: Gerold Erlinger

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.

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 the specific criteria.

§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.

(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.

(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;

(4) Increased lot or yard size or adjustments to yard or lot dimensions;

(5) Limitations to the height, size or location of a structure on its property;

(6) Dedication of public street right-of-way or additional width that may be required to bring a street up to the city standard;

(7) Public facilities and services to serve the subject use and in a size that may be necessary to serve future development that is planned for the general area;





Mayor  
Ron Holthusen

Councilors  
Leith Hayes  
Gary Hughes  
Bill Kyle  
Jim Ulrich

## CERTIFICATE OF MAILING

I hereby certify that on August 2, 2011, I provided a copy of the Notification of Adjacent Property Use Proposal APPLICATION NO. CUP11-01 by first class mail to the following (list attached):

  
\_\_\_\_\_  
Debby Jermain, Deputy City Recorder

I hereby certify that on August 2, 2011 that the attached notice was posted on the property

  
\_\_\_\_\_  
Debby Jermain, Deputy City Recorder

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

BELLWOOD PROPERTIES INC  
PO BOX 39  
SHADY COVE OR 97539

EGGLESTON RANDY A/CHRISTIE  
556 YEW WOOD DR  
SHADY COVE OR 97539

O'CONNOR VAUGHN G /DARLENE J  
PO BOX 1554  
SHADY COVE OR 97539

BRUHNS ROBERT /NAOMI  
P O BOX 814  
SHADY COVE OR 97539

ERLINGER GERALD D  
PO BOX 722  
SHADY COVE OR 97539

PETERSON NORMAN D ET AL  
P O BOX 1454  
SHADY COVE OR 97539

BURKHOLDER DONALD E /MERCY K  
PO BOX 1136  
SHADY COVE OR 97539

HATLER ALFRED RAY  
HATLER EVA LUCEIL  
PO BOX 986  
SHADY COVE OR 97539

PREMIERWEST BANK  
PO BOX 40  
MEDFORD OR 97501

CASCADE MASONIC LODGE #208  
PO BOX 525  
SHADY COVE OR 97539

HENDERSON DOYLE H /MELVA J  
P O BOX 214  
SHADY COVE OR 97539

RED CARPET LLC  
PO BOX 40  
MEDFORD OR 97501

**Robert Miller  
Fire District #4  
PO Box 1400  
Shady Cove, OR 97539**

HUBBARD DEAN K  
PO BOX 928  
SHADY COVE OR 97539

RITZINGER EUGENE AUSTIN  
P O BOX 345  
SHADY COVE OR 97539

CHAPPARAL LLC  
PO BOX 813  
SHADY COVE OR 97539

JOHNSON THELMA AGNES/HOWARD LEE  
P O BOX 333  
SHADY COVE OR 97539

ROBERTS EVERETT WILLIAM  
PO BOX 217  
SHADY COVE OR 97539

CLOYD DARLEEN M /WAYMUTH L  
PO BOX 1507  
SHADY COVE OR 97539

MILLARD RICHARD A /SANDRA K  
PO BOX 1387  
SHADY COVE OR 97539

RUPPERT FLOY/BURTON LORRAINE  
244 YEW WOOD DR  
SHADY COVE OR 97539

COLLINS JOHN TRUSTEE ET AL  
PO BOX 127  
TRAIL OR 97541

MOORE BARBARA JEAN TRUSTEE  
PO BOX 1546  
SHADY COVE OR 97539

SEIB ROBERTA L/GORDON MELANIE  
P O BOX 1151  
SHADY COVE OR 97539

CRUTHERS MERVIN E  
PO BOX 622  
SHADY COVE OR 97539

MORSE WILLIAM LEROY TRUSTEE ET AL  
PO BOX 683  
SHADY COVE OR 97539

SIEGER RALPH F  
P O BOX 1344  
SHADY COVE OR 97539

DUSAN LLC  
22620 HWY 62  
SHADY COVE OR 97539

NELSON WILBUR C/NORMA N  
P O BOX 68  
SHADY COVE OR 97539

WILLIAMS SHIRLEY S /PAMELA G  
P O BOX 581  
SHADY COVE OR 97539



Official City of Shady Cove

Monte Mendenhall  
Pacific Power  
925 S Grape St  
Medford, OR 97501

Matt Mullineaux  
Avista Utilities  
PO Box 1709  
Medford, OR 97504



Official City of Shady Cove

Mark Kimmelshue  
2650 Ave G  
White City, OR 97503

James Case  
City of Shady Cove  
Maintenance



Mayor  
Ron Holthusen

Councilors  
Leith Hayes  
Gary Hughes  
Bill Kyle  
Jim Ulrich

## NOTICE OF PUBLIC HEARING

The City of Shady Cove Planning Commission will hold a Public Hearing at 6:30 p.m. on Thursday, August 25, 2011, at the Shady Cove City Hall Council Chamber, 22451 Highway 62, Shady Cove, Oregon for the following purpose:

To consider the request for a Conditional Use Permit to allow outdoor storage of RV's, trucks, autos, boats, trailers, equipment, etc. at 96 Chapparral Drive Shady Cove Oregon. Said parcel is legally described as 34-1W-15BC, Tax Lot 300 and is currently zoned as General Commercial  
Applicant: John Collins                      Agent: Gerold Erlinger                      File Number: CUP 11-01

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. The Planning Commission will consider written and oral comments at the hearing.

The applicable criteria and standards to be considered at the public hearing are found in the Shady Cove Municipal Code Chapter 154: Zoning

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, copies of which are available at City Hall.

Please mail comments to City of Shady Cove, PO Box 1210, Shady Cove OR 97539. The agenda and any related material will be available for public review on August 23, 2011 at 22451 Highway 62, Shady Cove during regular office hours (Mon-Friday 8:00 am – 12:00 pm and 1:00 pm – 5:00pm). Copies will be available for purchase. For more information please contact Lois De Benedetti, City Planner at (541) 878-2225.

The public is invited to attend and comment at this public hearing

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).

Posted: 08/05/2011  
Published: 08/09/2011  
Remove from Posting: 08/26/2011



Mayor  
Ron Holthusen

Councilors  
Leith Hayes  
Gary Hughes  
Bill Kyle  
Jim Ulrich

### Proof of Posting

I, Debby Jermain, certify that I posted a copy of the NOTICE regarding the Planning Commission Public Hearing for August 25, 2011 on August 5, 2011 on the City of Shady Cove City Hall bulletin board located at 22451 Highway 62 in Shady Cove, Oregon and provided to the Upper Rogue Independent to be published on August 9, 2011.

A copy of the notice is attached hereto.

Debby Jermain  
Debby Jermain, Deputy City Recorder

8-5-2011  
Date

- (8) Drainage, screening, landscaping, fencing, lighting or other measures intended to reduce adverse effects on adjacent properties;
  - (9) Preservation of natural trees and vegetation, water resources, wildlife habitat, historic resources and visual resources;
  - (10) Size, number, location and/or design of vehicle access points or parking areas;
  - (11) Requiring and designating the size, height, location and/or materials for fences; and
  - (12) Other conditions intended to mitigate adverse effects on adjacent or nearby properties that might occur as a result of the approval of the proposed use or development.
- (Ord. 225, passed 10-20-1994, § 21.7)

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 and recommendations will be available 7 days prior to the hearing. Public attendance is welcome. For more information please contact Lois De Benedetti, City Planner at (541) 878-2225.

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

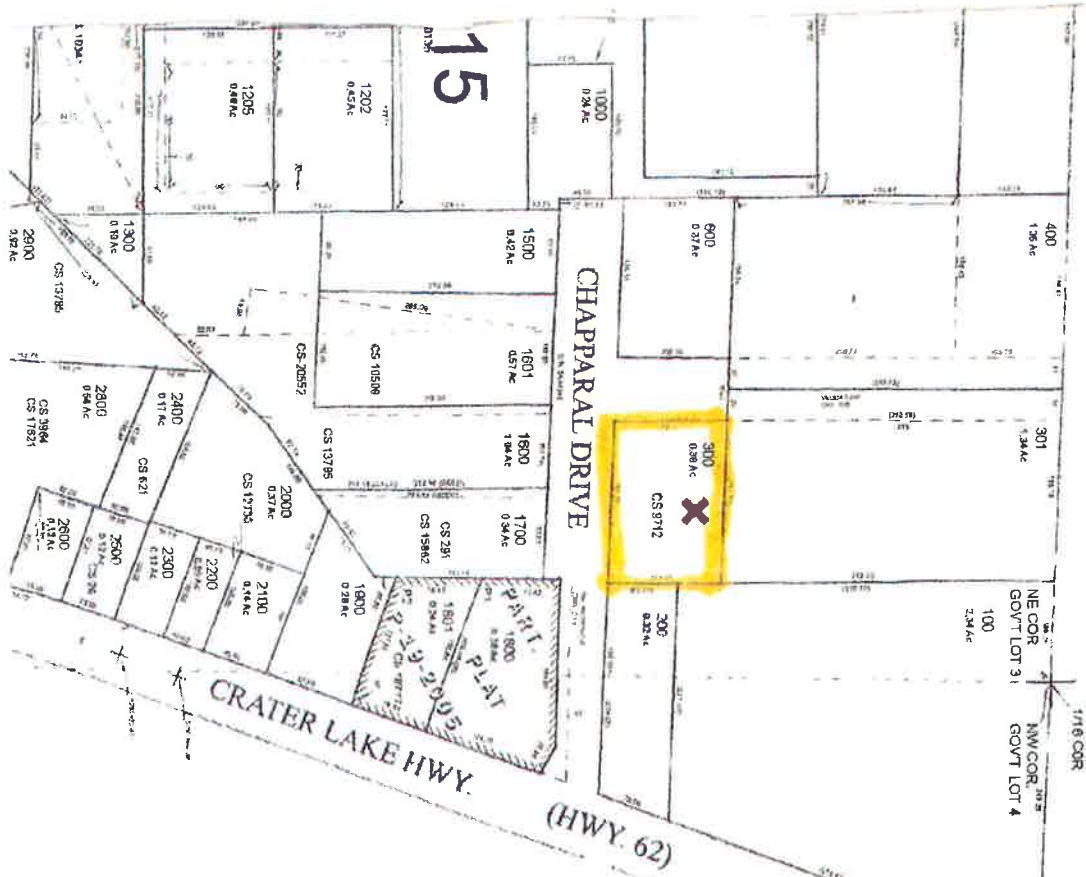
- No adverse effect.
- No comment.
- It has adverse effects as stated below.



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

SIGNATURE: Shirley G. Williams / Pamela Cullinan  
 PRINTED NAME(S): SHIRLEY J. WILLIAMS / PAMELA G. WILLIAMS  
 STREET AND MAILING ADDRESS: 22071 Hwy 62 Sp#15 PO. Box 581 SHADY COVE, OR. 97539  
 Please submit your response on or before August 22, 2011 to: City of Shady Cove Planning Dept, PO Box 1210, Shady Cove, OR 97539

"Notice to mortgagee, lien holder, vendor, or seller: The Shady Cove Zoning Ordinance requires that if you receive this notice it shall be promptly forwarded to the purchaser."



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**Type III Staff Report  
Conditional Use Permit**

Description of Property: 34-1W-15BC, Tax Lot 300

Address: **96 Chapparral Drive Shady Cove Oregon**

Planning Application: CUP 11-01

Applicant: John Collins

Agent: Gerold Erlinger

Proposal: Conditional Use Permit to allow outdoor storage of RV's, trucks, autos, boats, trailers, equipment, etc.

Zoning: General Commercial

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Planning Commission Public Hearing Date: August 25, 2011

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All Conditional Use permits shall be reviewed through a Type III review process as per §154.379.

The Planning Commission shall make a Type III decision after addressing all of the relevant approval criteria and standards. Based upon the criteria and standards, the facts contained within the record, the evidence submitted and the testimony presented, the Planning Commission shall approve, approve with conditions, or deny the requested application for Conditional Use Permit, or they may grant a continuance of the public hearing to a date and time certain.

The Conditional Use process is to help ensure that all land uses are properly located with respect to the city's goals, development objectives and policies. The process should promote land uses that ensure compatibility between neighboring uses.

§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.

Approval Criteria site design review

(A) The application is complete and the proposal meets the requirements for approval of the site development plan, as outlined in §§154.314 through 154.315.

**Finding:** The application does not satisfy all the requirements of Site Design Review, with regard to mapping requirements, or providing an impact study as required by §154.379 (B) (2) (d), however the Planning Commission can find that the application is acceptable since this parcel is already in use and was used in the past as a storage facility. In addition a sufficient Landscape plan was not provided. If the planning commission approves the proposal it should require a landscape plan that conforms to Section §154.314 (b) (5).

(B) The application complies with all of the applicable provisions of the underlying land use district, including building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture and other special standards as may be required for certain land uses.

**Finding:** The purpose of the General Commercial zone is to provide for the development of a centrally-located and easily accessible commercial area, primarily along Crater Lake Highway, that will accommodate a mixture of retail business, services and professional offices to serve the community, surrounding areas and tourists visiting the area.

The application complies with the provisions of the underlying land use district, no buildings are proposed.

(C) The applicant shall be required to upgrade any existing development that does not comply with the applicable land use district standards, in conformance with §§ 154.270 through 154.276;

**Finding:** No no-conforming uses exist on the site.

(D) The application complies with the design standards contained in Chapter 95; Streets and Sidewalks

**Finding:** The property fronts on Chapparal, no new streets are proposed.

(E) Conditions required as part of a land division, conditional use permit, master planned development, specific area plan or other approval shall be met;

**Finding:** Except for the present conditional use permit application, no other development conditions affect this property.

(F) Exceptions to criteria, above may be granted only when approved as a variance.

**Finding:** No variances are requested.

Approval criteria, **Conditional Use permit Standards and Conditions** of Approval per §154.401

(1) The proposal meets the requirements for approval of the site development plan, as outlined in §§154.310 through 154.317.

**Finding:** the Planning Commission can find that the application is acceptable since this parcel is already in use and was historically used as a storage yard.

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

**Finding:** Owners of nearby properties were notified of the proposal. Only one comment was returned and it is enclosed in the record. It is normal for incompatibilities to exist between commercial and residential uses, but these can be minimized through proper screening and careful management of the site. If improperly managed the storage facility could become a tow yard, and have inoperable vehicles stored on site, which would be a use more compatible with the industrial zoning district.

(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.

**Finding:** Heavy equipment sales yards are an outright permitted use in the commercial zoning district per §154.081 (C) (31); and other permitted uses, not mentioned in the permitted uses section which the Planning Commission finds similar to the allowed permitted uses (§154.081 (E)). A storage facility should be less impact than a sales yard.

(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.

**Finding:** Nothing in the characteristic of already existing development will adversely affect the continuation of auto, trailer, truck, equipment and RV storage. Residential uses are not incompatible with the proposed use when proper screening by a solid fence or wall is provided. (5) The establishment, maintenance or operation of the proposed use will not be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood.

(5) 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.

**Finding:** Provided that access is developed with City of Shady Cove Public Works Standards, the use should not be detrimental to the health and safety of the area. General welfare is a more subjective test. The application

could be approved with restrictions to daytime operation and dust control which would minimize conflict with residential uses.

Development Standards §154.334

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

Conditions of approval

The city may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized.

Conditions and required improvements *may* include, but are not limited to:

- (1) Restrictions on times of operation of a business or other activity;
- (2) Duration of a particular use;
- (3) Physical improvements intended to minimize such environmental effects as noise, vibration, air pollution, water pollution, glare, odor, dust and visual degradation;
- (4) Increased lot or yard size or adjustments to yard or lot dimensions;
- (5) Limitations to the height, size or location of a structure on its property;
- (6) Dedication of public street right-of-way or additional width that may be required to bring a street up to the city standard;
- (7) Public facilities and services to serve the subject use and in a size that may be necessary to serve future development that is planned for the general area;
- (8) Drainage, screening, landscaping, fencing, lighting or other measures intended to reduce adverse effects on adjacent properties;
- (9) Preservation of natural trees and vegetation, water resources, wildlife habitat, historic resources and visual resources;
- (10) Size, number, location and/or design of vehicle access points or parking areas;
- (11) Requiring and designating the size, height, location and/or materials for fences; and
- (12) Other conditions intended to mitigate adverse effects on adjacent or nearby properties that might occur as a result of the approval of the proposed use or development.

Conclusion:

If the Planning Commission is satisfied that the proposal meets the criteria, or can meet the criteria with conditions, it should consider the following conditions of approval.

Conditions of Approval

1. Comply with all local, state and federal requirements for vehicle storage lots.
2. Comply with any and all requirements of Jackson County Fire District No. 4.
3. Comply with other conditions as deemed appropriate by the Public Works Director, and/ or Planning Commission.
4. Motor vehicles shall be licensed and operable
5. Storage yard shall not become a wrecking yard
6. Storage yard shall not become a refuse for rodents
7. Operation of storage facility shall be daylight hours only
8. Owner shall be responsible for dust control for the welfare of the neighboring residential district or paving requirements of §154.334
9. Owner is solely responsible for any clean-up of the property by any local, state or federal entity whatsoever
10. Approved screening fence, wall, planting strip and /or landscaping as designated by the planning commission
11. No new access points into the property allowed
12. Submit request for any signs to the planning department (§154.350)

The decision of the Planning Commission is the final decision of the City unless appealed to City Council.

Respectfully submitted this 15 day of August, 2011.

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