

City of Shady Cove Planning Commission Workshop

**Shady Cove Council Chamber
22451 HIGHWAY 62
Thursday, September 8, 2011
6:30 p.m.**

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 held September 22 at 6:30 p.m. in the City Council Chamber.

II. Public Comment

The public may comment on agenda and non-agenda items at this time. Comment will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. If you represent a group, please identify the group and any members of that group who are present.

III. Department Reports

- A. Planners Report (DeBenedetti) (pg 2-4)
- B. Planners Report (Converse) (pg 5-6)

IV. New Business

- A. Begin Drafting Riparian Ordinance

V. Commissioner Comments

VI. Adjournment

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).

MEMORANDUM

To: Shady Cove Planning Commission
From: Lois De Benedetti
Date: September 8, 2011
Subject: Up date of planning/ building activities

Applications in progress

1. 33 James Place- new RV garage/ shop/ guest quarters- Notice of Decision mailed 5/31/11
Development Agreement recorded and in file
Endangered Species Act - Biological Opinion accepted by FEMA
Building plans released to go to Jackson County
Waiting for "fill" plan;-site not being filled just garage area within foundation; Fire department access, and recorded easement will be completed in the future (Type II) FP
2. 31 James Place – New Single Family Dwelling- Final Order Mailed on 5/13/11
Development Agreement recorded and in file
Endangered Species Act - Biological Opinion accepted by FEMA
Engineering review of drainage plan complete
Approved building plans, building permit was issued and work is progressing
Our attorney has reviewed the proposed easement (Type III) FP
3. 208 Park Drive – replacement of detached garage /storage, damaged by trees and removed - Notice of Decision mailed on 6/1/11
Building nearing completion (Type II) FP

Applications approved

1. Conditional Use Permit at 96 Chapparral, request for RV Storage on a commercially zoned lot conditionally approved at Public Hearing.
2. Request to re-open Two Pines Restaurant – memo attached.

Applications Received

Applications Denied

Plans /Permits approved for Jackson County

1. 203 White Oak Way electrical permit roof solar panel
2. Glass House Lane single family dwelling approved building plans

Inquiries

1. Construction of new 18' X 36' RV storage
2. 3' X 12' ground level sign parallel to Hwy 62

Compliance

1. 58 Alder, wood cutting business, letter to cease operation within 7 days, business out of compliance with approval. Owner has complied and agreed to operate according to his approval.
2. 21911 B Hwy 62 – change in use car wash to office use (raft rental), building code violation no change in use issued, no permit to enclose the building. Jackson County handling



MEMO

To: file
From: Lois
Date: 8.1911
Subject: Dodson request to reopen Two Pines Restaurant

I reviewed the file on the above referenced property, there have been several Site Development Reviews completed.

A restaurant is an outright permitted use in the commercial zoning district.

Applicant is to provide to the city a site plan showing all buildings to be used in the reopening, all dimensions and square footage of all buildings with all uses designated on a floor plan, and include a parking lot layout.

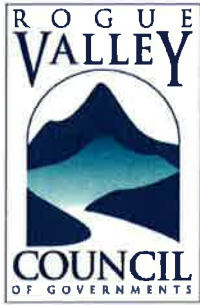
Applicant shall comply with all building and fire codes.

Any changes to previous Site Development Plan Review will require a new Site Development Plan Application.

This approval is subject to approval of the city Planner, Fire chief, City Public Works, ODOT and other affected agencies.

Building Department grease trap?

C:\Documents and Settings\Owner\My Documents\Planning Lois\Memo Two Pines 8.19.11.doc



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MEMORANDUM

Date: September 6, 2011
To: Shady Cove Planning Commission
From: Dick Converse
Subject: Ordinance Amendments

The Oregon Legislature's 2011 session resulted in two bills that cities must incorporate into their land use codes and one regarding mail boxes that should be included in the street ordinance. The mandatory additions fortunately are permissive in nature, meaning that they simply require a jurisdiction to allow certain uses when proposed by applicants. Residents are not forced to install solar equipment, for example, but if they chose to do so within certain parameters, a city must not place roadblocks in the process. Shady Cove's land use code is like many others, where a use must be listed to be allowed. Section 154.005 states that if any proposed use is not listed as permitted or conditional, it will not be allowed unless the Planning Commission finds it is similar to other permitted or conditional uses. The purpose of the proposed amendments is to remove doubt and ensure consistency with state law, thereby encouraging use of solar power.

House Bill (HB) 3516 exempts residential and commercial solar photovoltaic and solar thermal energy systems from land use restrictions and fees, if the system does not exceed the height of the roof on which it is placed and the system run parallel to the roof. Building codes do not permit equipment to be more than 18 inches above the roof. Designated historic buildings are not subject to this exemption, but Shady Cove has no designated historical buildings. I suggest adding the following as a permitted use in Sections 154.036 (R-1), 154.051 (R-2), and 154.066 (R-3):

Solar photovoltaic and solar thermal energy systems, if the systems do not increase the footprint of the residential structure, do not exceed the peak height of the roof on which they are placed, and they run parallel to the roof.

Section 154.081 (GC) needs to include an exemption from site review

Solar photovoltaic and solar thermal energy systems, if the systems do not increase the footprint of the structure, do not exceed the peak height of the roof on which they are placed, and they run

parallel to the roof. Such uses are not subject to development review or site plan review.

Senate Bill (SB) 806 requires local governments to permit xeriscaping, landscaping that minimizes the need for irrigation. Shady Cove already encourages this, with the Premier West Bank being the best current example in the city. The definitions need to include xeriscaping, and it needs to be added to the PUD and GC landscape requirements.

Add the following definition to Section 154.006:

XERISCAPING. The selection of drought tolerant plants, the minimization of evaporation and runoff and the use of other landscape design features that minimize the need of the landscape for supplemental water from irrigation.

Add the following to PUD Section 154.181(B)

Xeriscaping is encouraged on landscaped portions of property that are not otherwise set aside, dedicated, or used to comply with a local government ordinance, rule, or regulation regarding:

- (1) Stormwater management
- (2) The preservation of natural habitat and tree canopy; or
- (3) The control of invasive plant species.

Add the following to Site Design Review Section 154.314(B)(5)(d):

Xeriscaping is encouraged on landscaped portions of property that are not otherwise set aside, dedicated, or used to comply with a local government ordinance, rule, or regulation regarding:

- (a) Stormwater management
- (b) The preservation of natural habitat and tree canopy; or
- (c) The control of invasive plant species.

Approval of the previous sections requires a 45-day notice to DLCD and adoption through the legislative process.

The City cannot take action on the street ordinance update at this time because HB 3361 requires the Director of the Oregon Department of Consumer and Business Services to establish standards for the Oregon Structural Safety Code (OSSC) by April 1, 2012. Once the director establishes the standards, local governments will have until June 1, 2012 to adopt standards and specifications consistent with the standards in the OSSC. This seems to be an entirely unrealistic timeframe if the rules aren't in place before April 1, although DLCD notice might not be required because the amendment would simply be a reference in Section 95.61(U) of the Streets and Sidewalks Ordinance, which currently requires United States Postal Service approval of plans for mail boxes. Because Shady Cove does not have a building department, the amendment could simply acknowledge the fact that mail box installers will be required to comply with what most of us refer to as the Building Code.