



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: February 10, 2016
Jurisdiction: City of Shady Cove
Local file no.: ZC 15-01
DLCD file no.: 004-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 02/09/2016. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 36 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 004-15 {24112}

Received: 2/9/2016

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Shady Cove

Local file no.: **ZC 15-01**

Date of adoption: 01/21/2016

Date sent: 2/9/2016

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 11/04/2015

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Debby Jermain

Phone: 541-878-8204

E-mail: info@shadycove.net

Street address: 22451 Hwy 62

City: Shady Cove

Zip: 97539-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from Public	to Commercial	1.01 acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): 34-1W-10CD TL 1800/1900, 22501 Hwy 62, Shady Cove

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from P (Public Uses)	to GC (General Commercial)	Acres: 1.01
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address): 34-1W-10CD TL 1800/1900, 22501 Hwy 62, Shady Cove

List affected state or federal agencies, local governments and special districts: ODOT, Jackson County Fire District #4, DLCD, Rogue Valley Sewer Services (RVSS)

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

After recording, return to:
City of Shady Cove
22451 Highway 62
PO Box 1210
Shady Cove OR 97539

City of Shady Cove

Ordinance No. 276

**AN ORDINANCE OF THE CITY OF SHADY COVE, OREGON AMENDING
THE COMPREHENSIVE PLAN AND CHANGING THE ZONING MAP OF
THE CITY OF SHADY COVE**

Whereas, the City of Shady Cove received an application for a Comprehensive Plan Amendment from Public to Commercial and a Zoning Map Change from P (Public) to GC (General Commercial), referred to as ZC15-01 and located at the southwest corner of Cleveland Street and Highway 62; and

Whereas, a Public Hearing was convened before the Council of the City of Shady Cove on January 7, 2016, to consider a recommendation for approval from the Shady Cove Planning Commission; and

Whereas, the Council of the City of Shady Cove determined, based on the hearings record and the approved findings, that the request for a Comprehensive Plan Amendment and Zone Change is consistent with the applicable criteria and approved the request.

**THE COUNCIL OF THE CITY OF SHADY COVE ORDAINS AS
FOLLOWS:**

The Comprehensive Plan Map Amendment and Zoning Map Change are approved as follows:

- | | |
|------------------------|--|
| Section 1: Title | This Ordinance shall be known as the amended Comprehensive Plan and Zoning Map Ordinance of the City of Shady Cove, Oregon. |
| Section 2: Description | A map, attached as Exhibit B, identifies the property which is referenced as Tax Lots 1800 & 1900 on the Jackson County Assessor's Map No. 34-1W-10CD. |

Section 3: Amendment The Shady Cove Comprehensive Plan Map is amended from Public to Commercial and the Zoning Map is amended to change the zoning of Tax Lots 1800 & 1900 on Jackson County Assessor's Map No. 34-1W-10CD from P (Public) to GC (General Commercial).

Section 4: The City Council adopts as its own, and incorporates by reference, the findings attached as Exhibit A.

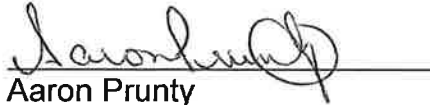
PASSED AND APPROVED by the Council of the City of Shady Cove this 21st day of January, 2016.

Approved:



Tom Anderson
Mayor

Attest:



Aaron Prunty
City Administrator

Council Vote:

Mayor Anderson	<u>Y</u>
Councilor Burgess	<u>Y</u>
Councilor Mitchell	<u>Y</u>
Councilor Sanderson	<u>Y</u>
Councilor Ulrich	<u>Y</u>



EXHIBIT A

Type IV Staff Report Comprehensive Plan Amendment and Zone Change

Date: December 2, 2015

Application No: ZC 15-01

Owner / Applicant: Bellwood Properties, Inc.

Proposal: Comprehensive Plan Amendment from Public to Commercial and a Change of Zone from P (Public Uses) to GC (General Commercial).

Address: 22501 Highway 62, Shady Cove, OR 97539

Legal Description of Property: 34-1W-10CD, Tax Lots 1800 and 1900

Acreage: 1.01 acres

Zoning: Public Uses

The City of Shady Cove planner has reviewed an application for Comprehensive Plan Amendment and Zone Change to permit commercial uses on the property described above.

Section 154.439 establishes the following criteria:

1. The proposal shall be consistent with the City's adopted goals and policies pertaining to land use, growth, and development.

Pertinent policies identified by the applicant and staff are as follows (Letters and numbers are not chronological because they reflect the format of the Comprehensive Plan):

C. Economic Development

Policy #3: the City of Shady Cove shall continue to review and refine its Land Use Regulations to ensure that they are reasonably and accurately reflect the goals and objectives of the community.

Policy #5: The City of Shady Cove shall work with landowner and developers through the Site Plan Review process to ensure that Plan concepts and actual development plans are in accordance with the City's Plans and Zoning.

Policy #9: New commercial and industrial development shall be supported by an adequate transportation system.

Finding: The property is zoned Public Uses, reflecting its former use as the site of the Masonic Lodge, a quasi-public building. “The purpose of the P District is to provide for the uses of various units of government as they serve the public interest.” Now that the property is private ownership, the current comprehensive plan and zoning designations are not appropriate. The proposed commercial designation will permit a wider variety of uses than the present zoning allows. The property is at the corner of Highway 62 and Cleveland Street, but access will be limited to Cleveland Street and appears to be consistent with the stated purpose of the GC zone “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 businesses, service and professional offices . . .” The existing building can accommodate commercial uses and the site appears large enough to accommodate additional structures and associated parking.

F. Public Facilities and Services

Policy #1: The City of Shady Cove will continue improving its wastewater disposal system, consistent with recommendations in the June 1998 Wastewater Collection and Treatment System Facility Update Plan prepared by Carollo Engineers.

Finding: The City completed updates to its wastewater treatment plant and collection system to accommodate future growth. The present treatment plant can accommodate approximately 2,597 EDUs. Rogue Valley Sewer Services commented that it had no concerns about the proposed zone change.

Policy #3: The availability and quality of public services, especially streets, sewers, and water, will be considered in approval or denial of comprehensive plan amendments, zoning map changes, and land partitioning.

Finding: Chapter 7 of the Local Street Network Plan includes several policies and strategies for improving transportation systems in Shady Cove. Those that pertain to the application are listed here.

Implementation Strategy 2.3.D Identify and minimize conflict points between transportation modes (pedestrians, bicycles and vehicles) and vehicle purposes (commercial vehicles, traffic operating on residential streets and through traffic).

Policy 4.4 Protect current transportation systems and accommodate future transportation needs by balancing transportation systems with land uses.

Land use ordinances and zoning codes shall reflect the purpose of the adjoining transportation system.

Implementation Strategy 4.4.A Ensure that development proposals assess and mitigate the direct and cumulative impacts of a project on the transportation system.

Finding: The current application is for a comprehensive plan amendment and zone change, and therefore OAR 660-012-0060 requires notification to ODOT for its consideration of impacts to Highway 62. ODOT participated in the pre-application conference and expressed no concern with the proposal as long as access to the site continues from Cleveland Street. The Highway 62 frontage is part of the proposed ODOT reconstruction project that will include sidewalks.

The existing building is connected to sewer. RVSS commented that location of sewer lines will affect the ability to construct new buildings unless the lines are moved.

The property is served by a well.

H. Land Use

Policy #3: Zoning regulations will include clear and objective standards for the review of conditional uses, site plans and variances.

Finding: The GC zone contains several standards for new development. Any change of use will be subject to findings of compliance with Development Review and Site Design Review standards in Section 154.310 of the Code of Ordinances.

Policy # 6: The availability and quality of public services, especially streets, sewers, storm drains, and water, will be considered in approval or denial of comprehensive plan amendments, zoning map changes.

Finding: See finding under Public Facilities element.

Policy # 8: In areas designated commercial or public, new developments, substantial modifications, or changes of use will be subject to site plan review.

Finding: Site review will be required for new or modified uses of the property.

Policy #11: The zoning regulations will contain specific requirements for off-street parking.

Finding: The site appears large enough to accommodate a variety of commercial uses, both in the existing building and future structures.

2. *The proposal shall be consistent with all applicable statewide planning goals.*

- Goal 6: Air, Water and Land Resources Quality: The purpose of this goal is to ensure that discharges from development do not 1) exceed the carrying capacity of air, water and land resources; 2) degrade such resources; or 3) threaten the availability of such resources.

Finding: Runoff from the property will be strictly controlled and must be designed to not exceed pre-development flows.

- Goal 11: Public Facilities and Services: The Goal is to plan and develop a timely, orderly and efficient arrangement of public facilities to serve as a framework for urban and rural development.

Finding: Agencies providing public facilities and services were notified of the proposal.

3. *A conceptual or specific development plan shall accompany the application to show how the site will be developed and to show that property facilities, services and utilities can be provided by the developer or other provider to serve the site needs.*

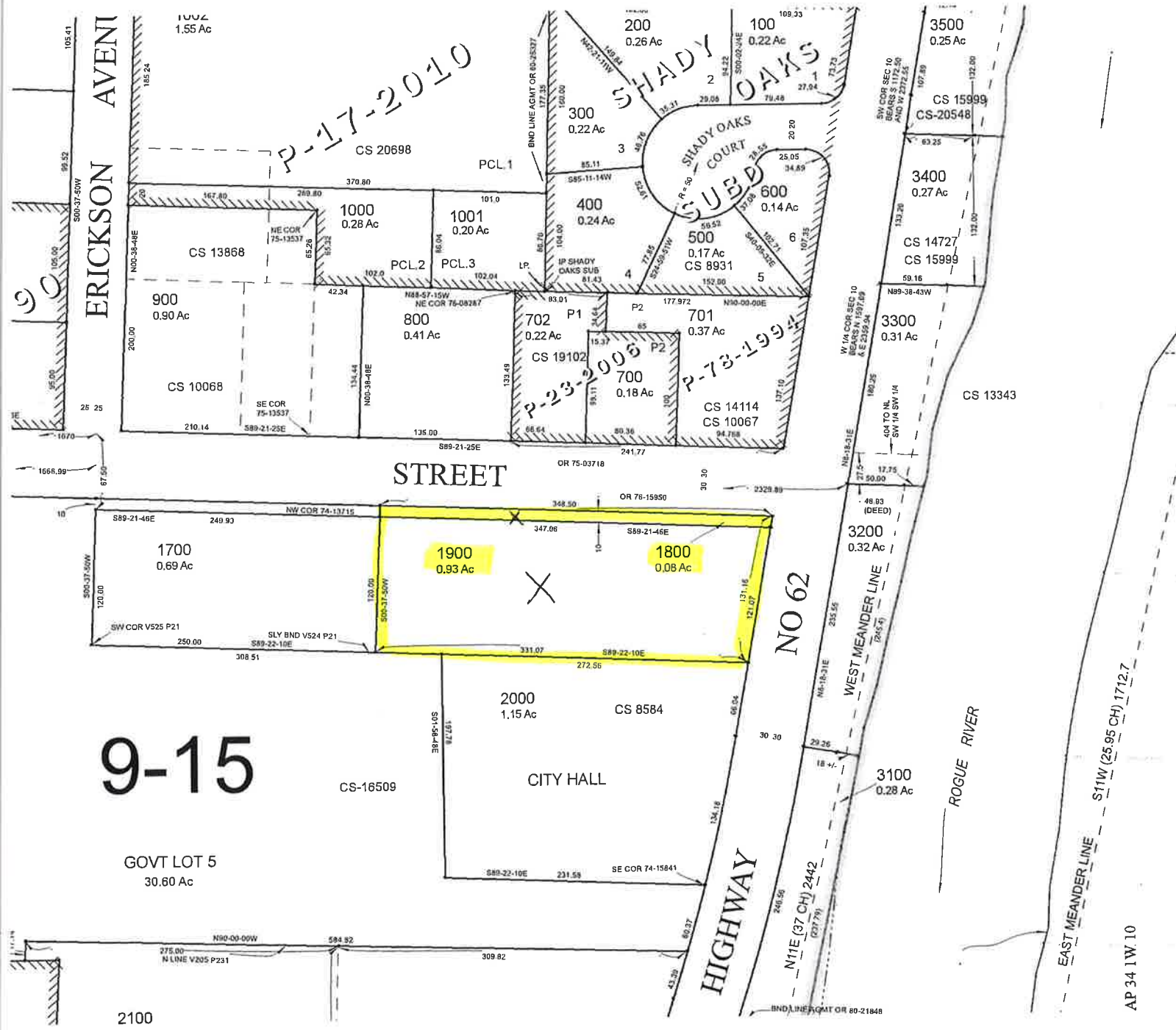
Finding: The application includes a conceptual plan showing the existing building and an additional building near the highway. The plan demonstrates that adequate area exists to provide parking for a variety of uses, and landscaping to increase the aesthetics of the site.

Conclusion: The proposed comprehensive plan and zone change reflect the owner's desire to convert a property previously occupied by a quasi-public use to one that accommodates commercial uses. The current Public zoning no longer applies because the property is privately owned, and the property appears to support the purposes of the General Commercial District.

Staff recommends approval of the proposed Comprehensive Plan Amendment from Public to Commercial and a change of zone from P (Public Uses) to GC (General Commercial).

Dick Converse, CFM, City Planner

EXHIBIT B



34-1W-10CD TL 1800/1900



34-1W-10CD TL 1800 and 1900
 22501 Hwy. 62, Shady Cove