

**City of Shady Cove Planning Commission
Public Hearing Agenda**

Upper Rogue Community Center

22465 Highway 62

Thursday, January 14, 2016

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 January 28 at 6:30 p.m. in the City Council Chamber.

II. Minutes of December 10, 2015

III. Old Business

A. Open continued Public Hearing.

A Public hearing to accept public testimony and consider a Comprehensive Plan amendment and Land Use Regulation amendment to adopt a riparian ordinance defining riparian corridors, regulating activities within the corridors, and establishing development review procedures. Planning File No: CPA 15-01

1. If you would like to speak before the Commission, please sign the sheet on the table.
2. Proponents' Testimony/Commission Questions.
3. Opponents' Testimony/Commission Questions.
4. Final Staff Comments.
5. Close/Continue Hearing.
6. Deliberations/Discussion/Decision

IV. Commissioner Comments

V. 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).

City of Shady Cove Planning Commission Minutes

**Public Hearing
Upper Rogue Community Center, 22465 Highway 62
Thursday, December 10, 2015**

CALL TO ORDER

The Chair called the Planning Commission Meeting to order at 6:30 p.m. at the Upper Rogue Community Center (URCC).

ROLL CALL

Commissioners Present: Chair Paula Trudeau; Lena Richardson; Richard McGregor; Joyce Todd and Art Stirling

Staff: Contract City Planner Dick Converse; Planning Technician Debby Jermain

The Chair read the announcements listed on the agenda and noted the continued Planning Commission public hearing January 14, 2016 would be held at the (URCC)

NEW BUSINESS

Public Hearing to Consider Proposed Adoption of a Riparian Area Protection Ordinance

Chair Trudeau called the Public Hearing to order at 6:31 pm to consider a Comprehensive Plan amendment to adopt a riparian ordinance defining riparian corridors, regulating activities within the corridors, and establishing development review procedures. The City of Shady Cove is the applicant and the Planning File No. CPA 15-01.

Chair Trudeau read the Public Hearing Opening Statement and invited anyone who would like to speak before the Commission to please sign the sheet on the table. Jurisdiction was not questioned and Commissioners stated no conflict of interest.

Staff Comments: Contract City Planner Dick Converse stated this is a review of a proposed riparian ordinance that comes as a result of the City's participation in a program called TMDL (Total Maximum Daily Load) administered by the Oregon Department of Environmental Quality (DEQ). Shady Cove is designated a manager as there is a stretch of the Rogue River that goes through the City limits. The City has a responsibility of maintaining the quality of the river as it goes through the city and the agreement Shady Cove had with DEQ, adopting a riparian ordinance was a selected option. A previous attempt to adopt an

ordinance in 2011/2012 by the Planning Commission was a decision to table and not continue with the process. As the TMDL program has moved forward it has become more urgent to do that. If the City does not comply with TMDL program it could liable for a penalty as much as \$4000 per day. There is added pressure at this time for the City to make a decision. Dick summarized his staff report addressing approval criteria, findings and recommendation.

Proponents' Testimony

Chuck Huntington, 1160 Old Ferry Rd, advised he supports the adoption of a riparian ordinance, how beneficial the ordinance could be to the community as a whole, and thanked the Commissioners for their effort spent on the ordinance.

David Haight, Fisheries Biologist, Oregon Department of Fish and Wildlife (ODFW) 1495 E Gregory Rd, Central Point, expressed ODFW's support for the City adopting a riparian ordinance: the quality of life and economic benefits the Rogue River provides is a valuable resource for the city and area as a whole; importance of maintaining riparian vegetation to prevent the water from warming. Trees provide shade and help prevent erosion; understory vegetation also provides a thermal buffer.

Opponents' Testimony

Bob Farris, 595 Melrose Lane, feels the city will have taken possession of his land with the seventy five foot rule and therefore makes the city liable for anything that may happen. Expressed concern the ordinance would take his right to cut his dead trees.

Bob Clark, 577 Melrose, expressed the City is taking 75 feet from his property (a quarter of his property), no study has been prepared of river temperature coming into or going out of the city.

Bill Morse, 20519 Hwy 62, asked why is the riparian area 75 feet. The ordinance will place his entire home within the riparian area prohibiting him to add on to existing dwelling. His concern is what will his property be worth if he wanted to sell, how many homes are built within the riparian area, and who will police the ordinance.

Frank Peckett, 834 Old Ferry Rd, asked what is being done to keep the riparian area viable with the drought that is going on and concern with losing 75 feet of his property.

Tom Barnes, 835 Old Ferry Rd, states his property is to the center of the river and the taking of 75 feet will cause many law suits to the city.

At 7:56 pm the Planning Commission agreed to continue the public hearing to January 14 at 6:30 pm to be held at the Upper Rogue Community Center.

Chair Trudeau recessed the meeting at 7:56 pm for 10 minutes.

Public Hearing to Consider a Zone Change to General Commercial

Chair Trudeau called the Public Hearing to order at 8:08 pm to consider a proposed Comprehensive Plan amendment from Public to Commercial and a zone change from P (Public Use) to GC (General Commercial) for a property located at 22501 Hwy 62, Shady Cove. Assessors map and tax lots 34-1W-10CD, 1800 & 1900. Applicant: Bellwood Properties, Inc. Planning File Number: ZC 15-01.

Chair Trudeau read the Public Hearing Opening Statement and invited anyone who would like to speak before the Commission to please sign the sheet on the table. Jurisdiction was not questioned and Commissioners stated no conflict of interest or Ex Parté contact. All Commissioners had been by the site.

Staff Comments: Contract City Planner Dick Converse stated building on property was formerly used as a Masonic Lodge and met the definition of the Public Uses District and now that the property is private ownership, the current comprehensive plan and zoning designations are not appropriate. Given the history of the property and its orientation to the highway General Commercial District does appear to be the appropriate zone. Dick summarized his staff report addressing the proposal, approval criteria, findings and recommendation.

Commissioner Stirling questioned the access to the site from Cleveland Street location close to Highway 62 and if possible to move access further west. He asked about timeline for the proposed project and stated he was in favor of the proposed use.

Proponents' Testimony

Roger Tompkins, Redding, CA, prospective buyer of property if zone change is approved stated plans for this building are to build an additional building on the property and use both as a facility for antique cars and other antiques. In answer to Commissioner Stirling he hopes to have building done within a year.

Chair Trudeau closed the public hearing at 8:40 pm.

Motion that the Planning Commission recommend City Council approval of Planning File ZC 15-01 to permit a comprehensive plan amendment from Public to Commercial and a change of zone from P (Public) to GC (General Commercial). My motion incorporates the findings of fact outlined in the staff report dated December 2, 2015.

Motion by: Chair Trudeau Second by Commissioners
Roll Call: All Ayes, Motion passed 5-0.

Commissioner Comments

None

Adjournment

Chair Trudeau adjourned the meeting at 8:42 p.m.

Approved:

Attest:

Paula Trudeau
Chair

Debby Jermain
Planning Technician