

**CITY OF SHADY COVE  
LEGISLATIVE DECISION STAFF REPORT  
PLANNING COMMISSION HEARING: September 22, 2016  
FILE: CPA 16-01**

**I. PROPOSAL**

Amend the Shady Cove Comprehensive Plan to include updated Plan Elements reflecting changes since the Plan was last amended in 2004. The proposal also includes revisions to the Airpark Commercial zone to include uses mandated by State Statutes. The draft Comprehensive Plan elements are attached as Exhibit A; the draft addition to the Code of Ordinances is attached as Exhibit B.

**II. AUTHORITY AND CRITERIA**

The amendment of the City's Comprehensive Plan and Code of Ordinances is a legislative action, governed by Section 154.380(F) (Type IV Legislative Procedure). This section states:

*The recommendation by the Planning Commission and the decision by the City Council shall be based on consideration of the following factors:*

- (1) The Statewide Planning Goals and Guidelines adopted under O.R.S. Ch. 197 (for comprehensive plan amendments only);*
- (2) Comments from any applicable federal or state agencies regarding applicable statutes or regulations;*
- (3) Any applicable intergovernmental agreements; and*
- (4) Any applicable comprehensive plan policies and provisions of this chapter that implement the comprehensive plan. Compliance with § [154.381](#) shall be required for Comprehensive Plan amendments and land use district map and text amendments.*

**III. BACKGROUND AND DISCUSSION**

In 2015, the City Council set as one of its short-term goals an update of the Comprehensive Plan. The Planning Commission reviewed each element to determine what information remained valid and what portions needed to be updated. After a series of workshops, the draft was submitted to DLCD and Jackson County for comment and scheduled for hearings before the Planning Commission and City Council. Oregon Revised Statute 836.616 establishes uses that must be allowed in an airport, leading to the proposed revisions in the Airpark Commercial district.

**IV. CONFORMANCE WITH APPLICABLE CRITERIA**

Section 154.380 of the Code of Ordinances establishes the review procedures for legislative amendments to the Code, requiring Planning Commission review resulting in a recommendation to City Council. Section 154.438 establishes three criteria for a legislative, but because the third criterion relates to specific site development plans and not to text amendments, only the first two criteria apply. The applicable criteria are:

1. The proposal shall be consistent with the city's adopted goals and policies pertaining to land use, growth, and development, and
2. The proposal shall be consistent with all applicable statewide planning goals, including the urbanization factors of Goal #14.

### **Comprehensive Plan Compliance**

The purpose of the Comprehensive Plan amendments is to ensure that the City uses the most current information in its decision-making processes. Because the elements are being updated, it does not make sense to review the proposed updates against the current text. Citizen involvement has been encouraged throughout the process, and the revisions have been openly discussed in public workshops held during regularly scheduled public meetings.

### **Statewide Planning Goal Compliance**

Shady Cove's Comprehensive Plan was originally acknowledged by the Land Conservation and Development Commission to be in compliance with Statewide Planning Goals. Each subsequent Plan text amendment has been accepted by the State Department of Land Conservation of Development. The City provided the required 35-day notice to DLCDD, but no comments have been received prior to staff report preparation. Any comments received will be provided at the hearing.

The proposed revisions to Section 154.121 (Permitted Uses in Airpark Commercial) do not include aircraft fabrication, which the code currently allows. The Commission should evaluate whether or not this activity should be retained.

The urbanization factors of Goal #14 do not specially apply to the proposed updates because, except in the Airpark Commercial district to comply with State Statute, no revisions are being proposed on individual parcels. Changes of property designations will require compliance with the urbanization factors.

## **V. AGENCY COMMENTS**

No agency comments were received prior to completion of this staff report.

## **VI. RECOMMENDATION**

The proposed amendments are an attempt to ensure that future land use decisions are based on the most recent available information. If the Commission is comfortable with the proposed revisions to the Comprehensive Plan and the Airpark Commercial zoning district, it can direct staff to incorporate them into a recommendation to City Council. The schedule accommodates a second Planning Commission schedule if the Commission desires more time to discuss the proposed changes or hear additional testimony from property owners.

**VII. PLANNING COMMISSION ACTION**

Recommend City Council approval of the proposed ordinance as drafted, approval with revisions, denial, or continuance for further consideration.