

Agenda
Shady Cove Regular City Council Meeting
And Public Hearings
Thursday, October 15, 2020
6 PM

This meeting will be held telephonically
in light of reoccurring health conditions.

Attendees will call

1-844-855-4444

Access Code 789926#

I. Call to Order

- A. Roll Call
- B. Announcements by Presiding Officer
 - 1. This meeting is being digitally recorded.
 - 2. The next regularly scheduled meeting of the City Council will be November 5 at 6 PM, possibly held telephonically.
 - 3. The next regularly scheduled meeting of the Planning Commission is October 22 at 6 PM, possibly held telephonically.
 - 4. The next meeting of the Parks and Rec Commission is on October 20 at 6 PM, possibly held telephonically.
 - 5. The next meeting of the Emergency Management Commission is on October 29 at 11 AM to be held at Upper Rogue Community Center.
 - 6. Public may comment on agenda items - Public must state name, address and standing to discuss an issue. Issues must have a City-wide impact and not be personal issues. Depending on number of comments and time constraints, Council may limit the amount of time to 3 minutes per speaker.
 - 7. These meeting dates are subject to change by the circumstances related to COVID-19.

II. Public Hearing

- A) Public Hearing to Consider a Minor Land Partition located at 511 Park Drive.

Open Public Hearing.

A Public Hearing to accept public testimony and consider approval to allow a minor land partition located at 511 Park Drive, Shady Cove, Oregon. Partition also proposes a private street with alternate design standards which has been by the Planning Commission. Assessor's Map and Tax Lot: 34-1W-16DD, 2503. Zoning is R-1-10, (Low Density Residential). Owner/Applicant: Dennis B. Hammons. File Number: MIP 20-01.

- 1. Read Public Hearing Opening Statement.

Shady Cove City Council Regular Meeting

October 15, 2020

Page 2 of 3

2. If you would like to speak before the Council, please email ahead of time TCorrigan@shadycove.org
3. Jurisdiction Question.
4. Conflict of Interest.
5. Ex Parté Contact.
6. Site Visit.
7. Staff Comments. (R. Nolan)
8. Applicants' Testimony/Proponents Testimony/Council Questions
9. Opponents' Testimony/Council Questions.
10. Rebuttal.
11. Final Staff Comments.
12. Close/Continue Hearing.
13. Deliberations/Discussion/Decision.

III. Public Hearing

Open Public Hearing.

A). Public Hearing to accept public testimony and consider a vacation of a portion of the turnaround at the terminus of Brophy Way. The request is also asking that the City accept a new hammerhead turnaround as a new section of the public right of way. Owner/Applicant: Mike Malepsy File Number: VAC 20-01.

1. Read Public Hearing Opening Statement.
2. If you would like to speak before the Council, please email ahead of time TCorrigan@shadycove.org
3. Jurisdiction Question.
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11. Final Staff Comments.
12. Close/Continue Hearing.
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IV. Public Comment on Agenda Items

V. Consent Agenda

- A. Continuation of Declaration of Emergency
- B. Bills Paid Report 9/17/20-9/25/20, \$248,315.91
- C. Minutes of October 1, 2020

VI. Items Removed from Consent Agenda

VII. Staff Reports

- A. City Administrator
- B. Jackson County Deputy (CSO)
- C. Fire Chief Winfrey, FD4

VIII. New Business

New Covid Grant – CCD/SORED I Round 4

IX. Old Business

- A. Ordinance 296 Proposed Amendments
- B. Award of Remaining Grants from Covid Relief Funds

X. Written Communication

XI. Public Comment on Non-Agenda Items

XII. Council Comments on Non-Agenda Items

- A. Mayor Richardson – RVCOG
- B. Councilor Mitchell - RVACT & Parks Commission
- C. Councilor McGregor - SOREDI
- D. Councilor Hohenstein - Planning Commission
- E. Councilor Tarvin

XIII. Adjournment

§ 154.458 ACTION ON THE APPEAL.

(A) Upon receipt of an appeal, a public hearing shall be scheduled and conducted.

(B) In accepting public testimony at the public hearing, the City Council shall allow all parties to speak and present their arguments, may permit others to speak, at the discretion of the chairperson, and shall also review the record of the previous decision.

(C) If there is significant new information that was not available at the time of the appealed decision, or if there are special circumstances or unusual characteristics of the property involved, then the City Council may determine that the original decision was correct; but that the matter should be remanded to staff or another body to reconsider the request and new information.

(D) The burden of proof on any appeal rests with the appellant.

(E) The proper filing of an appeal shall stay the effective date of the original decision until a final decision is rendered through the local appeal process. If the appeal is not filed within the specified time period and in the proper manner, the decision shall be final.

(F) When the original decision followed a public hearing, the appeal of that decision shall be heard and considered only on the record of that decision and testimony and arguments shall be confined to that record. If the decision being appealed did not involve a public hearing, the record shall consist of the application materials, the record of the decision, supporting documentation from both staff and the applicant prior to the decision, and the appellant's appeal statements.

(G) A decision by the City Council to overturn or modify a previous decision shall be accompanied by findings pertaining to one or more of the following:

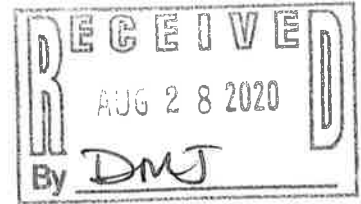
(1) The staff person or other authority responsible for the appealed decision did not correctly interpret the requirements of the comprehensive plan, zoning ordinance or other relevant city codes or regulations.

(2) The staff person or other authority did not consider all of the relevant information in the record or otherwise available at the time and which was pertinent to the case.

(H) If the City Council affirms the original decision, it may adopt by reference the findings and conclusions previously made, may alter or delete any part of those findings, or may make additional findings. The City Council may also amend or add to any conditions of approval that were originally imposed.

(Ord. 225, passed 10-20-1994, § 28.3)

The Planning Commission
Tom Corrigan, City Administrator
Ryan Nolan, Contract Planner



Reference: Partition MIP20-01

8/28/2020

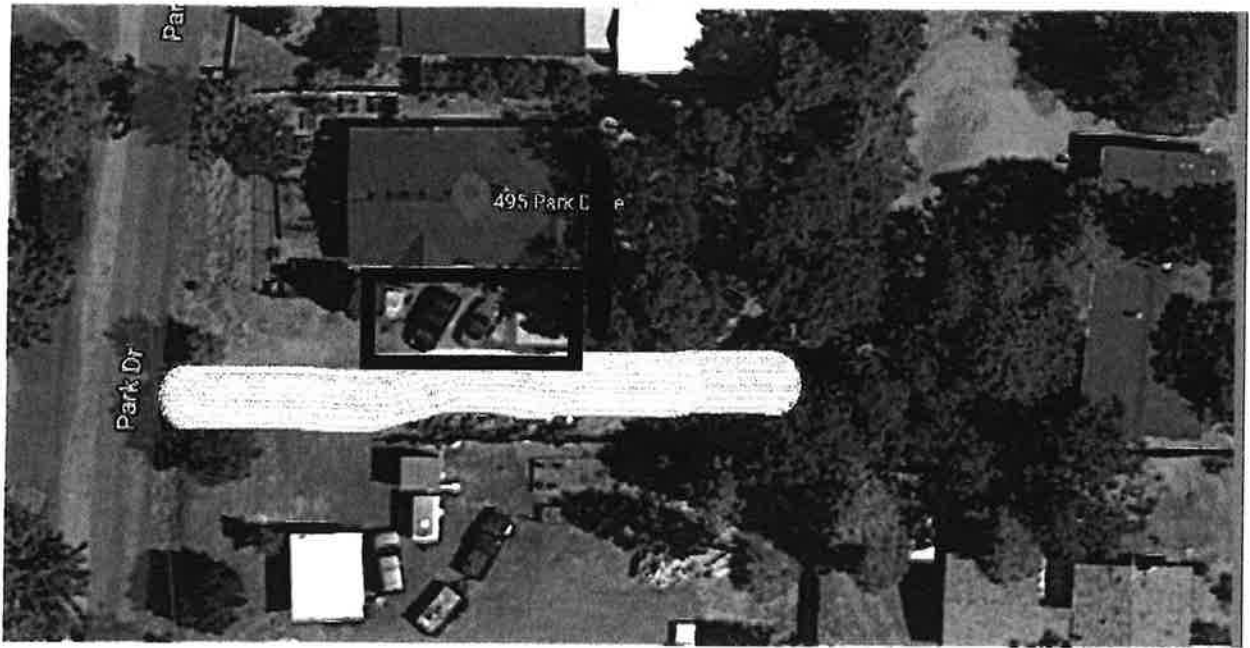
My name is Susan Hoppes and I own 495 Park Dr, Shady Cove, OR 97539. The front of my home, built in 2004, faces the driveway and has an easement established in 2000 for access and use. We have a 3 bedroom home that currently houses 3 full time drivers with vehicles. Park Drive does not provide on street parking. The nearest parking would be down around the corner on Edgewood Park Drive. The length of my cement slab (in front of the garage door) does not accommodate a full size pickup truck without extending into the driveway and blocking access. We have extended parking that has been graveled adjacent to the cement slab to remedy this problem and has been in use since 2008.

One of the guidelines to meet the request of partition was to place a curb along with a paved driveway. I have spoken with Mr. Hammons about the curb and our parking situation and requested he place a roll curb so as not to block access to our extended parking. With his concern of the extra cost, we had offered to help pay for the roll curb. He has continued to decline the offer. With his submission of his plans for the driveway, included is not only a 6inch curb but also a fence to block access to the entire front of the house. I am requesting this to be denied as it would block access to the extended parking along with the potential RV parking site that we have paved in the back yard for future use. I am requesting that a roll curb be placed with no fence.

I would love to speak personally to you, please feel free to reach me at 541-531-3518.

Thank you for your time, help and consideration.

Susan Hoppes



Yellow – current driveway

Black box – parking

Black oval – cement pad for future RV parking site

JACK DAVIS
CHRISTIAN E. HEARN
EUGENE V. ANDERSON
GARRISON F. TURNER

DAVIS HEARN
ANDERSON & TURNER
ATTORNEYS AT LAW

SAM B. DAVIS (1923-2017)
SIDNEY E. AINSWORTH (1927-2003)
DONALD M. PINNOCK - Retired
DAVID V. GILSTRAP - Retired
SUSAN VOGEL SALADOFF - Retired

A Professional Corporation

Established 1953

515 EAST MAIN STREET
ASHLAND, OREGON 97520
(541) 482-3111 FAX (541) 488-4455
www.davishearn.com

August 28, 2020

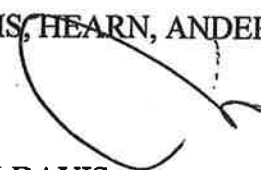
Bruce Hammons
P.O. Box 5032
Central Point, OR 97502

Dear Mr. Hammons:

I represent your neighbors, Mr. and Mrs. Toby Hoppes, and am writing to you regarding your planned improvement of the driveway which serves their residence at 495 Park Drive. I am told that you are planning to install a curb and fence along their side of the driveway such that it would make it impossible for them to drive off of the driveway onto their property except at their garage. In fact, as you know, they have traditionally exited the driveway onto their property to the east of their garage. The curb and fence you plan to install would thereafter make that impossible. The intention, when that easement was created 20 years ago, was that the occupants of their residence should be able to access that area without impediment and it is my opinion that your plan violates their easement rights. The purpose of this letter is to request that you leave openings, in the curb and fence, so that their access is unimpeded. They would be happy to show you the location for those openings. If that increases your cost, they are prepared to pay that differential. If you persist in proceeding such that their access is blocked, you will leave them no choice but to create the openings that they need after your work is done. The Hoppes very much hope that is not necessary.

Yours truly,

DAVIS, HEARN, ANDERSON & TURNER, P.C.

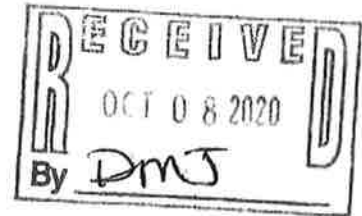

JACK DAVIS
jackd@davishearn.com

c: Clients (sudeo@aol.com)

OCT,
Sept 6, 2020

Shady Cove ~~Planning Commission~~
City Council

RE: Application for partition
for 511 Park Drive
review because of appeal by Sue Hobbs



Dennis Bruce Hammons
525 YewWood Dr.
Shady Cove Oregon 97539
541 630 0077

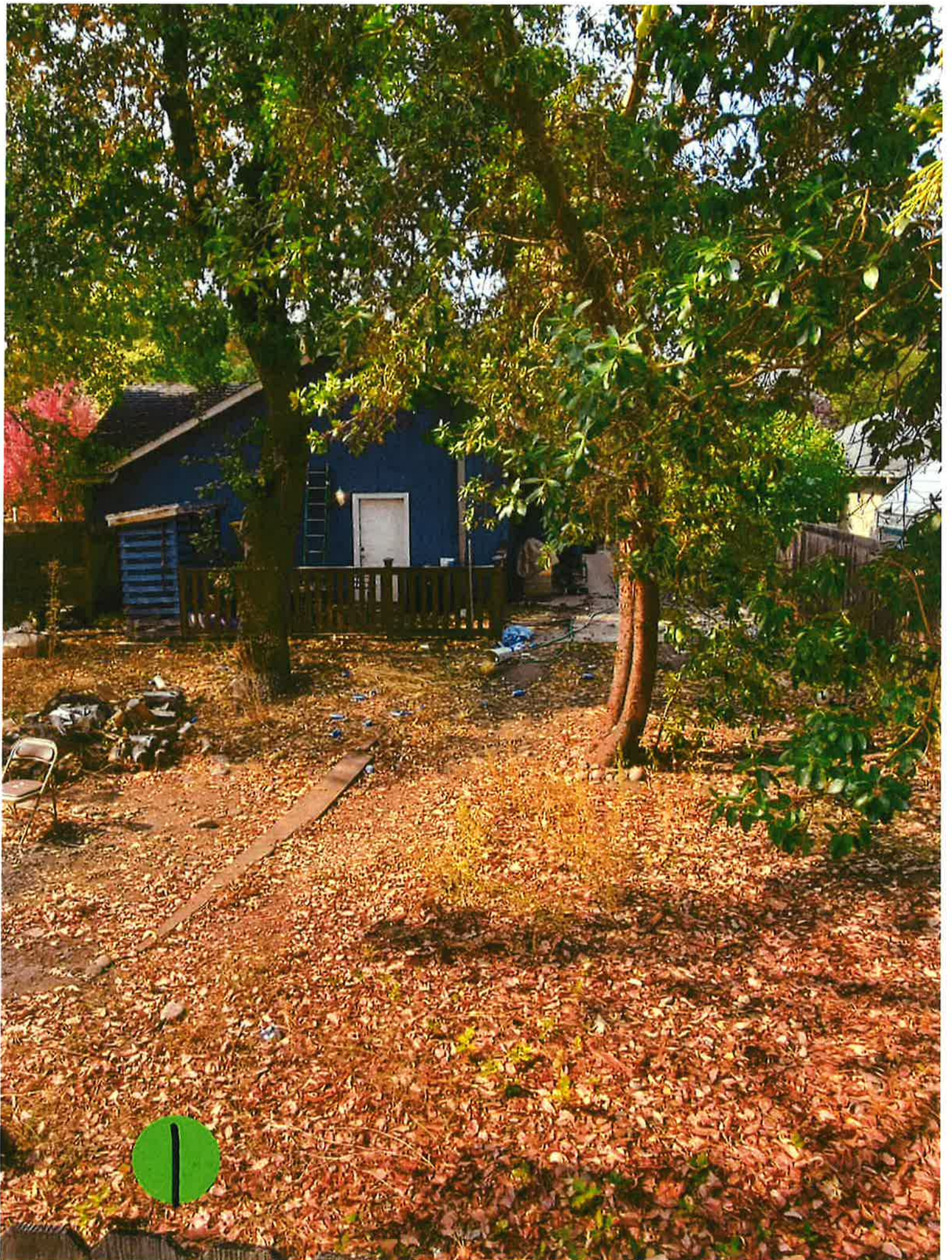
^{DRH}
This is my response to a Appeal regarding 511 Park Dr. Partition application that was approved on Aug 13, 2020 and mailed to me on Aug 17, 2020. The appeal is dated August 28, 2020 (1) one day late of the 10 day requirement from mailed date.

Some notes I'd like to present to the Shady Cove Planning Commission.

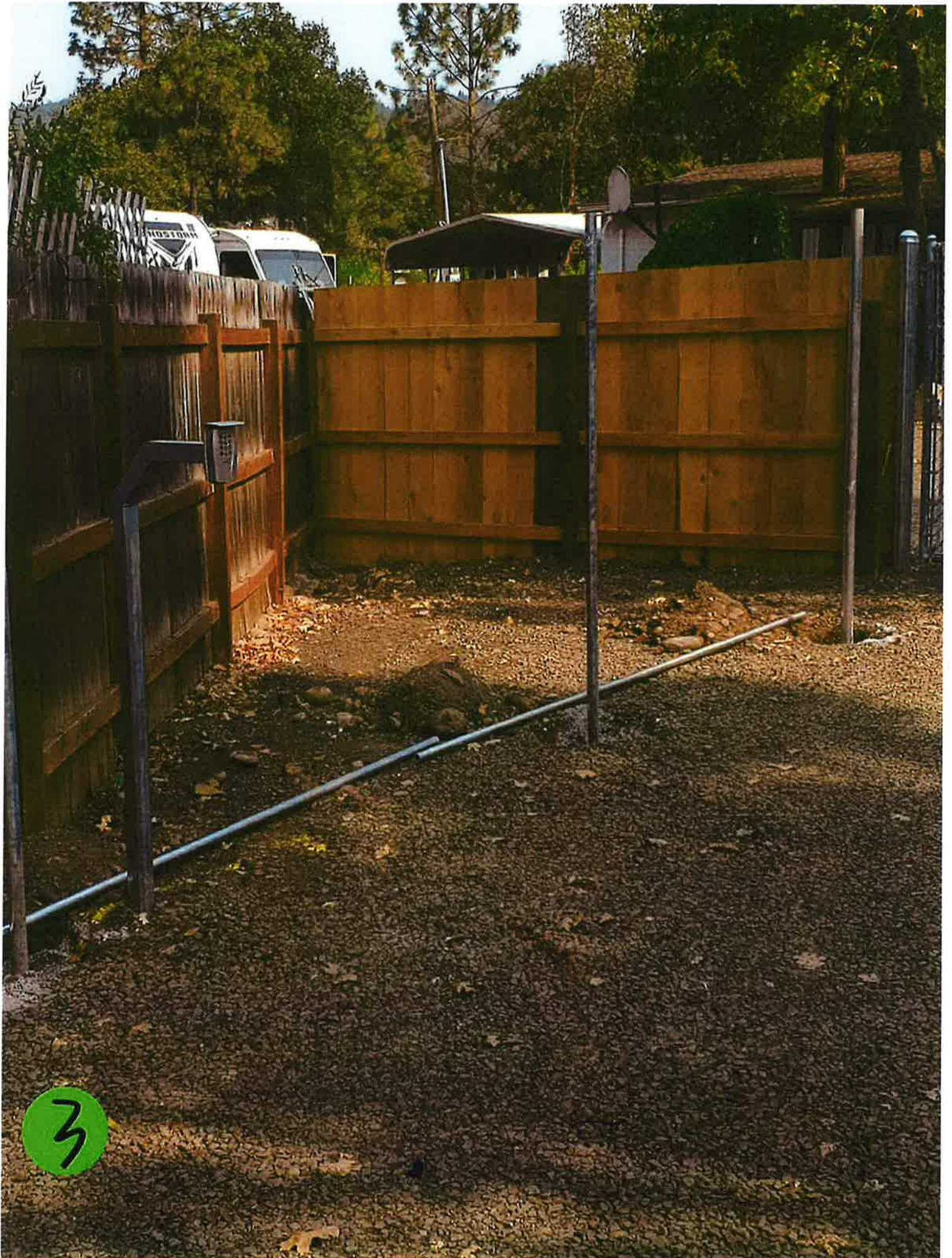
1. From 1960 thru the 80s that 511 and all of properties around were known as Hurley's Camp and there was only one home located at 511 Park Dr on lot 2,
2. In 1999 an easement was issued to a party for the use of properties to camp and clear brush for their enjoyment. (no homes were at partition 2 or 1).
3. In 2003 a home was built on lot 2 , placing it sideways and some how was approved so access was solely using my private flag lot to enter the (2) car cement slab and to a (2) car garage. While there is (64 feet of frontage on Park Dr.). All other homes on Park have full access to Park except 495 the home of appeal. That said 511 and 531 were created with flag lots so as to have access to Park Dr.
4. At the time I purchased 511 Park dr. (March 2020) all the surrounding neighbors had been driving across and over my flag lot with no knowledge of legalities regarding 511 Park dr. or where the property corners were located , I had a surveyor come and locate corners and found that fences were off mostly in favor of neighbors . My 2 neighbors on the west are happy with new location of fences and type I'm putting up and are no longer using my driveway/road...
5. At the planning commission meeting on Aug 13 2020 I agreed to to put in a paved road and 6 inch curbs along with a 20ft access to Sue Hobbs drive way., and at that time partition was approved.
- 7 .One day after approval I spoke with Sue and she demanded I put in a rolled curb so her renters could drive up into her previously landscaped area to park, and told me if I put in curb she would drive over it.
8. My comment is I'm doing what planning commission requires per the new Ordinance as of Feb 2020.
9. Her 2 car slab is located in front of her 2 car garage, that they never use ? (That said there is room to park 4 cars).
10. The area she wants a rolled curb at is at a angle that would cause water and mud run off on to my driveway causing damage over a period of time and also encroaching on not only my property but Shady Coves road way (Park Dr) .
11. At this time Sue has dirt and rocks encroaching on my driveway that needs to be removed and she will need have a retaining wall built to prevent future problems .
12. Sue wants to park 3 cars at her residence which can happen by parking 2 cars in garage and

- one on the cement slab thus leaving her with a extra parking spot.
13. Another option is to create a parking area facing Park dr..
 14. I replaced a culvert on Park dr. with a 18" one, the old one was 12" at my expense.
 15. I've paid for survey myself.
 16. I'm building chain link fences on my property out of my pocket.
 17. I'm improving value and looks of all.
 18. Lastly, I'm doing this at request of Shady Cove City by the book'
 19. On Sue Hobbs appeal she claimed that she had an asphalt slab, later said it was cement, which neither exists. (backyard photo was taken September 5, 2020)
- Please review photos I'm submitting to see what I've stated.

Thank You
D. Bruce Hammons







3



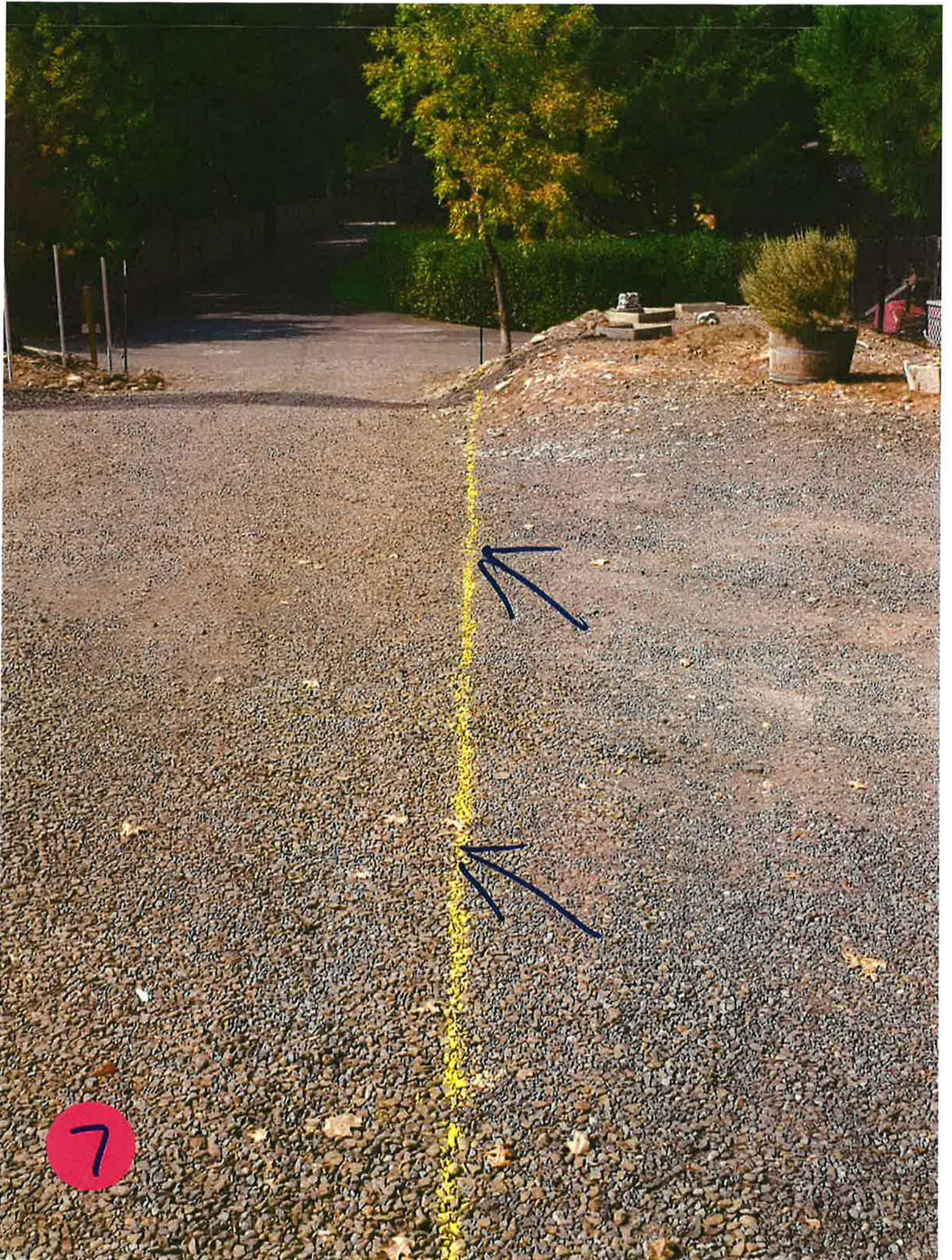
PHOTOGRAPHY IS
PROHIBITED

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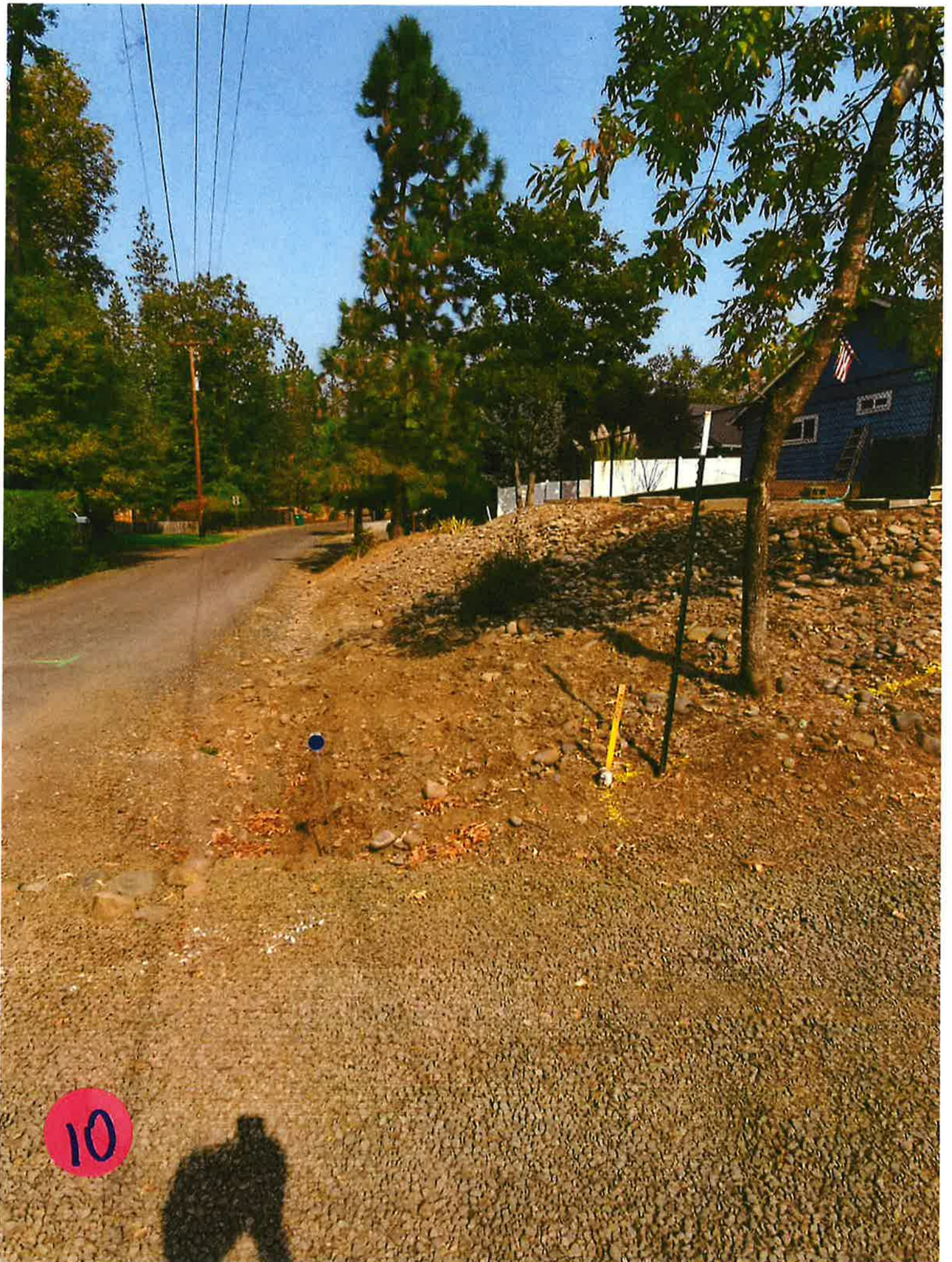
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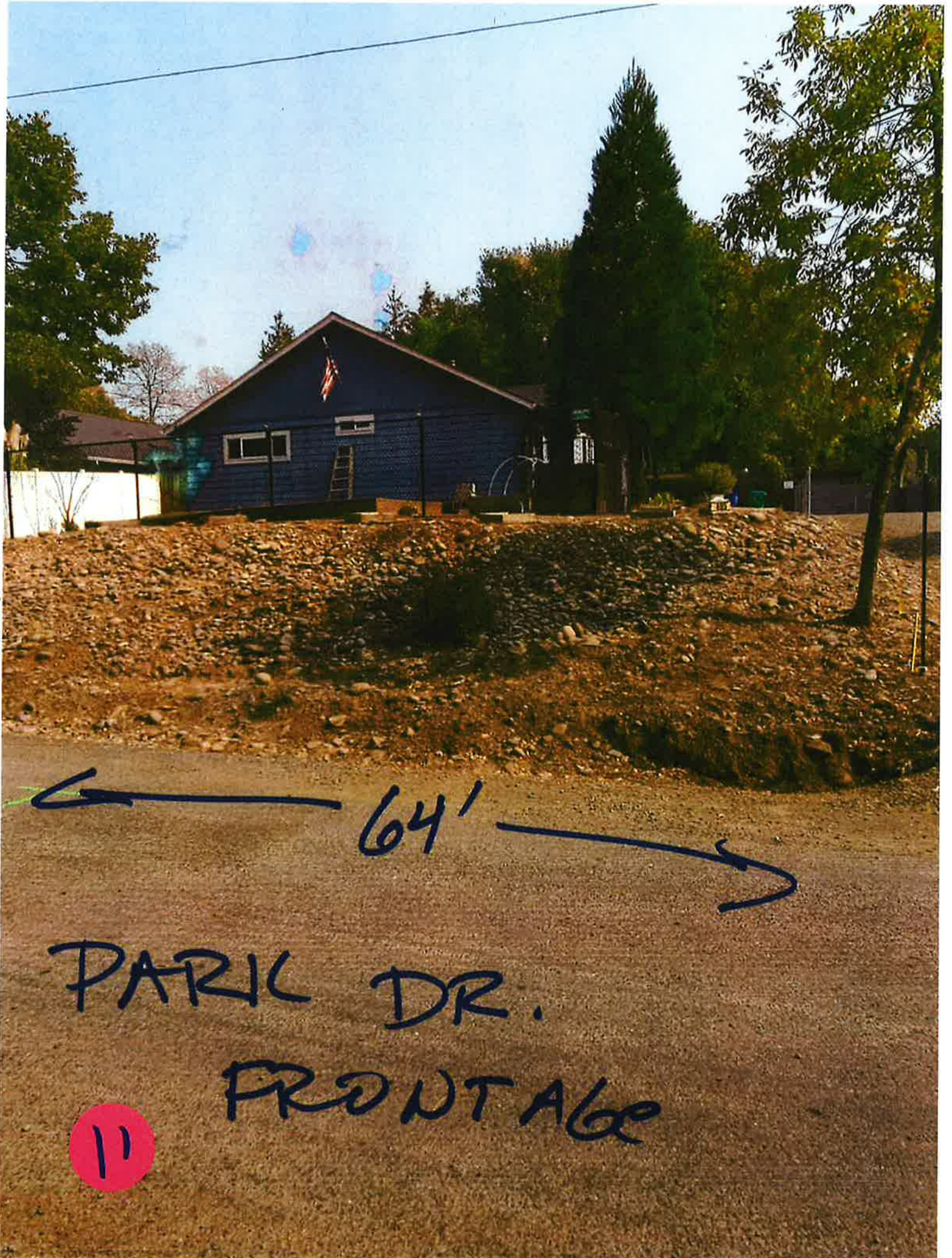
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9/17



10



← 64' →

PARIC DR.
FRONTAGE

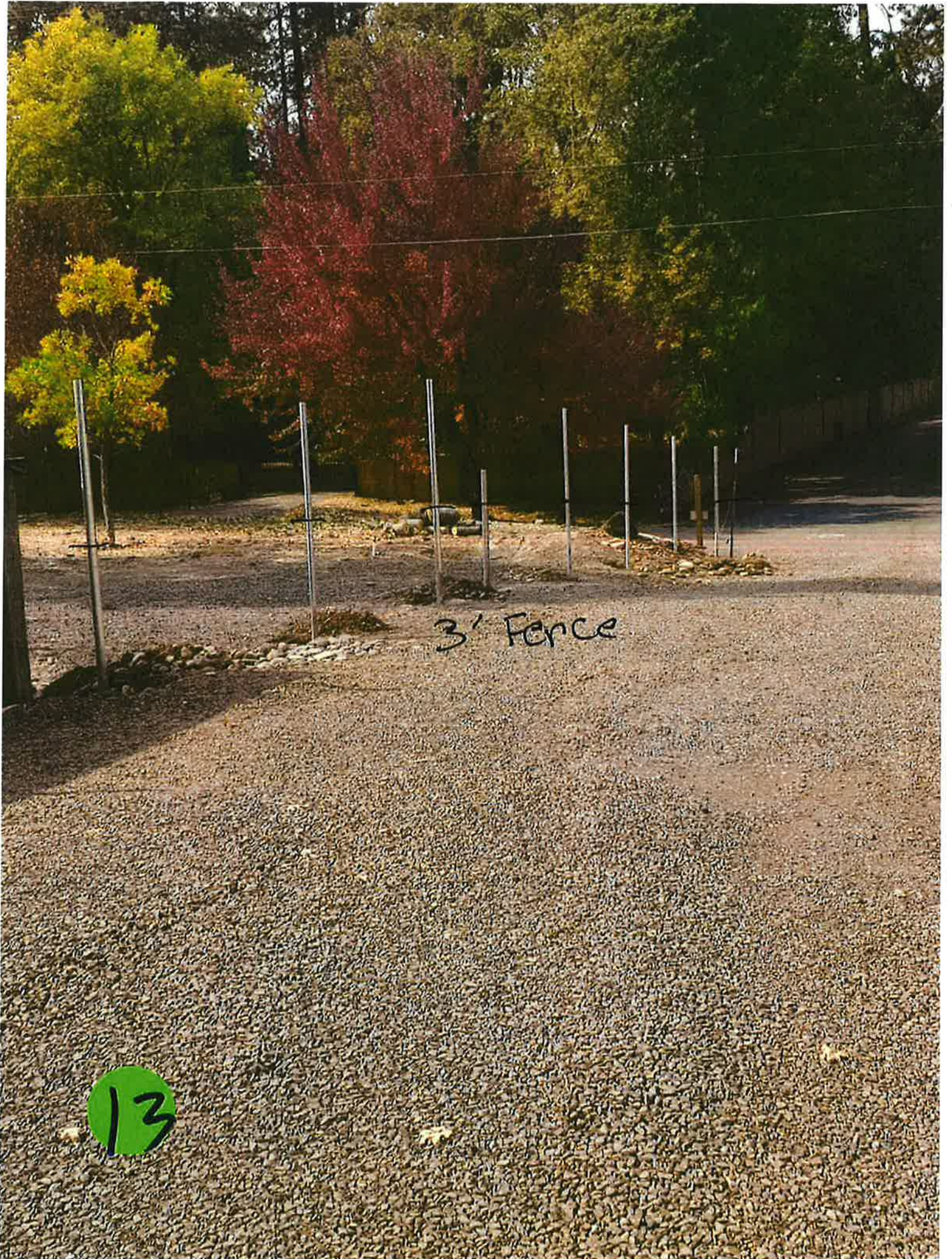
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31

IN FIELD DISTRICT NO. 4 NE
511

12

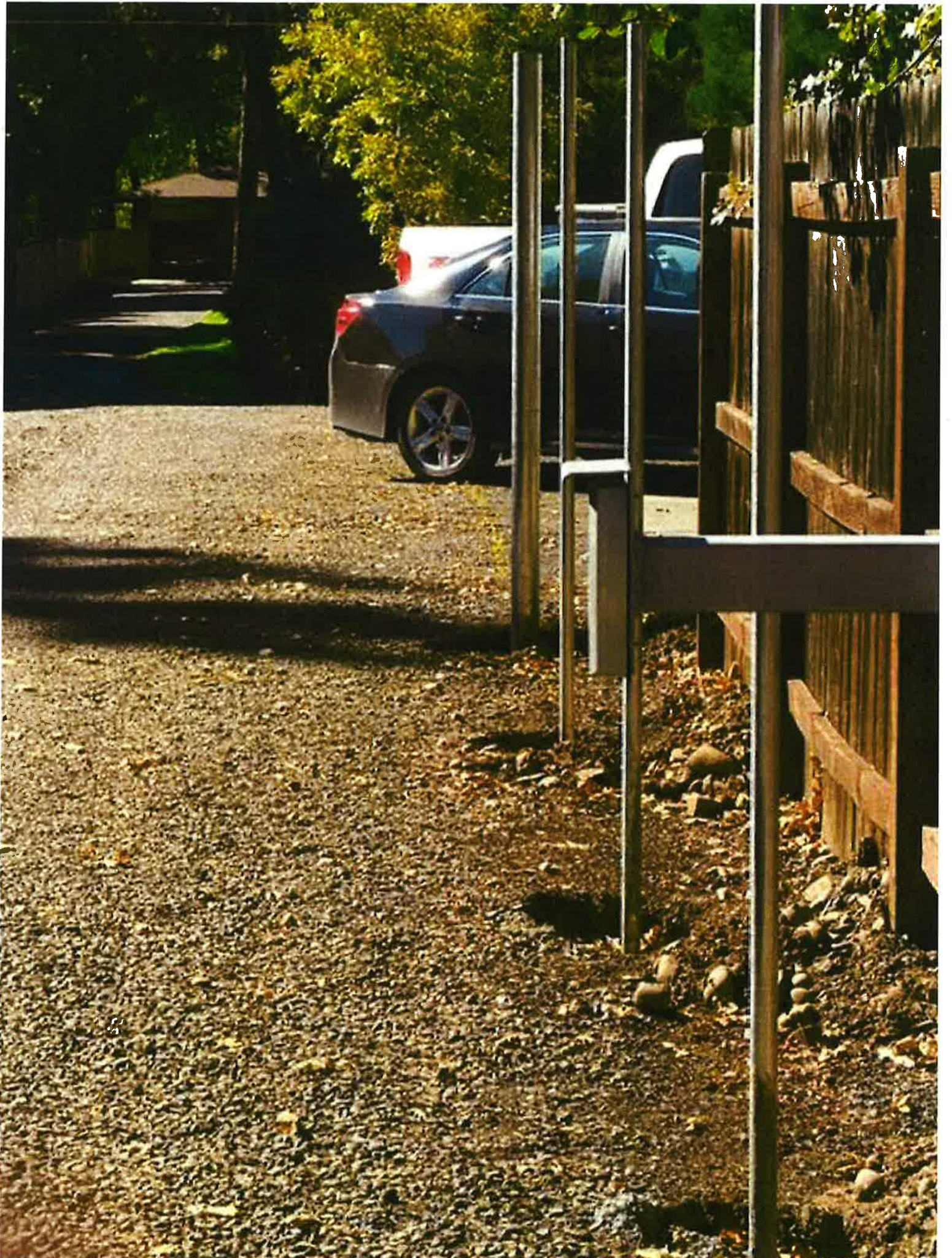


3' Fence

13



14



< **DEREK**
5412646266



experience but having have your fields herm out is a farming practice problem



MMS 2:44 PM

Monday, September 21, 2020

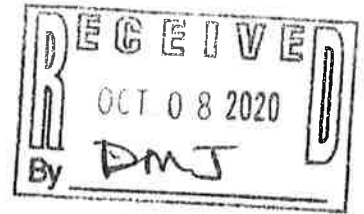
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MMS 12:34 PM

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CITY OF SHADY COVE

PLANNING DEPARTMENT

NOTIFICATION OF ADJACENT PROPERTY USE PROPOSAL

Applicant/Owner: Dennis B. Hammons

Date: 9/30/20

Appeal of Minor Partition File No: MIP 20-01

Description of Property: 34-1W-16DD, Tax Lot 2503 - 511 Park Drive, Shady Cove, Oregon.

Proposal: Minor Land Partition. Partition one lot, .58-acre parcel into two parcels: Parcel 1: 14,007 square feet (.32 acre); Parcel 2: 11,415 square feet (.26 acres). Zoning is Low Density Residential (R-1-10), 10,000 square foot minimum. Partition also proposes a private street with alternate design standards which has been by the Planning Commission.

Response date and time: October 8, 2020, 12 p.m. to be included in City Council agenda packet.

This Appeal will be decided by the City Council on October 15, 2020 at 6:00 p.m. This meeting will be held telephonically in light of reoccurring health conditions.

All subdivision plats and all partitioning of land shall be approved in accordance with the regulations of Shady Cove Code of Ordinances including Chapters 153 and 154 and the criteria attached, please address your comments to the appropriate criteria.

Issues which may provide the basis for an appeal to the Land Use Board Appeals shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue.

"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."

A copy of all documents and evidence relied upon by the applicant are available for review and copies may be obtained at cost. For more information please contact the Planning Department at City Hall, (541) 878-8204.

****Review and Comment****

No adverse effect.

No comment.

It has adverse effects as stated below.

I oppose this appeal! curbs will cause congestion - causing fire evacuation hazard and now with 2 lots/2 houses - much more traffic on Park Dr. I oppose having these homes as Rentals - the integrity of our

Signature: *Sandra A. Tipton*

Printed Name(s) SANDRA A. TIPTON

Street and Mailing Address: 430 PARK DR. SHADY COVE, OR 97539

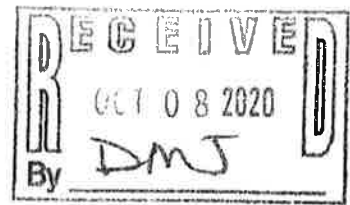
PARTITION APPROVAL CRITERIA

SCCO 153.06 (C)

The City or Planning Commission shall review the tentative plan for a minor or major partition based on the classification procedure (Type I, II or III) and the following approval criteria:

- (1) The proposed partition is consistent with the density, setback and dimensional standards of the base zoning district;
- (2) The proposed partition is consistent with the design standards set forth in this chapter;
- (3) Adequate public facilities are available or can be provided to serve the proposed partition;
- (4) All proposed improvements meet city standards;
- (5) The plan preserves the potential for future redivision of the parcels, if applicable;
- (6) No parcel shall be landlocked as a result of the partition

Street will be compromised by undesirable persons.
Already with 1 rental down the street we have people casing out our homes for possible ~~burglary~~ burglary. Way too dense property for 2 homes.



CITY OF SHADY COVE

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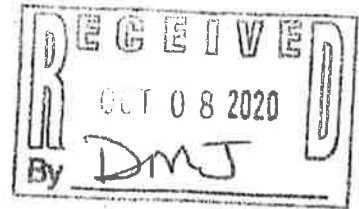
A copy of all documents and evidence relied upon by the applicant are available for review and copies may be obtained at cost. For more information please contact the Planning Department at City Hall, (541) 878-8204.

****Review and Comment****

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

To congested no parking fire hazard
Really Dont want more Rentals -

Signature: Susan Duran
Printed Name(s) Susan Duran
Street and Mailing Address: 410 Park Dr.



CITY OF SHADY COVE

PLANNING DEPARTMENT

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Date: 9/30/20

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****Review and Comment****

No adverse effect.

No comment.

It has adverse effects as stated below.

Our wells in this neighborhood are going dry. We do not need anymore homes built in this neighborhood. It is not fair to the current residents →

Signature: *Carolyn K. Korishi*

Printed Name(s): *Carolyn K. Korishi*

Street and Mailing Address: *515 Yew Wood Dr. Shady Cove, 97539*

Please submit your response to: City of Shady Cove, Planning Dept, PO Box 1210, Shady Cove, OR 97539

PARTITION APPROVAL CRITERIA

SCCO 153.06 (C)

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- (2) The proposed partition is consistent with the design standards set forth in this chapter;
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- (4) All proposed improvements meet city standards;
- (5) The plan preserves the potential for future redivision of the parcels, if applicable;
- (6) No parcel shall be landlocked as a result of the partition

to have to deal with this issue of worrying if we are going to run out of water. This is a serious issue and should be taken seriously. Also ... Due to Mr. Hammons type of business he tends to bring in a lot of traffic in and out of his residence ... To much for ~~bring~~ this neighborhood.



Mayor
Lena Richardson

Councilors
Steve Mitchell
Dick McGregor
Shari Tarvin
Hank Hohenstein

CERTIFICATE OF MAILING

I hereby certify that on September 30, 2020, I provided a copy of the Notification of Adjacent Property Use Proposal for appeal to City Council APPLICATION NO. MIP 20-01 by first class mail to the following (list attached):


Debby Jermain, Planning Technician

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

22451 Highway 62 ♦ PO Box 1210 ♦ Shady Cove OR 97539 ♦ (541) 878-2225 ♦ FAX: (541) 878-2226
E-Mail: djermain@shadycove.org ♦ Web Site: www.shadycove.org

TIPTON SANDRA A TRUSTEE ET AL
430 PARK DR
SHADY COVE, OR 97539

POOL JAMES L/MAXINE
345 PARK DR
SHADY COVE, OR 97539

CHAIN GARTH TRUSTEE ET AL
PO BOX ~~645~~ 1329
SHADY COVE, OR 97539

ESKEW GERALD K/NORMA J
434 PARK DR
SHADY COVE, OR 97539

MOULTON RONALD ALAN
413 YEWWOOD DR
SHADY COVE, OR 97539

GURLEY CHARLENE F TRUSTEE ET
590 PARK DR
SHADY COVE, OR 97539

TAYLOR JACQUELINE M TRUSTEE E
460 PARK DR
SHADY COVE, OR 97539

VITITOE MICHAEL G/SUSAN M
439 YEW WOOD DR
SHADY COVE, OR 97539

HAMMONS DENNIS BRUCE
PO BOX ~~5032~~
CENTRAL POINT, OR 97502

SCHNEIDER TIMOTHY M TRUSTEE E
931 DEERFOOT PL
NEWBURY PARK, CA 91320

CLARK GARY L/CLARK CHERYL D
465 YEWWOOD DR
SHADY COVE, OR 97539

DABEL DAVID R/SHANNON L
668 W ROLLING HILLS DR
EAGLE POINT, OR 97524

LEPPER RANDY D TRUSTEE ET AL
521 PARK DR
SHADY COVE, OR 97539

KONISHI CAROLYN K
515 YEWWOOD DR
SHADY COVE, OR 97539

HOPPES SUSAN F
~~495 PARK DR PO~~ Box 2807
~~SHADY COVE, OR 97539~~
White City 97503

POWELL SHARON P
465 PARK DR
SHADY COVE, OR 97539

SCHUMACHER ERIKA S/JOHN MARTI
530 YEWWOOD DR
SHADY COVE, OR 97539

THORNALLY LEONORE D LIVING TR
1422 VILLAGE CENTER DR
MEDFORD, OR 97504

HAMMONS DENNIS BRUCE
~~PO BOX 5032~~ 525 Yew Wood
CENTRAL POINT, OR ~~97502~~
Shady Cove

WINFREY GREG L/PAIGE L
504 YEW WOOD DR
SHADY COVE, OR 97539

THORNALLY LEONORE D LIVING TR
1422 VILLAGE CENTER DR
MEDFORD, OR 97504

GRIMES BRENDA J
531 PARK DR
SHADY COVE, OR 97539

WINFREY ~~PAIGE~~/GREG
504 YEW WOOD DR
SHADY COVE, OR 97539

THORNALLY LEONORE D LIVING TR
1422 VILLAGE CENTER DR
MEDFORD, OR 97504

THORNALLY LEONORE D LIVING TR
1422 VILLAGE CENTER DR
MEDFORD, OR 97504

DURAN SUSAN M REV LIVING TRUS
410 PARK DR
SHADY COVE, OR 97539

TERBECK THOMAS W TRUSTEE ET A
14790 HIGHWAY 62
EAGLE POINT, OR 97524

DITTMER SAMUEL J
325 PARK DR
SHADY COVE, OR 97539

DAVIS ARTICE M TRUSTEE ET AL
PO BOX 828
SHADY COVE, OR 97539

STANLEY RONALD O
387 YEW WOOD DR
SHADY COVE, OR 97539

PETERS ROBERT W/LISA M
PO BOX 1482
SHADY COVE, OR 97539

UPDIKE PETE C/MARTHA I
125 BIRCH ST
SHADY COVE, OR 97539

CITY OF SHADY COVE

PLANNING DEPARTMENT

NOTIFICATION OF ADJACENT PROPERTY USE PROPOSAL

Applicant/Owner: Dennis B. Hammons

Date: 9/30/20

Appeal of Minor Partition File No: MIP 20-01

Description of Property: 34-1W-16DD, Tax Lot 2503 - 511 Park Drive, Shady Cove, Oregon.

Proposal: Minor Land Partition. Partition one lot, .58-acre parcel into two parcels: Parcel 1: 14,007 square feet (.32 acre); Parcel 2: 11,415 square feet (.26 acres). Zoning is Low Density Residential (R-1-10), 10,000 square foot minimum. Partition also proposes a private street with alternate design standards which has been by the Planning Commission.

Response date and time: October 8, 2020, 12 p.m. to be included in City Council agenda packet.

This Appeal will be decided by the City Council on October 15, 2020 at 6:00 p.m. This meeting will be held telephonically in light of reoccurring health conditions.

All subdivision plats and all partitioning of land shall be approved in accordance with the regulations of Shady Cove Code of Ordinances including Chapters 153 and 154 and the criteria attached, please address your comments to the appropriate criteria.

Issues which may provide the basis for an appeal to the Land Use Board Appeals shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue.

"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."

A copy of all documents and evidence relied upon by the applicant are available for review and copies may be obtained at cost. For more information please contact the Planning Department at City Hall, (541) 878-8204.

****Review and Comment****

_____ No adverse effect.

_____ No comment.

_____ It has adverse effects as stated below.

Signature: _____

Printed Name(s) _____

Street and Mailing Address: _____

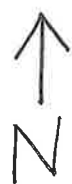
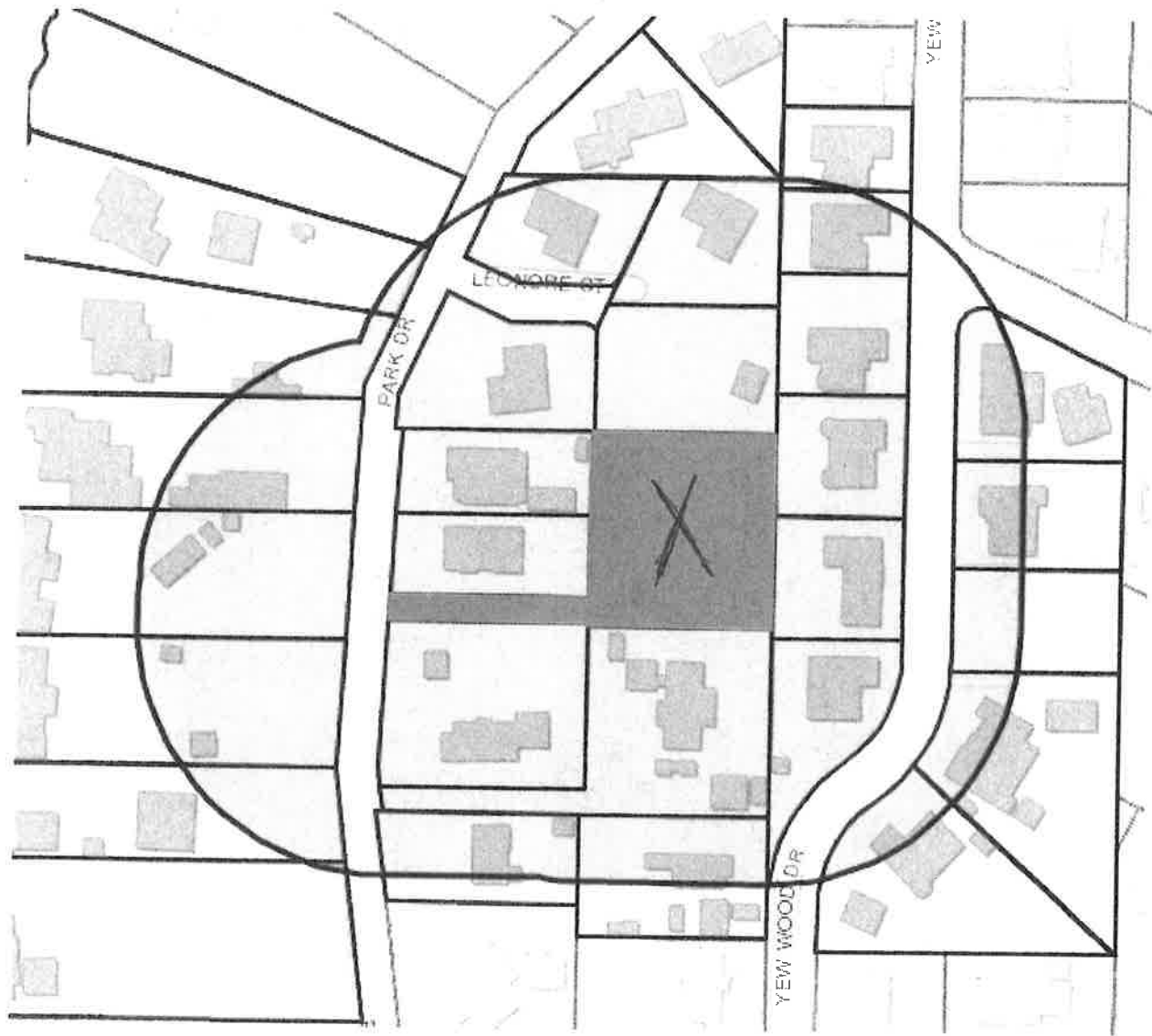
Please submit your response to: City of Shady Cove, Planning Dept, PO Box 1210, Shady Cove, OR 97539

PARTITION APPROVAL CRITERIA

SCCO 153.06 (C)

The City or Planning Commission shall review the tentative plan for a minor or major partition based on the classification procedure (Type I, II or III) and the following approval criteria:

- (1) The proposed partition is consistent with the density, setback and dimensional standards of the base zoning district;
- (2) The proposed partition is consistent with the design standards set forth in this chapter;
- (3) Adequate public facilities are available or can be provided to serve the proposed partition;
- (4) All proposed improvements meet city standards;
- (5) The plan preserves the potential for future redivision of the parcels, if applicable;
- (6) No parcel shall be landlocked as a result of the partition



511 Park Drive, Shady Cove



Mayor
Lena Richardson

Councilors
Steve Mitchell
Dick McGregor
Shari Tarvin
Hank Hohenstein

NOTICE OF PUBLIC HEARING

The City of Shady Cove City Council will hold a Public Hearing at 6:00 p.m. on Thursday, October 15, 2020. The hearing will likely be a telephonic conference meeting for the following purpose:

The Public Hearing is to consider an appeal of the Planning Commission approval of a request to partition one lot, a .58-acre parcel into two parcels at 511 Park Drive, Map and Tax Lot: 34-1W-16DD, 2503. Proposed parcel sizes will be, Parcel 1: 14,007 square feet, Parcel 2: 11,415 square feet. Partition also proposes a private street with alternate design standards which was approved by the Planning Commission. Zoning is Low Density Residential (R-1-10), 10,000 SF minimum lots.

Applicant: Dennis B. Hammons

File Number MIP 20-01.

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 packet. The City Council will consider written and oral comments at the hearing.

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, staff report and any related material will be available for public review seven days prior to the Public Hearing at 22451 Highway 62, Shady Cove during regular office hours (Mon-Friday 8:00am - 5:00pm). Copies will be available for purchase.

Public attendance is welcome and the meeting will likely be a telephonic conference meeting. Additional meeting access information is available by contacting the Planning Department at 541-878-8204.

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) 878-8204. 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).



Mayor
Lena Richardson

Councilors
Steve Mitchell
Dick McGregor
Shari Tarvin
Hank Hohenstein

CERTIFICATE OF MAILING

I hereby certify that on August 18, 2020, I provided a copy of the FINAL ORDER APPLICATION NO. MIP 20-01 by first class mail to the following List:


Debby Jermain, Planning Technician

Randy Lepper
521 Park Drive
Shady Cove, OR 97539

Susan Hoppes
PO Box 2807
White City, OR 97503

Martha Updike
125 Birch St.
Shady Cove, OR 97539

Dennis B. Hammons
525 Yew Wood Dr
Shady Cove, OR 97539

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

22451 Highway 62 ♦ PO Box 1210 ♦ Shady Cove OR 97539 ♦ (541) 878-2225 ♦ FAX: (541) 878-2226
E-Mail: djermain@shadycove.org ♦ Web Site: www.shadycove.org

BEFORE THE PLANNING COMMISSION
OF THE CITY OF SHADY COVE
COUNTY OF JACKSON, STATE OF OREGON

IN THE MATTER OF CONSIDERATION OF AN)
APPLICATION FOR APPROVAL OF MIP 20-01,) **FINAL ORDER**
A MINOR LAND PARTITION)
IN THE CITY OF SHADY COVE, OREGON)

APPLICANT: DENNIS B. HAMMONS

RECITALS:

- 1) An application for a minor land partition to divide a parcel of land consisting of .58 acres into two (2) parcels: parcel 1 is .32 acres; Parcel 2 is .26 acres; and creating a private street. An application was filed and duly accepted by the City on June 22, 2020 and certified complete on July 22, 2020; and,
- 2) Subject property is described as 34-1W-16DD, Tax Lot 2503, located at 511 Park Drive, Shady Cove, Oregon. Zoning is R-1-10 (Single Family Residential 10,000 square foot minimum); and,
- 3) Chapters 153 and 154 of the City of Shady Cove Code of Ordinances govern minor land partitions within the corporate limits of the City; and,
- 4) Section 95.61 of the City of Shady Cove Code of Ordinances requires that all streets within or adjacent to a development shall be improved in accordance with adopted City street standards. While, Section 95.03 allows the Planning Commission to approve alternate street standards.
- 5) At a duly noticed public hearing held on August 13, 2020, the Planning Commission considered the application; staff report and testimony from the applicant. The recommendations contained in the staff report are a part of the record; and,
- 6) At the public hearing the Planning Commission deliberated on the record of the proceedings, after which a motion was made and duly seconded to **approve** the partition with conditions. The motion passed by a roll call vote 3-0.

SUBSTANTIVE APPROVAL CRITERIA:

The Planning Commission concludes that the following provisions of the Shady Cove Zoning Code constitute the approval criteria for this application: Chapters 95, 153, 154 including but not limited to Section 95.61; Section 153.06 (C); Section 153.09-153.99; and 154.379 Type III Review.

FINDINGS:

- 1) The Planning Commission hereby adopts and incorporates by reference all oral deliberations and findings of fact established in the record of the Planning Commission public hearing, and cites by reference: the applicant's application; maps; submitted documents; and findings of fact included in the City Planner's staff report.
- 2) The Planning Commission hereby finds that it has received all information and evidence necessary to consider the application for a minor land partition.
- 3) Public Notice was provided by mailing notification of Public Hearing and Request for Comments to adjacent property owners within 200 feet of said property and to affected agencies; a Notice of Public Hearing was published in the Upper Rogue Independent; and agendas were e-mailed to interested parties. Copies of the application and staff report were made available for review at City Hall.
- 4) The Planning Commission finds and concludes that proper notice has been given.

DECISION:

Based on the record of the public hearing on this matter, the Planning Commission concludes that the case for a partition has been substantiated and is in accordance with the requirements listed in Chapters 153 and 154 of the Shady Cove Code of Ordinances. Therefore, the Planning Commission **conditionally approves** the partition application based upon compliance with the City of Shady Cove Code of Ordinance.


CONDITIONS OF APPROVAL:

1. The final plat shall be delivered to the city for approval within one year following approval of tentative plat. The city may, upon written request of the subdivider, grant an extension for up to one additional year.
2. The final plat shall comply with the provisions of Section 153.06 (F) and (G). The proposed ingress-egress shall be included on the final plat. Applicant shall coordinate plan designs and improvements with the City of Shady Cove Public Works Director, City of Shady Cove Engineer, City of Shady Cove Planner, the Fire Chief and other affected agencies.
3. All future development is subject to compliance with the Shady Cove Code of Ordinances
4. The applicant shall sign a deferred development agreement and either pay in full, or agree to a payment plan in conformance with the Shady Cove Code of Ordinances related to the future improvement of Park Drive. The cost of the applied frontage footage cost being \$1,001.50.
5. The applicant shall provide documentation of a recorded access easement allowing access to Parcel 2 across Parcel 1.
6. The paving width of the private street may be reduced by the width of the curbs.

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

This ORDER for APPROVAL is granted this 18th day of August, 2020, in Shady Cove, Oregon.

APPROVED


Arthur Stirling, Chair

ATTEST:


Debby Jermain, Planning Technician

NOTICE

The Planning Commission Order is the final decision of the City of Shady Cove on this application unless an appeal is made to the Shady Cove City Council. This decision may be appealed to the Shady Cove City Council by filing a notice of appeal, in writing, within ten (10) days of the date the Final Order is mailed. This decision is being mailed on August 18, 2020. The notice of appeal shall set forth in detail the appellant's relationship to the property, how the decision will adversely affect the appellant, and the grounds upon which the appellant believes this decision is incorrect. Please contact the Shady Cove Planning Department for specific appeal information. The Planning Department is located at City Hall, 22451 Highway 62, PO Box 1210, Shady Cove, OR 97539, (541) 878-8204.

**CITY OF SHADY COVE
TYPE I STAFF REPORT**

**IN THE MATTER OF AN
APPLICATION TO PARTITION .58
ACRES INTO TWO PARCELS
APPLICATION MIP20-01**

The City of Shady Cove has reviewed an application to partition a .58-acre parcel into two parcels: Parcel 1: 14,007 square feet (.32 acre); Parcel 2: 11,415 square feet (.26 acres). Zoning is Single -Family Residential (R-1-10; 10,000 square foot minimum lot size for R-1-10. As no new public streets are proposed this is considered a request for a minor partition. However, since the proposed private street does not meet the standards outlined in Table 6.B.1 of the Shady Cove Code of Ordinances, the Partition and street design will be forwarded to the Planning Commission for review and decision.

Address: 511 Park Drive

Applicant: Dennis B. Hammons

Legal Description: 34-1W-16DD, Tax Lot 2503

Zoning: R-1-10

The City of Shady Cove accepted the above referenced application for a Type I review in accordance with the Shady Cove Code of Ordinances §153 and 154.

Approval Criteria / FINDINGS

The City or Planning Commission shall review the tentative plan for a minor partition based on the following approval criteria:

- (1) The proposed partition is consistent with the density, setback and dimensional standards of the base zoning district;

FINDING: The base zoning district is R-1-10.

- (2) The proposed partition is consistent with the design standards set forth in this chapter;

FINDING: The design standards for partitions as listed in SCCO § 153.09 - 153.99 are addressed by the applicant's surveyor on the tentative plan.

Section 153.17 requires findings that there will be no foreseeable difficulties in developing the parcels. Parcel 1 contains a dwelling. Parcels 1 and 2 as proposed will have street access via a 20 foot flag pole which will serve as a private street providing access to both lots. Both parcels are more than 125 feet deep exceeding the required lot depth of 80 feet. Both lots meet the required 3:1 lot depth to width ratio.

In accordance with Section 95.61 all streets within or adjacent to a development shall be improved in accordance with adopted City street standards. City street standards adopted in Table 6.B.1 describes the minimum street standard for local residential streets.

The street standard for private street is 20 feet of paving and 6 inch curbs on each side. The existing flag lot is not wide enough to accommodate the curb requirement. Therefore, any alternate proposal (the applicant has proposed paving without curbs) goes to the Planning Commission for review and decision. As part of the approval requirement an access easement providing Parcel 2 ingress/egress rights across Parcel 1 will be required.

As allowed in Chapter 32 of the Shady Cove Code of Ordinances, minor partitions may be allowed to develop without full improvement of adjacent streets when deferred improvement agreements are correctly filed as prescribed in Sections 32.01-32.06. City Resolution No. 99-12 prescribes costs associated with future street improvement. In accordance with Section 32.02 the developer of a partition is responsible for 25% of associated future street improvement costs along all adjacent public streets. As the subject parcel fronts Park Drive for a distance of 20.03 feet and the associated future improvement cost is estimated at \$200 per linear foot (\$120 for paving, curb, and gutter of 28', and \$40 for sidewalk on one side, and \$40 for sidewalk on the other side). The total frontage footage cost would be \$4,006. As prescribed in Section 32.02 the applicant will be required to pay 25% of the total frontage footage cost, which totals \$1,001.50.

- (3) Adequate public facilities are available or can be provided to serve the proposed partition;

FINDING: All new utilities are to be installed to city standards and Rogue Valley Sewer Services specifications, with costs to be borne by the applicant. All future improvements must meet city standards;

FINDING: Any future improvements will be subject to review by the city engineer and will be required to meet city standards. No public improvements are proposed as part of the proposal.

- (4) All proposed improvements meet city standards;

FINDING: The private street does not meet the City Standards as outlined in Table 6.B.1 in that the proposed private drive does not include curbs on each side of the proposed private street. The Planning Commission has the authority to review and accept alternate street designs.

- (5) The plan preserves the potential for future re-division of the parcels, if applicable;

FINDING: Neither parcel would be large enough to allow future re-division.

- (6) Neither parcel shall be landlocked as a result of the partition.

FINDING: Parcel 1 is proposed to have 20.03 feet of frontage on Park Drive (a City Street). Parcel 2 shall be provided an access easement across the proposed private drive to be created in the flag pole of Parcel 1. With the condition of approval requiring an access easement neither parcel will be landlocked.

CONCLUSION:

The proposed partition complies with the criteria and standards in Code of Ordinances Chapters 153 and 154. With the exception of compliance with the street design standards found in Table 6.B.1, particularly the lack of curbs on the private street proposed to serve two lots. The applicant has provided comment that two adjacent properties have access easements allowing access to the flag pole. If access easements are in effect the applicant could provide driveway approaches (properly designed in the private street) allowing access to continue to be provided from and to the flagpole.

RECOMMENDATION:

Based on the criteria and findings the city planner forwards the application to the Planning Commission. The Planning Commission should use their discretion to make a decision as to the acceptability of the proposed private street. Should the Planning Commission find the street design acceptable, the city planner suggests approving the application for a minor partition with conditions as described below.

CONDITIONS OF APPROVAL:

- _____1. The final plat shall be delivered to the city for approval within one year following approval of tentative plat. The city may, upon written request of the subdivider, grant an extension for up to one additional year.

_____ 2. The final plat shall comply with the provisions of Section 153.06 (F) and (G). The proposed ingress-egress shall be included on the final plat.

_____ 3. All future development is subject to compliance with the Shady Cove Code of Ordinances.

_____ 4. The applicant shall sign a deferred development agreement and either pay in full, or agree to a payment plan in conformance with the Shady Cove Code of Ordinances related to the future improvement of Park Road. The cost of the applied frontage footage cost being \$1,001.50.

_____ 5. The applicant shall provide documentation of a recorded access easement allowing access to Parcel 2 across Parcel 1.

Ryan Nolan
Ryan Nolan, City Planner

Dated this 6th day of August, 2020

TABLE 6.B.1 – Right-of-Way and Street Design Standards

Type of Street	Ave. Daily Tips (ADT)	Right of Way Width	Curb-to-Curb Pavement Width	Within Curb-to-Curb Area			Curb on both sides	Planting Strip on both sides	Sidewalks on both sides
				Motor Vehicle Travel Lanes	Bike Lane on both sides	On Street Parking			
Arterial Streets Boulevards: 2-Lane Boulevard	8,000 to 30,000 ADT	61'-87'	34'	11'	2 at 6' each	8' bays	6"	7'-8' ¹	6'-10' ²
Avenue: 2-Lane Avenue	3,000 to 10,000 ADT	59'-86'	32'-33'	10'-10.5'	2 at 6' each	8' bays	6"	7'-8'	6'-10'
Collector Streets Residential	1,500 to 5,000 ADT								
No Parking		49'-51'	22'	11'	NA ³	None	6"	8'	5'-6'
Parking One Side		50'-56'	25'-27'	9'-10'		7' lane	6"	7'-8'	5'-6'
Parking Both Sides		57'-63'	32'-34'	9'-10'		7' lanes	6"	7'-8'	5'-6'
Commercial:									
Parallel Parking One Side		55'-65'	28'	10'		8' lane	6"	7'-8'	6'-10'
Parallel Parking Both Sides		63'-73'	36'	10'		8' lanes	6"	7'-8'	6'-10'
Diagonal Parking One Side		65'-74'	37'	10'		Varies	6"	7'-8'	6'-10'
Diagonal Parking Both Sides		81'-91'	54'	10'		Varies	6"	7'-8'	6'-10'
Local Residential Streets ⁴	Less than 1,500 ADT								
Parking One Side		47'-51'	22'	15'		One 7'	6"	7'-8'	5'-6'
Parking Both Sides		50'-57'	25'-8'	11'-14' Queuing		Two 7' lanes	6"	7'-8'	5'-6'
Alleys	NA	16'-20'	12'-16' paved width, 1'-2' strips on both sides	NA	NA	none	none	none	none
Accessways & Multi-Use Paths	NA	10'-18'	6'-10' paved width, 2'-4' strips on both sides	NA	NA	none	none	none	none
Private Drives serving 2-6 lots	NA	NA	20'	NA	NA	NA	6"	None	None

¹ Hardscape planting strip with tree wells shall be used in commercial and mixed-use development areas (where on-street parking is provided);

² 5'-6- Sidewalk shall be installed in residential areas, 8'-10' sidewalk shall be installed in commercial areas;

³ Bike lanes are generally not needed on low volume (less than 3,000 ADT) and/or low travel speed (less than 25 mph) streets;

⁴ Option for residential street with 22-feet of pavement width, and 4-foot wide sidewalks or pathways, separated from roadway by drainage swale (no curb).

[Sidewalks may not be required on some existing local streets when existing and future traffic volumes are low; e.g. less than 500 ADT, or 10 dwellings].

CITY OF SHADY COVE
MINOR LAND PARTITION
APPLICATION

OFFICE USE:

Application No. MIP 20-01 Received By D. Jermain Date 6/22/20
Amount Paid \$600.00 Receipt No. 27087 Hearing Date TBD 8/13/20

TO BE COMPLETED BY APPLICANT:

Name of Property Owner(s): Dennis B Hammons

Property Street Address: 511 Park Dr

Between Leonore Court and Edwoodpark Dr. streets.

County Assessor's Map & Tax Lot Number: 34-1W-16-DD 2503

Current Zoning: R-1-10 Adjacent Zoning: R-1-10

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 2 copies of property plat map.
- 3) Attach 2 copies of a plot plan indicating the existing property lines and the proposed use.

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 does not cover any professional, legal, or consulting fees incurred by City and that I am responsible for all costs incurred by the City of Shady Cove in connection with processing this application.

APPLICANT'S SIGNATURE [Signature]

MAILING ADDRESS 525 Jewwood Dr SC OR 97539

PHONE NUMBER 541 630 0077 EMAIL d.brucehammons@yahoo.com

PURSUANT TO ORS 227, THIS APPLICATION IS CONSIDERED COMPLETE WHEN REVIEWED, DATED AND SIGNED BY THE CITY PLANNER OR HIS/HER DESIGNATE

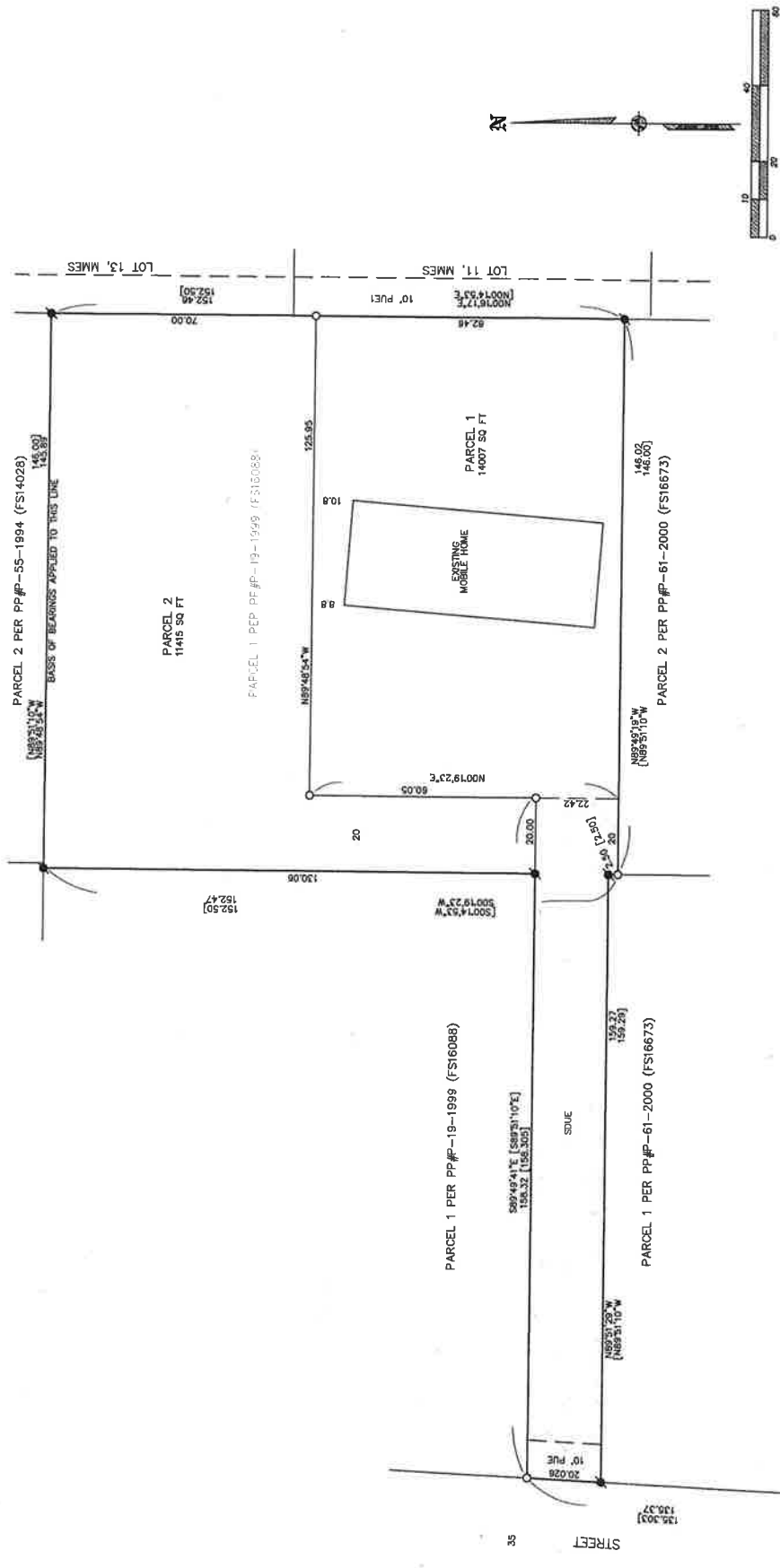
Complete Incomplete

Signature Debby Jermain

Date 7/22/20

TENTATIVE PARTITION PLAT

Of Parcel 2 per Partition Plat No. P-19-1999
& in the S.E. 1/4 of Sec. 16, T.34S., R.1W. W.M.
City of Shady Cove Jackson County, Oregon



NOTES:
PROPERTY LIES WITHIN ZONE X PER FROM PLAT 4108061576 DATED 09/18/01 & 10/12/01.
SOME PROPOSED SHARED DRIVEWAY & UTILITY EASEMENT FOR PARCELS 1 & 2.
PLAT = EXISTING PUBLIC UTILITY EASEMENT.
UTILITIES EXIST IN PARK STREET TO SERVE PARCEL 2.

REGISTERED PROFESSIONAL LAND SURVEYOR
James L. Hibbs
JULY 17, 1988
JAMES L. HIBBS
RENEWAL DATE: 6-30-21

TENTATIVE PARTITION PLAT
ACCESSOR'S MAP # 341W16DD TL2503
PREPARED BY: BRUCE HAMMONS
525 YEW WOOD DR.
SHADY COVE, OR 97539
L.J. FRIAR & ASSOCIATES P.C.
100 WEST 1ST AVE SUITE 200
SEASIDE, OR 97138
PHONE: 503.775.3759 FAX: 503.775.3758
WWW.LJFRIAR.COM

DATE: 20 JULY 2020
SCALE: 1" = 20' HORIZ
DRAWN BY: JKH
CHK BY:
CHECKED:
REMOVED BY:
DATE:
SHEET 1 OF 1

6/22/20

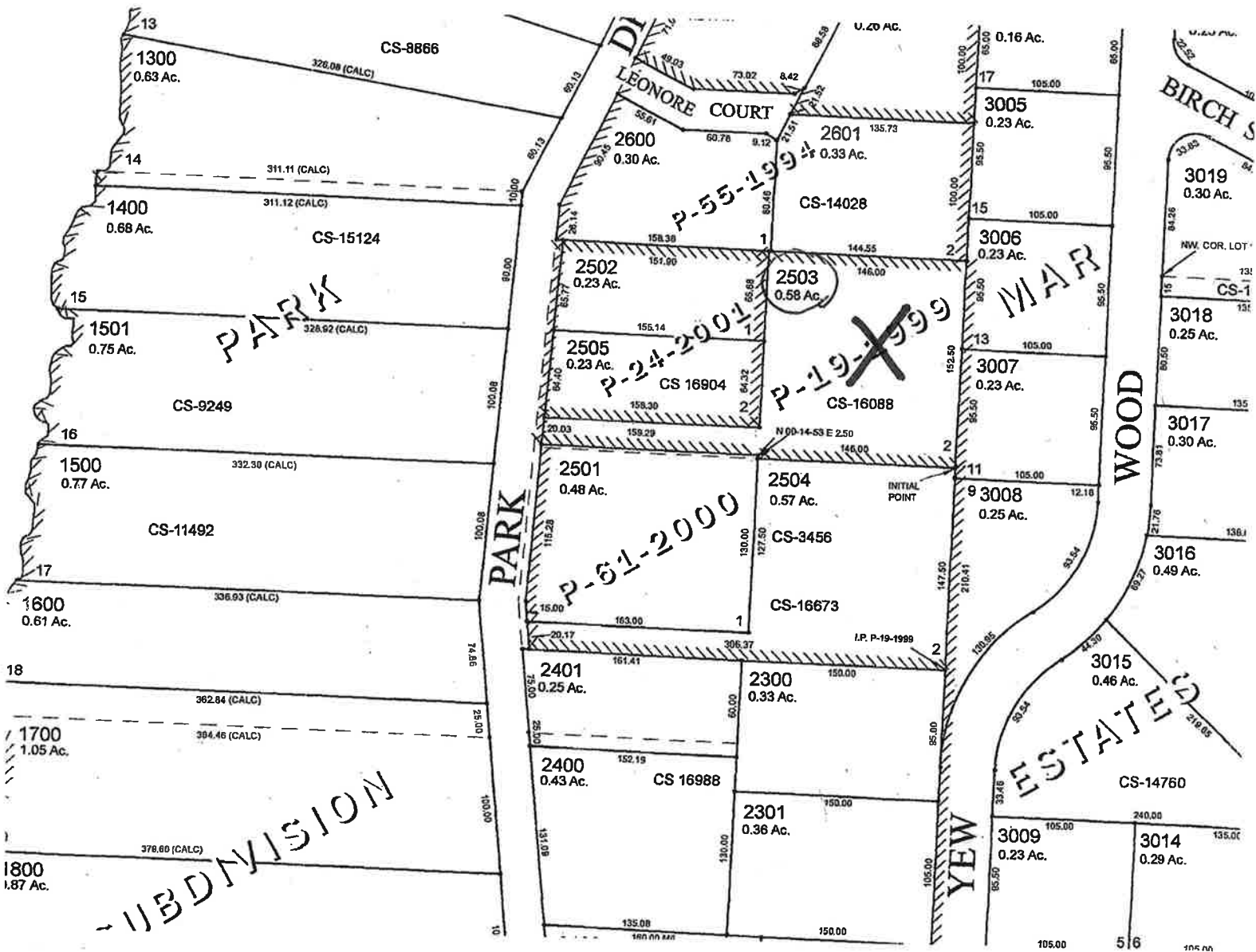
I propose to pave the existing 20' wide driveway to the new partitioned tax lot located at 511 Park Drive without the 6" curb.

Reason for this proposal is that the driveway borders three properties, and the curb would block access.

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by a smaller, more complex set of initials, all connected by a horizontal line that extends to the right.

Dennis B. Hammans

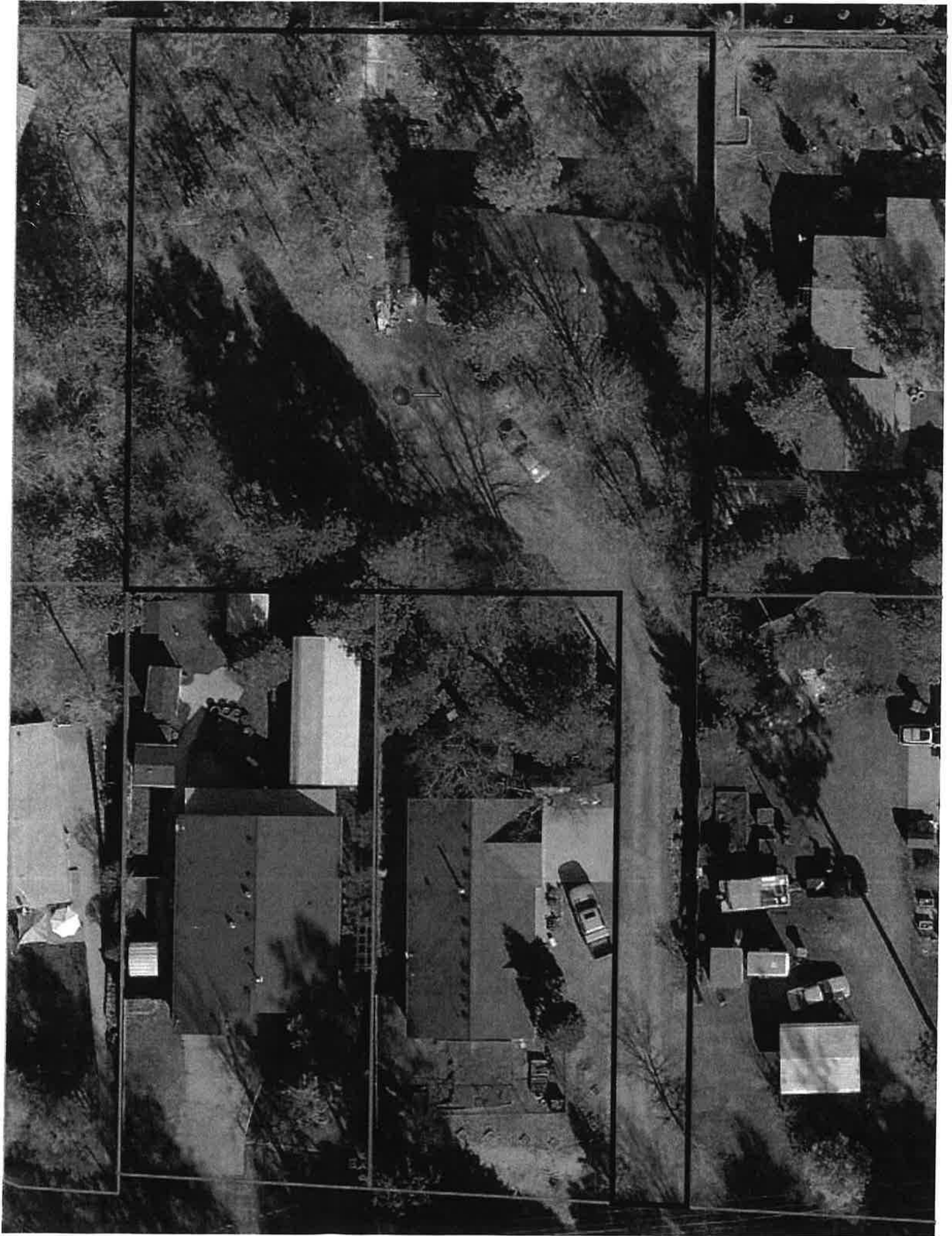
2503



JACKSON COUNTY
 1555 E. McAndrews Road, Ste. 100
 Medford, Oregon 97504
 P: 541-779-2811 F: 541-772-6079
or-tic-medfordtitle@ticortitle.com

JOSEPHINE COUNTY
 744 NE 7th Street
 Grants Pass, Oregon 97526
 P: 541-476-1171 F: 541-476-1174
or-tic-grantspasstitle@ticortitle.com

This print is made solely for the purpose of assisting in locating the premises, and the Company assumes no liability for information printed on this map, including but not limited to zoning, variations (if any) in area, actual dimensions, and locations as determined by survey.





Mayor
Lena Richardson

Councilors
Steve Mitchell
Dick McGregor
Shari Tarvin
Hank Hohenstein

CERTIFICATE OF MAILING

I hereby certify that on July 23, 2020, I provided a copy of the Notification of Adjacent Property Use Proposal APPLICATION NO. MIP 20-01 by first class mail to the following (list attached):


Debby Jermain, Planning Technician

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

TIPTON SANDRA A TRUSTEE ET AL
430 PARK DR
SHADY COVE, OR 97539

POOL JAMES L/MAXINE
345 PARK DR
SHADY COVE, OR 97539

CHAIN GARTH TRUSTEE ET AL
PO BOX ~~645~~ 1329
SHADY COVE, OR 97539

ESKEW GERALD K/NORMA J
434 PARK DR
SHADY COVE, OR 97539

MOULTON RONALD ALAN
413 YEWWOOD DR
SHADY COVE, OR 97539

GURLEY CHARLENE F TRUSTEE ET
~~590 PARK DR~~ 590 Park Dr
SHADY COVE, OR 97539 SC

TAYLOR JACQUELINE M TRUSTEE E
460 PARK DR
SHADY COVE, OR 97539

VITITOE MICHAEL G/SUSAN M
439 YEW WOOD DR
SHADY COVE, OR 97539

HAMMONS DENNIS BRUCE
PO BOX ~~5032~~
CENTRAL POINT, OR 97502

SCHNEIDER TIMOTHY M TRUSTEE E
931 DEERFOOT PL
NEWBURY PARK, CA 91320

CLARK GARY L/CLARK CHERYL D
465 YEWWOOD DR
SHADY COVE, OR 97539

DABEL DAVID R/SHANNON L
668 W ROLLING HILLS DR
EAGLE POINT, OR 97524

LEPPER RANDY D TRUSTEE ET AL
521 PARK DR
SHADY COVE, OR 97539

KONISHI CAROLYN K
515 YEWWOOD DR
SHADY COVE, OR 97539

HOPPES SUSAN F
~~495 PARK DR~~ PO Box 2807
SHADY COVE, OR 97539
WC 97503

POWELL SHARON P
465 PARK DR
SHADY COVE, OR 97539

SCHUMACHER ERIKA S/JOHN MARTI
530 YEWWOOD DR
SHADY COVE, OR 97539

THORNALLY LEONORE D LIVING TR
1422 VILLAGE CENTER DR
MEDFORD, OR 97504

HAMMONS DENNIS BRUCE
PO BOX 5032
CENTRAL POINT, OR 97502

WINFREY GREG L/PAIGE L
504 YEW WOOD DR
SHADY COVE, OR 97539

THORNALLY LEONORE D LIVING TR
1422 VILLAGE CENTER DR
MEDFORD, OR 97504

GRIMES BRENDA J
531 PARK DR
SHADY COVE, OR 97539

WINFREY PAIGE/GREG
504 YEW WOOD DR
SHADY COVE, OR 97539

THORNALLY LEONORE D LIVING TR
1422 VILLAGE CENTER DR
MEDFORD, OR 97504

THORNALLY LEONORE D LIVING TR
1422 VILLAGE CENTER DR
MEDFORD, OR 97504

DURAN SUSAN M REV LIVING TRUS
410 PARK DR
SHADY COVE, OR 97539

TERBECK THOMAS W TRUSTEE ET A
14790 HIGHWAY 62
EAGLE POINT, OR 97524

DITTMER SAMUEL J
325 PARK DR
SHADY COVE, OR 97539

DAVIS ARTICE M TRUSTEE ET AL
PO BOX 828
SHADY COVE, OR 97539

STANLEY RONALD O
387 YEW WOOD DR
SHADY COVE, OR 97539

PETERS ROBERT W/LISA M
PO BOX 1482
SHADY COVE. OR 97539

UPDIKE PETE C/MARTHA I
125 BIRCH ST
SHADY COVE. OR 97539

CITY OF SHADY COVE
PLANNING DEPARTMENT

NOTIFICATION OF ADJACENT PROPERTY USE PROPOSAL

Applicant/Owner: Dennis B. Hammons

Date: 7/23/20

Minor Partition File No: MIP 20-01

Description of Property: 34-1W-16DD, Tax Lot 2503 - 511 Park Drive, Shady Cove, Oregon.

Proposal: Minor Land Partition. Partition one lot, .58-acre parcel into two parcels: Parcel 1: 14,007 square feet (.32 acre); Parcel 2: 11,415 square feet (.26 acres). Zoning is Low Density Residential (R-1-10), 10,000 square foot minimum. Partition also proposes a private street with alternate design standards to be reviewed by the Planning Commission.

Response date and time: August 6, 2020, 12 p.m. to be included in planning commission agenda packet.

This Application will be decided by the Planning Commission on August 13, 2020 at 6:00 p.m. in City Hall Council Chamber.

All subdivision plats and all partitioning of land shall be approved in accordance with the regulations of Shady Cove Code of Ordinances including Chapters 153 and 154 and the criteria attached, please address your comments to the appropriate criteria.

Issues which may provide the basis for an appeal to the Land Use Board Appeals shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue.

"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."

A copy of all documents and evidence relied upon by the applicant are available for review and copies may be obtained at cost. For more information please contact the Planning Department at City Hall, (541) 878-8204.

****Review and Comment****

_____ No adverse effect.

_____ No comment.

_____ It has adverse effects as stated below.

Signature: _____

Printed Name(s) _____

Street and Mailing Address: _____

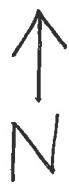
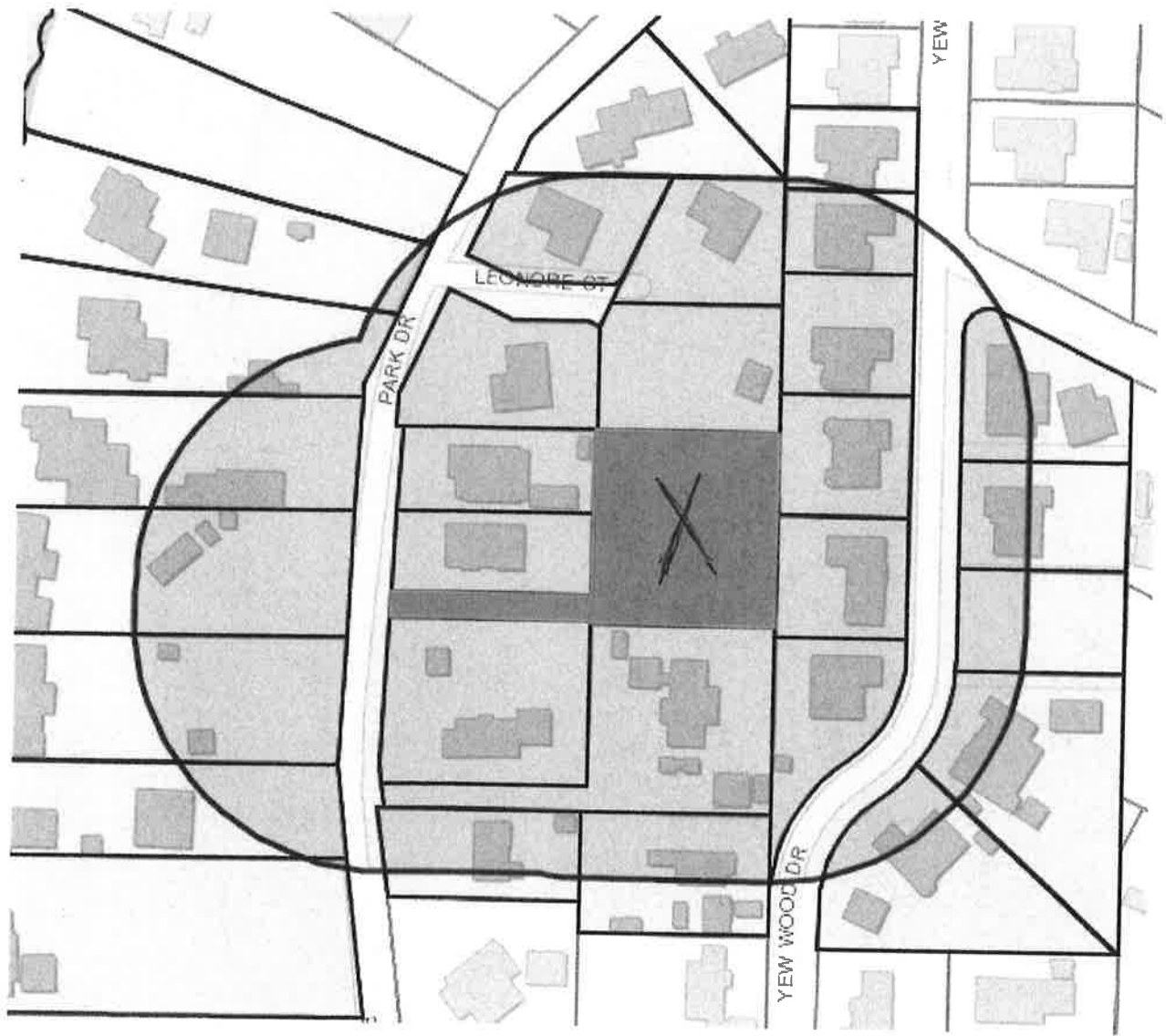
Please submit your response to: City of Shady Cove, Planning Dept, PO Box 1210, Shady Cove, OR 97539

PARTITION APPROVAL CRITERIA

SCCO 153.06 (C)

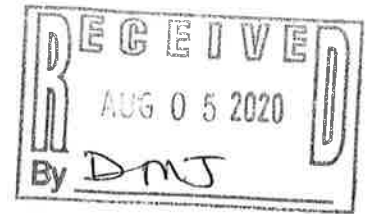
The City or Planning Commission shall review the tentative plan for a minor or major partition based on the classification procedure (Type I, II or III) and the following approval criteria:

- (1) The proposed partition is consistent with the density, setback and dimensional standards of the base zoning district;
- (2) The proposed partition is consistent with the design standards set forth in this chapter;
- (3) Adequate public facilities are available or can be provided to serve the proposed partition;
- (4) All proposed improvements meet city standards;
- (5) The plan preserves the potential for future redivision of the parcels, if applicable;
- (6) No parcel shall be landlocked as a result of the partition



511 Park Drive, Shady Cove

CITY OF SHADY COVE
PLANNING DEPARTMENT



NOTIFICATION OF ADJACENT PROPERTY USE PROPOSAL

Applicant/Owner: Dennis B. Hammons

Date: 7/23/20

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****Review and Comment****

No adverse effect.

No comment.

It has adverse effects as stated below.

With the private street curb requirement I would not be able to enter and leave my property via the access I was granted when I purchased my property. The curb is the adverse effect.

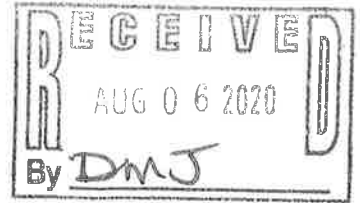
Signature: Randy Lepper Patricia Lepper

Printed Name(s) Randy Lepper * Patricia Lepper (TRUSTEES)

Street and Mailing Address: 521 Park Dr, Shady Cove, OR 97539

Please submit your response to: City of Shady Cove, Planning Dept, PO Box 1210, Shady Cove, OR 97539

CITY OF SHADY COVE
PLANNING DEPARTMENT



NOTIFICATION OF ADJACENT PROPERTY USE PROPOSAL

Applicant/Owner: Dennis B. Hammons

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****Review and Comment****

_____ No adverse effect.

_____ No comment.

_____ It has adverse effects as stated below.

The private street requirements (specifically the curb requirement) impedes access to my property which was granted at the purchase of my property. → See other side

Signature: Susan Hoppes

Printed Name(s) Susan Hoppes - Po Box 2807, White City, OR 97503

Street and Mailing Address: 495 Park Dr, Shady Cove, OR 97539

Please submit your response to: City of Shady Cove, Planning Dept, PO Box 1210, Shady Cove, OR 97539

PARTITION APPROVAL CRITERIA

SCCO 153.06 (C)

The City or Planning Commission shall review the tentative plan for a minor or major partition based on the classification procedure (Type I, II or III) and the following approval criteria:

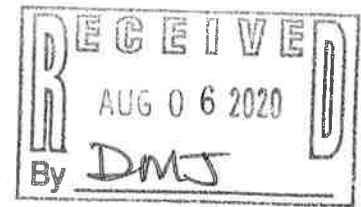
- (1) The proposed partition is consistent with the density, setback and dimensional standards of the base zoning district;
- (2) The proposed partition is consistent with the design standards set forth in this chapter;
- (3) Adequate public facilities are available or can be provided to serve the proposed partition;
- (4) All proposed improvements meet city standards;
- (5) The plan preserves the potential for future redivision of the parcels, if applicable;
- (6) No parcel shall be landlocked as a result of the partition

* cont.

I have an easement across the property for a neighbor's well, this would impede this also.

The only access to my property is via this driveway.

Thank you.



CITY OF SHADY COVE
PLANNING DEPARTMENT

NOTIFICATION OF ADJACENT PROPERTY USE PROPOSAL

Applicant/Owner: Dennis B. Hammons

Date: 7/23/20

Minor Partition File No: MIP 20-01

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Review and Comment

No adverse effect.

No comment.

It has adverse effects as stated below.

just appears more rentals in neighborhood

Signature: Martha I Ludike

Printed Name(s) MARTHA I LUDIKE

Street and Mailing Address: 125 Birch St SC 97539

Please submit your response to: City of Shady Cove, Planning Dept, PO Box 1210, Shady Cove, OR 97539



Mayor
Lena Richardson

Councilors
Steve Mitchell
Dick McGregor
Shari Tarvin
Hank Hohenstein

NOTICE OF PUBLIC HEARING

The City of Shady Cove Planning Commission will hold a Public Hearing at 6:00 p.m. on Thursday, August 13, 2020, at the Shady Cove City Hall Council Chamber, 22451 Highway 62, Shady Cove, Oregon for the following purpose:

The Public Hearing is to consider a partition of one lot, .58-acre parcel into two parcels at 511 Park Drive, Map and Tax Lot: 34-1W-16DD, 2503. Proposed parcel sizes will be, Parcel 1: 14,007 square feet, Parcel 2: 11,415 square feet. Partition also proposes a private street with alternate design standards to be reviewed by the Planning Commission. Zoning is Low Density Residential (R-1-10), 10,000 SF minimum lots.

Applicant: Dennis B. Hammons

File Number MIP 20-01.

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

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, staff report and any related material will be available for public review seven days prior to the Public Hearing at 22451 Highway 62, Shady Cove during regular office hours (Mon-Friday 8:00am - 5:00pm). Copies will be available for purchase.

Public attendance is welcome and the meeting will likely be a telephonic conference meeting. Additional meeting access information is available by contacting the Planning Department at 541-878-8204.

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) 878-8204. 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: 07/27/20
Published: 07/29/20
Remove from Posting: 08/14/20

City of Shady Cove
FENCE PERMIT APPLICATION

Fee: \$50.00

Date Paid: 8/25/20
Amount Paid: \$50.00
Receipt #: 27105
Site Inspection By: _____
On Date: _____

DATE: 8/24/20 PERMIT # BP OWNER/BUILDER: Yes No

LEGAL DESCRIPTION: T. 34, R. 1W, SECTION 1600, TAX LOT 2503

ADDRESS OF PROPOSED FENCE: 511 PARK DR

IS PROPOSED FENCE LOCATED IN A FLOODPLAIN no OR FLOODWAY no

APPLICANTS NAME: D. BRUCE HAMMONS

APPLICANTS ADDRESS: 511 Park Dr

APPLICANTS PHONE NUMBER: 311 630 0071 CELL: _____

CONTRACTORS NAME: SELF Quality Fence

CONTRACTORS ADDRESS: Central Point

CONTRACTOR PHONE NUMBER: _____ CELL: _____

CCB# _____ CITY BUSINESS LICENSE NUMBER: _____

WILL FENCE BE LOCATED ON A CORNER LOT? Yes No

WILL FENCE BE ON A REVERSE FRONTAGE LOT? Yes No

WILL THERE BE A CHANGE TO EXISTING GRADE? Yes No

HEIGHT OF PROPOSED FENCE (measured from grade) 6' 3'

TYPE OF MATERIAL USED TO CONSTRUCT FENCE (wood, chain link, concrete, etc.)

Chain link black

ESTIMATED LINEAL FOOTAGE: 300' Drive side 6' 152' side

ESTIMATED PROJECT VALUATION: \$ 4,000.00 / 2500.-

PLEASE PROVIDE A SITE PLAN THAT INCLUDES THE FOLLOWING INFORMATION:

1. Lineal footage of each section.
2. Height of each section of fence.
3. Distance of setback from street, property line, existing buildings, waterways, ditches, etc.

DISCLAIMER: Property owner is solely responsible to assure fence is properly located on subject tax lot.

CALL BEFORE YOU DIG - Utility Locates: 1-800-332-2344

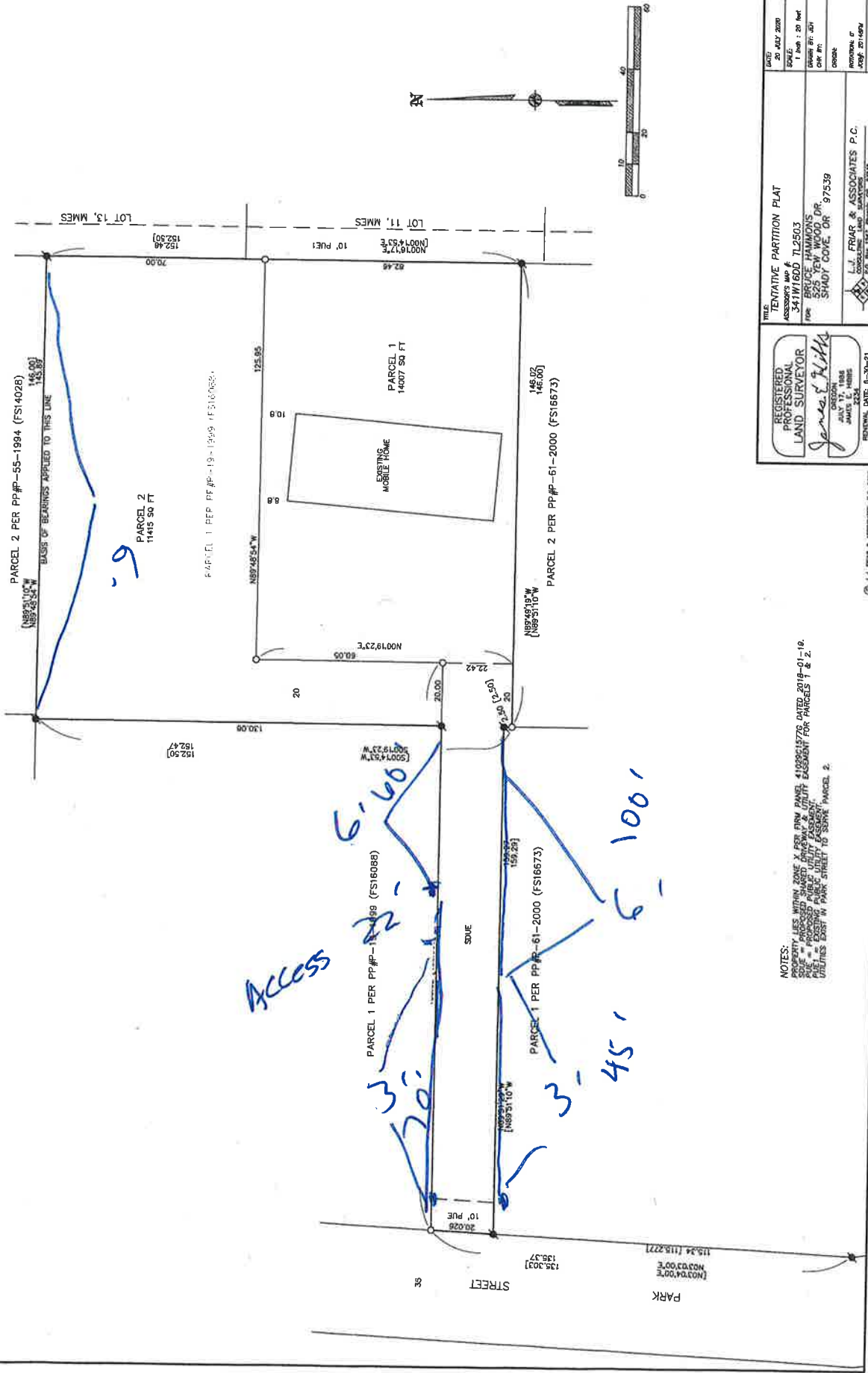
[Signature]
Owners Signature

8/24/20
Date

Approved: _____ Not approved: _____ By: _____ Date: _____

Comments: _____

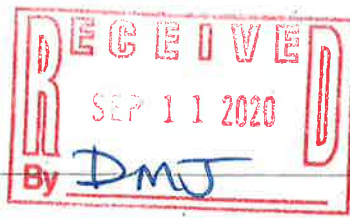
TENTATIVE PARTITION PLAT
 Of Parcel 2 per Partition Plat No. P-19-1999
 & in the SE 1/4 of Sec. 16, T.34S., R.1W., W.M.
 City of Shady Cove Jackson County, Oregon



DATE	20 JULY 2020
SCALE	1 inch = 20 feet
DRAWN BY	JPH
CHECKED BY	JPH
DATE	20 JULY 2020
PROJECT	TENTATIVE PARTITION PLAT
ASSIGNOR'S MAP #	34711600 TL2503
FOR	BRUCE HAMMONS
BY	BRUCE HAMMONS
DATE	SHADY COVE, OR 97539
ORDER	
PREPARED BY	L.J. FRUAR & ASSOCIATES P.C.
REGISTERED LAND SURVEYOR	OR 3254
OFFICE	1000 N. W. 10th St., Astoria, OR 97103
PHONE	503.325.1111
FAX	503.325.1111
EMAIL	lfruar@lfruar.com

REGISTERED PROFESSIONAL LAND SURVEYOR
Jesse E. Riddle
 JESSE E. RIDDE
 OR 3254
 JUNE 11, 1988
 RENEWAL DATE: 6-30-21

NOTES:
 1. ALL LINES WITHIN ZONE ARE FOR PINK PANEL SURVEY.
 2. ALL LINES WITHIN ZONE ARE FOR PINK PANEL SURVEY.
 3. ALL LINES WITHIN ZONE ARE FOR PINK PANEL SURVEY.
 4. ALL LINES WITHIN ZONE ARE FOR PINK PANEL SURVEY.
 5. ALL LINES WITHIN ZONE ARE FOR PINK PANEL SURVEY.



9/11/20

Tom:

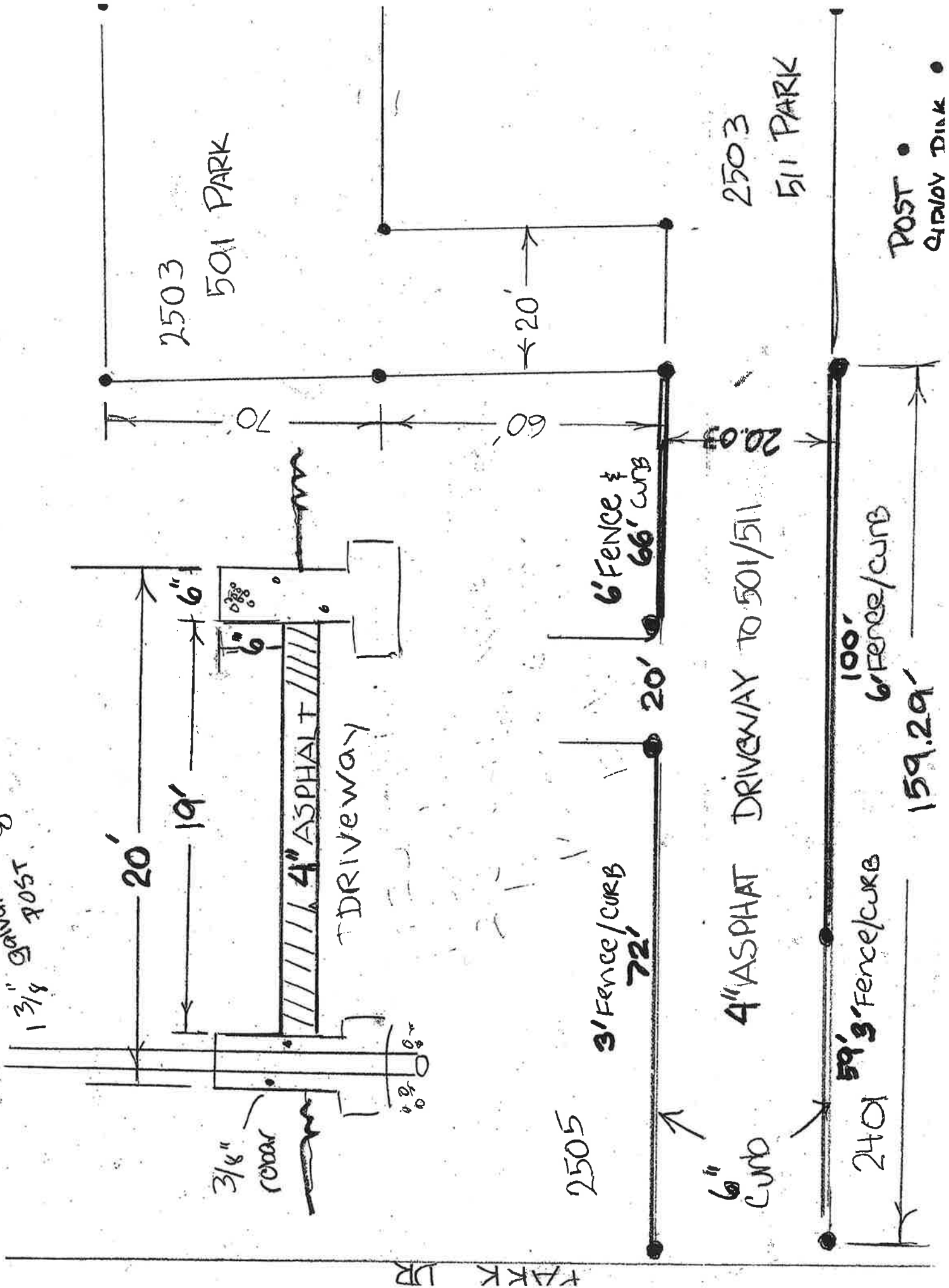
Please Find drawing

Showing driveway is sloping
down hill towards Park Drive.

I will have a 6" x 6" curb
on both sides to direct
my water flowing into ditch
on both sides of new 18"
culvert so as to not have
water enter street.

In the past it's been
minimal run off, never
crossing road even with old
12" ^{crushed} culvert !! Thanks Bruce

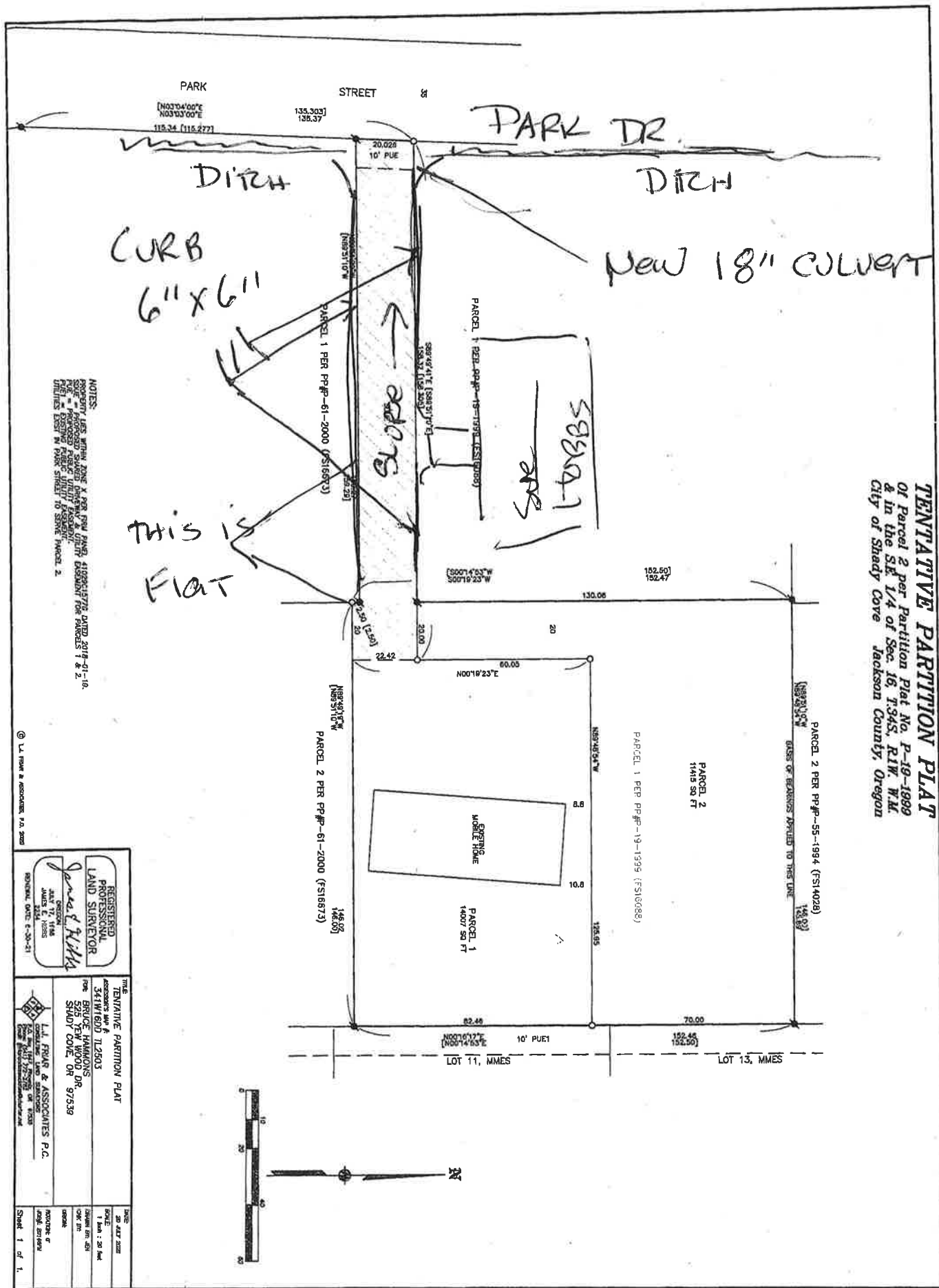
1 3/4" GALVANIZED 8' & 150T POST



POST • CURB/DK DINK •

Driveway will be 4' ASPHALT

TENTATIVE PARTITION PLAT
 Of Parcel 2 per Partition Plat No. P-19-1989
 & in the S.E. 1/4 of Sec. 16, T.34S, R.1W, W.M.
 City of Shady Cove Jackson County, Oregon



NOTES:
 1. DRIVEWAY PER ZONE X PER SPW PLAN, 4/20/03/2772 DATED 2018-01-19.
 2. PROPOSED SLOPED DRIVEWAY & UTILITY EXHIBIT FOR PARCELS 1 & 2.
 3. PER 1990 OREGON PLANNING & UTILITY ASSOCIATION.
 4. UTILITIES EXIST IN PARK STREET TO SOME PARCELS 2.

© L.L. FRANK & ASSOCIATES, P.A. 2022

	REGISTERED PROFESSIONAL LAND SURVEYOR James E. Hines No. 1184 State of Oregon	THIS TENTATIVE PARTITION PLAT ASSOCIATES MAP # 6 341W160D TL2603 BRUCE HANMONS 525 YEW WOOD DR SHADY COVE, OR 97539	L.L. FRANK & ASSOCIATES P.C. 2000 N. 10th St. Medford, OR 97504 Phone: 541-753-2222 or 541-753-2223 Fax: 541-753-2224
	DATE: 11/14/22 PROJECT: 22-001	DATE: 11/14/22 PROJECT: 22-001	SHEET # OF #



**CITY OF SHADY COVE CITY COUNCIL PACKET
PLANNING FILE NO. VAC 20-01
REQUEST FOR A VACATION OF PUBLIC RIGHT OF WAY
TERMINUS OF BROPHY WAY, SHADY COVE OREGON**

PUBLIC HEARING: THURSDAY OCTOBER 15, 2020, 6:00 P.M.

	INDEX	PAGE #
	Recommendation to City Council	2 - 3
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	Application	6 - 10
	Adjacent Property Notice & Mailing	11 -15
	Comments returned	16 - 17
	Legal Notice - Notice of Public Hearing	18
	Draft Ordinance	19 - 21

**BEFORE THE PLANNING COMMISSION
OF THE CITY OF SHADY COVE
COUNTY OF JACKSON, STATE OF OREGON**

IN THE MATTER OF CONSIDERATION OF)
AN ORDINANCE PROVIDING FOR THE VACATION)
OF A PORTION OF THE EXISTING TURN AROUND) **RECOMMENDATION**
AT THE TERMINUS OF BROPHY WAY AND) **TO CITY COUNCIL**
ACCEPTING NEW PUBLIC RIGHT OF WAY IN THE)
FORM OF A HAMMERHEAD TURNAROUND NEAR)
THE TERMINUS OF BROPHY WAY)

RECITALS:

- 1) ORS 271.100 governs right of way vacation requests within the corporate limits of the City; and,
2. The Shady Cove Code of Ordinances Section 95.03(B) provides the Planning Commission the authority to approve street improvements alternate to the adopted street standards of the City, therefore the application was sent to the Planning Commission for a recommendation to the City Council; and,
- 3) The Shady Cove Planning Commission, after providing proper public notice, met in Public Hearing on September 24, 2020, to consider a request to vacate a portion of public right of way and accept a new portion of public right of way associated with Brophy Way. The Commission received testimony from interested parties and staff. The staff recommendations, as submitted to the Planning Commission, are contained in a staff memorandum that is part of the record; and,
- 4) On September 24, 2020, following the close of the public hearing, the Planning Commission deliberated on the record of the proceedings, after which a motion was made and duly seconded, to recommend that the City Council approve the Ordinance vacating and accepting right of way. The motion passed by a roll call vote of 4 to 0.
- 5) As approval for the alternate street design was recommended by the Planning Commission, the City Council of the City of Shady Cove shall make the final decision regarding the application for right of way vacation and public right of way acceptance; and,

NOW THEREFORE, the Planning Commission of the City of Shady Cove finds, concludes, and recommends as follows:

SECTION 1: FINDINGS

- 1) The Planning Commission hereby incorporates by reference all oral deliberations and findings of fact established in the record of the public hearing, and cites by reference: oral and written testimony of interested citizens, and staff and findings of fact which are a part of the record, the City Planner's staff memorandum; and,
- 2) The Planning Commission hereby finds that it has received all information and evidence necessary to consider the above request; and,
- 3) The City provided public notice through the Upper Rogue Independent, and mailed notices to surrounding properties as outlined in ORS 271.110(1) via United States Postal Service. The Planning Commission finds and concludes that proper notice has been given; and,
- 4) The Planning Commission finds that no one spoke in opposition to the proposed amendments.
- 5) The criteria used to evaluate the requested right of way vacation and right of way acceptance are found in ORS 271.100 and Section 95.03 of the City of Shady Cove Code of Ordinances. The Planning Commission finds that the request meets the criteria.

SECTION 2: CONCLUSION

The Planning Commission concludes that the proposed vacation of a portion of existing turn around at the terminus of Brophy Way and accepting new public right of way in the form of a hammerhead turn-around near the terminus of Brophy Way comply with procedural requirements of the Shady Cove Code of Ordinances, and provide an acceptable improvement to the Brophy Way public right of way.

SECTION 3: DECISION

Based on the record of the public hearing on this matter, the Planning Commission recommends approval of the proposed Ordinance.

This RECOMMENDATION for APPROVAL is given to the Shady Cove City Council this 1ST day of October 2020, in Shady Cove, Oregon.


Arthur Stirling, Chair



ROGUE VALLEY
Council of Governments

155 N. First St.
P.O. Box 3275
Central Point, OR 97502
(541) 664-6674
FAX (541) 664-7927

MEMORANDUM

Date: September 3, 2020
To: Shady Cove Planning Commission
From: Ryan Nolan
Subject: Brophy Way Right of Way Vacation Request

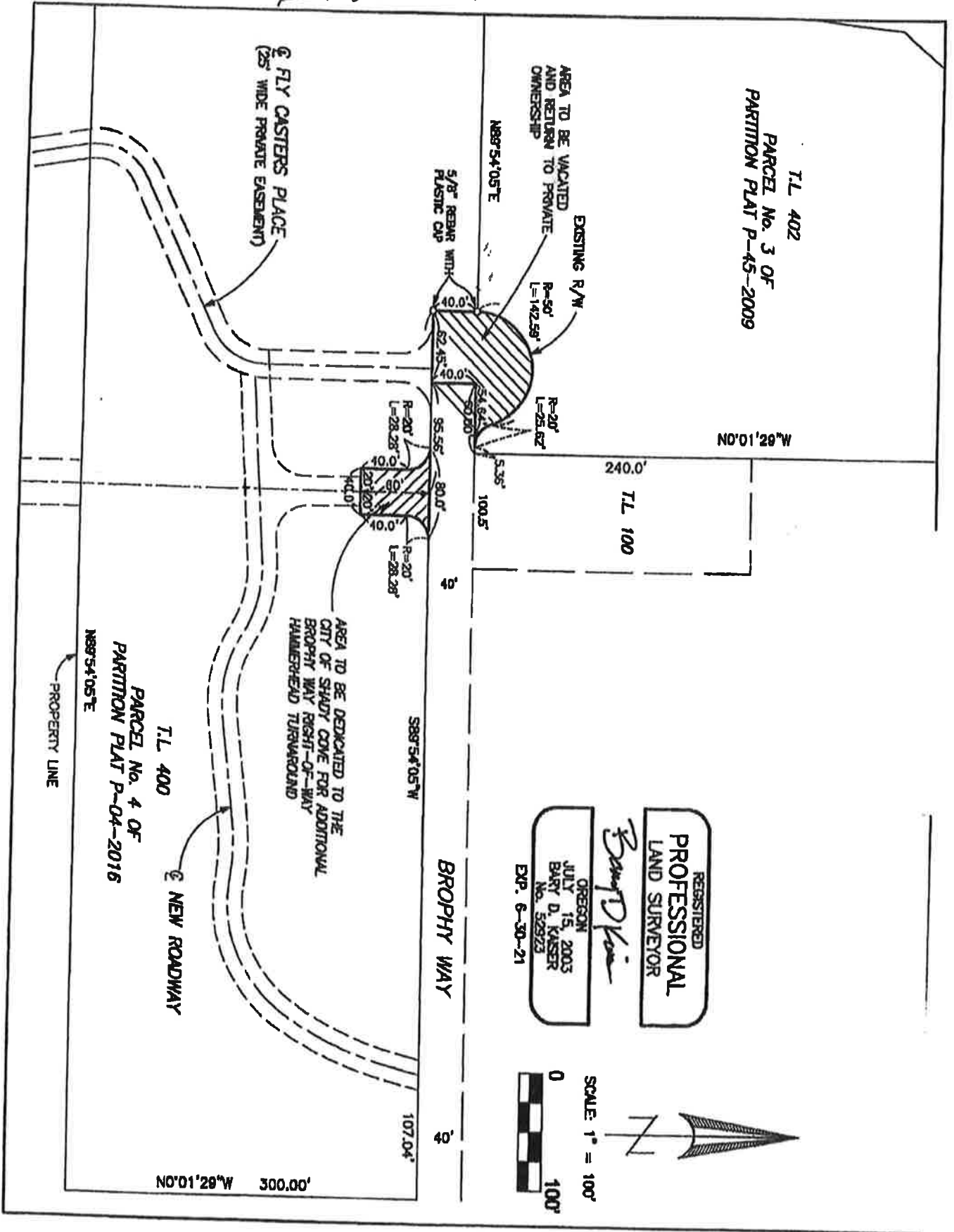
The City has received a formal request from the Mike Malepsy to vacate a portion of the turn around at the terminus of Brophy Way. The request is also asking that the City accept a new hammerhead turnaround (built to meet Fire Apparatus Access standards of the Oregon Fire Code) as a new section of public right of way.

The process for right of way vacation is outlined in Oregon Revised Statute 271.100. As part of the process adequate notice has been published and mailed to surrounding property owners. The actual vacation would have to be completed by City Ordinance approved by the City Council and recorded with the County.

A draft Ordinance and a map of the current right of way proposed for vacation and newly proposed right of way for adoption are attached to this memo. The applicant had previously discussed this proposal with the Planning Commission and been given tentative approval for the concept. The proposed street alterations are in conformance with City Street standards as well as Oregon Fire Code Fire Apparatus Access Standards.

Therefore, staff suggests that the Planning Commission through a formal motion recommend that the City Council approve the request for right of way vacation and the acceptance of the new section of public right way as proposed in Exhibit "A".

Exhibit "A"



T.L. 402
PARCEL No. 3 OF
PARTITION PLAT P-45-2009

N0°01'29"W

240.0'
T.L. 100

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Barry D. Kaiser
OREGON
JULY 15, 2003
BARRY D. KAISER
No. 52973
EXP. 6-30-21

SCALE: 1" = 100'
0 100'



FLY CASTERS PLACE
(25' WIDE PRIVATE EASEMENT)

AREA TO BE VACATED
AND RETURN TO PRIVATE
OWNERSHIP

5/8" REAR WITH
PLASTIC CAP

AREA TO BE DEDICATED TO THE
CITY OF SHADY COVE FOR ADDITIONAL
BROPHY WAY RIGHT-OF-WAY
HAMMERHEAD TURNAROUND

T.L. 400
PARCEL No. 4 OF
PARTITION PLAT P-04-2016

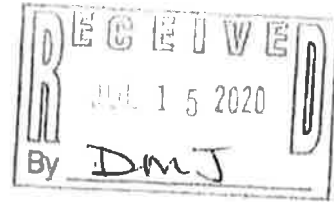
NEW ROADWAY

BROPHY WAY

N0°01'29"W 300.00'

107.04'

July 7, 2020



City of Shady Cove

City Counsel

Re: Vacate Brophy Cul-de-sac/Dedicate Hammerhead

I am writing to request that the City vacate the cul-de-sac area at the end of Brophy and we will in return replace it with a new hammerhead turnaround (see the attached Survey map – Exhibit A). This proposal was brought before the City Planning Commission on April 25, 2019 and was unanimously agreed upon that it was the right thing to do for the neighborhood and potential traffic design.

The history of the cul-de-sac is that when we had proposed a City Park, the cul-de-sac design worked for the amount of traffic activity that would occur there. The City Park is no longer planned on the tax lot and we intend for it to be a single-family dwelling. By removing the cul-de-sac, it will also solve some crime and security issues we have experienced at this end of Brophy.

If you approve the concept and design, we will at our expense, provide the deeds and the recordings. We will, upon abandoning the cul-de-sac, build a hammerhead turnaround of the same quality of the existing cul-de-sac. It is built to County private road standards with no blacktop or curbing. We will get City Engineering and Fire Department approval.

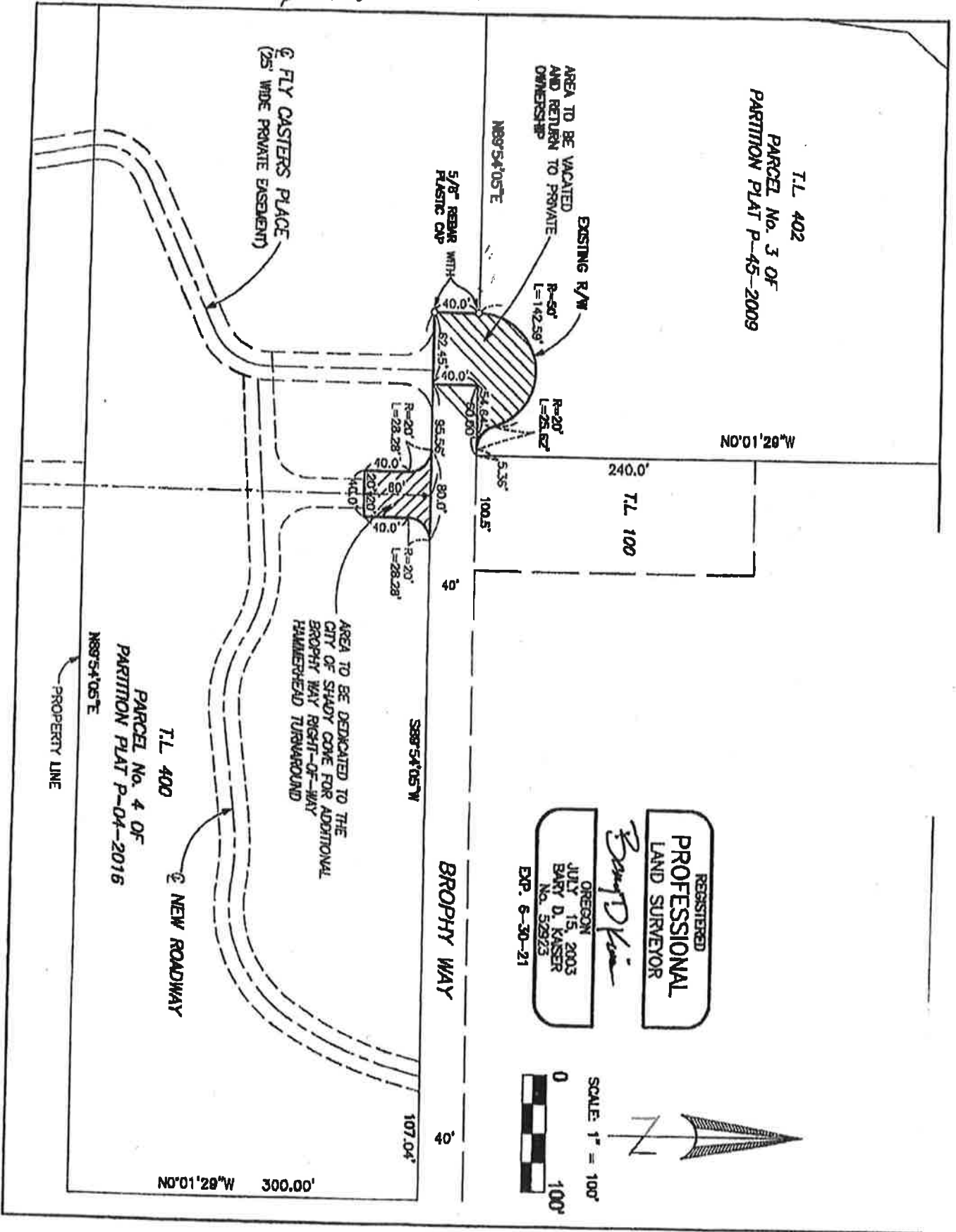
Thank you for helping us make this neighborhood safer and provide for a more logical transportation design.

Sincerely,

A handwritten signature in cursive script that reads "Mike Malepsy".

Mike Malepsy

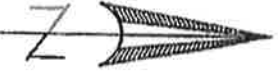
Exhibit "A"



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 15, 2003
BARRY D. KAISER
No. 52923
EXP. 6-30-21

Barry D. Kaiser



SCALE: 1" = 100'
0 100'

MAP showing how the new Hammerhead matches up with the proposed Collins Private St. and Sub division.

DETAIL MAP

PREPARED FOR:
 Mike Malapsy
 P.O. Box 1004
 Shady Cove, OR. 97539

PREPARED BY:
 Kaiser Surveying
 P.O. Box 1046
 Eagle Point, OR. 97524

DATE:
 February 18, 2019

LOCATION:
 Brophy Way
 City of Shady Cove,
 Jackson County, Oregon

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

ELECTRONIC COPY

OREGON
 JULY 16, 2003
 BARRY D. KAISER
 No. 82823
 EXP. 6-30-19



SCALE 1" = 100'
 0 100'

T.L. 402
 PARCEL No. 3 OF
 PARTITION PLAT P-45-2009

McElroy
 T.L. 100

EXISTING R/W
 AREA TO BE VACATED
 AND RETURN TO PRIVATE
 OWNERSHIP

N89°54'08"E

110.50'

100.0'

BROPHY WAY

S89°24'08"W

107.04'

New Hammerhead

FLY CASTERS PLACE
 (25' WIDE PRIVATE EASEMENT)

NEW ROADWAY

T.L. 400

PARCEL No. 4 OF
 PARTITION PLAT P-04-2016

300.00'

APPLICANT:

Mike
 849
 Ave, OR. 97539

341W 28 - 910
 Shady Cove
 Jackson County, Oregon

BY:
 Surveying
 No. 82
 Eagle Point, OR. 97524

February 18, 2019

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JULY 16, 2003
 BARRY D. KAISER
 No. 82823
 EXP. 6-30-19

LEGEND

- Overhead Power Lines
- Proposed Sewer Service Line

FUTURE LOT 2
 1.18 AC.±

FUTURE LOT 1
 3.07 AC.± (GROSS)
 1.3 AC.± (NET)

FUTURE LOT 3
 1.29 AC.±

PARCEL No. 2
 3.27 AC.± (NET)
 R=80.0'
 L=72.2'

PARCEL No. 1
 13.43 AC.±

FUTURE LOT 4
 1.42 AC.±

FUTURE LOT 5
 1.38 AC.±

FUTURE LOT 6
 3.23 AC.± (GROSS)
 1.3 AC.± (NET)

SLOUGH

SLURRY

EXISTING SEWER LINE

SCALE 1" = 200'

EXISTING 50' WIDE
 FOREST-LAND EASEMENT
 INST. NO. 2005-08643 O.R.

CRATER LAKE HWY. [STATE HWY. No. 62]

Collins Proposed Sub division
 and location of roadway to
 match up with Hammerhead.

WAGUE-RIVER

POWER POLE

for the accessway to meet the Minimum Access Design Standards of Section 9.5.5 not including routine maintenance items; (2) a review of crashes on the accessway; and (3) a determination as to whether the accessway needs to be widened or additional turnouts need to be added to accommodate the additional traffic being added by the proposed dwelling.

B) Access Requirements for Existing Dwellings and Other Structures

Access to existing dwellings and other structures, not exempted by 9.5.5(B), served by a private access easement, shall meet the Minimum Access Design Standards of Section 9.5.5.

9.5.5 Minimum Access Design Standards

This Section contains mandatory standards for access to all new and existing structures located on existing lawfully established units of land except as exempted through Section 9.5.5(B).

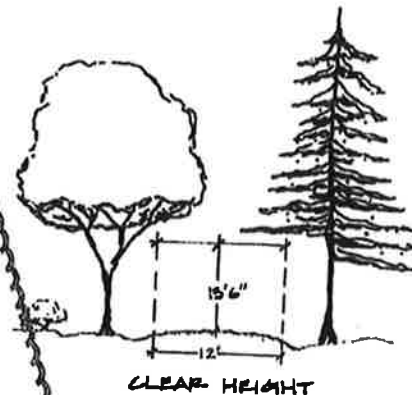
Compliance with the standards of this section will be verified through a Fire Safety Inspection or a Field Inspection as coordinated through Jackson County Development Services and shall occur prior to issuance of building permits. All requirements of this section must be met prior to issuance of permits with the exception of final surface material which may be completed prior to final occupancy. Access at a minimum will meet the following requirements:

A) Access Requirements

- 1) Length: Access shall extend to within 150 feet of any portion of the exterior walls of the first story, as measured by an approved route around the exterior of the structure, unless another method of protection (e.g. fire sprinklers) is otherwise approved by the local fire official which allows for a greater distance through a Type 1 review.
- 2) Surface: Access must be constructed of an all-weather surface. Minimum total surface width, including shoulders, will not be less than 12 feet. Driveway/Access segments having curves with a centerline radius of less than 55 feet require a minimum 14 foot width;

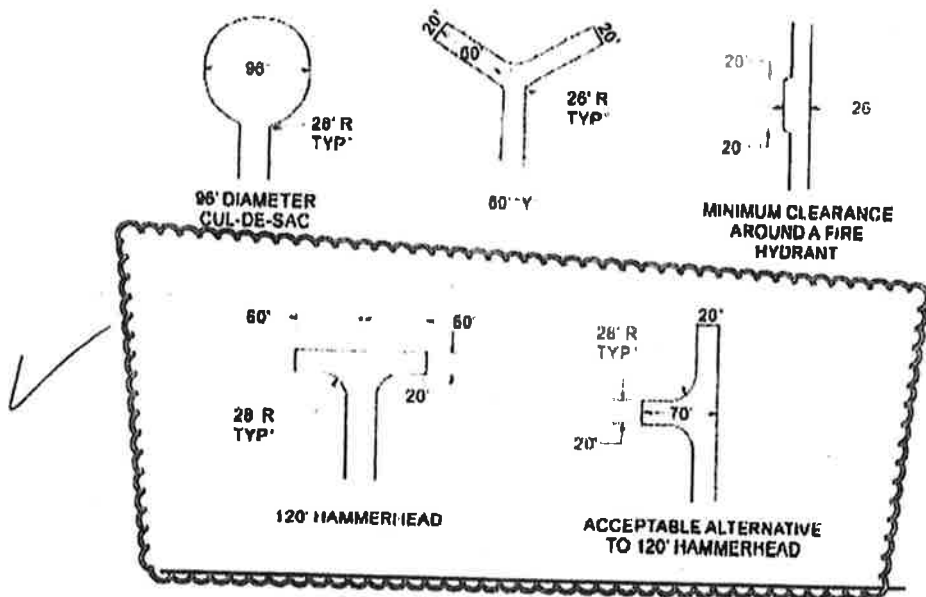
- 3) Clearance: A minimum clear height of 13½ feet must be maintained for the entire width of the driveway/access;

- 4) Weight Capacity: Access must be designed and constructed to carry a vehicle that has a weight of 50,000 pounds with the ability to carry an occasional fire vehicle weighing 60,000 pounds. Access must be constructed of a minimum of six (6) inches of 4"-minus base rock, or equivalent;

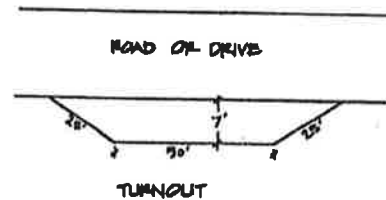


HAMMERHEAD SPACS

- 5) **Grade:** When the road grade exceeds 10%, the fire district or, if not within a fire district, the County fire safety inspector or Department of Forestry shall be consulted to determine whether additional fire safety measures are necessary to allow for a maximum finished grade of 15%. A grade of up to 18% may be allowed for intervals of up to 100 feet provided there are no more than three (3) 100 foot sections of over 15% grade per 1,000 feet. The approach from a public road or private road cannot exceed 10% grade for a distance of 40 feet;
- 6) **Curve Radius:** Curves will have a minimum centerline curve radius of 48 feet except when the grade exceeds 15%, then the minimum centerline curve radius shall be 100 feet.
- 7) **Turn-around:** Dead-end accessways must incorporate an approved turnaround arrangement. A turnaround must be constructed within 150 feet of any structure subject to this section. If the driveway distance is less than 150 feet, and meets the other requirements of this section, no turnaround will be required. Turnarounds will be a minimum 20 feet wide, with a minimum inside radius of 28 feet. Turnarounds will be provided every one-half (1/2) mile. Such turnaround area must meet the load requirements of (4) above. The grade may not exceed 4% in turnarounds or cul-de-sacs;



- 8) **Turnouts:** On single lane accessways, turnouts are required at 800 foot maximum spacing, or at distances that ensure continuous visual contact between turnouts. Turnouts must be at least 50 feet long and seven (7) feet wide, with 25-foot tapers on each end or as otherwise approved by the fire





Mayor
Lena Richardson

Councilors
Steve Mitchell
Dick McGregor
Shari Tarvin
Hank Hohenstein

CERTIFICATE OF MAILING

I hereby certify that on August 19, 2020, I provided a copy of the Notification of Adjacent Property Use Proposal APPLICATION NO. VAC 20-01 by first class mail to the following (list attached):


Debby Jermain, Planning Technician

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

22451 Highway 62 ♦ PO Box 1210 ♦ Shady Cove OR 97539 ♦ (541) 878-2225 ♦ FAX: (541) 878-2226
E-Mail: djermain@shadycove.org ♦ Web Site: www.shadycove.org

Elder, Erin P Et Al
PO Box 207
Shady Cove, OR 97539

Malko Investments LLC
36 Meadow Lane
Shady Cove, OR 97539

Collins, Z Idelle
PO Box 849
Shady Cove, OR 97539

Leisure Days LLC
1188 Marine Dr
Laguna Beach, CA 92651

Degner, Mark B Trustee Et At
3523 Arrowhead Dr #101
Medford, OR 97504

Flywater LLC
PO Box 1004
Shady Cove, OR 97539

**CITY OF SHADY COVE
PLANNING COMMISSION**

NOTIFICATION OF ADJACENT PROPERTY USE PROPOSAL

DESCRIPTION OF PROPERTY: Existing turn around at the terminus of Brophy Way

PROPOSAL: The request is for a Vacation of Public Right of Way to vacate the existing turn around at the terminus of Brophy Way and includes dedication of a revised 'hammerhead' turnaround located near the end of Brophy Lane

DATE AND TIME OF MEETING: Thursday, September 10, 2020 at 6:00 p.m.

LOCATION: City Hall Council Chamber, 22451 Highway 62.

RESPONSE DATE: September 3, 2020 **APPLICANT/OWNER:** Mike Malepsy

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 recommendation to the City Council 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 recommend approval, recommend approval with conditions, or recommend denial of the right of way vacation request.

The procedure for vacating any public improvement including right of way is governed by the applicable laws of the State of Oregon. Chapter 95 of the City of Shady Cove Code of Ordinances outlines the process and criteria by which the City allows creation of streets and ways. City Streets are to meet all City Street Standards as outlined in Table 6.B.1 or as approved by the Planning Commission. Section 95.61(C) states that rights of way for streets may be created by acceptance of a deed; provided that, the street is deemed essential by the City Council of the purpose of implementing the Comprehensive Plan/Transportation Plan, and the deeded right-of-way conforms to the standards of this chapter.

Exhibit 'A' is attached which shows the proposed right-of-way to be vacated and the proposed right-of-way to be dedicated.

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.

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 will be available 7 days prior to the hearing. Public attendance is welcome. For more information please contact the Planning Department at City Hall, (541) 878-8204.

**** REVIEW AND COMMENT ****

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

REMARKS: _____

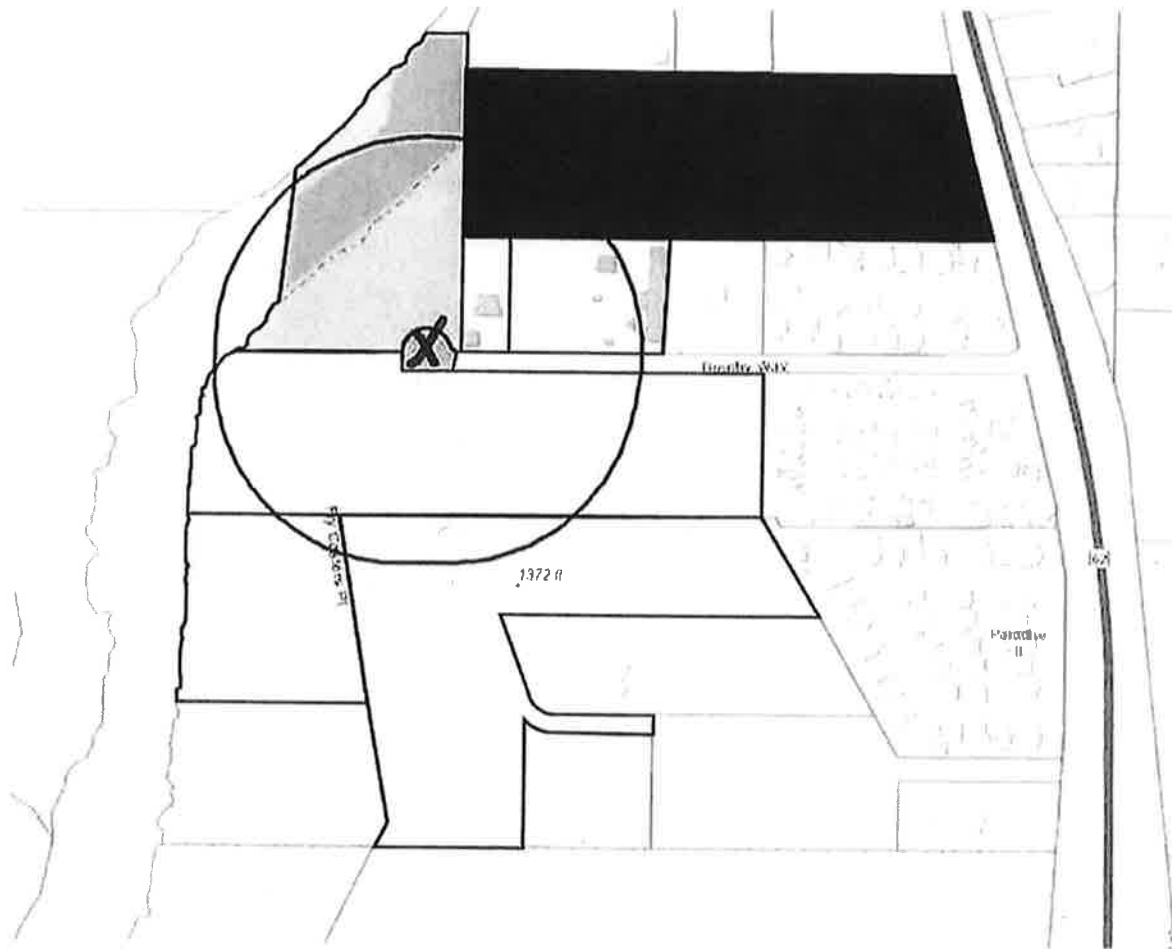
SIGNATURE: _____

PRINTED NAME(S): _____

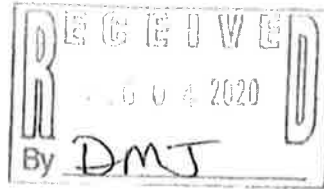
STREET AND MAILING ADDRESS: _____

Please submit your response 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."



August 3, 2020



City of Shady Cove
City Counsel
Re: Vacate Brophy Way Cul-de-sac/Dedicated Hammerhead

I'm writing in support of Mike Malepsy's request for vacating the Brophy Way Cul-de-sac as defined in his letter dated July 7, 2020. As a resident in FlyCasters Estates we are concerned with the ongoing Safety issues (Trespassing, drug use and vandalism) as there are on numerous occasions vehicles parked in the Cul-de-sac where people congregate, and needles are found as well as constant trespassing on Mikes Property. They have also continued down the river to our property which is concerning

So we would appreciate the Councils approval of the proposed plan to enhance our security and to reduce crime in the area.

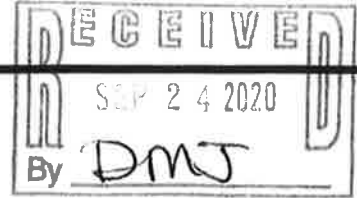
Thank you for your consideration .

Sincerely,

A handwritten signature in cursive script that reads "Robert Langhoff".

Robert Langhoff
500 FlyCasters Place
Shady Cove, OR, 97539
(602) 750-2619

Debby Jermain



From: Greg Winfrey <GregW@jcf4.com>
Sent: Thursday, September 24, 2020 2:13 PM
To: Debby Jermain
Subject: Brophy

The Fire District is ok with the plan change from a cul-de-sac to a hammerhead As presented September 2020.

Greg Winfrey, Fire Chief
Jackson County Fire District 4



Office (541) 878-2666
FAX (541) 878-3172
Cell (541) 326-6883



Mayor
Lena Richardson

Councilors
Steve Mitchell
Dick McGregor
Shari Tarvin
Hank Hohenstein

NOTICE OF PUBLIC HEARING

The City of Shady Cove City Council will hold a Public Hearing at 6:00 p.m. on **Thursday, October 15, 2020**. This meeting shall be held telephonically for the following purpose:

To consider the request for a **Vacation of Public Right of Way to vacate the existing turn around at the terminus of Brophy Way and dedicate a revised hammerhead turnaround located near the end of Brophy Lane, Shady Cove Oregon.**

Applicant: Mike Malepsy

File Number: VAC 20-01

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 packet. The City Council will consider written and oral comments at the hearing.

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 listed above, copies of which are available at City Hall.

A copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards can be reviewed at City Hall at no cost, and copies will be provided at a reasonable cost. The staff report will be available for public review seven days prior the public hearing at 22451 Highway 62, Shady Cove during regular office hours (Mon-Fri 8:00 am – 5:00pm). For more information please contact Ryan Nolan, City Planner at (541) 878-8202. Please mail comments to City of Shady Cove, PO Box 1210, Shady Cove OR 97539, or call the planning department at 541-878-2225 to obtain conference call information.

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).

An Ordinance of the City of Shady Cove, Oregon
An Oregon Municipal Corporation

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE VACATION OF A PORTION OF THE EXISTING TURN AROUND AT THE TERMINUS OF BROPHY WAY AND ACCEPTING NEW PUBLIC RIGHT OF WAY IN THE FORM OF A HAMMERHEAD TURNAROUND NEAR THE TERMINUS OF BROPHY WAY

WHEREAS, Mike Malepsy, has petitioned the City of Shady Cove for the vacation of a portion of the existing turn around at the terminus of Brophy Way and adoption of a new section of public right of way in the form of a hammerhead turnaround in conformance with the State of Oregon Fire Apparatus Access standards as described in Exhibit A; and

WHEREAS, notice of the hearing on the vacation petition has been published as prescribed by ORS 271.110(1); and

WHEREAS, the City Council on _____, 2020, pursuant to ORS 271.100, determined that there appeared to be no reason why the petition for vacation should not be allowed; and

WHEREAS, the Shady Cove Planning Commission conducted a public hearing on September 24, 2020, and voted to recommend Council adoption of the ordinance, and

WHEREAS, the Shady Cove City Council considered the Planning Commission recommendation in a public hearing on _____, 2020, and voted to approve the ordinance.

NOW, THEREFORE, THE CITY OF SHADY COVE ORDAINS AS FOLLOWS:

Section 1. A portion of Brophy Way, further described in Exhibit "A" shall be vacated. A second area of new public right of way shall be accepted as part of the Brophy Way, this new hammerhead turnaround is described in Exhibit "A".

Section 2. The title to the property being vacated by this ordinance shall attach to the lands bordering on such equal portions in accordance with ORS 271.140.

Section 3. Pursuant to ORS 271.10, the City Clerk is hereby directed to file a certified copy of this ordinance and the map attached hereto as Exhibit "A" with the Jackson County Clerk, Jackson County Assessor, and Jackson County Surveyor.

Adopted by the Shady Cove City Council on this _____ day of _____ 2020.

Approved:

Attest:

Lena Richardson
Mayor

Thomas J. Corrigan
City Administrator

Council Vote:

Mayor Richardson
Councilor Mitchell
Councilor McGregor
Councilor Tarvin
Councilor Hohenstein

DRAFT

Exhibit "A"

T.L. 402
 PARCEL No. 3 OF
 PARTITION PLAT P-45-2009

N0°01'29"W

240.0'
 T.L. 100

AREA TO BE VACATED
 AND RETURN
 OWNERSHIP
 TO PRIVATE

N89°54'05"E

EXISTING R/W
 R=50'
 L=142.59'

5/8" REAR WITH
 PLASTIC CAP

40.0'
 52.45'
 40.0'

R=20'
 L=25.62'

R=20'
 L=28.28'

FLY CASTERS PLACE
 (25' WIDE PRIVATE EASEMENT)

AREA TO BE DEDICATED TO THE
 CITY OF SHADY CREEK FOR ADDITIONAL
 BROPHY WAY RIGHT-OF-WAY
 HAMMERHEAD TURNAROUND

S89°54'05"W

BROPHY WAY

107.04'

T.L. 400

PARCEL No. 4 OF
 PARTITION PLAT P-04-2016

NEW ROADWAY

N89°54'05"E

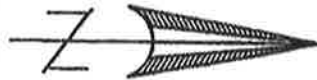
PROPERTY LINE

N0°01'29"W 300.00'

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JULY 15, 2003
 BARRY D. KAISER
 No. 52923
 EXP. 6-30-21

SCALE: 1" = 100'



ADMINISTRATIVE ORDER
October 15, 2020
By the Mayor of the City of Shady Cove

Declaring a State of Emergency

The Mayor of the City of Shady Cove finds that:

- a. On March 8, 2020 Governor Kate Brown declared a State of Emergency due to the COVID-19 (Executive Order No. 20-03). Governor Brown also issued guidelines regarding group gatherings and social distancing to alleviate possible impacts of COVID-19 (Executive Order No. 20-5). On March 13, 2020 President Donald Trump declared a National Emergency concerning COVID-19.
- b. COVID-19 requires a significant amount of resources at the local level to keep the public and community informed and as safe as possible.
- c. The unknown duration of the COVID-19 may have a significant financial impact on the community.
- d. The primary focus at the City is to keep the community safe while maintaining the health of our workforce so the City can continue to provide crucial City services, and to alleviate impacts to residents and business owners within the City of Shady Cove.
- e. Pursuant to ORS 401.309(1), the governing body of a City may declare, by ordinance or resolution, that a state of emergency exists within the City.
- f. Pursuant to the City of Shady Cove Emergency Operations Plan adopted by the City Council of Shady Cove in May of 2012, section 3.2.1.1, confirms that power of the Mayor.
- g. Pursuant to the first Declaration of Emergency, and as the Governor has not changed the State's Declaration of Emergency as of yet.

Now, therefore, based on the above findings, the Mayor of the City of Shady Cove declares an emergency and an extension of the current Declaration.

1. This Declaration of Emergency is effective immediately and shall remain in effect until November 5, 2020 but may be extended in two-week increments.
2. To protect the health and safety of City employees, I have and will direct the City Administrator to develop emergency policies and guidance on the use of sick leave, vacation leave, telecommuting, meeting protocol, identification of essential and non-essential staff for ongoing presence at City facilities, and other policies that will be in effect for the duration of the emergency.

3. To protect the health and safety of City employees, I have and will direct the City Administrator, at his discretion, to determine whether closing certain City facilities and cancelling public meetings may be necessary.
4. The City will take all necessary steps authorized by law to coordinate the response and recover of this emergency, including but not limited to, requesting assistance from the State of Oregon and Jackson County.
5. To protect the health and safety of City employees, elected officials and the public, and reduce the number public meetings, the City Council shall consider the ratification of the Declaration of a State of Emergency at its next Council meeting on October 15, 2020 rather than via a separate emergency meeting.

Lena Richardson, Mayor
City of Shady Cove, Oregon

Ratified by City Council action on October 15, 2020

Thomas J. Corrigan, City Administrator
City of Shady Cove, Oregon

Check Issue Date	Check	Payee	Description	Amount
09/17/2020	44947	AT&T Mobility	Mobile Phone #2872860888814	163.86
09/17/2020	44948	Banner Bank	Emergency Mgmt Supplies	49.71
09/17/2020	44948	Banner Bank	Finance Charges	32.68
09/17/2020	44948	Banner Bank	Computer Software Subscription	14.99
09/17/2020	44948	Banner Bank	Emergency Mgmt Supplies	73.66
09/17/2020	44948	Banner Bank	Emergency Mgmt Supplies	221.02
09/17/2020	44948	Banner Bank	Emergency Mgmt Supplies	20.98
09/17/2020	44948	Banner Bank	Emergency Mgmt Supplies	31.97
09/17/2020	44948	Banner Bank	Emergency Mgmt Supplies	69.50
09/17/2020	44948	Banner Bank	Emergency Mgmt Supplies	310.96
09/17/2020	44948	Banner Bank	Emergency Mgmt Supplies	658.00
09/17/2020	44948	Banner Bank	Emergency Mgmt Supplies	104.94
09/17/2020	44948	Banner Bank	Emergency Mgmt Supplies	35.99
09/17/2020	44948	Banner Bank	Emergency Mgmt Supplies	59.98
09/17/2020	44948	Banner Bank	Emergency Mgmt Supplies	73.74
09/17/2020	44948	Banner Bank	Emergency Mgmt Supplies	8.79
09/17/2020	44948	Banner Bank	Monthly Subscription	12.99
09/17/2020	44948	Banner Bank	Emergency Mgmt Supplies	639.98
09/17/2020	44948	Banner Bank	Emergency Mgmt Supplies	839.99
09/17/2020	44948	Banner Bank	Emergency Mgmt Supplies	201.00
09/17/2020	44948	Banner Bank	Emergency Mgmt Supplies	69.98
09/17/2020	44948	Banner Bank	Promotional - Wild Fire App	.99
09/17/2020	44948	Banner Bank	Virus Protection	2.99
09/17/2020	44948	Banner Bank	Emergency Mgmt Supplies	31.48
09/17/2020	44948	Banner Bank	Computer Software Subscription	72.97
09/17/2020	44948	Banner Bank	Radio Station	10.90
09/17/2020	44949	Banner Bank	Finance Charges	2.50
09/17/2020	44949	Banner Bank	Small Equipment / Tools	238.99
09/17/2020	44949	Banner Bank	City Hall - Facilities	7.98
09/17/2020	44949	Banner Bank	Streets - Maintenance Supplies	7.96
09/17/2020	44949	Banner Bank	Streets - Vehicle Maintenance	35.00
09/17/2020	44949	Banner Bank	Postage - Code Enforcement	6.95
09/17/2020	44950	Bow Wow Waste Products	3 - 1000 Single Pull Bags	163.32
09/17/2020	44951	Cantel of Medford, Inc.	SCA Grant - Schoolhouse Lane	202.00
09/17/2020	44952	Celtic Circle, LLC	Shop Rental	800.00
09/17/2020	44953	CIS Trust	Life Insurance	42.63
09/17/2020	44953	CIS Trust	Long Term Disability	63.74
09/17/2020	44954	City of Shady Cove - Utilities	#1538.01 22451 Hwy. 62	46.00
09/17/2020	44954	City of Shady Cove - Utilities	#2300.01 1008 Celtic Circle/City Shop	46.00
09/17/2020	44954	City of Shady Cove - Utilities	#1539.01 2501 Indian Creek Rd.	44.00
09/17/2020	44955	Crystal Fresh	Bottled Water C82225	49.50
09/17/2020	44956	David Christian	Radio Programming, 6 hrs.	90.00
09/17/2020	44956	David Christian	Radio Programming, 6 hrs.	90.00
09/17/2020	44957	DiJulio Displays, Inc.	Flags - Banners	1,261.87
09/17/2020	44958	Heather Cove Florist and Gifts	09/2020 COVID Relief Fund Grant	1,000.00
09/17/2020	44959	Holly Mason	09/2020 COVID Relief Fund Grant	1,000.00
09/17/2020	44960	Hunter Communications	Phone Services & Internet Charges 698	595.08
09/17/2020	44961	KDP Certified Public Accountants LLP	Professional Service - 2020 Financial Statement Audit (Planni	3,000.00
09/17/2020	44962	Laura Goebel	09/2020 COVID Relief Fund Grant	1,000.00
09/17/2020	44963	League of Oregon Cities	Training - Staff	85.00
09/17/2020	44963	League of Oregon Cities	Training - Councilor(s)	25.00
09/17/2020	44963	League of Oregon Cities	Training - Councilor(s)	85.00
09/17/2020	44964	Mail Tribune	26 Week Subscription Acct #22469	129.74
09/17/2020	44965	Pitney Bowes Global Financial	Lease Charges 0017091979	144.93
09/17/2020	44966	Project A, Inc.	Development and Hosting	200.00
09/17/2020	44967	River Tan, LLC	09/2020 COVID Relief Fund Grant	1,000.00
09/17/2020	44968	Sarah Beard	09/2020 COVID Relief Fund Grant	1,000.00

Check Issue Date	Check	Payee	Description	Amount
09/17/2020	44969	Shady Cove Hardware, LLC	Streets - Maintenance Supplies	13.18
09/17/2020	44969	Shady Cove Hardware, LLC	SDC - Park Improvements	39.94
09/17/2020	44969	Shady Cove Hardware, LLC	Streets - Maintenance Supplies	12.38
09/17/2020	44969	Shady Cove Hardware, LLC	Streets - Maintenance Supplies	11.99
09/17/2020	44969	Shady Cove Hardware, LLC	City Hall - Facilities	9.98
09/17/2020	44969	Shady Cove Hardware, LLC	Streets - Maintenance Supplies	25.01
09/17/2020	44969	Shady Cove Hardware, LLC	Park - Maintenance & Upkeep	24.98
09/17/2020	44969	Shady Cove Hardware, LLC	City Hall - Facilities	16.18
09/17/2020	44969	Shady Cove Hardware, LLC	City Hall - Facilities	16.99
09/17/2020	44969	Shady Cove Hardware, LLC	City Hall - Facilities	7.59
09/17/2020	44969	Shady Cove Hardware, LLC	Streets - Maintenance Supplies	39.98
09/17/2020	44969	Shady Cove Hardware, LLC	City Hall - Facilities	15.98
09/17/2020	44969	Shady Cove Hardware, LLC	Emergency Management Supplies	3.55
09/17/2020	44969	Shady Cove Hardware, LLC	Park - Maintenance & Upkeep	9.99
09/17/2020	44969	Shady Cove Hardware, LLC	Shop - Maintenance Supplies	42.99
09/17/2020	44970	Shady Cove Towing & Recovery	09/2020 COVID Relief Fund Grant	1,000.00
09/17/2020	44971	SORED!	Membership Dues	1,125.00
09/17/2020	44972	Speer Hoyt, LLC	Attorney- Labor	63.00
09/17/2020	44973	Superior Stamp & Sign Co	Name Plates	124.00
09/17/2020	44974	The Fishin Hole Fly Shop & Rafting	09/2020 COVID Relief Fund Grant	1,000.00
09/17/2020	44975	Upper Rogue Independent	Government Public Notice - Planning Commission Public Hea	260.00
09/24/2020	44976	Bron & Debra Henry Trust	Utility Billing Refund	93.17
09/24/2020	44977	DAS - Shared Financial Services -	ORCPP Procurement Membership 0000KS1583 000	548.87
09/24/2020	44978	David Christian	Radio Programming, 6 hrs.	90.00
09/24/2020	44979	Josephy Barbato	Utility Billing Refund	65.00
09/24/2020	44980	Michael Moynihan	Utility Billing Refund	13.02
09/24/2020	44981	Michele Strodhoff	Utility Billing Refund	65.00
09/24/2020	44982	Postmaster	Sewer Billing	345.14
09/24/2020	44983	RVCOG	Planning	1,610.71
09/24/2020	44983	RVCOG	Floodplain	93.41
09/24/2020	44983	RVCOG	Computers & Support	718.28
09/24/2020	44984	Spencer R. McMahan Jr.	Expense Reimbursement - Emergency Management Supplies	13.99
09/24/2020	44984	Spencer R. McMahan Jr.	Expense Reimbursement - Parks Materials & Supplies	31.98
09/24/2020	44984	Spencer R. McMahan Jr.	Expense Reimbursement - Streets Maintenance Supplies	33.48
09/24/2020	44985	Tom Sanderson	Utility Billing Refund	8.68
09/24/2020	44986	WECO - Carson	Public works gasoline/diesel 1-01737	74.26
09/25/2020	44987	David Christian	Radio Programming, 6 hrs.	90.00
09/25/2020	44988	Jackson County Roads	SCA Feasibility	40,000.00
09/25/2020	44988	Jackson County Roads	Chip Seal / Asphalt Work / Fog Sealing	37,488.63
09/25/2020	44988	Jackson County Roads	RVSS SC8600/Sowell Shouldering & Blade Patching	5,909.83
09/25/2020	44989	Jackson County Sheriff	Law Enforcement Services - Quarterly	130,280.77
09/25/2020	44989	Jackson County Sheriff	CSO Services - Quarterly	10,601.75
Grand Totals:				248,315.91

City of Shady Cove
City Council Regular Meeting Minutes
Thursday, October 1, 2020
Meeting was held telephonically

CALL TO ORDER

Mayor Richardson called the Regular City Council Meeting to order at 6 PM.

Council Present: Mayor Richardson, Councilor Mitchell, Councilor McGregor, Councilor Tarvin, and Councilor Hohenstein.

Staff Present: Thomas J. Corrigan, City Administrator

ANNOUNCEMENTS

The Mayor made the announcements on the agenda.

PUBLIC HEARING

None

PUBLIC COMMENT

Kathy Nuckles requested that the new COVID Cares Act funding be used to add more capacity due to COVID 19 in the mostly unused portion of Aunt Caroline's Park along the creek in conjunction with the dog walk area. This will provide people extra room along the creek walk and increase City infrastructure.

She further commented about a volunteer driven Hero Celebration for the Obenchain Fire responders on Saturday, October 10. Everyone is invited.

CONSENT AGENDA

Motion to Accept Item A, B, C, and E, the Continuation of Declaration of Emergency, Bills Paid Report for \$23,944.93, Minutes of September 3 and August 31.

Motion: Councilor Hohenstein
Councilor Tarvin voted Nay

Second: Councilor Mitchell
Motion Carried 4-1

ITEMS REMOVED FROM CONSENT AGENDA

Motion to Accept Items D, Minutes of September 17.

Motion: Councilor Mitchell

Second: Councilor Hohenstein

Councilor Mitchell stated that the motion in regard to the abeyance of Ordinance 296 was incorrect. It should have been Section 154.335. Will be discussed during Old Business.

All Ayes.

Motion Carried 5-0

STAFF REPORTS

Deputy Heise from Jackson County Sheriff's Office introduced himself.

Chief Greg Winfrey from Fire District 4 commented that we are still in the Extreme Danger Level of Fire Season. Council Hohenstein thanked the responders to a crash at Hwys 62 and 234.

City Administrator

- Jackson County today had 27 cases of COVID.
- Next agenda will feature two different Public Hearings. First one sent out to Council already. Also a request for an Easement from City property.
- TMDL update coming soon, due 11/1.
- Hannah's Ridge received engineering approval.
- Starting to fill open staff positions.
- All of our grant request from Covid Relief Funds approved. Over \$30,000 received.
- Beginning of November will be new supplier for handrail at AC Park.

Councilor Tarvin commented on the Staff positions open. Councilor McGregor commented that this is approaching a Human Resources issue in open session. Mayor Richardson reminded everyone that the City Administrator handles staffing.

NEW BUSINESS

- A. Motion to Allocate new \$7800 COVID Cares Act funding through SOREDI for City Infrastructure for capacity needs at Aunt Caroline's Park at direction of Parks and Rec Commission.

Discussion ensued.

Motion: Councilor Hohenstein
All Ayes

Second: Councilor McGregor
Motion Carried 5-0

OLD BUSINESS

- A. Motion to Rescind Approval of Abeyance of Ord 296 from September 17.

Motion: Councilor Mitchell
Councilor Tarvin voted Nay.

Second: Councilor McGregor
Motion carried 4-1.

- B. Motion to Allow Occupancy on Private Property of Recreation Vehicles by their Guests for the Purpose of Eating and Sleeping for a Maximum Time of 90 days within any Quarter of a one-year period provided the RV has self-contained sewage with verification that they have been displaced by fire and submit an application to the City within 30 days for section 154.335.

Motion: Councilor Mitchell
Councilor Tarvin voted Nay.

Second: Councilor McGregor
Motion carried 4-1.

- C. Motion to Approve Temporary Housing and Hardship Appeal Application

Motion: Councilor McGregor

Second: Councilor Hohenstein

Discussion ensued details of application and amendments to it, including changes to insurance, use of electricity, disposition of grey and black water, notification of adjacent property owners, number of occupants, use of generators, effective for 90 days with possibilities of three 90 day extensions, and max use of 365 days.

All Ayes

Motion Carried 5-0

- D. Motion to Approve \$1000 Covid Relief Fund Grant to Brewed Awakenings
Motion: Councilor Hohenstein Second: Councilor Mitchell
All Ayes. Motion carried 5-0.
- E. Motion to Approve Business Oregon Grants out of Cares Act to Fishin' Hole for \$5000, Vintage Rose Salon for \$2500, and RiverTan for \$2500.
Motion: Councilor Hohenstein Second: Councilor Tarvin
All Ayes. Motion carried 5-0.

WRITTEN COMMUNICATIONS

None

PUBLIC COMMENT

None

COUNCIL COMMENTS

Mayor Richardson – RVCOG is acting on Shake Alert and Alert Wildfire. Shady Cove has Census workers out and increased to 53.6% response rate. Central Point response rate is at 77.7%. Eagle Point at 72.9%. Many ramifications to not having a good census such as representation in Congress and State funding. Thanks for SOREDI for sending people out to assist local businesses. Thanks to everyone who listed tonight.

Councilor Mitchell – Not available for 10/15 meeting. Commented on political signs as it is a crime to remove other political signs that aren't yours.

Councilor McGregor also thanked SOREDI for helping out our local businesses. No SOREDI meeting these past couple of weeks.

Councilor Hohenstein discussed local Chase branch and future banking needs of citizens and City. Visited AC Park and discussed possibilities of Riparian areas and expansion and parking. Complimented Mayor for discussion with Dr. Toomey, a seismologist. Congratulated Mayor on work with Census.

Councilor Tarvin thanked volunteers for doing cleanup of Highway 62. Trash trucks should be covered. Point of personal privilege in regard to comments from Councilor Mitchell.

ADJOURNMENT

There being no further business before the Council, the Mayor adjourned the regular Meeting at 7:29 PM.

Approved:

Attest:

Lena Richardson
Mayor

Thomas J. Corrigan
City Administrator

Council Vote:

Mayor Richardson

Councilor Mitchell

Councilor McGregor

Councilor Tarvin

Councilor Hohenstein

ORDINANCE NO. 296

AN ORDINANCE REGULATING GENERAL TRAFFIC, VEHICLE PARKING, AND VEHICLE STORAGE IN THE CITY OF SHADY COVE, OREGON; PROVIDING PENALTIES AND REPEALING ORDINANCE NOS. 70 and 93.

The people of the City of Shady Cove ordain as follows:

§ 296.01 SPEED LIMITS

After approval by the State Transportation Commission, where the approval is required by motor vehicle laws of the state, and for the best use of the streets, in the public interest, the City Council may designate by resolution speed limits on various streets, or portions thereof, within the City limits.

§ 296.02 STATE CRIMINAL CODE ADOPTED.

The provisions of ORS Ch. 161 relating to defenses, burdens of proof, general principles of criminal liability, parties to a crime or offense and general principles of justification and responsibility apply to offenses defined and made punishable by this chapter.

§ 296.03 DEFINITIONS. As used in this ordinance, the following words, except where the context clearly indicates otherwise, mean:

Abandoned vehicle means a vehicle that appears to be inoperable and has any characteristics that include but are not limited to expired license plate, missing rear vehicle license plate, flat tire(s), broken windshield, extensive body damage or rust, wrecked or partially dismantled and has been left on any public way for a period in excess of 72 hours without authorization by statute or local ordinance.

Alley means any public right-of-way for the secondary access of a property not intended for general traffic use.

Commercial vehicle means any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire or a vehicle marked and directly used in association with a licensed business or a truck or tractor/trailer that is 10,000 pounds or more gross weight, and/or 20 feet or more in length, and/or eight feet or more in width.

Electric vehicle means a vehicle which is powered by an electric motor drawing current from rechargeable storage batteries, fuel cells, or other portable sources of electrical current, and which may include a nonelectrical source of power designed to charge batteries and components thereof. Electric vehicle may include a battery electric vehicle, a plug-in hybrid vehicle, a neighborhood electric vehicle, and a medium-speed electric vehicle.

Inoperable vehicle means a vehicle which has been left out of an enclosed structure on private property for more than 30 days; has a broken or missing window, windshield, wheels or tires; lacks an engine or has an inoperable engine; or lacks a transmission or has an inoperable transmission.

2. Where a time limitation or parking restriction is marked by traffic markers, yellow or orange strips, or otherwise, so as to be plainly discernible.
3. On the roadway side of any vehicle stopped or parked on the edge or curb of a street.
4. On a sidewalk, planting strip, or bike lane.
5. Within 20 feet of an intersection or crosswalk.
6. Where official signs or barricades are placed prohibiting parking.
7. Upon a bridge or other elevated structure.
8. In the area between roadways of a divided highway.
9. Within a fire zone, a fire exit, or within 15 feet of a fire hydrant, or 30 feet of a fire station driveway entrance.
10. Within 5 feet of a public or private driveway.
11. Where stopping or parking a vehicle would obstruct traffic or adequate view of an intersection.
12. Where stopping or parking a vehicle cannot be done without compromising safety.

(C) A person commits the offense of unlawful parking in a space reserved for persons with disabilities if the person parks a vehicle in any parking space that is on private or public property and that is marked or signed to provide parking for persons with disabilities and the vehicle does not conspicuously display a disabled person parking permit described in ORS 811.602 or 811.606 or a disabled parking permit issued by another jurisdiction.

(D) No person shall park, store, abandon, or display for sale a vehicle of any kind on a public right-of-way in excess of 72 hours.

(E) No person shall park on any street or public right-of-way:

- ~~1. Any vehicle displaying commercial, noncommercial, or political signs with the exception of and limited to company-owned vehicles displaying company identification attached to the vehicle.~~
2. A vehicle for selling merchandise except when authorized by the City of Shady Cove.
3. Trailers of any kind disconnected from a motor vehicle unless they are securely blocked to prevent movement.
4. Campers or canopies of any kind not on a vehicle.
5. Boats not on a trailer designed for transporting boats.
6. More than 4 vehicles at each residential lot.
7. Any abandoned or inoperable vehicle.

(F) Exceptions from prohibitions of parking on public streets or rights-of-way are:

1. When applicable, school buses and worker transport buses may stop on a roadway to load or unload children or workers, providing flashing school bus safety lights are operating.
2. When applicable, vehicles may stop, stand, or park momentarily to pick up or discharge a passenger.

5. Any area used for parking or storing vehicles or equipment shall be graveled or paved with concrete or asphalt.
- ~~6. Site plan approval is obtained for any area, in excess of the residential driveway, to be used for parking vehicles or equipment.~~
- ~~7. Site plan approval is obtained for any orientation of the vehicles or equipment other than perpendicular to the street that abuts the front lot line.~~
8. No portion of any vehicle or equipment is located on that part of a corner lot within a front or side yard in a manner that will obstruct clear view of the intersection.

(C) Authorized emergency vehicles or tow trucks, as determined by the Oregon Vehicle Code, Chapter 801, may be parked in a side yard if:

1. The operator or owner of the tow truck possesses a towing permit that has been approved by the City.
2. An overweight vehicle permit has been obtained from the City for vehicles which exceed a maximum gross weight of three tons.
3. The operator or owner of the vehicle possesses a valid contract with the Oregon State Police Department, Jackson County Sheriff Department, or an insurance company to provide emergency service on a 24-hour basis.
4. No location outside of the side yard is available for parking.
5. The vehicle is substantially screened from public view.

(D) Exceptions from prohibitions of parking and storage of vehicles on private property are:

1. Antique vehicles as defined in Oregon Vehicle Code Chapter 801.125 and registered as required by Oregon Vehicle Code Chapter 805.010.
2. Vehicles of special interest as defined in Oregon Vehicle Code Chapter 801.605 and registered as required by Oregon Vehicle Code Chapter 805.020.
3. Vehicles or portions of vehicles used as part of a landscape plan approved by the City.

4. *Add wording*

§ 296.06 AGREEMENT WITH STATE OF OREGON AND JACKSON COUNTY.

(A) City Council by its enactment hereby authorizes and endorses the State of Oregon to make such mutually agreeable traffic regulations upon Highway 62 as may be agreed to by the City and the State. Oregon Vehicle Code Chapter 811 defines, establishes and limits parking on State and federal land within Shady Cove.

(B) City Council by its enactment hereby authorizes and endorses Jackson County to make such mutually agreeable traffic regulations upon county-owned roadways and easements as may be agreed to by the City and the County. Jackson County Codified Ordinances Chapter 440 defines, establishes and limits parking on County facilities within Shady Cove.

§ 296.07 VIOLATION

(B) Severability. Invalidity of a section or part of a section of this ordinance shall not affect the validity of the remaining sections or parts of sections.

§ 296.11 REPEAL

(A) Shady Cove, OR Code of Ordinances Chapter 70: General Traffic and Parking Regulations, is repealed.

(B) Shady Cove, OR Code of Ordinances Chapter 93: Abandoned Vehicles, enacted is repealed.

§ 296.12 EFFECTIVE DATE

City Charter of Shady Cove, Jackson County, Oregon:

Section 34: A non-emergency ordinance takes effect on the thirtieth day after its adoption or on a later date the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as adopted.

Date: October 8, 2020

To: Shady Cove City Council

We the undersigned wish to present changes and modifications to Parking Ordinance 296 to better serve the people of Shady Cove. Changes requested are as follows:

296.04 (E) 2. Take out the word "for"

296.04 (E) 6. What is the rationale for limiting parking on the street at each residential lot to 4 vehicles when people who have a large property could park many more vehicles. If there is no rational reason for this, please delete

296.04 (E) 7. Delete in entirety. Conflicts with (D) above.

296.05 (A) 3 Delete in entirety, too restrictive (you can't store a friend or relative's car?)

296.05 (A) 4. Delete in entirety , not needed

296.05 (A) 5. Delete in entirety , too subjective

296.05 (A) 6. Delete in entirety, too restrictive

296.05 (B) 1. Change wording to: "Such vehicle or piece of equipment is stored and parked safely and in accordance with Ordinances 90.01- through 90.99

296.05 (B) 4. Eliminate: "and at such height, cannot be located within the garage due to the limiting height of the garage door."

296.05 (C) Delete word "side"

296.05 (C) 4. Delete in entirety, (not needed ,see above)

296.05 (C) 5. Delete in entirety, too restrictive

296.05 (D) 4. Add: "Vehicles not designed for street use (race cars, off road vehicles) or trailers not requiring a license, golf cart, etc.

Thank you for your consideration in this matter.

Respectfully requested by,

Bob Bellah

Sandy Dennis

Bobby Gannon

Bret Golla

Kerin Reynolds

Sue Pemberton

Kathy Nuckles

Meridith Bayliss

Julie Barnes

Deborah Tipton

Kathy Marble