

Agenda
Shady Cove Planning Commission Public Hearings
Thursday, September 30, 2021
6:00 PM

<https://us02web.zoom.us/j/85217761679?pwd=RytOYnNlbnk4yMDJoWVY4UkhsZm53QT09>

Meeting ID: 852 1776 1679

Passcode: 831049

One tap mobile

+13462487799,,85217761679#,,,,*831049# US (Houston)

+16699006833,,85217761679#,,,,*831049# US (San Jose)

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 Planning Commission will be held on October 14 at 6:00 PM both in Council Chambers and via Zoom.
3. The meeting date is subject to change

II. Consent Calendar

A. Planning Commission Meeting Minutes of August 12, 2021

III. Public Hearings

A) Public Hearing to Consider a Zone Change to Low Density Residential.

Open Public Hearing.

A Public Hearing to accept public testimony and consider proposed Comprehensive Plan Amendment from Commercial to Low Density Residential and Change of Zone from GC (General Commercial) to R-1-20 (Low Density Residential) for property located at 20140 Hwy 62, Shady Cove, Oregon. Assessor's Map and Tax Lot: 34-1W-21D 201. Owner: Jason Andrest Applicant: Michael and Maria Fischer. File Number: ZC 21-01.

1. Read Public Hearing Opening Statement.
2. If you would like to speak before the Commission, please email ahead of time djerman@shadycove.org, sign sheet on the table or via Zoom raise your hand.
3. Jurisdiction Question.
4. Conflict of Interest.

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).

5. Ex Parté Contact.
6. Site Visit.
7. Staff Comments. (Nolan)
8. Applicants' Testimony/Proponents Testimony/Commission Questions
9. Opponents' Testimony/Commission Questions.
10. Rebuttal.
11. Final Staff Comments.
12. Close/Continue Hearing.
13. Deliberations/Discussion/Decision.

B) Public Hearing to consider a 17-lot subdivision on three parcels totaling 5.71 acres

Open Public Hearing.

A Public Hearing to accept public testimony and consider approval to create a two phase 17-lot subdivision on three parcels totaling 5.71 acres located on Cleveland Street right-of-way. The tentative subdivision proposes extensions of Cleveland Street and Chevney Way as well as a new private street off of Chevney Way. Said parcels are legally described as 34-1W-09DA Tax Lot 1200 & 34-1W-10CB Tax Lots 2900 & 2901. Zoning is R-1-10, Low Density Residential. Owners: Mike, Bonnie, Casey, and Mary Malepsy. Applicant: Mike Malepsy File Number: SUB 21-01

1. Read Public Hearing Open Statement.
2. If you would like to speak before the Commission, please email ahead of time djermain@shadycove.org, sign sheet on the table or via Zoom raise your hand.
3. Jurisdiction Question.
4. Conflict of Interest.
5. Ex Parté Contact.
6. Site Visit.
7. Staff Comments. (Nolan)
8. Applicants' Testimony/Proponents Testimony/Commission Questions
9. Opponents' Testimony/Commission Questions.
10. Rebuttal.
11. Final Staff Comments.
12. Close/Continue Hearing.
13. Deliberations/Discussion/Decision

IV. New Business

A. Discussion item – Comprehensive Plan Review

V. Department Reports

A. Planning Technician Report

VI. Public Comment

VII. Commissioner Comments

VIII. Adjournment

City of Shady Cove
Planning Commission Regular Meeting Minutes

Thursday, August 12, 2021

Meeting was held with the Planning Commission present at City Hall and public attending Via Zoom

I. CALL TO ORDER

Chair Barnes called the Regular Planning Commission Meeting to order at 6:00 PM

Commissioners Present: Chair Barnes, Commissioner Magill, Commissioner Hohenstein, Commissioner Ball

Staff Present: Debby Jermain, Planning Technician

I.B. ANNOUNCEMENTS

The Chair made the announcements on the agenda.

II. Consent calendar

Motion to Approve June 24, 2021 Meeting Minutes

Motion: Commissioner Magill Second: Commissioner Hohenstein

Motion Carried 4-0

III. New Business

None

IV. Subject of Workshop

A. Discussion Item: Review of Conditional Use Permits.

- A. Julie Barnes/Beards Diesel Repair gave an update on siding and fence upgrades. Both have been delayed due to availability of product. An ETA will be given at next Planning Commission meeting scheduled September 23rd.
- B. Shady Cove Towing – Number of vehicles on property was discussed. Title information can take from 30-75 days to obtain the title. Motorhomes must be towed for the state police and take longer than most vehicles to dispose of. ODOT is creating a new procedure to help move process along faster. Site obstructive fencing needs to be kept up to reduce visibility to neighbors.
- C. Conditional Use Permit document. Commission will put on agenda for next meeting.

V. Department reports.

Planning Technician report.

VI. Public comment

Julie Barnes commented on her experience with conditional use permit and how confusing the process was. She asked how the verbiage can be updated to be clearer for residents.

VII. OLD BUSINESS

none

VIII. WRITTEN COMMUNICATION

None

IX. PUBLIC COMMENT ON NON-AGENDA ITEMS

None

X. COMMISSIONER COMMENTS

Chair Barnes is no longer a resident of Shady Cove. Need to elect new Chair.

Motion to nominate Hank Hohenstein as Planning Commission Chair

Motion: Commissioner Magill Second: Commissioner Ball

Motion Carried 4-0

XI. ADJOURNMENT

There being no further business before the Commission, the Chair adjourned the regular Meeting at 7:28 PM.

Approved:

Attest:

Hank Hohenstein
Chair

Debby Jermain
Planning Technician

Commission Vote:

Chair Hohenstein _____
Commissioner Magill _____
Commissioner Ball _____



**Type IV Staff Report
Comprehensive Plan Amendment and Zone Change**

Date: August 24, 2021

Application No: ZC 21-01

Owner / Applicant: Jason Andrest / Michael and Maria Fischer

Proposal: Comprehensive Plan Amendment from Commercial to Low Density Residential and a Change of Zone from GC (General Commercial) to R-1-20 (Low Density Residential).

Address: 20140 Highway 62, Shady Cove, OR 97539

Legal Description of Property: 34-1W-21D, Tax Lot 201

Acreage: .46 acres

Zoning: General Commercial

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

Section 154.439 establishes the following criteria:

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

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

C. Economic Development

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

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

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

Finding: The property is zoned General Commercial, it was created in its current state as part of a partition in 2009. The parcel is currently undeveloped. “The purpose of the Commercial District is to provide for a wide range of general and tourist commercial uses.” The City currently has a substantial amount of vacant or undeveloped Commercially designated property. Currently this particular lot is bordered on the south by residential lots, and west (across highway 62), and east (county). The Commercial lot to the north is currently developed with a single family home. The proposed residential designation allows the relatively small lot to be built out to allow residential occupation and will align more fluidly with the properties to the south which are R-1-20 zoned. The property is located along Highway 62 and is currently accessed via an existing driveway (ODOT approval of said driveway shall be confirmed prior to development). This is a small lot surrounded by residential properties and uses commercial use would likely be problematic with buffering, access, and parking limitations. The site appears appropriately sized to accommodate associated low density residential use.

F. Public Facilities and Services

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

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

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

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

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

Policy 4.4 Protect current transportation systems and accommodate future transportation needs by balancing transportation systems with land uses. Land use ordinances and zoning codes shall reflect the purpose of the adjoining transportation system.

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

Finding: The current application is for a comprehensive plan amendment and zone change. The property fronts and has access off of Highway 62, a State Road. The applicant shall obtain all required ODOT permits prior to any driveway approach improvement. The applicant may contact ODOT with any questions.

H. Land Use

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

Finding: The R-1-20 zone contains several standards for new development. Any new development will be subject to findings of compliance with Development Review and Site Design Review standards in Section 154.038 and Section 154.200 of the Code of Ordinances.

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

Finding: See finding under Public Facilities element.

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

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

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

Finding: The site appears large enough to accommodate the two parking spaces required in Section 154.337 of the Code of Ordinances.

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

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

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

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

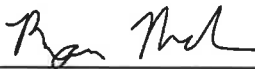
Finding: Agencies providing public facilities and services were notified of the proposal.

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

Finding: The site is undeveloped and the applicant is proposing to construct a residential building to meet all residential building code and to meet zoning standards of Shady Cove. The site has adequate area to provide parking and landscaping to increase the aesthetics of the site.

Conclusion: The proposed comprehensive plan and zone change reflect the owner's desire to convert a property previously undeveloped to one that accommodates low density residential use. The current General Commercial designation while not in conflict with the Comprehensive Plan may not be the best designation of this small lot, and the property appears to support the purposes of the Low Density Residential District.

Staff recommends approval of the proposed Comprehensive Plan Amendment from Commercial to Residential and a change of zone from GC (General Commercial) to R-1-20 (Low Density Residential).



Ryan Nolan, CFM, City Planner

CITY OF SHADY COVE
ZONE CHANGE APPLICATION

Comprehensive Plan Amendment

OFFICE USE:

Application No. ZC 21-01 Received By D Germain Date 7/30/21
Amount Paid \$2500.00 Receipt No. 27183 Hearing Date 9/9/21
^{FBD}
9-23-21

TO BE COMPLETED BY APPLICANT:

Name of Property Owner(s): Michael a fischer / Maria f fischer

Property Street Address: 20140 Hwy 62

Between Cindy way and Butte falls / willow lake streets.

County Assessor's Map & Tax Lot Number: 34-1W-21 D TL 201

Current Zoning: BC Adjacent Zoning: BC, R-1-20

Request is for a Zone Change to: R-1-20

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 a copy of property plat map.
- 3) Attach a copy of a plot plan indicating the existing property lines and the proposed use. (Conceptual Plan)
- 4) Attach a list with the names and addresses of adjacent property owners within 200 feet of any boundary of the property.
- 5) Attach a metes and bounds description of the property.

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 Michael A. Fischer MARIA FISCHER

ADDRESS ROSE RIVER RV PARK 21800 Hwy 62 #80 PHONE NUMBER (609) 820-6583
Shady Cove OR 97539 michaelalan.fischer@gmail.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 [Signature]

Date 8/5/21

CITY OF SHADY COVE
ZONE CHANGE APPLICATION
Page 2, Findings

Attach additional sheets as necessary

The proposed change is in conformance with the comprehensive land use plan of the City of Shady Cove in that:

It is currently surrounded in most ~~part~~ sides
by other residential neighborhoods.

There is a need for this type of property as follows:

Creating a house in this neighborhood, will give us
an opportunity of taking care of our aging parents
as well, as it will be a usable single family
creating a beautiful space for Shady Cove.

This property meets the public need best by:

There is not much residential property for sale and
this commercial property can give us a chance to
create a usable, livable property. We need to
take care of our aging parents and this space will
be really good for all of us.

The proposed use will not be detrimental to the public health, safety and general welfare in that:

It will not, it will fit the neighborhood and
it will create a beautiful space in Shady Cove.
It will be occupied by a family who will
bring more peace and love to Shady Cove.

LIMITED POWER OF ATTORNEY
FOR LAND-USE AND DEVELOPMENT PERMITS

I (We), Jason Andrest, own real property in Jackson County. The address is: 20140 Highway 62, and the Assessor's legal description is: Map 341W21D, Tax Lot 201, Account # 1-099295-6, .46 acres of land.

This power of attorney authorizes Michael and Maria Fischer to act as my agent regarding the land use application submitted to the Community Development Division within one (1) year from the date of this document or until revoked. As my agent, this person is fully empowered to sign all required applications, permits and other documents required or requested, and to appear, negotiate and testify on my behalf in any hearing or administrative process, in connection with such actions. I agree to be unconditionally bound by the acts of my agent and to perform any and all conditions or other requirements resulting from approvals or permits.

Jason Andrest 7/29/2021
Sellers Signature - Date

Michael A. Fischer 7/29/21
Buyers Signature - Date

MARIA F FISCHER 7/29/2021
Buyers Signature - Date

STATE OF OREGON }
 } ss
County of Jackson }

On this 29th day of July, 2021, the above named Jason Andrest personally appeared before me, a Notary Public for the State of Oregon, and executed the foregoing *Power of Attorney* freely and voluntarily.

[Signature]
Notary Public, State of Oregon
My Commission Expires: July 28, 2023



Land MLS#220119830
 20140 Highway 62
 Shady Cove, OR 97539
 County: Jackson
 Section: Not Applicable
 Cross Street: N/A

Lot Size Square Feet: 20,038	Annual Taxes: \$795.44	\$85,000
Lot Size Acres 0.46	Zoning: GC	Active DOM: 84 CDOM: 84



Parcel Number: 1-0992956
Property Sub Type: Commercial
Subdivision Name: N/A
Zoning: GC
Additional Parcels: No

Public Remarks: Lots of potential in this vacant lot in Shady cove. Property zoning allows a residence on the property, as long as you also have a business on the property as well. The property is currently zoned General Commercial, but the city of Shady Cove says it is possible to rezone due to it's location in a mostly residential area, and may be usable for residential land (check with the City). Power and sewer are both available, and the owner has had the land previously witched by a well Witcher and had good results in two locations, buyers will have to do their own due diligence on the water. Come by and take a look at this nice spacious buildable lot, and see what the possibilities could be. Owner carry is a possibility on this lot, with the right offer and qualified buyer....

Directions: Take Highway 62 out to Shady Cove, the property is on the right as you enter town, just before the little dark log cabin on the right.

General Property Information	Exterior Information	Land Information
CC&R's: No FIRPTA: No Association: No Elementary School: Shady Cove School Middle Or Junior School: Check with District High School: Eagle Point High Tax Annual Amount: \$795.44 Tax Lot: 201 Tax Map Number: 341w21d Tax Year: 2020 Potential Tax Liability: No Assessment: No Flood: N/A Senior Community: No	Home/Build Site: None Road Frontage Type: Easement; Shared Access	Fencing: None Current Use: Commercial; Vacant; Other Soil Type: Mixed Easements: Utilities; Other Utilities: Cable Available; Electricity Available; Fiber Optics Available; Phone Available Utilities Location: At Street
Listing Office Information	Listing/Contract Information	Construction
	Original List Price: \$85,000 List Price per Acre: \$184,782.61 Listing Contract Date: 04/06/2021 Special Listing Conditions: Standard Listing Terms: Cash; Conventional; Owner Will Carry	Power Production: Public Utilities Sewer: Public Sewer Water Source: None Irrigation Water Rights: No

Listing courtesy of:

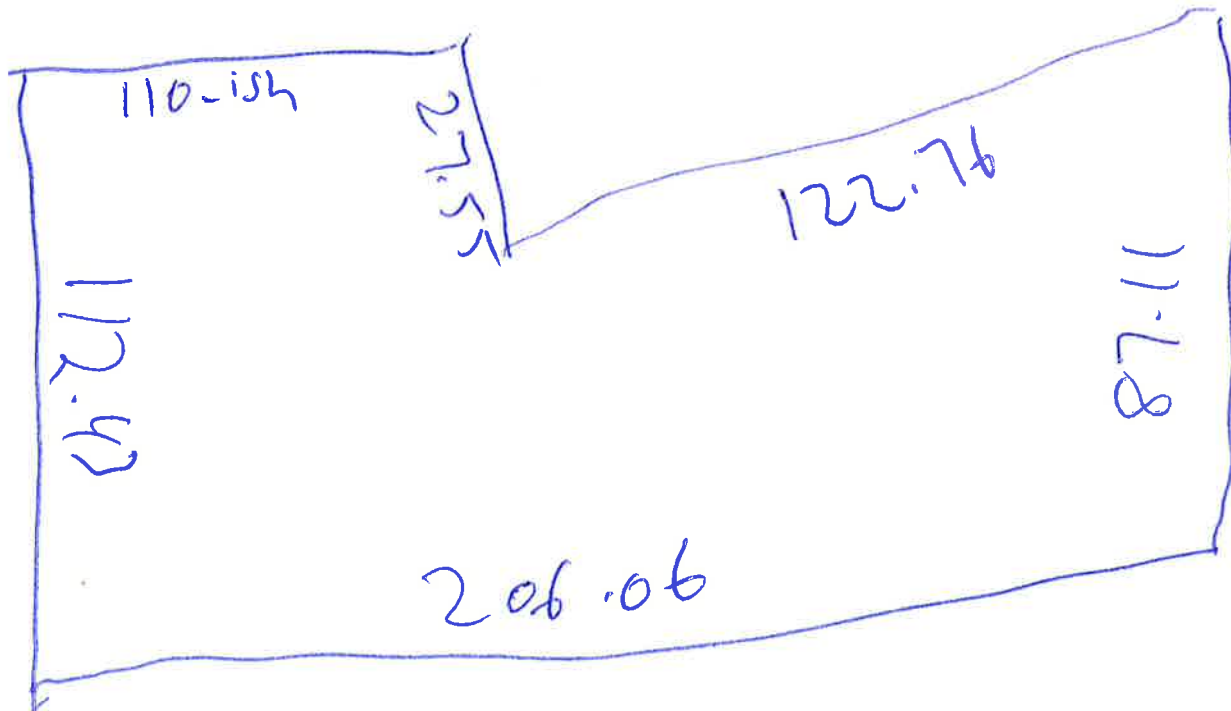
Slade Bittler License:201210593
 Merit Commercial RE, LLC
 1600 Skypark Dr., Ste. 202
 Medford, OR 97504
 541-944-5620
 541-608-6704
 541-944-5620
slade@roguecommercial.com
<http://www.roguecommercial.com>



2021



Information is deemed to be reliable, but is not guaranteed. © 2021 MLS and FBS. Prepared by Slade Bittler on Tuesday, June 29, 2021 12:49 PM. The information on this sheet has been made available by the MLS and may not be the listing of the provider.



Account Sequence	Map TL Sequence	Assessment Year 2020	Print Window	Close Window
----------------------------------	---------------------------------	----------------------	------------------------------	------------------------------

Assessment Info for Account 1-099295-6 Map 341W21D Taxlot 201
Report For Assessment Purposes Only Created June 29, 2021

Account Info	Tax Year 2020 Info	Land Info																												
Account: 1-099295-6	Pay Taxes Online	Code: 9-15																												
Map: 341W21D 201		Area: 0.46																												
Owner: ANDREST JASON P		Zoning																												
Address: 20140 HWY 62 SHADY COVE R		Land Class																												
Owner Address: ANDREST JASON P 4582 TABLE ROCK RD CENTRAL POINT OR, 975023150		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>View Report</td><td>Details</td></tr> <tr><td>View Information</td><td>Details</td></tr> <tr><td>View History</td><td>Details</td></tr> <tr><td>View Property</td><td>Details</td></tr> <tr><td>View Zoning</td><td>Details</td></tr> </table>	View Report	Details	View Information	Details	View History	Details	View Property	Details	View Zoning	Details	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>Property Class</td><td>BS 0.46 Ac</td></tr> <tr><td>Stat Class</td><td>100</td></tr> <tr><td>Unit ID</td><td>289736-1</td></tr> <tr><td>Information Area</td><td>1</td></tr> <tr><td>Information</td><td>000</td></tr> <tr><td>County Area</td><td>04</td></tr> <tr><td>Assessment Status</td><td>ACTIVE</td></tr> <tr><td>Assessable</td><td>Assessable</td></tr> <tr><td>Act Type</td><td>NORMAL</td></tr> </table>	Property Class	BS 0.46 Ac	Stat Class	100	Unit ID	289736-1	Information Area	1	Information	000	County Area	04	Assessment Status	ACTIVE	Assessable	Assessable	Act Type
View Report	Details																													
View Information	Details																													
View History	Details																													
View Property	Details																													
View Zoning	Details																													
Property Class	BS 0.46 Ac																													
Stat Class	100																													
Unit ID	289736-1																													
Information Area	1																													
Information	000																													
County Area	04																													
Assessment Status	ACTIVE																													
Assessable	Assessable																													
Act Type	NORMAL																													

Sales Data (ORCATS)

Land Sale Value (Previous Year)	Sale Date	Instrument Number	Sales History
\$ 175,000	Apr 14, 2016	2016-11785	Details

[Value Summary Detail \(For Assessment Year 2020 \)](#)

[Market Value Summary \(For Assessment Year 2020 \)](#)

Code	Type	Area	BMV	MG	DMV	AV
9-15	LAND	0.46	\$ 92,620	\$ 92,620	\$ 59,610	\$ 59,610
			Total	\$ 92,620	\$ 92,620	\$ 59,610

Photos and Scanned Documents

SCANNED ASSESSOR DOCUMENTS [Portal](#)

[Account Comments](#)

>>>5/30/17 LLA BETWEEN 341W21D-200 (+0.26 AC- TTL 0.84 AC) & 341W21D-201 (-0.26AC - TTL 0.46 AC) PER CS 22226 - ALL IMPV. TO REMAIN WITH TL 200. #173 >>>

[Exemptions / Special Assessments / Notations / Potential Liability](#)

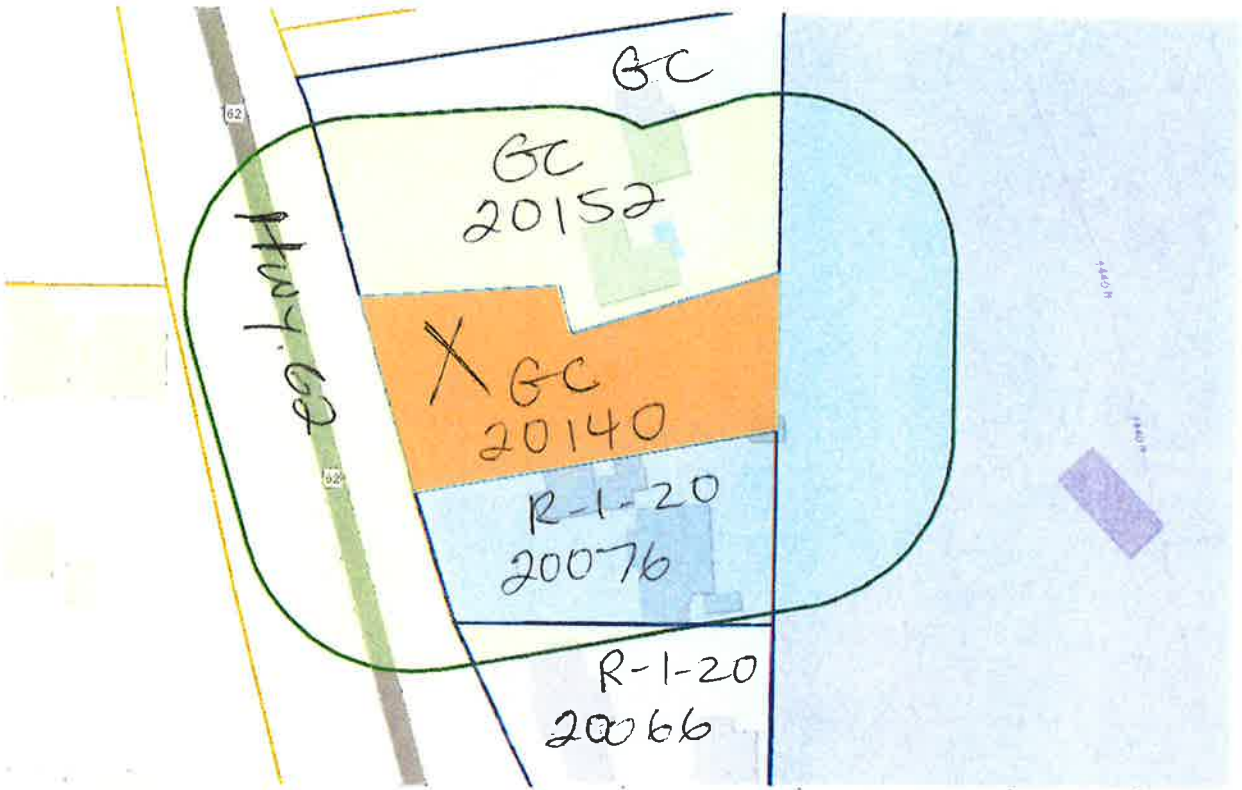
Activity	Year Added	Value Amount
CARTOGRAPHIC ACTIVITY	2017	
CARTOGRAPHIC ACTIVITY	2010	

[Location Map](#)

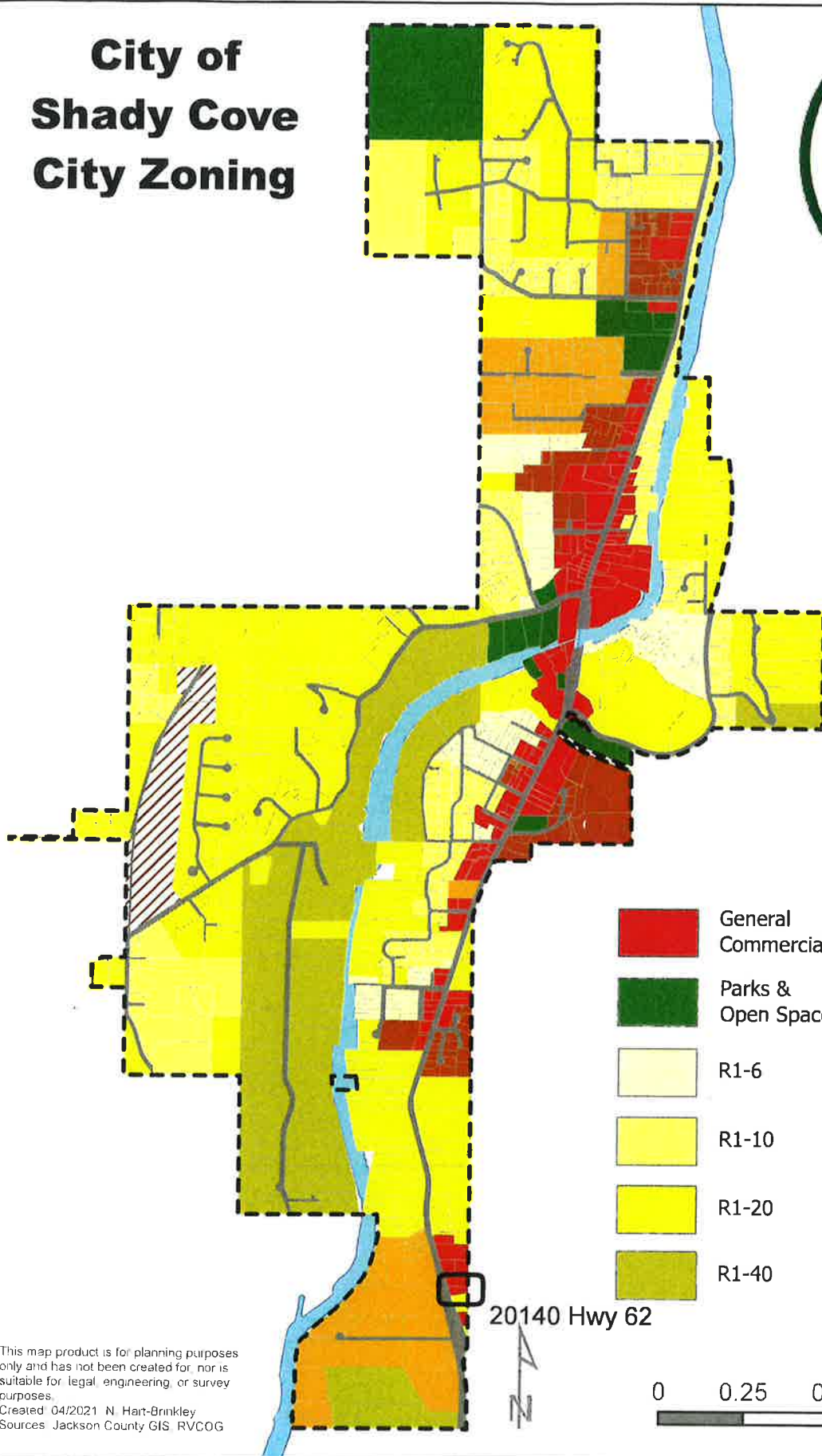
County of Jackson, OR, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, I... Powered by Esri







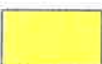





Close Window
Print Window

20140 Hwy 62

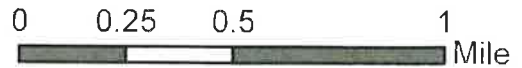


City of Shady Cove City Zoning



- | | | | |
|--|--------------------|---|-----------------|
|  | General Commercial |  | R2 |
|  | Parks & Open Space |  | R3 |
|  | R1-6 |  | Airport Concern |
|  | R1-10 |  | Right of Way |
|  | R1-20 |  | Rogue River |
|  | R1-40 |  | City Limits |

20140 Hwy 62



This map product is for planning purposes only and has not been created for nor is suitable for legal, engineering, or survey purposes.
 Created 04/2021 N. Hart-Brinkley
 Sources Jackson County GIS RVCOG



NOTICE OF A PROPOSED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION FORM 1

FOR DLCD USE
File No.:
Received:

Local governments are required to send notice of a proposed change to a comprehensive plan or land use regulation at least 35 days before the first evidentiary hearing. (See OAR 660-018-0020 for a post-acknowledgment plan amendment and OAR 660-025-0080 for a periodic review task). The rules require that the notice include a completed copy of this form.

Jurisdiction: City of Shady Cove

Local file no.: ZC 21-01

Please check the type of change that best describes the proposal:

- Urban growth boundary (UGB) amendment including more than 50 acres, by a city with a population greater than 2,500 within the UGB
UGB amendment over 100 acres by a metropolitan service district
Urban reserve designation, or amendment including over 50 acres, by a city with a population greater than 2,500 within the UGB
Periodic review task - Task no.:
x Any other change to a comp plan or land use regulation (e.g., a post-acknowledgement plan amendment)

Local contact person (name and title): Ryan Nolan

Phone: 541-423-1382 E-mail: rnolan@rvcog.org

Street address: P.O. Box 3275 City: Central Point, OR Zip: 97502

Briefly summarize the proposal in plain language. Please identify all chapters of the plan or code proposed for amendment (maximum 500 characters):

A request to consider changing the Comprehensive Land Use Designation from Commercial to Low Density Residential and the Zone Map Designation from General Commercial to R-1-20 for a 0.46 acre parcel identified as map number 36-1W-21D Tax Lot 201.

Date of first evidentiary hearing: August 26th, 2021

Date of final hearing: October 7th, 2021

This is a revision to a previously submitted notice. Date of previous submittal:

Check all that apply:

- Comprehensive Plan text amendment(s)
X Comprehensive Plan map amendment(s) - Change from Commercial to Low Density Residential
Change from to
New or amended land use regulation
X Zoning map amendment(s) - Change from GC to R-1-20
Change from to
An exception to a statewide planning goal is proposed - goal(s) subject to exception:
X Acres affected by map amendment: 0.46

Location of property, if applicable (site address and T, R, Sec., TL): 20140 Highway 62, 34-1W-21D TL 201

List affected state or federal agencies, local governments and special districts: City of Shady Cove, Jackson County

If you have any questions or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0000 or e-mail plan.amendments@state.or.us.

Notice checklist. Include all that apply:

- Completed Form 1
- The text of the amendment (e.g., plan or code text changes, exception findings, justification for change)
- Any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained
- A map of the affected area showing existing and proposed plan and zone designations
- A copy of the notice or a draft of the notice regarding a quasi-judicial land use hearing, if applicable
- Any other information necessary to advise DLCD of the effect of the proposal



Mayor
Shari Tarvin

Councilors
Dick McGregor
Kathy Nuckles
Tim Evertt

CERTIFICATE OF MAILING

I hereby certify that on September 2, 2021 I provided a copy of the REQUEST FOR AGENCY/NEIGHBOR COMMENT, APPLICATION ZC 21-01 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



Mayor
Shari Tarvin

Councilors
Dick McGregor
Kathy Nuckles
Tim Evertt

PUBLIC HEARING NOTICE REQUEST FOR AGENCY/NEIGHBOR COMMENT

Public Hearing September 23, 2021 at 6:00 P. M.

Date: September 2, 2021

File No: ZC 21-01

An application has been submitted to The City of Shady Cove Planning Department for review of the proposal described below. Please return this form with your comments to this office by September 16, 2021 so that your comments may be included in the Planning Commission agenda material. If you have any questions, contact Ryan Nolan at 541-423-1382 or leave a message at 541-878-8202.

Applicant: Jason Andrest

Owner: Michael and Maria Fischer

ADDRESS 20140 Hwy 62, Shady Cove, OR 97539

34-1W-21D, Tax Lot 201

Zoning: GC (General Commercial)

Proposal: **Comprehensive Plan Amendment from Commercial to Low Density Residential and a Change of Zone from GC (General Commercial) to R-1-20 (Low Density Residential). Proposed use of property is to permit residential uses on the property.**

- We have no comment.
- We recommend approval with no special conditions.
- This property is not within our jurisdiction.
- Please address the following concerns:

- We encourage denial of this proposal because:

Agency/Prop. Owner (print)

Phone #

Signature of Agency Rep./Prop. Owner

Date

Note to Agencies: If your proposed conditions of approval include the dedication of land for public use or the provision of public improvements, please submit written findings with supporting data or information that justify the requirements. **Specifically, the findings must show that there is an essential connection between your requirements and a legitimate government purpose and that there is a rough proportionality between the burden of the requirement of the developer and the impacts of the proposed development on public facilities and services.**

Ted Zuk
Jackson County
10 S Oakdale, Room 100
Medford, OR 97501

Thomas Corrigan
Spencer McMahan
NO ENVELOPE

Greg Winfrey
Fire District #4
PO Box 1400
Shady Cove, OR 97539

Carl Tappert, PE
District Manager, RVSS
PO Box 3130
Central Point, OR 97502

Josh LeBombard, DLCD
C/O Jobs Council, SOU
100 E Main Street, Suite A
Medford, OR 97501

Micah Horowitz,
ODOT Region 3
100 Antelope Road
White City, OR 97503

ANDREST JASON P
4582 TABLE ROCK RD
CENTRAL POINT, OR 97502

JESSUP JOHN & WILLAMENA REV L
FIRST AMERICAN TITLE
1225 CRATER LAKE AVE 101
MEDFORD, OR 97504

SMAIL GERALD
20076 HWY 62
SHADY COVE, OR 97539

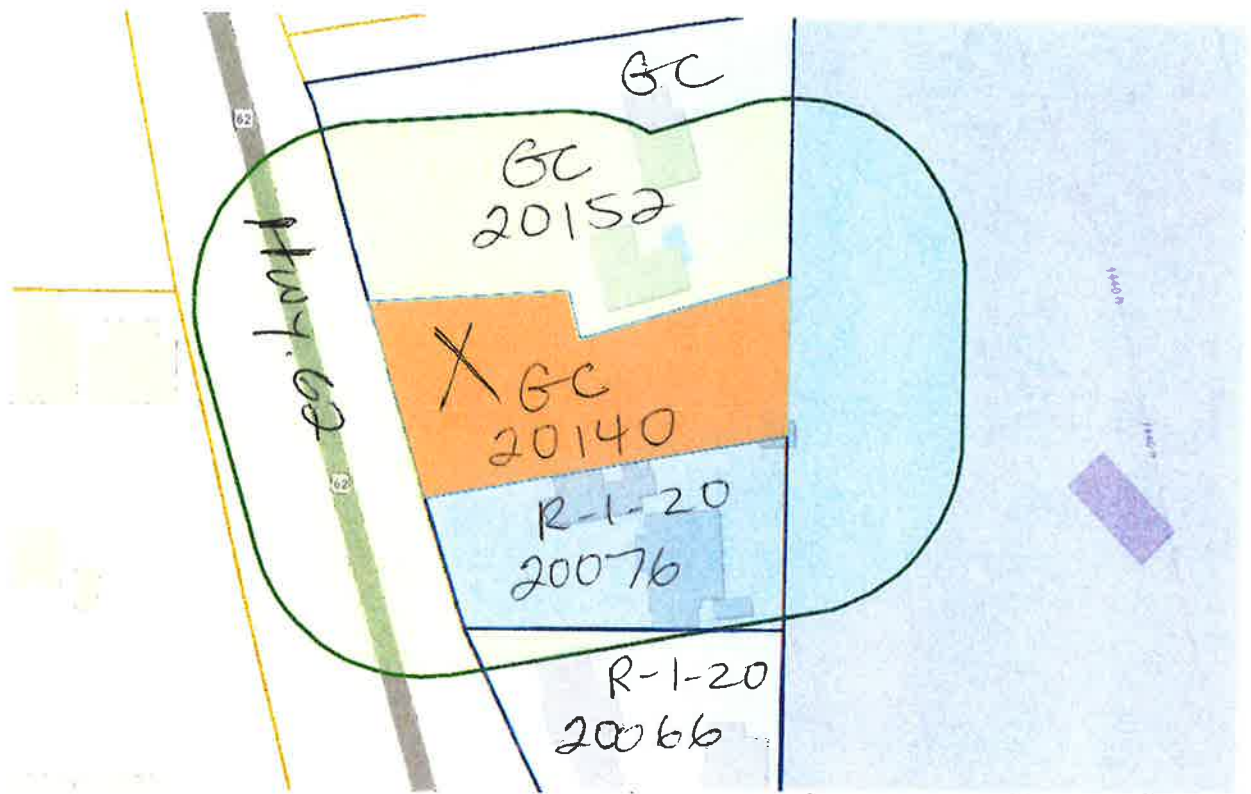
BURKETT JAMES K
20076 HWY 62
SHADY COVE, OR 97539

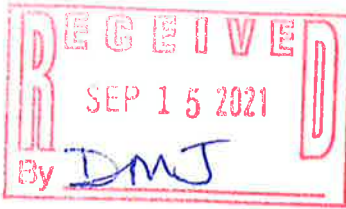
ANDREST JASON P
PO BOX 523
SHADY COVE, OR 97539

NEKOUIE EDWIN R
20066 HIGHWAY 62
SHADY COVE, OR 97539

GERMANO VICTOR D
20082 HIGHWAY 62
SHADY COVE, OR 97539

20140 Hwy 62





Mayor
Shari Tarvin

Councilors
Dick McGregor
Kathy Nuckles
Tim Evertt

PUBLIC HEARING NOTICE REQUEST FOR AGENCY/NEIGHBOR COMMENT

Public Hearing September 23, 2021 at 6:00 P. M.

Date: September 2, 2021

File No: ZC 21-01

An application has been submitted to The City of Shady Cove Planning Department for review of the proposal described below. Please return this form with your comments to this office by September 16, 2021 so that your comments may be included in the Planning Commission agenda material. If you have any questions, contact Ryan Nolan at 541-423-1382 or leave a message at 541-878-8202.

Applicant: Jason Andrest

Owner: Michael and Maria Fischer

ADDRESS 20140 Hwy 62, Shady Cove, OR 97539

34-1W-21D, Tax Lot 201

Zoning: GC (General Commercial)

Proposal: **Comprehensive Plan Amendment from Commercial to Low Density Residential and a Change of Zone from GC (General Commercial) to R-1-20 (Low Density Residential).
Proposed use of property is to permit residential uses on the property.**

- We have no comment.
- We recommend approval with no special conditions.
- This property is not within our jurisdiction.
- Please address the following concerns:

We encourage denial of this proposal because:

Jason Andrest
Agency/Prop. Owner (print)

541 973 5391
Phone #

Jason Andrest
Signature of Agency Rep./Prop. Owner

9/9/21
Date

Note to Agencies: If your proposed conditions of approval include the dedication of land for public use or the provision of public improvements, please submit written findings with supporting data or information that justify the requirements. Specifically, the findings must show that there is an essential connection between your requirements and a legitimate government purpose and that there is a rough proportionality between the burden of the requirement of the developer and the impacts of the proposed development on public facilities and services.

Upper Rogue Independent, Eagle Point, Ore. Wednesday, Sept. 22, 2021

PUBLIC NOTICE



REVISED NOTICE OF PUBLIC HEARING

Mayor
Shari Tarvin

Councilors
Dick McGregor
Kathy Nuckles
Tim Evert

The City of Shady Cove Planning Commission will hold a Public Hearing at 6:00 p.m. on Thursday, September 30, 2021 in the City Hall Council Chambers, 22451 Hwy 62, Shady Cove, Oregon for the following purpose:

Proposed Comprehensive Plan Amendment from Commercial to Low Density Residential and a Zone Change from GC (General Commercial) to R-1-20 (Low Density Residential) for property located at 20140 Hwy 62, Assessor's Map No. 34-1W-21D Tax Lot 201. Planning File No. ZC 21-01. Owner: Jason Andrest. Applicant: Michael and Maria Fischer.

Oral and written public testimony regarding this matter will be accepted at the public hearing. Written statements are encouraged and may be submitted at any time, but must be received by *September 23, 2021, to be included in the staff report*. Mail written comments to Planning Department, City of Shady Cove, PO Box 1210, Shady Cove, OR 97539 or via E-mail at djermain@shadycove.org.

The proposed zone change and file information are available for public review at City Hall, 22451 Hwy 62, Shady Cove during regular office hours or for purchase if requested. For additional information call Shady Cove Planning Department at 541-878-8204.

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.

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).



**Type III Staff Report
Subdivision Tentative Plan**

Date: August 24, 2021

Subdivision Application No: SUB 21-01

Owners: Mike, Bonnie, Casey, and Mary Malepsy

Applicant: Mike Malepsy

Proposal: Create a two phase 17-lot subdivision on three parcels totaling 5.71 acres located on Cleveland Street right-of-way. The tentative subdivision proposes extensions of Cleveland Street and Chevney Way as well as a new private street off of Chevney Way.

Address: Not yet assigned specific addresses

Legal Description of Property: 34-1W-09DA Tax Lot 1200 &
34-1W-10CB Tax Lot's 2900 & 2901

Zoning: R-1-10, Low Density Residential

Approval Criteria and findings: (§ 153.08(G))

- (A) The proposed subdivision is consistent with the density, setback and dimensional standards of the base zoning district, unless modified by a planned development approval.

FINDING: Proposed lot sizes range from 10,001 square feet on Lot 3 to 51,850 square feet on Lot 17.

- The R1-10 zone requires a minimum parcel size of 10,000 square feet, a minimum lot depth of 80 feet and a minimum street frontage of 60 feet.
- While there are areas of slope within the proposed development, none are identified as greater than 20%.
- Lot 17 is a flag lot, which require a minimum width of 20 feet; the tentative plan shows a width of 20 feet.
- All lots comply with the 80-foot depth requirement, and 60 foot street frontage requirement, and none exceed the 3:1 depth to width ratio.

- (B) The proposed subdivision is consistent with the design standards set forth in this chapter.

FINDING: The proposed subdivision uses a shared private drive for access to lots 11 and 12, which is subject to Section 153.14. This form of access is limited to six dwelling units, but street standards also limit the number of parcels that can be

served by a cul-de-sac. Section 153.12 requires utility easements, which are shown on both sides of the access. The shared private drive is at a 90 degree angle to Chevney Way, consistent with ordinance requirements. The private drive shall be built to City standards to include a minimum of 20 feet of paving and curbs on both sides.

- (C) The proposed street pattern is connected and consistent with the comprehensive plan or official street plan for the city.

FINDING: The property is divided by Cleveland Street, which is identified as a collector in the Local Street Network Plan (LSNP). The LSNP anticipates that Cleveland Street (right-of-way exists) will be extended to the north to connect with Hudspeth Lane. Similarly the future planned extension of Chevney Way (a local street) is planned to bisect the property and connect Chevney Way to Cleveland Street. The proposed subdivision does not impede implementation of the proposed street network, but provides that two planned street extensions be built, and one street connection be built.

- (D) Adequate public facilities are available or can be provided to serve the proposed subdivision.

FINDING: The property will be served by Hiland Water Company. Rogue Valley Sewer Service will approve all sewer main extensions within the public right-of-way.

Storm Drainage Calculations shall be submitted for review by the City's Engineer to determine that all storm run off created by the development will be adequately mitigated on site or is capable of being accommodated in functional downstream storm drain capacity.

- (E) All proposed improvements meet city standards.

FINDING: City street extensions shall be built to full City street standards unless alternate designs are approved by the Planning Commission.

Section 95.61 Table 6.B.1 identifies that the 50 foot existing right-of-way for Cleveland Street (a Collector) can accommodate a street with no parking on either side to include; 22 feet of pavement curb to curb, two 11 foot motor vehicle travel lanes, 6 inch curb on each side, an 8 foot planter strip on each side, and 5 foot sidewalk on each side. The existing right-of-way could also accommodate a street with parking along one side to include; 25 feet of pavement curb to curb, two motor vehicle travel lanes of 9 feet, one parking lane of 7 feet, 6 inch curbs on both sides, 7 foot planter strips on both sides, and 5 foot sidewalks on both sides. Any design other than these two would need special approval from the Planning Commission.

The extension of Chevney Way shall meet adopted City Standards for street design, or be approved by the Planning Commission with alternate street standards. The existing Chevney Way is currently built within a 40 foot right of way. The narrowest acceptable right of way for a local residential street is currently 47 feet. The minimum street standard that could meet requirements for Chevney would be a street design to include; 47 feet of right of way (met in the tentative plan), 22 of

pavement curb to curb, a 15 foot vehicle travel lane, a 7 foot parking lane, 6 inch curbs on each side, 7 foot planter strips on each side, and 5 foot sidewalks on each side. Any design other than this would need special approval from the Planning Commission.

The proposed private drive serving Lots 11 and 12 is proposed with adequate easement width and radius to meet fire access standards and Private Drive standards of the City. The private drive shall be built to include 20 feet of pavement width curb to curb and six inch curbs on each side unless an alternate street design is approved by the Planning Commission.

- (F) The phasing plan, if requested, can be carried out in a manner that meets the objectives of the above criteria and provides necessary public improvements for each phase as it develops.

FINDING: Phasing as proposed can be carried out in an acceptable timeframe.

Recommendation:

The proposed subdivision appears to substantially comply with the land division provisions of the Shady Cove Municipal Code standards. If the Planning Commission determines it has enough information to approve the request, staff recommends the following conditions of approval.

Subdivision Conditions of Approval:

A. Phase 1 – The following must occur within one year (one year extension can be requested in writing for good reason) and prior to Final Plat approval:

1. Submit storm drain calculations to City for City Engineer review and approval.
2. Extension of Cleveland Street shall be completed in conformance with City Street Standards.
3. Extension of Chevney Way shall be completed in conformance with City Street Standards.
4. The private drive shall be constructed in conformance with City Street Standards. A maintenance agreement shall be recorded clarifying maintenance responsibilities of the private street.
5. All utilities, except the private drive, shall have separate connections to the public system, or if shared utilities are allowed; an access agreement shall be secured to allow public access on the drive for operation and maintenance of the utilities.
6. Any utilities or facilities shared by two or more property owners shall meet established city standards.
7. All utilities shall be located underground.
8. 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.

B. Phase 1 – The following shall be accomplished at the time of development of individual lots in the subdivision:

Note: The following conditions are not all-inclusive and are provided for the information of the applicant.

1. Future Development of lots shall comply with adopted City standards at time a future submittal is deemed complete. Standards at time of a future submittals deeming of condition shall override any of the below conditions.
2. Comply with the Uniform Fire and Building Codes.
3. Submit building plans prior to construction for site development approval.
4. Developed or undeveloped lots will need to be maintained for weed and grass control throughout the year.
5. Provide addresses visible from the public right of way.

C. Phase 2 – The following must occur within three years (one year extension can be requested in writing for good reason) and prior to Final Plat approval:

1. Submit storm drain calculations to City for City Engineer review and approval.
2. Extension of Cleveland Street shall be completed in conformance with City Street Standards.
3. The private drive shall be constructed in conformance with City Street Standards. A maintenance agreement shall be recorded clarifying maintenance responsibilities of the private street.
4. All utilities, except the private drive, shall have separate connections to the public system, or if shared utilities are allowed; an access agreement shall be secured to allow public access on the drive for operation and maintenance of the utilities.
5. Any utilities or facilities shared by two or more property owners shall meet established city standards.
6. All utilities shall be located underground.
7. 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.

D. Phase 2 – The following shall be accomplished at the time of development of individual lots in the subdivision:

Note: The following conditions are not all-inclusive and are provided for the information of the applicant.

1. Future Development of lots shall comply with adopted City standards at time a future submittal is deemed complete. Standards at time of a future submittals deeming of condition shall override any of the below conditions.
2. Comply with the Uniform Fire and Building Codes.
3. Submit building plans prior to construction for site development approval.

4. Developed or undeveloped lots will need to be maintained for weed and grass control throughout the year.
5. Provide addresses visible from the public right of way.

E. Throughout approval of subdivision:

1. Comply with all local, state and federal requirements.
2. Comply with any and all Jackson County Fire District No. 4 requirements for access and fire protection, including but not limited to, access standards, finished grade standards and minimum height clearance standards.

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

CITY OF SHADY COVE
SUBDIVISION
APPLICATION

OFFICE USE:

Application No. SUB 21-01 Received By D. Germain Date 8/2/21
Amount Paid \$2850.00 Receipt No. 27186 ^{FBD}Hearing Date Sept. 29th
30th

TO BE COMPLETED BY APPLICANT:

Name of Property Owner(s): Mike, Bonnie, Casey and Mary Maloney

Property Street Address: No addresses assigned

Between Hudspeth/Cleveland and Cheaney streets.

County Assessor's Map & Tax Lot Number: 34-1W-1008 TL 2901, 34-1W-1008 TL 2900
34-1W-09 DA TL 1200

Current Zoning: R-1-10 Adjacent Zoning: R-1-20, 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. FOR SUBDIVISION, ATTACH DRAFT OF PROPOSED CCR'S.
- 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.
- 4) ~~Attach a list with the names and addresses of adjacent property owners within 250 feet of any boundary of the property.~~
- 5) Attach a metes and bounds description of the property.

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.. Further, I understand that any approval given is valid for the specific project only, and is subject to all applicable laws, regulations and conditions.

APPLICANT'S SIGNATURE Mike Maloney owner and AGENT for ET AL

ADDRESS 36 Meadow Ln. S. Cove OR 97539 PHONE NUMBER 541-840-1424

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 Stephan Koller

Date 08/05/21

DEER RUN SUBDIVISION
(TENTATIVE)

OWNER AND APPLICANT:
Michael & Bonnie Malapsy and
Casey & Mary Malapsy
35 Meadow Lane
Shady Cove, OR. 97539

LOCATION:
341W 1008 Tax Lots - 2900 & 2901
and 341W 09DA Tax Lot - 1200
City of Shady Cove
Jackson County, Oregon

USE:
Single Family Residence

PREPARED BY:
Kaiser Surveying
2178 Butte Falls Hwy.
Eagle Point, OR. 97524

DATE:
July 8, 2021

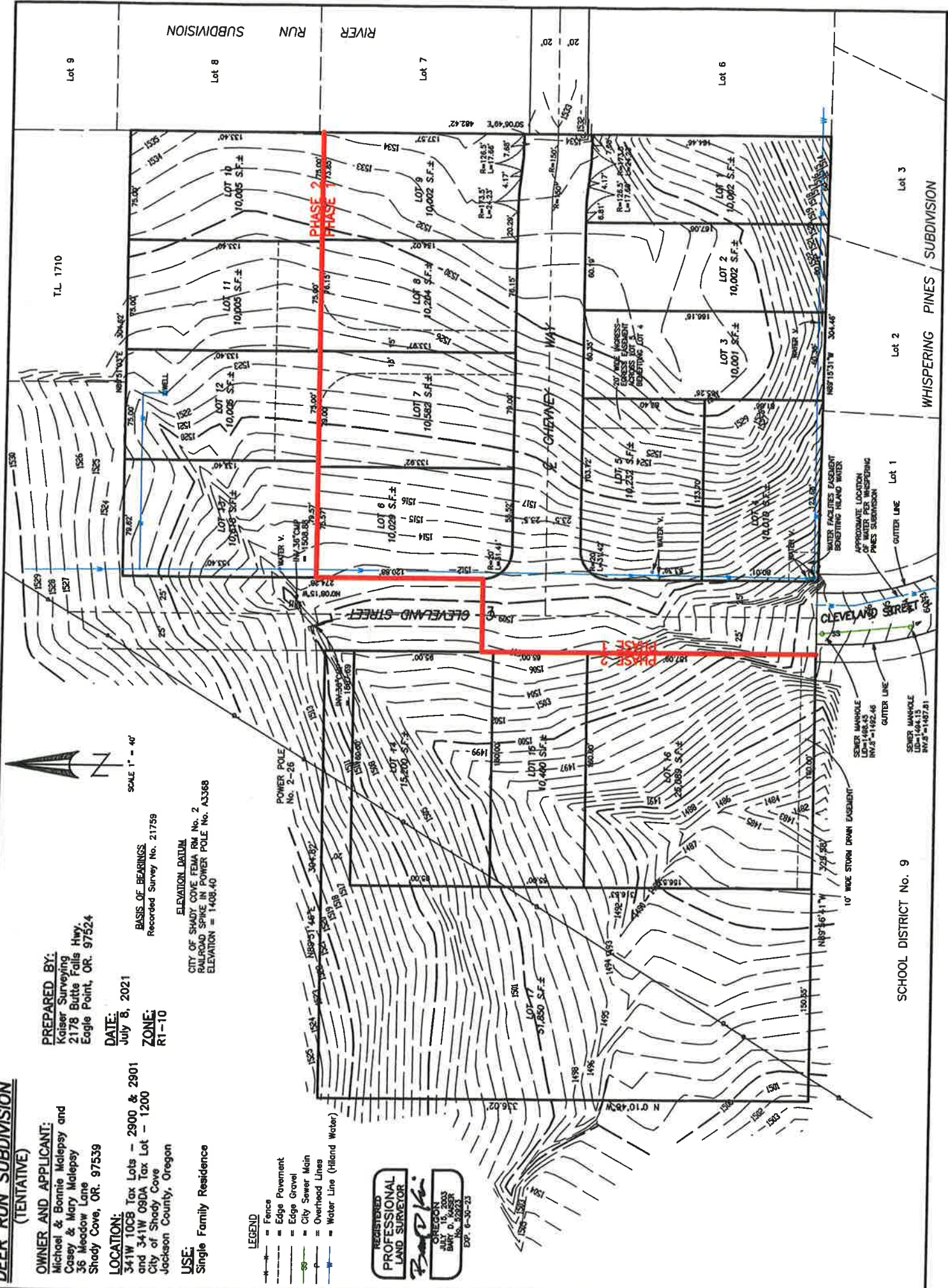
ZONE:
R1-10

BASIS OF BEARINGS
Recorded Survey No. 21759

ELEVATION DATUM
CITY OF SHADY COVE FEMA RM No. 2
RAILROAD SPIKE IN POWER POLE No. A3568
ELEVATION = 1408.40

SCALE 1" = 40'

- LEGEND**
- - - Fence
 - - - Edge Pavement
 - - - Edge Gravel
 - - - City Sewer Main
 - - - Overhead Lines
 - - - Water Line (Hiland Water)



SCHOOL DISTRICT No. 9

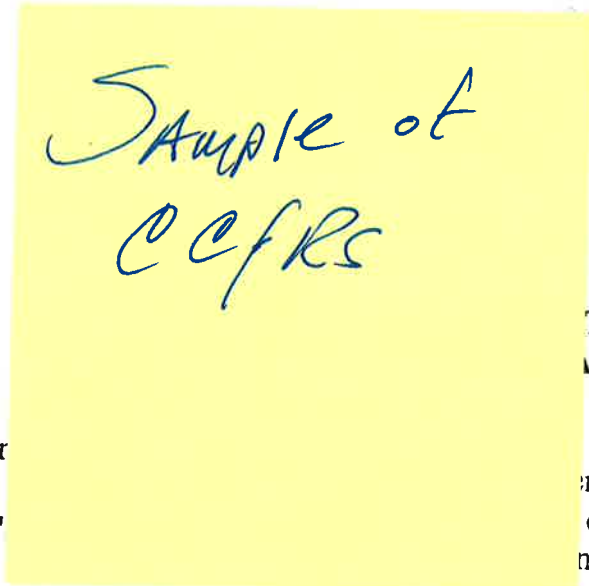
WHISPERING PINES SUBDIVISION

AFTER RECORDING RETURN TO:
Mark S. Bartholomew
14 N. Central Avenue, Suite 104
Medford, OR 97501

Jackson County Official Records 2021-0178i
R-DR
Cnt=1 SIMPSOHP 04/21/2021 01:36:31
\$75.00 \$10.00 \$13.00 \$11.00 \$11.00 Total:\$184.
\$60.00 \$4.00



I, Christine Walker, County Clerk for Jackson County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.
Christine Walker - County Clerk



TS, CONDITIONS,
HANNAH'S RIDGE

Hand
"Property")
on Exhibit "

in fee simple of that real property (the
of Jackson, State of Oregon, described
n by this reference.

Recitals, Intent and Purpose

It is the desire and intention of Declarant to subdivide the Property, subject to the Covenants, Conditions, and Restrictions set forth in this Declaration, into 6 residential lots. There shall be one dwelling on each lot.

Declarant intends by this Declaration to impose upon the Property, subject to this Declaration, mutually beneficial restrictions under a general plan of improvement for the benefit of all Owners of residential property within. Declarant desires to provide a flexible and reasonable procedure for the overall development of the property, and to establish a method for the administration, preservation, use, and enjoyment of such property as is now or may hereafter be submitted to this Declaration.

There is no commonly owned property. Therefore, the Property is not a "planned community" as defined in ORS 94.

///

///

///

Declaration

NOW, THEREFORE, Declarant hereby declares that the Property shall be held, conveyed, hypothecated, encumbered, leased, rented, used, occupied and improved, subject to the following covenants, conditions and restrictions, all of which are in furtherance of a plan for the subdivision, improvement and sale of the Property and of enhancing and perfecting the value, desirability and attractiveness of the Property. All of the covenants, conditions and restrictions herein set forth shall run with the Property and shall be binding on all parties having or acquiring any right, title or interest in the Property or any part thereof, and shall be for the benefit of each Owner of any portion of the Property, or any interest therein, and shall inure to the benefit of and be binding upon each successor in interest of such Owners.

The name by which the Property shall be known is Hannah's Ridge.

1. DEFINITIONS

In addition to the terms defined in ORS, Chapter 94, and elsewhere defined herein, the following terms shall have the following meanings whenever used in this Declaration:

- 1.2 Declarant. Hannah's Ridge LLC and its successors, members, and assigns.
- 1.3 Owner. The record Owner, or Owners, if more than one, of a Lot, including Declarant and including a vendee under a recorded land sale contract or recorded memorandum of land sale contract.
- 1.4 Property. All the real property described on Exhibit "A", attached hereto.
- 1.6 Lot. That portion of the Property conveyed or to be conveyed by the Declarant to an individual Owner in fee simple.
- 1.7 Dwelling Unit. The residential structure, including any garage, carport, patio, lanai or other physical appurtenance to such structure, constructed on a Lot by the Declarant or an Owner. When the term Dwelling Unit is used in the context of an attached single family dwelling, it shall refer only to that portion of the building on one Lot, rather than to the entire building.
- 1.8 Declaration. This Declaration, as from time to time amended or supplemented.
- 1.9 Mortgage. A mortgage or a deed of trust of record encumbering a Lot. The term "Mortgagee" shall include the beneficiary under a deed of trust and the vendor under a recorded land sale contract or recorded memorandum of land sale contract.
- 1.11 Code. The Code of the City of Shady Cove.

1.14 Successor Owner. The owner of a Lot conveyed by Declarant or another Successor Owner. Declarant shall not be deemed a Successor Owner.

2. USE RESTRICTIONS

The use of the Lots shall be restricted in accordance with the following provisions in addition to all other covenants, conditions and restrictions herein contained.

2.1 Residential Use. The Lots and Dwelling Units shall be used for residential purposes only as approved by the Architectural Committee pursuant to Section 3 and the initial design standards of Section 3.3.1, except as specifically provided for in this Declaration. No mobile, modular or manufactured dwelling shall be allowed on any Lot. This Section 2.1 and Section 2.3 shall not exclude the construction of a private greenhouse, storage unit, private swimming pool or shelter for the protection of such swimming pool or storage of a boat and /or personal use camping trailer. All such improvements must be located in conformance with all applicable municipal regulations and be compatible in design with the residential construction on the subject lot and adjacent lots as determined by the Architectural Committee.

2.2 Maintenance. Each Owner shall maintain and repair his Dwelling Unit and Lot in a clean, sanitary and attractive condition. Landscaping on each Lot shall be maintained in at least as good or better quality in design and nature of planting as is required by the Architectural Committee at the time of initial construction of a Dwelling Unit.

2.3 Commercial or Agricultural Use. No industry, business, trade, occupation or profession of any kind, shall be conducted, maintained or permitted on any part of the Property, unless specifically allowed by this Declaration and approved as a home occupation by the City of Shady Cove, Oregon. No Agricultural barns shall be permitted.

2.4 Animals. Household pets, in a reasonable number, may be kept if they are solely for private use and not for commercial purposes. No animal shall be allowed to make an unreasonable amount of noise or otherwise to become a nuisance. No dog shall be permitted outside of the Lot of the Owner of said dog unless said dog is under the control of a responsible person by means of a leash. Any structure for the care, housing or confinement of any house or yard pet shall be approved by the Architectural Committee for its design and placement on each Lot.

2.5 Utility Service. Except as approved by the Architectural Committee, no lines, wires, satellite dish larger than 18", antennae or other devices of any kind for the communication or transmission of electric current or power, including telephone, television and radio signals, shall be constructed, placed or maintained anywhere in or upon any Lot unless the same shall be contained in conduits or cables constructed, placed and maintained

underground or concealed in, under or on buildings or other approved structures. Nothing herein shall be deemed to forbid the erection and use of temporary power or telephone services incident to the construction of approved improvements.

2.6 Temporary Occupancy. No trailer, basement of any incomplete building, tent, shack, garage, and no temporary building or structure of any kind shall be used at any time on any Lot for a residence either temporary or permanent.

2.7 Outside Storage and Parking. All firewood and other materials or equipment stored on any Lot shall be screened from the ordinary view from adjacent Lots and streets.

2.8 Trash Receptacles. All trash shall be retained in appropriate receptacles and cans shall be kept clean and sanitary and shall be screened from reasonable and ordinary view from the adjoining Lots and streets. Burning of organic material shall comply with all applicable local, state or federal regulations. Temporary construction debris shall be contained for removal as provided in Section 2.20 herein.

2.9 Basketball Standards. No basketball standards or fixed sports apparatus of any nature shall be attached to any Dwelling Unit or garage or be erected on any Lot, except in the rear yard of such Lot. Any such apparatus must be approved by the Architectural Committee for placement with regard to sensitivity to neighboring Lots. Such approval may be withdrawn with 30 days written notice. No portable basketball hoops shall be stored in Hannah's Way.

2.10 Garages. Garages shall be used only for the parking of motor vehicles, recreational vehicles, storage and permitted workshop purposes. All garages will have automatic garage door operators and all residents are encouraged to keep garage doors, which are visible to the alley or street, closed whenever practical. Residents are encouraged to park their vehicles in enclosed garages. Each Lot shall be constructed with a garage sufficient to store at least two vehicles. Garage space may not be converted into any other use which would prevent its use as parking space, as designed.

2.11 Clothes Drying Facilities. No outside clotheslines or other outside clothes drying or airing facilities shall be maintained on any Lot.

2.12 Mailboxes. There shall be no exterior newspaper tubes or freestanding mailboxes, except as may have been initially installed by or pursuant to plans previously approved by Declarant or thereafter approved by the Architectural Committee.

2.13 Nuisances. No machinery or equipment of any kind shall be placed, operated or maintained upon or adjacent to any Lot except such machinery or equipment, such as private workshop equipment, as is usual and customary in connection with the use or maintenance of

a Dwelling Unit. No noxious or offensive condition, including activity causing excessive smoke, dust, noise or debris, shall be permitted upon any part of the Property. Motorized bikes and ATVs may not be operated on any Lot. Motorized transportation may be operated on a Lot solely for the purpose of transporting it from a residence to a public roadway for off-site use but are not allowed recreational use of such machinery within the Property.

2.14 Diseases and Insects. No Owner shall permit any thing or condition to exist upon his Lot which shall induce, breed, or harbor infectious plant diseases or noxious insects.

2.15 Mineral Exploration. No Lot within the Property shall be used in any manner to explore for or to remove any water, oil or other hydrocarbons, minerals of any kind, gravel, earth or any other such substance or other mineral of any kind except for any excavation that may be done in connection with the construction of a dwelling on the property.

2.16 Restrictions on Further Subdivision. No Lot shall be further subdivided except a Lot owned by Declarant. No Owner, except Declarant, may grant an easement or other interest in a Lot without the prior written approval of the Architectural Committee.

2.17 Signs. No signs (including without limitation, commercial, family "crest" or name signs, and all such similar signs) which are visible from neighboring property shall be erected or maintained on any Lot except:

- (a) Such signs as may be required by legal proceedings;
- (b) Such residential identification signs as are installed in the initial construction of the Dwelling Units, subject to the review and approval of the Architectural Committee as to suitability;
- (c) During the time of construction of any residence or other improvement by Declarant, job and sales identification signs; and
- (d) Not more than one "for sale" sign having dimensions not to exceed eighteen (18) by twenty-four (24) inches, so long as the posts or standards for said signs do not damage or destroy lawns or plantings. This provision shall not prevent Declarant or any principal building contractor from advertising during the construction of improvements on any Lot or within the real property or during the period of time any Lot is owned by Declarant.

2.18 Tenant Leases. No Dwelling Unit shall be rented or leased for a period of less than thirty (30) continuous days at one time. All rental and lease agreements shall be in writing and shall comply with the provisions of this Declaration.

2.19 Fences. All permanent and temporary fences and railings require approval by the Architectural Committee prior to construction. All necessary municipal permits shall be obtained prior to any fence construction. All fences must be constructed so as to provide a finished appearance. All fences and railings shall be well-constructed and maintained and shall not detract from the appearance of other improvements located upon the Lot.

The maximum height and location of all fences, railings and hedges shall be determined by the Architectural Committee, but in no event shall a fence exceed eight feet in height. Hedges and sight obscuring plants shall not exceed three feet in height in the front yard or along any side lot line for the proscribed setback length.

All fences shall comply with the regulations of the City of Shady Cove.

In the event a fence is constructed on the boundary of a Lot as part of construction of a new dwelling, the owner of the adjacent Lot benefiting from the boundary line fence shall be responsible for reimbursing the owner of the Lot 50% of the cost of the labor and materials attributed to the shared boundary. Such reimbursement shall be paid within thirty days (30) of written notification of the amount due to the adjacent owner.

2.20 Construction Debris. The Owner of each Lot is responsible for the temporary containment and permanent removal of all construction debris on the Lot and any debris which is windblown or in any way displaced from the construction site to adjoining property. The Owner is also responsible for the cleanup of any dirt or mud tracked into the public streets during the course of construction of improvements on his Lot. The Owner shall not allow the accumulation of large quantities of debris, on or off site, during the course of construction.

2.21 Firearms. No firearms or archery equipment, shall be used or discharged on any Lot.

2.22 Fuel Tanks. No fuel tanks shall be constructed above or below ground level except for propane gas for home use. Any such tank shall be screened from view in a manner approved by the Architectural Committee.

2.23 Lighting. No invasive outdoor lighting within the Property shall be permitted. All outdoor lights shall be shielded from point source glare and shall not be directed towards adjacent parcels. All overhead or other area lighting shall be shielded to cast a downward glare. There shall be no night guard lights.

2.24 Recreational Vehicles; Boats; ATVs. All recreational vehicles, motor homes, trailers, fifth wheels, ATVs, snowmobiles, jet skis, and similar vehicles or equipment shall be stored behind a fence or other screened area.

3. ARCHITECTURAL CONTROL

3.1 Architectural Committee. There shall be an Architectural Committee. The members of the Architectural Committee shall be Mike Malepsy and Jeff Smith until one-hundred (100%) of all Lots in the Property have been sold and built upon. Thereafter, the Owners shall elect all of the members of the Architectural Committee and the number of Architectural Committee members shall be three. Members appointed to the Architectural Committee by the Declarant need not be Owners.

3.2 Duties of Architectural Committee. It shall be the duty of the Architectural Committee to consider and act upon any and all proposals or plans submitted to it pursuant to the terms hereof, to insure that overall building designs, roof pitch and tile, any painting or exterior coverings, window placements and sizes or improvements constructed or significantly changed, which shall also include landscaping and plantings, on the Property by anyone other than the Declarant conform to plans approved by the Architectural Committee.

No person shall make any alterations to the exterior of a Dwelling Unit, including changes in color, until the complete plans and specifications, showing the location, nature, shape, height, form of change (including, without limitation, any other information specified by the Architectural Committee) shall have been submitted to and approved in writing as to overall appearance, and harmony of design, color and location in relation to surrounding structures and topography, by the Architectural Committee.

3.3 Architectural Rules.

3.3.1 Initial Architectural Rules.

3.3.1.1 Square Footage Minimum. All residences shall contain a minimum of 1400 square feet of finished living area. The minimum square footage does not include garages, carports, decks, or other outside areas.

3.3.1.2 Exterior Material. Exterior colors shall be earth tones and building design shall harmonize with the natural surroundings of the Property. All exterior paint shall be approved by the Architectural Committee prior to beginning the painting. All exposed exterior material (metal flashing, vents, down spouts, gutters, chimney caps, etc) shall be painted as approved by the Architectural Committee. Exterior stone work shall use cultured or native stone. No plywood or panel siding on walls visible from the exterior side or front of a building shall be approved. No aluminum or vinyl siding shall be permitted. All other exterior materials and siding shall be approved by the Architectural Committee.

3.3.1.3 Building Setbacks. Setbacks shall be measured from the property lines of a Lot and shall conform to the land use approval for the Property and to the Shady Cove Code.

3.3.1.4 Tree Removal. No owner shall remove or intentionally damage a native tree without prior approval of the Architectural Committee. Any such tree removal shall also comply with any relevant Shady Cove Code provisions regarding tree removal. The Architectural Committee shall, as part of any tree removal approval, require the Owner to plant specific trees unless demonstrated to be not in the best interest of the Property.

3.3.1.5 Landscape Plan. Each Owner shall, as part of initial construction of a dwelling or upon significant remodeling impacting the exterior of the dwelling, submit to the Architectural Committee and obtain approval of a landscape plan.

3.4 Application for Approval of Improvements. An Owner must submit plans for initial construction on a Lot within six (6) months of purchasing a Lot. Any Owner, except the Declarant and its designated agents, proposing to perform any work of any kind which requires the prior approval of the Architectural Committee pursuant to any provision in this Declaration, shall apply to such Architectural Committee for approval by notifying the Architectural Committee of the nature of the proposed work in writing and furnishing such information as the Architectural Committee may require.

3.5 Approval/Disapproval. All approvals given under this Section 3 shall be in writing. If a request for approval has not been granted or denied within forty-five (45) days from the date of submission of all information requested by the Architectural Committee, the proposal shall be deemed approved. The Architectural Committee's decision shall be final.

3.6 Completion of Work. The Owner shall complete the exterior construction, reconstruction, refinishing or alteration of any such improvement within six (6) months after approval of plans by the Architectural Committee, except and for so long as such completion is rendered impossible or would result in great hardship to the Owner due to strikes, fires, national emergencies, natural calamities or other supervening forces beyond the control of the Owner or his agents. No dwelling shall be occupied permanently or temporarily until such time as the exterior is completed and a Certificate of Occupancy is obtained from the City of Shady Cove. Landscaping on each Lot shall be completed within six (6) months after completion of the dwelling on such Lot.

3.7 Inspection of Work. Inspection of work and correction of defects therein shall proceed as follows:

(a) Upon the completion of any construction or reconstruction or the alteration or refinishing of the exterior of any improvements, or upon the completion of any

other work for which approved plans are required under this Section 3, the Owner shall give written notice thereof to the Architectural Committee.

(b) Within forty-five (45) days thereafter the Architectural Committee, or its duly authorized representatives, may inspect such improvement to determine whether it was constructed, reconstructed, altered or refinished to substantial compliance with the approved plans. If the Architectural Committee finds that such construction, reconstruction, alteration or refinishing was not done in substantial compliance with the approved plans, it shall notify the Owner in writing of such noncompliance, specifying particulars of noncompliance, and shall require the Owner to remedy such noncompliance.

3.8 Liability. The Architectural Committee shall not be liable to any Owner for any damage, loss or prejudice suffered or claimed on account of (a) the approval or disapproval of plans, drawings and specifications, whether or not defective, (b) the construction or performance of any work, whether or not pursuant to approved plans, drawings and specifications, (c) the development of any property within the Property or (d) the execution and filing of an estoppel certificate whether or not the facts therein are correct; provided, however, that such member has acted in good faith on the basis of such information as may be possessed by him. Without in any way limiting the generality of the foregoing, the Architectural Committee, or any member thereof, may, but is not required to, consult with or hear the views of any Owner with respect to any plans, drawings, specifications or any other proposal submitted to the Architectural Committee. Approval by the Architectural Committee does not mean said Architectural Committee is warranting or incurring any liability for the structural adequacy of the plans, drawings and specifications submitted to and approved by said Architectural Committee. Plans, specifications and drawings may require building permits and other entitlements from the appropriate governmental agencies.

4. PROPERTY RIGHTS AND EASEMENTS

4.1 Final Plat. The Property and all Lots thereon are subject to any easements set forth on any subdivision or partition plat on the Property or any other recorded easements.

4.2 Hannah's Way. Hannah's Way is the private street serving Hannah's Ridge. Owners of all Lots shall be benefited by a reciprocal easement over Hannah's Way, and all Lots shall be burdened by the same reciprocal easement.

5. DEVELOPMENT RIGHTS

5.1 Limitations of Restrictions. Declarant is undertaking the work of constructing any improvements identified in Section 5.2 and incidental improvements upon the Lots included within the Property. The completion of that work and the sale, rental and other

disposal of Lots is essential to the establishment and welfare of said property as a residential community. In order that said work may be completed and said property be established as a fully occupied residential community as rapidly as possible, nothing in these Restrictions shall be understood or construed to:

(a) Prevent Declarant, its contractors, subcontractors, or permittees from doing on any Lot or any portion of the Property, whatever is reasonably necessary or advisable in connection with the completion of said work; or

(b) Prevent Declarant or their representatives from erecting, constructing and maintaining on any part or parts of the Property such structures as may be reasonably necessary for the conduct of their business of completing said work and establishing said property as a residential community and disposing of the same in parcels by sale, lease, or otherwise, including the right to maintain model homes; or

(c) Prevent Declarant from maintaining such signs within the Property, as may be necessary for the sale, lease or disposition of the Lots therein, including the right to maintain a sales and resale office in or on some portion of the Property owned by Declarant.

5.2 Declarant's Development Rights. Notwithstanding any other provision herein contained, Declarant expressly retains unalterable rights to develop the Property and to construct homes thereon in the manner deemed desirable by Declarant in Declarant's sole discretion, provided, however, that Declarant has or shall obtain governmental consents where required by law.

Nothing in this Declaration shall limit the right of Declarant to commence and complete construction of improvements to the Property or to alter the foregoing or the Lots or to construct such additional improvements (including fencing) as Declarant deems advisable.

Declarant may use any of the Lots within the Property owned by Declarant for model homesites, sales offices, and parking therefor. Declarant may use any dwellings upon Lots owned by it as a temporary overnight residence and for promotional purposes in connection with their sales program.

Declarant reserves the right to alter its construction and development plans and designs as it deems appropriate, subject to applicable governmental approvals. The rights of Declarant under this Declaration may be assigned to any successor or successors to all or part of said entity's respective interests in the Property by an express assignment incorporated in a recorded deed, option or lease, as the case may be, transferring such interest to such successor. This Declaration shall not limit the rights of Declarant to at any time prior to acquisition of title by a purchaser from Declarant, to establish on any Lot additional licenses, reservations and rights-

of-way to themselves, to utility companies, or to others as may from time to time be reasonably necessary to the proper development and disposal of the Property.

5.3 Consent of Declarant to Amendments. Until Declarant shall sell all of the Lots in the Property and building shall commence thereon, no amendment to this Declaration shall be effective to curtail or eliminate Declarant's development rights set forth herein without Declarant's consent.

6. MORTGAGEE PROTECTION

6.1 Mortgages Permitted. Any Owner may encumber his Lot with a mortgage or trust deed. This Declaration shall be subordinate to any first mortgage or first trust deed.

6.2 Non-Curable Breach. No Mortgagee who acquires title to a Lot by foreclosure or by deed in lieu of foreclosure or assignment-in-lieu of foreclosure shall be obligated to cure any breach of this Declaration that is non-curable or of a type that is not practical or feasible to cure.

6.3 Owners' Right to Ingress and Egress. There shall be no restriction upon any Owners' right of ingress and egress to his Lot, which right shall be perpetual and appurtenant to his Lot Ownership.

7. AMENDMENTS

7.1 Voting.

(a) Owners Entitled to Vote. Only Owners shall be entitled to vote. The voting privileges of each class of Owner shall be as provided herein. Any action under this Declaration requiring approval of the Owners before being undertaken shall expressly require the vote or written assent of a prescribed percentage of the total voting power of the Owners as more particularly stated within the Declaration.

(1) Class A Owners. Class A Owners shall have one (1) vote for each lot. The vote for each Lot must be cast as a unit and fractional votes shall not be allowed. In the event joint Owners are unable to agree among themselves as to how their vote shall be cast, they shall lose the right to vote on the matter in question. If any Owner(s) casts a vote representing a certain Lot, it will thereafter be conclusively presumed for all purposes that such Owner(s) was acting with the authority and consent of any other Owner(s) of said Lot. The right to vote may not be severed or separated from the Lot ownership to which it is appurtenant and any sale, transfer, or conveyance of such Lot

to a new Owner(s) shall operate to transfer the appurtenant vote without the requirement of any express reference thereto.

(2) Class B Owners. Class B Owners shall be the Declarant, and Declarant's members, heirs, successors, and assigns. Class B Owners shall be entitled to five (5) votes for each Lot in which they hold an ownership interest, provided that Class B ownership shall be converted to Class A ownership and shall forever cease to exist when the total outstanding votes of the Class A owners equal the total outstanding votes held by the Class B owners.

(b) Voting Procedures. Any vote may be cast in person or by proxy. All proxies shall be in writing, dated, and signed by the Owner giving the proxy and filed with the Secretary before the commencement of any meeting. The proxy shall terminate eleven (11) months after its date, unless the proxy specifies a shorter term. Every proxy shall automatically cease upon the sale of the lot by the Owner and upon the death or incapacity of the Owner who executed the proxy.

7.2 Procedure. Except as otherwise herein expressly provided, until the two (2) class voting structure is converted to one (1) class voting, this Declaration may be amended by an instrument in writing signed and acknowledged by Owners representing at least seventy-five percent (75%) of the total voting power of each class of ownership of the Lots. At such time as the two (2) class voting structure has been converted to one (1) class voting pursuant to the provisions hereof, any such amendment shall be approved by seventy-five percent (75%) of the total voting power of the Lots and seventy-five percent (75%) of the votes of Owners other than the Declarant. Provided that, the percentage of the voting power necessary to amend a specific clause or provision shall not be less than the percentage of affirmative votes prescribed to take action under said clause or provision. Notwithstanding other voting provisions, the Declarant shall have the power and authority to unilaterally amend this Declaration when required by a governmental agency as a condition to obtaining a permit.

9. GENERAL PROVISIONS

9.1 Binding Effect; Term. The covenants, conditions and restrictions of this Declaration shall run with the land, and shall inure to the benefit of and be enforceable by any Owner, his legal representatives, heirs, successors, and assigns.

9.2 Nuisance. Every act or omission whereby any provision of this Declaration is violated in whole or in part is hereby declared to be a nuisance and may be enjoined or abated, whether the relief sought is negative or affirmative action, by Declarant or any Owner.

9.3 Violation of Law. Any violation of any federal, state, municipal, or local law, ordinance or regulation, pertaining to the Ownership, occupation or use of the Property or any part thereof is hereby declared to be a violation of this Declaration and subject to any or all of the enforcement procedures set forth herein.

9.4 Obligations of Owner. No Owner may avoid the burdens or obligations imposed on him/her by this Declaration through non-use or by abandonment of his/her Lot. Upon the conveyance, sale, assignment or other transfer of a Lot to a new Owner, the transferring Owner shall not be liable for any assessments levied with respect to such Lot after the date of such transfer, and no person, after the termination of his status as an Owner and prior to his again becoming an Owner, shall incur any of the obligations or enjoy any of the benefits of an Owner under this Declaration.

9.5 Notices. Any written notice or other documents relating to or required by this Declaration may be delivered either personally or by mail. If by mail, such notice or document shall be deemed to have been delivered and received five (5) calendar days after a copy thereof has been deposited in the United States postal service, postage prepaid, addressed as follows:

(a) If to an Owner, to the address of any Lot owned, in whole or in part, by him/her or to any other address last furnished by an Owner to the Jackson County Assessor's Office;

(b) If to the Architectural Review Committee:
36 Meadow Lane
Shady Cove, OR 97539

(c) If to Declarant:
36 Meadow Lane
Shady Cove, OR 97539

9.6 Cumulative Remedies. Each remedy provided by this Declaration is cumulative and not exclusive.


9.7 Partial Invalidity. The invalidity or partial invalidity of any provision of this Declaration shall not affect the validity of enforceability of any other provision.

9.8 Number; Gender. As used herein, the singular shall include the plural and the plural the singular unless the context requires the contrary, and the masculine, feminine and neuter shall each include the masculine, feminine or neuter, as the context requires.

10. ROAD MAINTENANCE. The Owners in Hannah's Ridge shall be equally and collectively responsible for all maintenance and repair of Hannah's Way. If a majority of votes (accounting for any weighted voting in Section 7) favor maintenance or repair of Hannah's Way, the Owner of each Lot shall pay an equal share of the total cost of such maintenance or repair within 30 days of completion of the maintenance and improvements. If a contractor requires a deposit or payment before completion, Owners shall pay their share of the required amount within 30 days. In the event any Owner fails to pay his or her requisite share, any other Owner may pay for the non-paying Owner's share. The paying Owner shall have a lien on the non-paying Owner's property in the amount of the non-paying Owner's shortfall, plus costs incurred in filing or foreclosing the lien. Any Owner may sue to collect the costs incurred for maintenance or repairs from the other Owners in Jackson County Circuit Court. The prevailing Owner shall be entitled to attorney fees and the non-prevailing Owner's share for maintenance and improvements. Such funds shall accrue interest at the rate of 15% per annum from the date such funds were initially incurred by paying Owner.

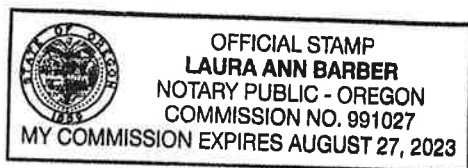
11. FENCE MAINTENANCE. The Owners in Hannah's Ridge shall be collectively responsible for one-half of any fence maintenance, repair, or replacement on Tax Lot 2401.

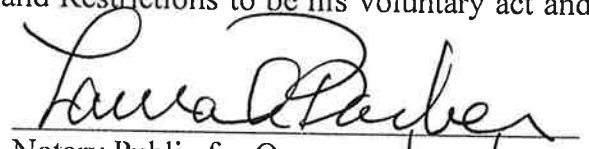
IN WITNESS WHEREOF, Declarant has executed this Declaration this 21st day of April, 2021.


Hannah's Ridge LLC
By: Mike Malepsy, Manager

STATE OF OREGON)
) ss
County of Jackson)

On this 21st day of April, 2021, personally appeared before me the above-named Mike Malepsy as manager of Hannah's Ridge LLC and acknowledged the foregoing Declaration of Covenants, Conditions and Restrictions to be his voluntary act and deed.




Notary Public for Oregon
My Commission Expires: 8/27/23



Mayor
Shari Tarvin

Councilors
Dick McGregor
Kathy Nuckles
Tim Evertt

CERTIFICATE OF MAILING

I hereby certify that on September 2, 2021, I provided a copy of the REQUEST FOR AGENCY COMMENT, PLANNING FILE NO. SUB 21-01 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

**CITY OF SHADY COVE
PLANNING COMMISSION**

NOTIFICATION OF REQUEST FOR AGENCY COMMENT

DESCRIPTION OF PROPERTY: 34-1W-09DA Tax Lot 1200 and 34-1W- 10CB, Tax Lots 2900 & 2901,
PROPOSED USE: Create a two phase 17-lot subdivision on three parcels totaling 5.71 acres located on
Cleveland Street right-of-way. The tentative subdivision proposes extensions of Cleveland Street and
Chevney Way as well as a new private street off of Chevney Way in Low Density Residential Zones
(R-1-10).

DATE AND TIME OF MEETING: THURSDAY, September 23, 2021 at 6:00pm.

LOCATION: COUNCIL CHAMBERS, CITY HALL 22451 Highway 62

RESPONSE DATE: September 16, 2021 APPLICANT: Mike Malepsy

OWNERS: Mike, Bonnie, Casey, and Mary Malepsy PLANNING FILE NO: SUB 21-01

Criteria of Approval for a Subdivision:

All subdivision plats and all partitioning of land shall be approved by the Planning Commission in accordance with the regulations of Shady Cove Code of Ordinance Chapter 153 enacted in order to implement the goals and policies set forth in the Comprehensive Plan of the City of Shady Cove. The purpose of the subdivision ordinance is to:

Promote orderly development of property ♦ Provide necessary streets, utilities and public areas as property is developed ♦ Maintain and enhance property values in the subdivision and adjacent land ♦ Simplify land descriptions ♦ Create better environmental conditions within the City.

Issues which may provide the basis for an appeal to the Land Use Board of Appeals shall be raised in writing or in person at the public hearing. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue.

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, or to view the application and accompanying documents, please contact Debby Jermain 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): _____

MAILING ADDRESS: _____

PROPERTY ADDRESS: _____

Juliana Van Sickle
Centurylink
2980 Crosby Ave
Klamath Falls, OR 97603

Ted Zuk
Jackson County
10 S Oakdale, Room 100
Medford, OR 97501

Carl Tappert, PE
District Manager, RVSS
PO Box 3130
Central Point, OR 97502

JJ
Hiland Water
PO Box 699
Newburg, OR 97132

Josh LeBombard, DLCD
C/O Jobs Council, SOU
100 E Main Street, Suite A
Medford, OR 97501

Todd Brooks
JC Development Services
10 S Oakdale Ave Rm 100
Medford, OR 97501

Scott D Pingle, PE, SE
KAS & Associates, Inc
304 S Holly Street
Medford, OR 97501

Sam Lashley
Deputy State Fire Marshal
5375 Monument Drive
Grants Pass OR 97526

Greg Winfrey
Fire District #4
PO Box 1400
Shady Cove, OR 97539

Bill Meyers
DEQ
221 Stewart Ave Ste. 201
Medford, OR 97501

Christina Kruger
Pacific Power
925 S Grape St
Medford, OR 97501

Shavon Haynes
Water Master's Office
10 S Oakdale Avenue, Room 309
Medford, OR 97501

Candace Baker
Avista Utilities
580 Business Park Drive
Medford, OR 97504

Thomas Corrigan
Spencer McMahan
NO ENVELOPE



Mayor
Shari Tarvin

Councilors
Dick McGregor
Kathy Nuckles
Tim Evertt

CERTIFICATE OF MAILING

I hereby certify that on September 2, 2021, I provided a copy of the
NOTIFICATION OF ADJACENT PROPERTY USE PROPOSAL, PLANNING
FILE NO. SUB 21-01 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

**CITY OF SHADY COVE
PLANNING COMMISSION**

NOTIFICATION OF ADJACENT PROPERTY USE PROPOSAL

DESCRIPTION OF PROPERTY: 34-1W-09DA Tax Lot 1200 and 34-1W- 10CB, Tax Lots 2900 & 2901,

PROPOSED USE: Create a two phase 17-lot subdivision on three parcels totaling 5.71 acres located on Cleveland Street right-of-way. The tentative subdivision proposes extensions of Cleveland Street and Chevney Way as well as a new private street off of Chevney Way in Low Density Residential Zones (R-1-10).

DATE AND TIME OF MEETING: THURSDAY, September 23, 2021 at 6:00pm.

LOCATION: COUNCIL CHAMBERS, CITY HALL 22451 Highway 62

RESPONSE DATE: September 16, 2021 APPLICANT: Mike Malepsy

OWNERS: Mike, Bonnie, Casey, and Mary Malepsy PLANNING FILE NO: SUB 21-01

Criteria of Approval for a Subdivision:

All subdivision plats and all partitioning of land shall be approved by the Planning Commission in accordance with the regulations of Shady Cove Code of Ordinance Chapter 153 enacted in order to implement the goals and policies set forth in the Comprehensive Plan of the City of Shady Cove. The purpose of the subdivision ordinance is to:

Promote orderly development of property ♦ Provide necessary streets, utilities and public areas as property is developed ♦ Maintain and enhance property values in the subdivision and adjacent land ♦ Simplify land descriptions ♦ Create better environmental conditions within the City.

Issues which may provide the basis for an appeal to the Land Use Board of Appeals shall be raised in writing or in person at the public hearing. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue.

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, or to view the application and accompanying documents, please contact Debby Jermain 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): _____

MAILING ADDRESS: _____

PROPERTY ADDRESS: _____

DEER RUN SUBDIVISION
(TENTATIVE)

OWNER AND APPLICANT:
Michael & Bonnie Malepsky and
Casey & Mary Malepsky
36 Meadow Lane
Shady Cove, OR. 97539

PREPARED BY:
Kaiser Surveying
2178 Butte Falls Hwy.
Eagle Point, OR. 97524

LOCATION:
341W 100B Tax Lots - 2900 & 2901
and 341W 09DA Tax Lot - 1200
City of Shady Cove
Jackson County, Oregon

DATE:
July 8, 2021

ZONE:
R1-10

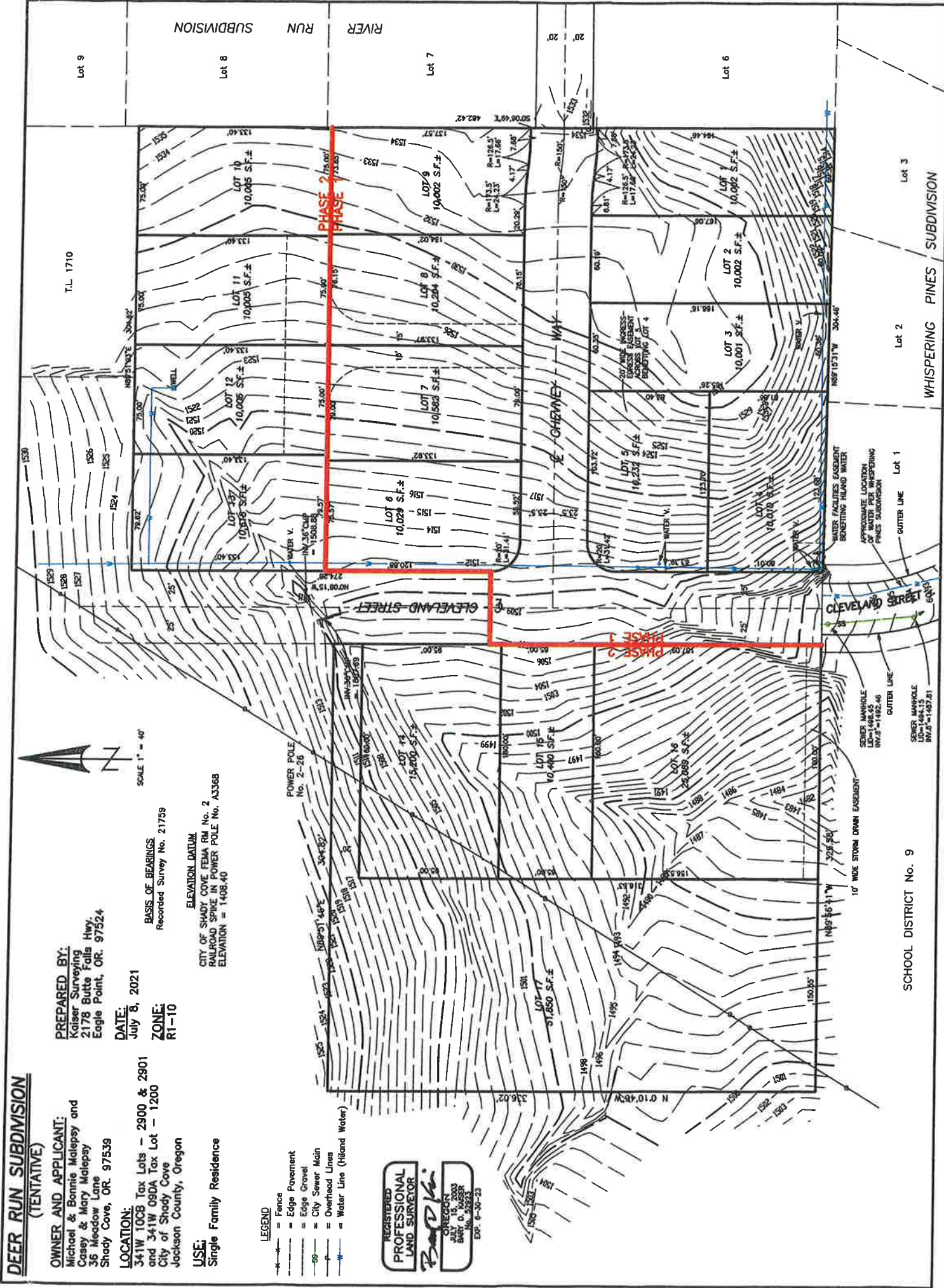
SCALE: 1" = 40'

LEGEND:

- - - - - Fence
- - - - - Edge Pavement
- - - - - Edge Gravel
- - - - - City Sewer Main
- - - - - Overhead Lines
- - - - - Water Line (Hiland Water)

ELEVATION DATUM:
CITY OF SHADY COVE FEMA RM No. 2
RAILROAD SPIKE IN POWER POLE No. A3368
ELEVATION = 1408.40

USE:
Single Family Residence



SCHOOL DISTRICT No. 9

WHISPERING PINES SUBDIVISION

MALEPSY CASEY/MARY
1501 NE ROCKY RIDGE DR
ROSEBURG, OR 97470

O'BRIEN MICHAEL P/JULIA D
1017 CHEVNEY WAY
SHADY COVE, OR 97539

HUGHES GARY LYNN TRUSTEE ET A
PO BOX 192
SHADY COVE, OR 97539

RIVAS LUIS
7244 PONCE AVE
WEST HILLS, CA 91307

WADE ROBERT/APRIL
1010 CHEVNEY WAY
SHADY COVE, OR 97539

GROS EUGENE W/DEBORAH D
PO BOX 533
EAGLE POINT, OR 97524

~~RICHTER MICHAEL
PO BOX 1126
SHADY COVE, OR 97539~~

WILSON GORDON M
PO BOX 1155
SHADY COVE, OR 97539

NIEMELA TOM A/DONNA J
1020 CHEVNEY WAY
SHADY COVE, OR 97539

~~MALEPSY MICHAEL ET AL
36 MEADOW LN
SHADY COVE, OR 97539~~

MCCULLOUGH MICHELLE SUZANNE
PO BOX 322
SHADY COVE, OR 97539

HOWE JEANETTE D
PO BOX 1398
SHADY COVE, OR 97539

~~SCHOOL DISTRICT # 9
0~~

ALLEN LINDA J
PO BOX 1447
SHADY COVE, OR 97539

YARYAN DOUGLAS R TRUSTEE ET A
PO BOX 815
SHADY COVE, OR 97539

KIMMEL CHRISTOPHER
459 HUDSPETH LN
SHADY COVE, OR 97539

KILLINGER ERNEST JOHN JR/MARI
PO BOX 1239
SHADY COVE, OR 97539

MCBETH KEVIN ET AL
485 HUDSPETH LN
SHADY COVE, OR 97539

~~LEWIS DONNA S ET AL
PO BOX 673
SHADY COVE, OR 97539~~

LEWIS DONNA S ET AL
PO BOX 673
SHADY COVE, OR 97539

~~RICHTER MICHAEL
PO BOX 1126
SHADY COVE, OR 97539~~

CAMPBELL JONATHAN MICHAEL LEE
455 HUDSPETH LN
SHADY COVE, OR 97539

RICHTER MICHAEL
PO BOX 1126
SHADY COVE, OR 97539

~~RIVAS LUIS
7244 PONCE AVE
WEST HILLS, CA 91307~~

MELARA FAUSTO ALFREDO
457 HUDSPETH LN
SHADY COVE, OR 97539

VOIN LEO A/ANDREA R
14N480 COOMBS RD
ELGIN, IL 60124

CROWL BRANDON S/MANDY S
PO BOX 1163
SHADY COVE, OR 97539

VAN GORDON DOUGLAS BOYD TRUST
PO BOX 1006
SHADY COVE, OR 97539

CROWL JEREMY L/KRISTIN S
1027 CHEVNEY WAY
SHADY COVE, OR 97539

MALEPSY MICHAEL T/BONNIE L
36 MEADOW LN
SHADY COVE, OR 97539

GABLE STEVEN P/VICKI D
1025 CHEVNEY WAY
SHADY COVE, OR 97539

JACKSON COUNTY
PO BOX 1569
MEDFORD, OR 97501

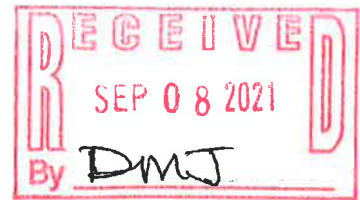
GRUVER SHEILA A
1024 CHEVNEY WAY
SHADY COVE, OR 97539

STRATTON STEVEN M
1018 CHEVNEY WAY
SHADY COVE, OR 97539

KESNER LANCE D TRUSTEE ET AL
444 CLEVELAND ST
SHADY COVE, OR 97539

DAVIS LEWIS P/CLARA JOANN
PO BOX 103
SHADY COVE, OR 97539

CITY OF SHADY COVE
PLANNING COMMISSION



NOTIFICATION OF ADJACENT PROPERTY USE PROPOSAL

DESCRIPTION OF PROPERTY: 34-1W-09DA Tax Lot 1200 and 34-1W- 10CB, Tax Lots 2900 & 2901,
PROPOSED USE: Create a two phase 17-lot subdivision on three parcels totaling 5.71 acres located on
Cleveland Street right-of-way. The tentative subdivision proposes extensions of Cleveland Street and
Chevney Way as well as a new private street off of Chevney Way in Low Density Residential Zones
(R-1-10).

DATE AND TIME OF MEETING: THURSDAY, September 23, 2021 at 6:00pm.

LOCATION: COUNCIL CHAMBERS, CITY HALL 22451 Highway 62

RESPONSE DATE: September 16, 2021 APPLICANT: Mike Malepsy

OWNERS: Mike, Bonnie, Casey, and Mary Malepsy PLANNING FILE NO: SUB 21-01

Criteria of Approval for a Subdivision:

All subdivision plats and all partitioning of land shall be approved by the Planning Commission in accordance with the regulations of Shady Cove Code of Ordinance Chapter 153 enacted in order to implement the goals and policies set forth in the Comprehensive Plan of the City of Shady Cove. The purpose of the subdivision ordinance is to:

Promote orderly development of property ♦ Provide necessary streets, utilities and public areas as property is developed ♦ Maintain and enhance property values in the subdivision and adjacent land ♦ Simplify land descriptions ♦ Create better environmental conditions within the City.

Issues which may provide the basis for an appeal to the Land Use Board of Appeals shall be raised in writing or in person at the public hearing. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue.

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, or to view the application and accompanying documents, please contact Debby Jermain at City Hall: (541) 878-8204.

** REVIEW AND COMMENT **

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

REMARKS: _____

SIGNATURE: [Signature] PRINTED NAME(S): ERNIE KILLINGER
 MAILING ADDRESS: P.O. 1259 SHADY COVE 97539
 PROPERTY ADDRESS: 559 HURSPETA LN SHADY COVE 97539

Please send your responses to: City of Shady Cove Planning Department, P.O. Box 1210, Shady Cove, OR 97539

CITY OF SHADY COVE
PLANNING COMMISSION



NOTIFICATION OF ADJACENT PROPERTY USE PROPOSAL

DESCRIPTION OF PROPERTY: 34-1W-09DA Tax Lot 1200 and 34-1W- 10CB, Tax Lots 2900 & 2901,
PROPOSED USE: Create a two phase 17-lot subdivision on three parcels totaling 5.71 acres located on
Cleveland Street right-of-way. The tentative subdivision proposes extensions of Cleveland Street and
Chevney Way as well as a new private street off of Chevney Way in Low Density Residential Zones
(R-1-10).

DATE AND TIME OF MEETING: THURSDAY, September 23, 2021 at 6:00pm.

LOCATION: COUNCIL CHAMBERS, CITY HALL 22451 Highway 62

RESPONSE DATE: September 16, 2021 APPLICANT: Mike Malepsy

OWNERS: Mike, Bonnie, Casey, and Mary Malepsy PLANNING FILE NO: SUB 21-01

Criteria of Approval for a Subdivision:

All subdivision plats and all partitioning of land shall be approved by the Planning Commission in accordance with the regulations of Shady Cove Code of Ordinance Chapter 153 enacted in order to implement the goals and policies set forth in the Comprehensive Plan of the City of Shady Cove. The purpose of the subdivision ordinance is to:

Promote orderly development of property ♦ Provide necessary streets, utilities and public areas as property is developed ♦ Maintain and enhance property values in the subdivision and adjacent land ♦ Simplify land descriptions ♦ Create better environmental conditions within the City.

Issues which may provide the basis for an appeal to the Land Use Board of Appeals shall be raised in writing or in person at the public hearing. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue.

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, or to view the application and accompanying documents, please contact Debby Jermain at City Hall: (541) 878-8204.

** REVIEW AND COMMENT **

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

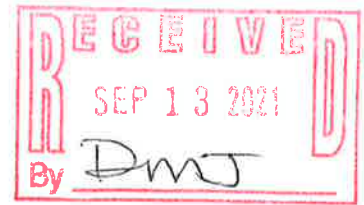
REMARKS: I HAVE NO OBJECTION TO THIS SUBDIVISION —
BUT I WOULD LIKE MORE INFO ON THE PROPOSED
" NEW PRIVATE STREET OFF OF CHEVNEY WAY "

SIGNATURE: Doug Van Gordon PRINTED NAME(S): DOUG VAN GORDON

MAILING ADDRESS: P.O. Box 1006 Shady Cove, Or

PROPERTY ADDRESS: 1015 CHEVNEY WAY SC, OR

CITY OF SHADY COVE
PLANNING COMMISSION



NOTIFICATION OF REQUEST FOR AGENCY COMMENT

DESCRIPTION OF PROPERTY: 34-1W-09DA Tax Lot 1200 and 34-1W- 10CB, Tax Lots 2900 & 2901,
PROPOSED USE: Create a two phase 17-lot subdivision on three parcels totaling 5.71 acres located on
Cleveland Street right-of-way. The tentative subdivision proposes extensions of Cleveland Street and
Chevney Way as well as a new private street off of Chevney Way in Low Density Residential Zones
(R-1-10).

DATE AND TIME OF MEETING: THURSDAY, September 23, 2021 at 6:00pm.

LOCATION: COUNCIL CHAMBERS, CITY HALL 22451 Highway 62

RESPONSE DATE: September 16, 2021 APPLICANT: Mike Malepsy

OWNERS: Mike, Bonnie, Casey, and Mary Malepsy PLANNING FILE NO: SUB 21-01

Criteria of Approval for a Subdivision:

All subdivision plats and all partitioning of land shall be approved by the Planning Commission in accordance with the regulations of Shady Cove Code of Ordinance Chapter 153 enacted in order to implement the goals and policies set forth in the Comprehensive Plan of the City of Shady Cove. The purpose of the subdivision ordinance is to:

Promote orderly development of property • Provide necessary streets, utilities and public areas as property is developed • Maintain and enhance property values in the subdivision and adjacent land • Simplify land descriptions • Create better environmental conditions within the City.

Issues which may provide the basis for an appeal to the Land Use Board of Appeals shall be raised in writing or in person at the public hearing. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue.

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, or to view the application and accompanying documents, please contact Debby Jermain at City Hall: (541) 878-8204.

**** REVIEW AND COMMENT ****

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

REMARKS:

Development need to show how potable
water will be made available

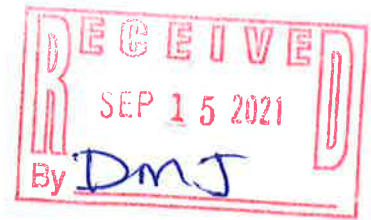
SIGNATURE: [Signature] PRINTED NAME(S): Sharon Haynes

MAILING ADDRESS: 10 S Oakdale Rn 309 Madford OR

PROPERTY ADDRESS: _____

Please send your responses to: City of Shady Cove Planning Department, P.O. Box 1210, Shady Cove, OR 97539

CITY OF SHADY COVE
PLANNING COMMISSION



NOTIFICATION OF ADJACENT PROPERTY USE PROPOSAL

DESCRIPTION OF PROPERTY: 34-1W-09DA Tax Lot 1200 and 34-1W- 10CB, Tax Lots 2900 & 2901,

PROPOSED USE: Create a two phase 17-lot subdivision on three parcels totaling 5.71 acres located on Cleveland Street right-of-way. The tentative subdivision proposes extensions of Cleveland Street and Chevney Way as well as a new private street off of Chevney Way in Low Density Residential Zones (R-1-10).

DATE AND TIME OF MEETING: THURSDAY, September 23, 2021 at 6:00pm.

LOCATION: COUNCIL CHAMBERS, CITY HALL 22451 Highway 62

RESPONSE DATE: September 16, 2021 APPLICANT: Mike Malepsy

OWNERS: Mike, Bonnie, Casey, and Mary Malepsy PLANNING FILE NO: SUB 21-01

Criteria of Approval for a Subdivision:

All subdivision plats and all partitioning of land shall be approved by the Planning Commission in accordance with the regulations of Shady Cove Code of Ordinance Chapter 153 enacted in order to implement the goals and policies set forth in the Comprehensive Plan of the City of Shady Cove. The purpose of the subdivision ordinance is to:

Promote orderly development of property • Provide necessary streets, utilities and public areas as property is developed • Maintain and enhance property values in the subdivision and adjacent land • Simplify land descriptions • Create better environmental conditions within the City.

Issues which may provide the basis for an appeal to the Land Use Board of Appeals shall be raised in writing or in person at the public hearing. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue.

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, or to view the application and accompanying documents, please contact Debby Jermain at City Hall: (541) 878-8204.

** REVIEW AND COMMENT **

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

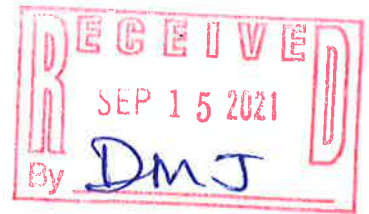
REMARKS: I think this is a good thing in the long game. I am hopeful that this project could bring with it natural gas to this neighborhood

SIGNATURE: Steven M. Stratton PRINTED NAME(S): Steven M. Stratton

MAILING ADDRESS: 1018 Chevney Way

PROPERTY ADDRESS: Shady Cove, Or. 97539 408-391-0782

CITY OF SHADY COVE
PLANNING COMMISSION



NOTIFICATION OF REQUEST FOR AGENCY COMMENT

DESCRIPTION OF PROPERTY: 34-1W-09DA Tax Lot 1200 and 34-1W- 10CB, Tax Lots 2900 & 2901,
PROPOSED USE: Create a two phase 17-lot subdivision on three parcels totaling 5.71 acres located on
Cleveland Street right-of-way. The tentative subdivision proposes extensions of Cleveland Street and
Chevney Way as well as a new private street off of Chevney Way in Low Density Residential Zones
(R-1-10).

DATE AND TIME OF MEETING: THURSDAY, September 23, 2021 at 6:00pm.

LOCATION: COUNCIL CHAMBERS, CITY HALL 22451 Highway 62

RESPONSE DATE: September 16, 2021 APPLICANT: Mike Malepsy

OWNERS: Mike, Bonnie, Casey, and Mary Malepsy PLANNING FILE NO: SUB 21-01

Criteria of Approval for a Subdivision:

All subdivision plats and all partitioning of land shall be approved by the Planning Commission in accordance with the regulations of Shady Cove Code of Ordinance Chapter 153 enacted in order to implement the goals and policies set forth in the Comprehensive Plan of the City of Shady Cove. The purpose of the subdivision ordinance is to:

Promote orderly development of property ♦ Provide necessary streets, utilities and public areas as property is developed ♦ Maintain and enhance property values in the subdivision and adjacent land ♦ Simplify land descriptions ♦ Create better environmental conditions within the City.

Issues which may provide the basis for an appeal to the Land Use Board of Appeals shall be raised in writing or in person at the public hearing. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue.

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, or to view the application and accompanying documents, please contact Debby Jermain at City Hall: (541) 878-8204.

** REVIEW AND COMMENT **

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

REMARKS: _____

SIGNATURE: Silas Olson PRINTED NAME(S): SILAS OLSON

MAILING ADDRESS: PO Box 699 Newberg, OR 97132

PROPERTY ADDRESS: Water Utility

Upper Rogue Independent, Eagle Point, Ore. Wednesday, Sept. 22, 2021

PUBLIC NOTICE

REVISED CITY OF SHADY COVE PUBLIC NOTICE

NOTICE IS HEREBY GIVEN, that a public hearing will be held before the Shady Cove Planning Commission on Thursday, September 30, 2021, at 6:00 PM, in the Council Chambers at City Hall, 22451 Highway 62, Shady Cove, OR, to consider the following:

Subdivision Application SUB 21-01, for property located on Cleveland Street right-of-way, Assessor's Map Number 34-1W-09DA, Tax Lot 1200 & 34-1W-10CB Tax Lots 2900 & 2901. Zoning is Low Density Residential (R-1-10). Owner: Mike, Bonnie, Casey and Mary Malepsy Applicant: Mike Malepsy. The proposal is to create a two phase 17-lot subdivision on three parcels totaling 5.71 acres. The tentative subdivision proposes extensions of Cleveland Street and Chevney Way as well as a new private street off of Chevney Way.

Public comment is welcomed. Failure to raise an issue at a meeting, 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 toward specific criteria, copies of which are available at City Hall.

For information or to view this application and related documents, contact Debby Jermain at City Hall, 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) 878-2225. 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).

08/20/21 Through 9/23/21 Planning and Building Activities

BUILDING PERMITS

YEAR Permit No.	DATE	NAME	TYPE	ADDRESS	MAP	TAX LOT
21-33	8/26/21	Fetherolf	Solar Array	590 Kinworthy	10CB	5200
21-34	8/27/21	Avista	Encroachment Permit	200 Sowell Ct	10CA	4000
	9/xx/21	Bruce Hammons	New Home	501 Park Dr	16DD	2503
21-35	9/7/21	Fred Webster	Solar Array	65 Maple St	15CC	800
	9/21/21	Avista	Encroachment Permit	530 Yew Wood Dr		

PLANNING APPLICATIONS

Paid	Property Action Log	Name	Address	Notices Mailed	Comments due back	Staff report due back	Section/TL
9/2/2021	VAR 21-02	Austin Mattson	220 White Oak Way	NA			15BC 3225
8/20/2021	PLA 21-02	Chester Westfall	130/140 Linda Lane				21AD 3905/3906
9/16/2021	DIA 21-01	Weathers	297 Bond Rd				21B 3402

FLOODPLAIN CLEARANCE FOR PERMIT

8/25/2021	FPA 21-07	Debbie Glass	339 Rene Dr	Dead tree removal			21D 1306
-----------	-----------	--------------	-------------	-------------------	--	--	----------