

Agenda
Shady Cove Regular City Council Meeting
Thursday, October 21, 2021
6 PM

<https://us02web.zoom.us/j/86195058334?pwd=WWhtRThWN1gyYm56Q1o3cG4yMnpaUT09>

Meeting ID: 861 9505 8334

Passcode: 161535

One tap mobile

+16699006833,,86195058334#,,,,*161535# US (San Jose)

+12532158782,,86195058334#,,,,*161535# US (Tacoma)

I. Call to Order

- A. Roll Call
- B. Pledge of Allegiance
- C. Announcements by Presiding Officer

1. This meeting is being digitally recorded.
2. The next regularly scheduled meeting of the City Council will be held on November 4 at 6 PM, both in Council Chambers and via Zoom
3. The next regularly scheduled meeting of the Planning Commission is October 28 at 6 PM, with Commission members present in Council Chambers and the public to attend via Zoom.
4. The next meeting of the Parks and Rec Commission is not scheduled at this time.
5. The next meeting of the Emergency Management Commission is yet to be decided.
6. Public may comment on agenda items - Public must state name, address and standing to discuss an issue. Issues must have a City-wide impact and not be personal issues. Depending on number of comments and time constraints, Council may limit the amount of time to 3 minutes per speaker.
7. These meeting dates and times are subject to change.

II. Public Comment on Agenda Items

III. Consent Agenda

- A. Bills Paid Report – 9/30/21-10/7/21, \$5,503.89 (pg 4)
- B. Minutes of 10/7/21 (pgs 5-9)

IV. Items Removed from Consent Agenda

V. Staff Reports

- A. Jackson County Deputy
- B. Fire Chief Winfrey, FD4
- C. Commissions/Committees
- D. City Administrator

VI. New Business

- A. Cares Act Funding (pgs 10-17)
- B. ARPA Tourism Grant (pgs 18-19)
- C. Underrepresented Businesses Grant (pgs 20-21)
- D. Draft Ordinance #299, Amending the Ordinance of the City of Shady Cove, Oregon, establishing a Public Safety Act and Imposing a Surcharge for Police Funding and Repealing Ordinance #264. (pgs 22-32)
- E. Draft Ordinance #300, Amending the Ordinance of the City of Shady Cove Adopting Systems Development Charges and Repealing Ordinance #271. (pgs 33-42)
- F. Draft Ordinance #301, an Ordinance of the City Council of the City of Shady Cove Defining Nuisances and Offenses and Providing for Abatement Procedures and Penalties and Repealing Ordinance #251. (pgs 43-54)

VII. Old Business

- A. Council to Consider Reopening of the Public Hearing regarding FPA-21-02-Kretzer to allow applicant time to submit additional information and continuing matter until 12/2/21. (pgs 55-73)

VIII. Written Communication

IX. Public Comment on Non-Agenda Items

X. Council Comments on Non-Agenda Items

- A. Mayor Tarvin
- B. Councilor McGregor
- C. Councilor Nuckles
- D. Councilor Evertt

Adjournment

Check Issue Dates: 9/30/21 - 10/7/2021

October 14, 2021 11:09AM

Check Issue Date	Check	Payee	Description	Amount
10/7/2021	50115	Canon Solutions America, Inc.	Copier maint 09/2021	31.71
10/7/2021	50116	Celtic Circle, LLC	Shop rent 10/2021	865.00
10/7/2021	50117	City of Shady Cove - Utilities	2501 Indian Creek Rd 09/2021	45.00
10/7/2021	50117	City of Shady Cove - Utilities	1008 Celtic Cir 09/2021	46.00
10/7/2021	50117	City of Shady Cove - Utilities	22451 Hwy 62 09/21	46.00
10/7/2021	50118	Confident Staffing, Inc.	M. Rowden 09/05/21	815.62
10/7/2021	50119	Crystal Fresh	City Hall bottled water 09.01.21	60.00
10/7/2021	50120	David Christian	Radio 09/27-10/01/21	105.00
10/7/2021	50121	David GEIMAN	Refund COE 08/03/21	66.00
10/7/2021	50122	Grabowski Paving LLC	Oak Ridge - Asphalt Patching	975.00
10/7/2021	50123	Jason Houk	KSHD FM Radio License Annual Renewal	50.00
10/7/2021	50124	Local Government Law Group, P.C.	Matter 12-1588-007	105.00
10/7/2021	50124	Local Government Law Group, P.C.	Matter 12-1588-007	105.00
10/7/2021	50125	Oregon Community Media	2021 Affiliate Fees Invoice	25.00
10/7/2021	50126	Pacific Power	Nork Lane 06/23-07/26/21	43.92
10/7/2021	50126	Pacific Power	City Hall 08/24-09/23/21	247.57
10/7/2021	50126	Pacific Power	Street lights 09/24/2021	640.97
10/7/2021	50126	Pacific Power	Nork Lane 08/04-09/23/21	37.21
10/7/2021	50127	Perfection Cleaning	City Hall office cleaning 09/2021	300.00
10/7/2021	50128	Shady Cove Hardware, LLC	Tie Down	23.99
10/7/2021	50128	Shady Cove Hardware, LLC	Leaf Rake	9.99
10/7/2021	50128	Shady Cove Hardware, LLC	Drill bit, nails, screws, nuts and bolts	5.19
10/7/2021	50128	Shady Cove Hardware, LLC	tools	5.00
10/7/2021	50129	Shanae Roberts	Refund COE 9/27/21	113.40
10/7/2021	50130	Void		-
10/7/2021	50130	Void		-
10/7/2021	50131	Southern Oregon Sanitation	2501 Indian Crk rd 09/2021	58.50
10/7/2021	50132	Teamster Local 223	Dues September 2021	153.00
10/7/2021	50132	Teamster Local 223	Dues 10/01/21	354.00
10/7/2021	50133	TouchPoint Networks, LLC	Firewall 10/2021	31.00
10/7/2021	50134	WECO - Carson	Gas/Diesel 09/16/21	139.82
Grand Totals				<u>5,503.89</u>

City of Shady Cove
City Council Regular Meeting and Public Hearing Minutes
Thursday, October 07, 2021, 6:00 PM
Meeting was held via Zoom with members of Council being present at City Hall.

I. CALL TO ORDER

Mayor Tarvin called the Regular City Council Meeting to order at 6:00 PM

Council Present: Mayor Tarvin and Councilor Evertt, with Councilor McGregor and Councilor Nuckles via Zoom

Staff Present: Thomas J. Corrigan, City Administrator

The Pledge of Allegiance was recited.

I.C. ANNOUNCEMENTS

The Mayor made the announcements on the agenda.

II. PUBLIC HEARING

Public Hearing to Consider a Request for an after the fact Floodplain Development Permit for a pedestrian bridge constructed in the Special Flood Hazard Area in the Low Density (R-1-20) zone (and associated Riparian Permit for ongoing vegetation control within the riparian protection corridor) for property located at 128 Penny Lane, Shady Cove Oregon. Said parcel is legally described as 34-1W-21AA, Tax Lot 2600 and is currently zoned R-1-20 (Low Density Residential)

Public Hearing Opening Statement Read
Jurisdiction Question
Conflict of Interest
Staff Comments (Ryan Nolan)
Proponent's Testimony/Council Questions
Opponent's Testimony/Council Questions
Final Staff Comments

Motion to Deny Riparian Application based on Ordinance 279 section – 3.B.1 street, roads and private paths, 3.A.1 pre-existing structure, 3.A.2 , 3.B.6 removal of non-native vegetation and replacement of non-native species, 3.B.7 removal of vegetation necessary for water related or water dependent uses and ODFW comment recommendation under section 4C:

Motion: Councilor McGregor Second: Council Nuckles
Councilor Evertt voted Nay Motion Carried:3-1

Closed Hearing 8:16 PM

III. PUBLIC HEARING

Public Hearing to Consider an appeal of the Planning Commission Denial of a Request for a Variance to Section 154.200 requiring rear yard setbacks be at least 15 feet in the Low Density (R-1-20) zone for property located at 80 Mason Lane, Shady Cove Oregon. Said parcel is legally described as 34-1W-16DB, Tax Lot 903 and is currently zoned R-1-20 (Low Density Residential)

Public Hearing Opening Statement Read
Jurisdiction Question
Conflict of Interest
Staff Comments (Ryan Nolan)
Proponent's Testimony/Council Questions
Opponent's Testimony/Council Questions
Final Staff Comments

Motion to Deny request for variance to section 154.200 requiring rear yard setbacks to be at least 15ft, in agreement with the decision of the Planning Commission:

Motion: Councilor Nuckles Second: Council Evertt
Councilor McGregor voted nay Motion Carried:3-1

Closed Hearing 8:27 PM

IV. PUBLIC COMMENT ON AGENDA ITEMS

No public comment.

V. CONSENT AGENDA

Items in Consent Agenda

- A. Bills Paid Report – 08/24/21-9/7/21 \$18,621.30
- B. Bills Paid Report – 09/08/21-09/29/21 - \$20,843.96
- C. Minutes of 09/02/21

Motion to Accept Consent Agenda, Minutes from 9/2/21, Bills Paid Report of 8/24-9/7 and 9/0-9/29.

Motion: Councilor Evertt Second: Councilor Nuckles
Motion Carried 4-0

VI. ITEMS REMOVED FROM CONSENT AGENDA

No items removed

VII. STAFF REPORTS

- A. Jackson County Deputy – Not present
- B. Fire Chief Winfrey, FD4 – September had 95 calls. Response times are good. West Fork of Trail Creek had a small grass fire. Water rescues have dropped a bit. Averaging 3.5 calls a day. Crews are busy. Pancake breakfast is this Saturday 8-11, fundraiser for Children's Christmas Party. No open burning as of yet.
- C. Commissions/Committees – Not present
- D. City Administrator – Working on TMDL limits for DEQ. Stop sign hit and damaged at Cleveland, sign replaced. City Hall Parking Lot complete. Filled holes on White Oak, sealing still needed. PPE is running low, we were able to support six businesses and two churches from Butte Falls and Trail. Paint Care filled up 15 4x4 containers. Got leaves starts November 1st -Dec 10th. Moderate fire danger set to Low. City is working with the City Planner for Land use compatibility on pump stations for RVSS. RVSS is upgrading two pump stations. Transportation Growth Management grants in review. Downtown Development Grant being used by other cities, but needs to go through legislature. Low-income household water assistance that also covers sewer payments on website. Current officers Deputy Cote, Deputy Russell, Deputy Mateos. New CSO is in training and should start next week. Three court cases from the CSO's, two parking violations upheld and one unknown at this time. We need a few volunteers who are patriotic to help manage the raising and lowering the flag. Mayor suggested contacting the VFW, Mr Krupa.

VIII. NEW BUSINESS

- A. Appointments to Planning Commission –
Motion to Appoint Jay Taylor to Seat 5, expiration 6/30/2025
Motion: Councilor Nuckles Second: Councilor Evertt
Motion Carried 4-0
Motion to appoint Stefanie Willis to Seat 4, expiration 6/30/2024
Motion: Councilor Nuckles Second: Councilor McGregor
Motion Carried 4-0
- B. No Parking Street Designations – Staff took pictures and cataloged signs. It allowed us to review the needs of additional signs. Street Network Plan needs to be updated with the assistance of the Planning Commission for future review by Council.

Motion to extend meeting until 10:00PM
Motion: Mayor Tarvin Second: Councilor Evertt
Motion Carried 4-0

- C. Public Safety Fee – 388 Undeveloped lots within the City. Staff recommends they the City amend the ordinance to require undeveloped lots to half of the public safety fee as stated in previous ordinance. All Councilors agreed to revisit ordinance.
- D. SDC Time Limits- Add verbiage to include a timeline for SDCs relative to building permits. Staff to consult with attorney on specific language.
- E. Weed Abatement Future Timelines- Update ordinance to include weed abatement all year round.
- F. Contract Bids -Council approved Advertisement for bid for Audit Services.
- G. Bridge Signing – Flags on the bridge, need 8. Total cost is approximately \$500 with shipping. Tabled until next meeting to decide on patterns.

IX. OLD BUSINESS

None

X. WRITTEN COMMENT

Mr Mark Keys Letter.

XI. PUBLIC COMMENT ON NON-AGENDA ITEMS

No Comment

XII. COUNCIL COMMENTS ON NON AGENDA ITEMS

- A. Councilor Evertt – Congratulate Jay and Stefanie to the Planning Commission.
- B. Councilor McGregor – Congratulate Jay and Stefanie to the Planning Commission. No report on RVACT.
- C. Councilor Nuckles – Congratulate Jay and Stefanie to the Planning Commission.
- D. Mayor Tarvin –Condolences to the Richardson Family. Need update from the URCC on Halloween Trunk or Treat for Website. Burning is still not allowed. Everybody stay safe.

XII. ADJOURNMENT

There being no further business before the Council, the Mayor adjourned the meeting at 9:40 PM.

Approved:

Attest:

Shari Tarvin
Mayor

Thomas J. Corrigan
City Administrator

Council Vote:

Mayor Tarvin
Councilor McGregor
Councilor Nuckles
Councilor Evertt

DRAFT

The City of Shady Cove and
Southern Oregon Regional Economic Development, Inc. (SORED)

SUBGRANT AGREEMENT

This Subgrant Agreement (“this Agreement”) is entered into between SOREDI (“Grantee”) and the City of Shady Cove (“Subgrantee”).

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Exhibit A – Scope of Work

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SUBGRANTEE AGREEMENT

AGREEMENT BETWEEN SOUTHERN OREGON REGIONAL ECONOMIC DEVELOPMENT, INC. (SORED)

and

THE CITY OF SHADY COVE

PURPOSE: Support Rural Communities with Placemaking & Infrastructure Needs as consistent with the 2020 CARES Act Supplemental Planner Grant Award to SOREDI for COVID Response in Southern Oregon

THIS AGREEMENT is entered this twenty-second day of September, 2020 by and between Southern Oregon Regional Economic Development, Inc. ("SOREDI" or the "Grantee"), and the city of Shady Cove ("Subgrantee").

NOW, THEREFORE, the Grantee and the Subgrantee do mutually agree as follows:

I. DEFINITIONS

As used in this Agreement:

"Award" means funds awarded to SOREDI from the CARES Act Supplemental Planner Grant Award #ED20SEA3070073 (hereinafter referred to as "the Grant").

"Subgrantee" means the city, agency, or non-profit to whom SOREDI is passing though grant funds.

II. GENERAL AWARD INFORMATION

The subaward from the Grantee to the Subgrantee is for the purpose of carrying out a portion of a federal award described below and creates a Federal assistance relationship with the Subgrantee. This agreement must be updated to reflect any changes to the federal award and/or the following award information.

Grant Program

CARES Act Supplemental Planner Grant for COVID Response

Project Background

In response to the economic impact of the COVID-19 pandemic, the CARES Act was passed and this Supplemental Planner Grant has been highlighted as a vehicle to provide financial relief to states, communities, and businesses through the Economic Development Administration ("EDA").

III. SCOPE OF WORK

The Subgrantee shall perform or contract to have performed all services according to the Scope of Work in Exhibit A attached to and made a part of this Agreement.

IV. PERFORMANCE MONITORING & REPORTING

Monitoring

The Grantee shall monitor the performance of the Subgrantee, as necessary.

Reporting

The Subgrantee will provide reports to the Grantee every 6 months in writing with the following benchmarks:

- Status updates and progress toward deliverables
- Key drivers, as outlined by SOREDI upon request
- Current financials for scope of work
- Informal updates to satisfy Grantee's regional economic development reporting requirements on an ongoing basis, as requested

V. PERIOD OF PERFORMANCE AND TERM

This Agreement shall commence on the day the Subgrantee receives notification from SOREDI that the Grant was approved and will end two years from the date of an executed contract between the Grantee and Subgrantee, or by 6/30/2022, whichever comes first. The term of this Agreement may not be extended per EDA timeframes.

VI. AMENDMENT

Any revisions to this Agreement shall only be made by written amendment to this Agreement.

VII. COMPLIANCE WITH APPROVED AGREEMENT

All activities authorized by this Agreement shall be performed in accordance with the approved Scope of Work, the approved Budget, and the Grant Conditions, in accordance with the Grant, or as set forth in the initial grant agreement between the Subgrantee and the Grantee.

VIII. FISCAL, ADMINISTRATIVE, AND SERVICE RESPONSIBILITIES

The Subgrantee agrees to comply with the provisions and other materials provided the Grantee and all requirements and standards set forth in the grant award.

- A. Drawdowns will be processed upon receipt of all required documentation and demonstration of acceptable use of funds on a quarterly basis. See Exhibit B.
- B. The Subgrantee shall, at a minimum, submit to the Grantee bi-annual progress reports according to the work plan as included in Exhibit A. All the reporting obligations specified by the grant

award shall be the responsibility of the Subgrantee.

IX. TERMINATION OF AGREEMENT

The suspension or termination of this agreement may occur if the Subgrantee materially fails to comply with any terms of the award.

X. REVERSION OF FUNDS

Upon the expiration of this grant, the Subgrantee shall transfer to the Grantee any unused Award Funds on hand at the time of expiration.

XI. OTHER PROGRAM REQUIREMENTS

The Subgrantee agrees to carry out each activity authorized by this agreement and the grant award in compliance with all State laws and all Federal laws and regulations.

XII. INDEMNIFICATION

The Subgrantee will indemnify, hold harmless, and defend the Grantee against any and all claims, demands, damages, costs, expenses, or liabilities arising out of the Subgrantee's performance of duties and obligations under the Agreement except for liability arising out of the sole negligence of the Grantee or its officers, agents, or employees.

XIII. COMMENCEMENT OF ACTIVITIES UPON AWARD

It is expressly understood that all the activities outlined in this agreement and authorized by the Grant Announcement shall be undertaken by the Grantee and the Subgrantee only upon award of the EDA Grant.

[the remainder of this page intentionally left blank]

THE UNDERSIGNED, as authorized officials on behalf of the parties, have executed this Contract, which shall be effective as of the date of execution hereof on behalf of the Grantee.

GRANTEE

By: _____ / _____
signature / date

Name: Colleen Padilla

Title: Executive Director of SOREDI
Chief Elected Official/Executive Officer with Authority to Sign

SUBGRANTEE

By: _____ / _____
signature / date

Name: _____

Title: _____
Chief Elected Official/Executive Officer with Authority to Sign

EXHIBIT A

SCOPE OF WORK TO BE PERFORMED BY SUBGRANTEE

INTRODUCTION:

Project funds will be used exclusively for the following purposes.

SUPPORT RURAL COMMUNITIES WITH PLACEMAKING & INFRASTRUCTURE NEEDS

Scope of Work – 1

Technical Assistance and capacity building for member organizations, local businesses, and other local stakeholders impacted by coronavirus, as consistent with the approved CEDS maintained by the Grantee.

Objectives/Justification of Need

Every city is unique and part of the One Rogue Valley CEDS. This task provides equal opportunity to enhance their services, downtowns, and attract visitors according to their specific needs - which is called out in our CEDS (5.2.4) to support Rogue Valley shop-local initiatives and campaigns that highlight the region's craft and boutique industries, events, and arts and cultural amenities (strategy 4.3). In addition to supporting the local economy, buying local builds resilient downtowns and fosters a sense of a community. Small city public spaces, façade improvements, additional and durable soap dispensers in public bathrooms, and critical infrastructure assistance needs have been identified thus far among 9 small cities including: Cave Junction, Rogue River, Gold Hill, Eagle Point, Shady Cove, Butte Falls, Phoenix, Talent, and Jacksonville.

Shady Cove, specifically, will use the grant to assist the improvement of the city's infrastructure. For instance,

EXHIBIT B

DRAWDOWN PROCESS TO BE PERFORMED BY SUBGRANTEE

Drawdowns will be processed on a quarterly basis as needed (see estimated schedule below).

To receive funds, complete the Drawdown request form and submit to SOREDI.

Mailing Address:

SORED
1311 E Barnett Road, Suite 301
Medford, OR 97504

Drawdown Quarterly Dates:

September 30, 2020
December 31, 2020

March 31, 2021
June 30, 2021
September 30, 2021
December 31, 2021

March 31, 2022
June 30, 2022

EXHIBIT B - DRAWDOWN REQUEST FORM
CARES Act Supplemental Planner Grant

To access grant funds, please complete this form and submit the signed form and any supporting documentation to SOREDI. Drawdown requests should be addressed to Colleen Padilla, and sent to SOREDI at 1311 E Barnett Road, Suite 301 Medford, OR 97504 or signed, scanned, and emailed to colleen@soredi.org.

Project Name: ?

Organization/Agency: **The City of Shady Cove**

Mailing Address: **22451 Highway 62**

City, State, Zip: **Shady Cove, OR, 97539**

Contact/Title: **Thomas Corrigan, City Administrator**

Phone Number: **(541) 878-3757**

Email: **tcorrigan@shadycove.org**

Total Project Award	\$7,800
Starting Balance of Award	\$7,800
Drawdown Number (1-8)	_____
Drawdown Request	\$ _____
Ending Balance of Award	\$ _____

Purpose of Requested Funds

DOCUMENTATION SUPPORTING YOUR REQUEST (receipts, timesheets, etc.) MUST BE ATTACHED.

I certify that I am authorized to submit this request and that the request complies with the terms of my Subgrantee Agreement.

Signature

Name/Title

Date

(https://www.grants.gov/web/grants)

HOME (HTTPS://WWW.GRANTS.GOV/WEB/GRANTS/HOME.HTML)

LEARN GRANTS (HTTPS://WWW.GRANTS.GOV/WEB/GRANTS/LEARN-GRANTS.HTML)

SEARCH GRANTS (HTTPS://WWW.GRANTS.GOV/WEB/GRANTS/SEARCH-GRANTS.HTML)

APPLICANTS (HTTPS://WWW.GRANTS.GOV/WEB/GRANTS/APPLICANTS.HTML)

GRANTORS (HTTPS://WWW.GRANTS.GOV/WEB/GRANTS/GRANTORS.HTML)

SYSTEM-TO-SYSTEM (HTTPS://WWW.GRANTS.GOV/WEB/GRANTS/SYSTEM-TO-SYSTEM.HTML)

FORMS (HTTPS://WWW.GRANTS.GOV/WEB/GRANTS/FORMS.HTML)

CONNECT (HTTPS://WWW.GRANTS.GOV/WEB/GRANTS/CONNECT.HTML)

SUPPORT (HTTPS://WWW.GRANTS.GOV/WEB/GRANTS/SUPPORT.HTML)

GRANTS.GOV (/Web/Grants) View Opportunity

VIEW GRANT OPPORTUNITY

« Back | Link



EDA-2021-ARPATOURISM
FY 2021 American Rescue Plan Act Travel, Tourism, and Outdoor Recreation Notice of Funding Opportunity
Department of Commerce
Economic Development Administration

Apply

Favorite

SYNOPSIS

AVAILABILITY OF FUNDS | FUNDING OPPORTUNITIES | INFORMATION

Print Synopsis Details

General Information

Document Type: Grants Notice	Version: Synopsis 3
Funding Opportunity Number: EDA-2021-ARPATOURISM	Posted Date: Jul 22, 2021
Funding Opportunity Title: FY 2021 American Rescue Plan Act Travel, Tourism, and Outdoor Recreation Notice of Funding Opportunity	Last Updated Date: Jul 22, 2021
Opportunity Category: Discretionary	Original Closing Date for Applications: For EDA Competitive Tourism Grants, there are no application submission deadlines. While EDA encourages eligible applicants to submit their applications as soon as possible, EDA strongly advises eligible applicants to submit complete applications no later than January 31, 2022 so that EDA can review and process the application in time to get a potential award in place prior to deadlines imposed by Congress. Submission by January 31, 2022 is not a guarantee of funding. Any award is subject to the availability of funds. See Section E of this ARPA Tourism NOFO regarding EDA's review process.
Opportunity Category Explanation:	Current Closing Date for Applications: For EDA Competitive Tourism Grants, there are no application submission deadlines. While EDA encourages eligible applicants to submit their applications as soon as possible, EDA strongly advises eligible applicants to submit complete applications no later than January 31, 2022 so that EDA can review and process the application in time to get a potential award in place prior to deadlines imposed by Congress. Submission by January 31, 2022 is not a guarantee of funding. Any award is subject to the availability of funds. See Section E of this ARPA Tourism NOFO regarding EDA's review process.
Funding Instrument Type: Cooperative Agreement Grant	
Category of Funding Activity: Other (see text field entitled "Explanation of Other Category of Funding Activity" for clarification)	
Category Explanation: Economic Development	
Expected Number of Awards: 150	
CFDA Number(s): 11.307 -- Economic Adjustment Assistance	
Cost Sharing or Matching Requirement: Yes	

Estimated Total Program Funding: \$240,000,000

Award Ceiling: \$10,000,000

Award Floor: \$100,000

Eligibility

Eligible Applicants: County governments
City or township governments
Others (see text field entitled "Additional Information on Eligibility" for clarification)
Special district governments
Native American tribal governments (Federally recognized)
Nonprofits having a 501(c)(3) status with the IRS, other than institutions of higher education
Public and State controlled institutions of higher education
Private institutions of higher education
State governments

Additional Information on Eligibility: For EDA Competitive Tourism Grants, eligible entities include a(n): (i) District Organization of an EDA-designated Economic Development District (EDD); (ii) Indian Tribe or a consortium of Indian Tribes; (iii) State, county, city, or other political subdivision of a State, including a special purpose unit of a State or local government engaged in economic or infrastructure development activities, or a consortium of political subdivisions; (iv) institution of higher education or a consortium of institutions of higher education; or (v) public or private non profit organization or association acting in cooperation with officials of a general purpose political subdivision of a State. 42 U.S.C. § 3122(4)(A); 13 C.F.R. § 300.3.

Additional Information

Agency Name: Economic Development Administration

Description:

Through this ARPA Tourism NOFO, EDA aims to assist communities and regions in recovery from the coronavirus pandemic's significant negative impact on the travel, tourism, and outdoor recreation sectors.

EDA's ARPA Tourism NOFO is designed to provide a wide-range of financial assistance to communities and regions to rebuild and strengthen their travel, tourism, and outdoor recreation industry through various infrastructure and non-infrastructure projects. Under this NOFO, EDA solicits applications under the authority of the Economic Adjustment Assistance (EAA) program, which is flexible and responsive to the economic development needs and priorities of local and regional stakeholders.



FOR IMMEDIATE RELEASE

October 14, 2021

Grant Funding Coming for Organizations Serving Underrepresented Businesses

Business Oregon is pleased to announce the availability of up to \$9 million in grants for organizations that provide business Technical Assistance (TA) to historically underrepresented and under-resourced businesses across the state, as outlined in Governor Kate Brown's Diversity, Equity, and Inclusion Action Plan. This program was established by the 2021 Oregon Legislature and builds on a federally-funded pilot program that debuted in 2020 to help businesses respond to the COVID-19 pandemic.

During the 2020 pilot, Business Oregon awarded grant funding to 23 statewide organizations who both reflected and responded to the unique needs of Oregon's diverse small business community. One of the recipients of the pilot grant funding was the Oregon Native American Chamber (ONAC).

"The Oregon Legislature and Business Oregon are investing in our communities in ways that can redefine our engagement in our local economies through intentional support from and through culturally specific and grassroots organizations with much-needed resources to help our businesses not only survive but prosper," said James Parker, ONAC Executive Director. "ONAC is excited about the future opportunities to support all communities that have been marginalized or left behind by policies and programs not built with them in mind."

Building on the success of the 2020 pilot program, Business Oregon is currently seeking applications for the 2021-2023 grant cycle from service providers who can demonstrate authentic connections to their clients; offer population-aligned services and resources; and extend and enhance the availability of services targeted to underserved entrepreneurs and small businesses.

This Request for Grant Applications will result in the selection of a cohort of TA providers. Each provider will offer culturally competent, linguistically appropriate, and geographically aligned resources to meet the needs of Oregon's diverse small business population. Common types of TA for small business include business plan review and assistance, marketing and brand identity, technology services, access to capital, and business coaching, among many other services.

In addition to supporting the expansion and delivery of TA, the program aims to help strengthen individual TA provider organizations and build a more integrated and cohesive statewide network of resource providers.

Applications are due by 11:59 pm PST on Monday, November 15, 2021. Detailed program information and the application materials can be found at

<https://www.oregon4biz.com/Innovate-&-Create/>.

Business Oregon, the state's economic development agency, invests in Oregon businesses, communities, and people to promote a globally competitive, diverse, and inclusive economy. The agency's services span rural community development and infrastructure financing; business retention, expansion and recruitment; export promotion and international trade; investments in industry research and development and entrepreneurship; small business assistance; and support for arts and cultural organizations. Learn more at www.oregon4biz.com.

City of Shady Cove

Ordinance No. 299

AN ORDINANCE OF THE CITY OF SHADY COVE, OREGON ESTABLISHING A PUBLIC SAFETY ACT AND IMPOSING A SURCHARGE FOR POLICE FUNDING and REPEALING ORDINANCE # 264.

Whereas, the public safety of the City of Shady Cove, if not managed through a strong program of prevention and response, can deteriorate causing serious safety consequences as well as blight in residential and commercial areas of the City; and

Whereas, the City Council has concluded that assuring public safety, through well-functioning Law Enforcement, is a priority need; and

Whereas, the City Council has consistently set a goal of adequate funding for Law Enforcement and has held public discussion on this issue during Council meetings, in the City newsletter, and this discussion has been covered in electronic and print media; and

Whereas, the City Council finds the Public Safety Act and methodology of apportioning a surcharge is a reasonable and rational way to provide a functioning public safety system to help keep Shady Cove safe.

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

Public Safety Act

The Public Safety Act, attached hereto as Exhibit A is adopted as a means of providing adequate Law Enforcement and public safety services throughout the City of Shady Cove.

Severability

In the event any section, subsection, paragraph, sentence or phrase of this Ordinance of any administrative policy adopted herein is determined by a court of competent jurisdiction to be invalid or unenforceable, the validity of the remainder of the Ordinance shall continue to be effective.

Classification

The fees and charges herein are not intended to be taxes, nor are they subject to the property tax limitations of Article XI, Section 11(b) of the Oregon Constitution.

Repeal:

This ordinance does hereby repeal Ordinance 264.

ADOPTED by the City Council of the City of Shady Cove, this _____ day
of _____, 2021.

Approved:

Attest:

Shari Tarvin
Mayor

Thomas J. Corrigan
City Administrator

Council vote:

Mayor Tarvin
Councilor McGregor
Councilor Nuckles
Councilor Evertt

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Exhibit "A"

PUBLIC SAFETY ACT

- Section 1: Title
- Section 2: Purpose and intent
- Section 3: Definitions
- Section 4: Imposition of public safety surcharge
- Section 5: Dedication of funds
- Section 6: Collection
- Section 7: Program administration
- Section 8: Appeal process
- Section 9: Enforcement

Section 1: Title.

Ordinance No. 262 shall be known as the Public Safety Act.

Section 2: Purpose and Intent.

1. The principal purpose of this Public Safety Act is to safeguard, facilitate and encourage the health, safety, and welfare of the citizens and businesses of the City. The Council finds that a continuous and consistent Public Safety program provides important economic and social benefits to the public, including, but not limited to:
 - (a) Increased police protection;
 - (b) Prevention of crime;
 - (c) Enhanced protection of property;
 - (d) Improved response to disaster situations;
 - (e) Promotion of business and industry; and
 - (f) Promotion of community spirit and growth.

2. It is the intent of this act to provide a funding mechanism to help pay for the benefits conferred on city residents and businesses by the provision of an adequate program of public safety and to help augment the Law Enforcement to service levels desired by the public.
3. The Public Safety Act is intended to be a surcharge for service within the City limits. However, it is not intended to provide full funding for Law Enforcement. In the event that Public Safety surcharge revenues collected are insufficient to properly operate Law Enforcement, additional funding may be allocated by the City Council from other non-dedicated City funds; provided, however, the City Council may direct the reimbursement to such other non-dedicated City funds if additional Public Safety surcharge revenues are collected.

Section 3: Definitions.

The following definitions shall apply unless the context clearly indicates or requires a different meaning.

<i>Accessory Dwelling Unit (ADU) or Ancillary Unit:</i>	A second dwelling unit created on a lot with a house, attached house, or manufactured home. The second unit is created auxiliary to, and is always smaller than the house, attached house, or manufactured home.
<i>Apartment House:</i>	Any building or portion thereof that contains three or more individual dwelling units, regardless of the ownership arrangement.
<i>Developed Property.</i>	A parcel or portion of real property on which one or more improvements exist. Improvements on developed property includes, but is not limited to, buildings, utilities infrastructure (whether operating or not), parking facilities, and outside storage of any kind or nature.
<i>Hotel/Motel:</i>	A part of a structure that is occupied or designed for occupancy by transients for lodging or sleeping, including a hotel, inn, tourist home or house, a bed and breakfast, motel studio hotel, bachelor hotel, lodging house, rooming house, dormitory, public or private club (that provides lodging), trailer or recreational vehicles providing transient housing.
<i>Mobile Home Park:</i>	Any lot on which two (2) or more mobile homes are located and being used for residential purposes, other than as an approved "guest house," and where the primary purpose of the property owner is to rent or lease the spaces and related

or necessary facilities to the owners or occupants of the mobile homes, or to offer same in exchange for trade of services. Each space within the mobile home park is determined to represent a unit for assessment of the surcharge.

Non-Residential Unit.

A use of property that is primarily not for personal, domestic accommodation, such as a business or commercial enterprise. A non-residential structure that provides facilities for one (1) or more businesses including, but not limited to, permanent provisions for access to the public, shall have each distinct business facility considered as a separate non-residential unit. The conducting of a business or businesses at two (2) or more locations shall, for the purposes of this chapter, be deemed to be separate businesses and each thereof shall be subject to the surcharge provided for in this chapter. If two or more differently classified but otherwise related businesses are carried on in the same premises by the same owners, then the business shall be considered one non-residential unit; provided however, any business activity leased under concession to or owned, wholly or in part, by a different person or persons on the same premises shall be considered a separate non-residential unit. In determining whether different activities on the same premises are related to the primary use within the meaning of this section, normal and ordinary customs and usages of businesses of like nature shall be considered. -A mobile business such as a food concession or a carnival shall be considered a non-residential unit, and shall be assessed a surcharge for each month during which the mobile business carries on business in the City of Shady Cove for one or more days during the month. Food concessions operated by non-profit organizations in conjunction with sports, recreation, entertainment or similar one-time or seasonal events shall not be considered a non-residential unit, provided any excess of earnings over expenses is used solely to benefit the non-profit organization.

In addition to a single unit charge per business, an additional surcharge shall be required based on the number of employees as reported in the Business License registration. Each increment of ten (10) employees shall constitute one (1) unit for the assessment of the surcharge. Business License registration shall be reviewed annually in March to determine if there have been any changes to the number of

employees. Adjustments shall be made as required to comply with this ordinance.

- Person.** A natural person, unincorporated association; tenancy in common, partnership, corporation, limited liability company, cooperative, trust, any governmental agency, including the State of Oregon, but excluding the City of Shady Cove, and other entity in law or in fact. The singular includes the plural as the context requires.
- Public Safety Committee** ~~A Committee of at least three individuals, appointed by the City Council. The Committee is responsible for administering the appeal process under Section 8 of this Ordinance.~~
- Recreational Vehicle Park or Campground.** An area designated to accommodate recreational vehicles and/or tent campers and provide related and needed facilities and services
- Residential Unit.** A residential structure that provides complete living facilities for one or more persons including, but not limited to, permanent provisions for living, sleeping, and sanitation. A home business in a residential zone will be regarded only as a residential unit, and not as a non-residential unit. An Ancillary Unit on a single-family parcel shall be considered as a separate residential unit for purposes of assessment of the surcharge. Multi-family residential property consisting of two or more dwelling units, condominium units or individual mobile home units will have each unit considered as a separate residential unit.
- Responsible Party.** The person or persons owing the Public Safety surcharge. Two or more persons may be jointly and severally liable for payment of the surcharge.
- Transient.** Any person who exercises use in a transient lodging facility by reason of concession, permit, right of access, license or other agreement for a period of fewer than thirty (30) consecutive calendar days, counting portions of calendar days as full days.
- Transient Lodging.** A hotel, motel, vacation rental, bed and breakfast or other unit that is designed for rental for temporary overnight human occupancy. A business that includes spaces

designed for parking recreational vehicles during periods of human occupancy of those vehicles for fewer than thirty (30) days. Transient lodging that serves as a residential use in excess of thirty (30) or more days shall be considered as a residential unit and not transient lodging.

Undeveloped Property. Land without improvements.

Section 4: Imposition of Public Safety Surcharge.

1. There is hereby created a Public Safety surcharge to accomplish the purposes described in this ordinance.
2. There is hereby imposed upon the responsible party or parties for each developed property in the City limits a surcharge for fifteen dollars (\$1521.00 per month) for each residential unit and each non-residential unit on that property. Billing shall be as a line item on the City's utility bill unless otherwise specified.
3. Except as the fees may be reduced or eliminated under as set forth in Section 8 of this Ordinance, the obligation to pay a Public Safety surcharge arises when a person responsible uses or otherwise benefits from Public Safety services. It is presumed that Public Safety services are used, and that a benefit arises, whenever the subject real property is a ~~developed~~ property within the City limits.
4. All ~~developed~~ properties within the City limits, regardless of whether they are occupied or unoccupied, shall be charged the Public Safety surcharge unless specified otherwise in this Ordinance.
5. Undeveloped properties shall be charged a Public Safety Fee at the rate of _____ ~~not be charged a Public Safety surcharge.~~
6. Annually, as part of the budget review process, a determination shall be made by the City Council as to whether a modification in the surcharge would be appropriate. Modification to the surcharge shall be by ordinance and fees shall be set by Resolution.

Modification shall include a review at least once every two years to allow for an adjustment based upon the Consumer Price Index.
7. Although this ordinance refers to "units" as a basis for calculating surcharges, the surcharge does not in any way create an *in rem* obligation in respect of the property. Units instead serve merely as a basis for measurement to determine the total amount of the surcharge. The obligation to pay the surcharge is a personal obligation of the responsible party.

Section 5: Dedication of Funds.

All Public Safety surcharge revenues derived shall be distinctly and clearly noted in both the revenue and expenditure sections of the City budget and shall be used exclusively for the improvement, maintenance, administration and operation of Law Enforcement and costs incidental thereto and for no other purpose in order to help provide for a safer, more effective and better functioning Public Safety program.

The surcharge paid and collected under this ordinance shall not be used for general or other governmental or proprietary purposes of the City, except that the City may pay for the equitable share of the cost of accounting, management and government that is attributable to the fund, which shall not exceed five percent (5%) of the gross revenues of the fund during any fiscal year.

Section 6: Collection.

1. Public Safety surcharges shall be collected monthly. Statements for the surcharge shall be included as an additional item on the City monthly utility billing wherever feasible, unless otherwise specified.
2. Unless another person responsible has agreed in writing to pay, and a copy of that writing is filed with the City, the person responsible for paying the City's sewer utility charge is responsible for paying the Public Safety surcharge, if the property is located within the City limits.
3. ~~In the event a property is not served by a sewer hook-up, or if sewer service is disconnected, the Public Safety surcharge shall be paid by the person having the right to occupy the property.~~
4. ~~Upon request for sewer service, a building permit, or the occupancy of an unserviced building the property will automatically be subject to the Public Safety surcharge and billed at the appropriate rate.~~
5. ~~At the time a building permit is issued, a previously undeveloped property will be subject to the Public Safety surcharge and billed at the appropriate rate.~~
6. The imposition of surcharges shall be calculated on the basis of the number of residential or nonresidential units supported, without regard to the number of sewer connections serving that property, and without regard to whether the units are occupied or not occupied.
7. Late charges in the amount of \$5 per month shall be attached to any Public Safety surcharges not received within 30 days of billing.
8. Notwithstanding the above, if the Public Safety surcharge is not paid for a period of three months, the surcharge, with any attendant late fees shall be imposed on the responsible party.

9. The obligation to pay the Public Safety surcharge is personal to the responsible party. The City of Shady Cove will not assess a subsequent owner of a property for uncollected amounts due from a previous owner (or responsible party under a lease or rental agreement), and will not withhold utility services to a subsequent owner.

Section 7: Program Administration.

1. Except as provided below, the City Administrator shall be responsible for the administration and collection of fees under this Ordinance.
2. The City Administrator is authorized and directed to review the operation of this Ordinance and, where appropriate, recommend changes thereto in the form of administrative procedures for adoption by the City Council by resolution. Such procedures if adopted by the Council shall be given full force and effect, and unless clearly inconsistent with this Ordinance shall apply uniformly throughout the City.

Section 8: Appeal Process.

1. A Public Safety surcharge may be appealed for change or relief in accordance with the following criteria.
 - (a) Classification of Property. Any responsible party who disputes any interpretation given by the City as to property classification may appeal such interpretation. If the appeal is successful, appropriate relief will be granted. In such instances, reimbursement will be given for any overpayment, retroactive to the filing date of the appeal. Factors to be taken into consideration include, but are not limited to availability of more accurate information; equity relative to billing classifications assigned to other developments of a similar nature; changed circumstances; and situations uniquely affecting the party filing the appeal.
 - (b) Financial Hardship. ~~Any responsible party may claim a financial hardship. The City will determine financial hardship based on established guidelines. Any relief will be secondary to all other financial resources available to the responsible party. To be presumptively eligible for relief, the responsible party's total household assets must not exceed fifteen thousand dollars (\$15,000.00), and the responsible party's gross household income must not be more than the Federal Poverty Level. The City may request verification of income from all parties living in the household, including, but not limited to W-2 employment wage forms, social security or pension income, nontaxable interest income, payroll stubs, and tax returns. The City may also request verification of assets, including, but not limited to~~

~~bank statements, mortgage statements, and other information useful to the City to determine net assets.~~

2. An application for appeal shall state the reason(s) for appeal, and must include supporting documentation to justify the requested change or relief. An application will not be deemed complete until all information requested by the City has been provided. During the appeal, payment of the fee shall be deferred.
3. Application for appeal shall state the reason for appeal, identifying any alleged error and be supported by documentation justifying the requested change or relief. The responsible person shall have the burden of proof to establish a change in the billing rate is appropriate.
4. **The Shady Cove City Council shall hear all appeals.** ~~The Public Safety Committee shall be responsible for determining appeals. If the Public Safety Committee decides information provided through the appeal process justifies a change, the Public Safety Committee may authorize this change (up or down) retroactive to the date the appeal was filed.~~
5. ~~The Public Safety Committee shall make all reasonable attempts to mediate a resolution or otherwise resolve appeals utilizing available existing information, including supporting documentation filed with the appeal, within 30 days of the date the appeal was filed. If, however, more detailed site-specific information is necessary, the Public Safety Committee may request the applicant provide information.~~
6. ~~In any event, the Public Safety Committee shall submit a report to the City Council within 90 days of the date the appeal was filed explaining the disposition of the appeal, along with the rationale and supporting documentation for the decision reached.~~
7. ~~Decisions of the Public Safety Committee may be further appealed to the City Council, and shall be heard at a public meeting. Upon such further appeal, the City Council shall at its first regular meeting thereafter set a hearing date. The matter shall be heard solely upon the record. In no event shall a final decision be made later than 90 days after the matter was formally appealed to the City Council.~~
8. Appeals filed within 120 days of the date of imposition of the surcharge under this Ordinance shall not be subject to paying a filing fee. After this 120-day period, the initial filing fee for an appeal shall be \$50. ~~An additional \$50 fee is required for further appeal to the City Council.~~ These fees are fully refundable should the appellant adequately justify and secure the requested change or relief.

Section 9: Enforcement.

1. In the event funds received from City utility billings are inadequate to satisfy in full all of the sewer and Public Safety charges, credit shall be given first to the Public Safety surcharge and second to the sewer services charge.
2. In addition to other lawful enforcement procedures, the City may enforce the collection of charges required by this Ordinance by disconnection of sewer service to any premises where Public Safety surcharges are delinquent or unpaid.
3. Notwithstanding any provision herein to the contrary, the City may institute any necessary legal proceedings to enforce the provisions of this Ordinance, including but not limited to injunctive relief and collection of charges owing. The City's enforcement rights shall be cumulative.

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City of Shady Cove

Ordinance No. 300

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHADY COVE
ADOPTING SYSTEMS DEVELOPMENT CHARGES FOR THE CITY OF SHADY
COVE, OREGON AND REPEALING ORDINANCE 271.

WHEREAS, the City Council of the City of Shady Cove enacted, pursuant to the authority set forth in ORS 223.297 et. Seq., Ordinance No. 209, on 05/01/2003, and subsequently amended by Ordinance No. 230, on 06/02/2005, providing the overall City implementing policy and procedures for System Development Charges (SDC's); and

WHEREAS, the City Council of the City of Shady Cove desires to update and fully incorporate and consolidate policies and procedures relating to System Development Charges into one Ordinance;

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

35.1.1 Purpose

The purpose of the system development charge is to impose a portion of the cost of capital improvements for parks, wastewater, flood control, and streets upon those developments and redevelopments that create the need for increase the demands on parks, wastewater, stormwater, and streets.

35.1.2 Definitions

The following definitions apply to Chapter 35.01 of this code:

A. Capital Improvements - public facilities or assets used for the following systems:

- a. Parks and recreation;
- b. Wastewater collection, transmission, treatment, or disposal or any combination;
- c. Drainage or flood control; or
- d. Transportation.

B. Contiguous - in a public way which abuts the parcel.

C. Council - the City Council of the City of Shady Cove, Oregon.

D. Development - all improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage or activities. Development includes redevelopment of property. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved lands.

- E. Improvement Fee – a fee for costs associated with capital improvements to be constructed after the date the fee is adopted pursuant to §35.01.03.
- F. Owner – the owner or owners of record title or the purchaser or purchasers under a recorded land sales agreement, and other persons having an interest of record in the described real property.
- G. Parcel of Land – a lot, parcel, block or other tract of land that in accordance with City regulations is occupied or may be occupied by a structure or structures or other use, and that includes the yards and other open spaces required under the zoning, subdivision, or other development ordinances.
- H. Permittee – the person to whom a building permit, development permit, a permit or plan approval to connect to the sewer or water system, or right-of-way access permit is issued.
- I. Qualified Public Improvement - a capital improvement that is:
 - a. Required as a condition of development approval;
 - b. Identified in the plan adopted pursuant to §35.01.07; and either:
 - i. Not located on or contiguous to a parcel of land that is the subject of the development approval; or
 - ii. Located in whole or in part on or contiguous to property that is the subject of development approval and required to be built larger or with greater capacity than is necessary for the particular development project to which the improvement fee is related.
- J. Reimbursement Fee - a fee for costs associated with capital improvements constructed or under construction on the date the fee is adopted pursuant to §35.01.03, and for which the Council determines capacity to exist.
- K. System Development Charge – a reimbursement fee, an improvement fee or a combination thereof assessed or collected at the time of increased usage of capital improvements, at the time of issuance of a development permit or building permit, or at the time of connection to the capital improvement. A system development charge does not include fees assessed or collected as part of a local improvement district or a charge in lieu of a local improvement district assessment, or the cost of complying with requirements or conditions imposed by a land use decision.

35.1.3 System Development Charge Established

System development charges shall be established and may be revised by resolution of the Council. The resolution shall set the amount of the charge, the type of permit to which the charge applies, and, if the charge applies to a geographic area smaller than the entire City, the geographic area subject to the charge.

35.1.4 Methodology

The methodology used to establish or modify the reimbursement fee shall, where applicable, be based on the cost of then-existing facilities including without limitation

design, financing and construction costs, prior contributions by then-existing users, gifts or grants from federal or state government or private persons, the cost of the unused capacity of existing facilities, rate-making principals employed to finance publicly owned capital improvements, and other relevant factors identified by the Council. The methodology shall promote the objective that future system users shall contribute no more than an equitable share of the cost of then-existing facilities.

The methodology used to establish or modify the improvement fee shall, where applicable, demonstrate consideration of the estimated cost of projected capital improvements needed to increase the capacity of the systems to which the fee is related. The methodology shall be calculated to obtain the cost of capital improvements for the projected need for available system capacity for future system users.

The methodology used to establish or modify the improvement fee or the reimbursement fee, or both, shall be contained in a resolution adopted by the Council.

35.1.5 Authorized Expenditures

Reimbursement fees shall be applied only to capital improvements associated with the system for which the fees are assessed, including expenditures relating to repayment of indebtedness.

Improvement fees shall be spent only on capacity increasing capital improvements associated with the system for which the fee is assessed, including expenditures relating to repayment of future debt for the improvements. An increase in system capacity occurs if a capital improvement increases the level of performance or service provided by existing facilities or providing new facilities. The portion of the capital improvements funded by improvement fees must be related to demands created by current or projected development. A capital improvement being funded wholly or in part from revenues derived from the improvement fee shall be included in the plan adopted by the City pursuant to §35.01.07.

Notwithstanding other provisions of this section, system development charge revenues may be expended on the direct costs of complying with the provisions of this chapter, including the costs of developing system development charge methodologies and providing an annual accounting of system development expenditures.

35.1.6 Expenditure Restrictions

System development charges shall not be expended for costs associated with the construction of administrative office facilities that are more than an incidental part of other capital improvements.

System development charges shall not be expended for costs of the operation or routine maintenance of capital improvements.

35.1.7 Improvement Plan

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Prior to the establishment of a system development charge, the Council shall adopt a plan that includes a list of:

- A. The capital improvements that the Council intends to fund in whole or in part with improvement fee revenues; and
- B. The estimated cost and time of construction of each improvement and the percentage of that cost eligible to be funded with improvement fee revenues; and
- C. A description of the process for modifying the plan.

In adopting this plan, the Council may incorporate by reference all or a portion of any public facilities plan, master plan, capital improvements plan or similar plan that contains the information required by this section.

The Council may modify such plan and list at any time. If a system development charge will be increased by a proposed modification to the list, the Council will:

- A. At least 30 days prior to adoption of the proposed modification, provide written notice to persons who have requested notice pursuant to §35.01.12; and
- B. Hold a public hearing if a written request for a hearing is received within seven days of the date of the proposed modification.

A change in the amount of a reimbursement fee or an improvement fee is not a modification of the system development charge if the change in amount is based on the periodic application of one of the construction cost indices published by the *Engineering News Record*.

35.1.8 Collection of Charge

The system development charge is payable upon the issuance of:

- A. A building permit; or
- B. A development permit; or
- C. A development permit for development not requiring the issuance of a building permit; or
- D. A permit or approval to connect to the sewer system; or
- E. A right-of-way access permit.

A Land Use Approval Form does not trigger the payment of System Development Charges.

If no building, development, or access permit is required, the system development charge is payable at the time the usage of the capital improvement is increased based on the changes in the use of the property unrelated to seasonal or ordinary fluctuations in usage.

If development is commenced or connection is made to the sewer system without an appropriate permit, the system development charge is immediately payable upon the earliest date that a permit was required.

The City Administrator shall collect the applicable system development charge from the permittee when a permit that allows building or development of a parcel is issued.

The City Administrator shall not issue such permit or allow such connection until the charge has been paid in full, or until a provision for installment payments has been made pursuant to §35.01.09, or unless an exemption is granted pursuant to §35.01.10.

35.1.9 Installment Payments

When a system development charge is due and collectible, the owner of the parcel of land subject to the system development charge may apply for payment in 20 semiannual installments, to include interest on the unpaid balance, in accordance with ORS 223.208.

The City Administrator shall provide application forms for installment payments, which shall include a waiver of all rights to contest validity of the lien, except for the correction of computational errors.

An applicant for installment payments shall have the burden of demonstrating the applicant's authority to assent to the imposition of a lien on the parcel and that the property interest of the applicant is adequate to secure payment on the lien.

The City Administrator shall docket the lien in the lien docket. From that time the City shall have a lien upon the described parcel for the amount of the system development charge, together with interest on the unpaid balance at the rate established by the Council. The lien shall be enforceable in the manner provided in ORS Chapter 223.

The City Administrator is authorized to cancel assessments of system development charges, without further Council action, when the development approved by the building permit is not constructed and the building permit is cancelled.

For property that has been subject to a cancellation of assessment of system development charges, a new installment payment contract shall be subject to the code provisions applicable to system development charges and installment payment contracts on file on the date the new contract is received by the City.

35.1.10 Exemptions

Structures and uses established and legally existing on or before the effective date of this chapter are exempt from a system development charge to the extent of the structure or use then existing and to the extent of the parcel of land as it is constituted on that date. Structures and uses affected by this subsection shall pay the sewer charges pursuant to the terms of this ordinance upon the receipt of a permit to connect to the sewer system.

Additions to single-family dwellings that do not constitute the addition of a dwelling unit, as defined by the State Uniform Building Code, are exempt from all portions of the system development charge.

An alteration, addition, replacement or change in use that does not increase the parcel's or structure's use of the capital improvements are exempt from all portions of the system development charge.

35.1.11 Credits

When a development occurs that is subject to a system development charge, the system development charge for the existing use, if applicable, shall be calculated and, if it is less than the system development charge for the use that will result from the development, the difference between the system development charge for the existing use and the system development charge for the proposed use shall be the system development charge. If the change in use results in the system development charge for the proposed use being less than the system development charge for the existing use, no system development charge shall be required. No refund or credit shall be given unless provided by another paragraph of this section.

A credit shall be given to the permittee for the cost of a qualified public improvement upon acceptance by the City of the public improvement. The credit shall not exceed the improvement fee even if the cost of the capital improvement exceeds the applicable improvement fee and shall only be for the improvement fee charged for the type of improvement being constructed.

If a qualified public improvement is located in whole or in part on or contiguous to the property that is the subject of the development approval and is required to be built larger or with greater capacity than is necessary for the particular development project, a credit shall be given for the cost of the portion of the improvement that exceeds the City's minimum standard facility size or capacity needed to serve the particular development project or property. The applicant shall have the burden of demonstrating that a particular improvement qualifies for credit under this paragraph. The request for credit shall be filed in writing no later than 60 days after acceptance of the improvement by the City. The City may deny the credit provided for in this paragraph if the City demonstrates that the application does not meet the requirements of this section or if the improvement for which credit is sought was not included in the improvement plan pursuant to §35.01.07.

When the construction of a qualified public improvement located in whole or in part or contiguous to the property that is the subject of development approval gives rise to a credit amount greater than the improvement fee that would otherwise be levied against the project, the credit in excess of the improvement fee for the original development project may be applied against improvement fees that accrue in subsequent phases of the original development project.

Notwithstanding the previous paragraphs of this section, when establishing a methodology for a system development charge, the City may provide for a credit against the improvement fee, reimbursement fee, or both, for capital improvements constructed as part of the development which reduce the development's demand upon existing capital improvements and/or the need for future capital improvements, or a credit based upon any other rationale the Council finds reasonable.

Credits shall not be transferable from one development to another.

Credits shall not be transferable from one type of system development charge to another.

Credits shall be used within 10 years from the date the credit is given.

35.1.12 Notice

The City shall maintain a list of persons who have made a written request for notification prior to adoption or modification of a methodology for any system development charge. Written notice shall be mailed to persons on the list at least 90 days prior to the first hearing to establish or modify a system development charge. The methodology supporting the system development charge shall be available at least 60 days prior to the first hearing to adopt or amend a system development charge. The failure of a person on the list to receive a notice that was mailed does not invalidate the action of the City.

The City may periodically delete names from the list, but at least 30 days prior to removing a name from the list, the City must notify the person whose name is to be deleted that a new written request for notification is required if the person wishes to remain on the notification list.

35.1.13 Segregation and Use of Revenue

All funds derived from the system development charge described in this chapter are to be segregated by accounting practices from all funds of the City. Those system development charges collected under this chapter shall be used for no purpose other than set forth in §35.01.05.

The City Administrator shall provide the Council with an annual accounting, by January 1 of each year, for system development charges showing the total amount of system development charge revenues collected for each type of facility and the projects funded from each account in the previous fiscal year. A list of the amount spent on each project funded in whole or in part with system development charge revenues shall be included in the annual accounting.

35.1.14 Refunds

Refunds may be given by the City Administrator upon finding that there was a clerical error in the calculation of a system development charge.

Refunds shall not be allowed for failure to timely claim credit or for failure to timely seek an alternative system development charge rate calculation at the time of submission of an application for a building permit.

35.1.15 Appeal Procedure

A person challenging the propriety of an expenditure of system development charge revenues may appeal the decision or the expenditure to the City Council by filing a

written request with the finance director describing with particularity the decision of the finance director and the expenditure from which the person appeals. An appeal of an expenditure must be filed within two years of the date of the alleged improper expenditure.

After providing notice to the appellant, the Council shall determine whether the City Administrator's decision or the expenditure is in accordance with this chapter and the provisions of ORS 223.297 to 223.214 and may affirm, modify, or overrule the decisions. If the Council determines that there has been an improper expenditure of system development charge revenues, the Council shall direct that a sum equal to the misspent amount shall be deposited within one year to the credit of the account or fund from which it was spent. The decision of the Council shall be reviewed only as provided in ORS 34.010 to 34.100, and not otherwise.

A legal action challenging the methodology adopted by the Council under this chapter shall not be filed later than 60 days after adoption. A person shall contest the methodology used for calculating a system development charge only as provided in ORS 34.010 to 34.100 and not otherwise.

35.1.16 Prohibited Connection

No person may connect to the sewer system of the City unless the appropriate system development charge has been paid or the lien or installment payment method has been applied for and approved.

35.1.17 Construction

For the purposes of administration and enforcement of this chapter, unless otherwise stated in this chapter, the following rules of construction shall apply:

- A. In case of any difference of meaning or implication between the text of this chapter and any caption, illustration, summary table, or illustrative table, the text shall control.
- B. The word, "shall," is always mandatory and not discretionary; the word, "may," is permissive.
- C. Words used in the present tense shall include the future; and words used in the singular number shall include the plural and the singular, unless the context clearly indicates the contrary.
- D. The phrase, "used for," includes "arranged for," "designed for," "maintained for," or "occupied for."
- E. Where a regulation involves two or more connected items, provisions, or events:
 - a. "And" indicates that all the connected terms, conditions, provisions or events shall apply; and
 - b. "Or" indicates that the connected items, conditions, provisions, or events may singly or in any combination

F. The word, "includes," shall not limit a term to the specific example, but is intended to extend its meaning to all other instance of like kind or character.

35.1.18 Severability

The provisions of this chapter are severable, and it is the intention to confer the whole or any part of the powers herein provided for. If any clause, section or provision of this chapter shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of this chapter shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein. It is hereby declared to be the Council's intent that this chapter would have been adopted had such an unconstitutional provision not been included herein.

35.01.18 Classification

The Council determines that any fee, rates or charges imposed by this chapter are not a tax subject to the property tax limitations of Article XI, section 11(b) of the Oregon Constitution.

PASSED AND APPROVED by the City Council of the City of Shady Cove this ____ day of ____ 2021.

Approved: _____

Shari Tarvin, Mayor

Attest: _____

Thomas J. Corrigan, City Administrator

Council Vote:

Mayor Tarvin _____
Councilor McGregor _____
Councilor Nuckles _____
Councilor Evertt _____

City of Shady Cove

Ordinance No. 301

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHADY COVE
DEFINING NUISANCES AND OFFENSES AND PROVIDING FOR
ABATEMENT PROCEDURES AND PENALTIES. AND REPEALING
ORDINANCE # 271.

Whereas, The City Council of the City of Shady Cove desires to consolidate and update the Nuisances and Offenses Ordinances into one Ordinance; and

Whereas, The City Council of the City of Shady Cove desires to remove obsolete, redundant, and generally update the Ordinances adopted over 10 years ago.

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

SECTION 1: Oregon Criminal Code Adopted

The provisions of Oregon Revised Statutes, Chapter 161, relating to defenses, burdens of proof, general principles of criminal liability, parties to crime or offense, and general principles of justification and responsibility apply to nuisances and offenses defined and made punishable by this Ordinance.

SECTION 2: Definitions

A. For the purpose of this Ordinance, the following mean:

Abatement. The process of eliminating a condition that adversely affects the health and safety.

Animal husbandry: The keeping or raising of farm animals including, but not limited to horses, cattle, sheep, goats and pigs, except as approved as a Conditional Use Permit, defined in the City's Zoning Ordinance.

Camping. No person shall camp in or on public property that is not specifically designated for such purpose. Camping shall include staying for all or part of a night in the open or in temporary lodging, such as cars, tents, campers, trailers or motor homes.

Curfew: No person under the age of 18 shall idle, wander, stroll, or play in or upon the public streets, sidewalks, parks, playgrounds or other unsupervised places, between the hours of 10:00 pm. and 4:00 a.m. unless:

1. The person is accompanied by a parent or legal guardian.
2. The person is engaged in a lawful activity which requires the person's presence after the hours noted above.
3. The person is emancipated pursuant to ORS 419.B.550 to 419B.558.

Dangerous buildings. Buildings in such a condition to affect public health, safety and/or welfare including but not limited to:

1. a structure that, for lack of proper repairs, or because of age and dilapidated condition, or of poorly installed or defected wiring, plumbing, gas, or other utilities, or for any other reason, is liable to cause fire, and which is situated or occupied in a manner that endangers other property or human life;
2. a structure containing combustible or explosive material or inflammable substances liable to cause fire or danger to the safety of the building, premises or to human life;
3. a structure that is in a filthy or unsanitary condition liable to cause the spread of contagious or infectious disease;
4. a structure in such weak, dilapidated or deteriorated condition that it endangers a person or property because of the probability of partial or entire collapse.

Discharge of Weapons. The firing, discharging or use of a gun, weapon, slingshot, crossbow, bow and arrow, or weapon, by any person other than a peace officer, or person(s) designated by a police officer, that propels a projectile by force of pressurized air or gas or gun powder or other explosive, jet or rocket propulsion with the City.

Dog Control. The owner or keeper of a dog shall not allow the dog to become a public nuisance. A dog is a nuisance if it:

1. Is not on the premises of its owner or keeper, if not on a leash.
2. Bites, injures or causes injury to a person.
3. Chases or threatens vehicles or persons.
4. Damages or destroys property other than that of its owner or keeper.
5. Scatters garbage.
6. Trespasses onto private property.
7. Disturbs other persons by frequent or prolonged barking or other noises
8. Is rabid.
9. Obstructs the reasonable use of public or private property.

Drinking in Public Places.

- A. No person shall drink or consume alcoholic liquor in or on a motor vehicle, public sidewalk, street, alley, mall, parking lot or structure, school property or other public place unless the place has been licensed for that purpose by the Oregon Liquor Control Commission.
- B. This shall not prohibit the consumption of alcoholic liquor in the above listed public places during special events for which the operators(s) have obtained a special permit from the City and have obtained a special permit from the Oregon Liquor Control Commission.

Exotic animals. The keeping or raising of wild or exotic animals including, but not limited to lions, tigers, other big cats, deer, bear, antelope, wolves, snakes, buffalo, alligators, wild reptiles, dangerous animals or insects.

Illegal Lodging. No person shall lodge in, or occupy a car, outbuilding or other place not intended for that purpose.

Lodging in Recreational Vehicles.

- A. The following regulations pertain to recreational vehicles parked outside of recreational vehicle parks, mobile home or manufactured home parks, or other areas that are specifically designated for such vehicles.

1. No person shall occupy a recreational vehicle for sleeping or living purposes on a public street or right-of-way.
2. No person having ownership, or other responsibility for property in Shady Cove, shall occupy or allow the occupancy of any recreational vehicle upon the premises as a permanent living quarters, unless approved for such use by the Shady Cove City Council.
3. A recreational vehicle may be parked on private property and used for sleeping and cooking purposes by guests of the residents of the premises for a period not to exceed 30 days within any three-month period of the year, provided the vehicle has self contained sewage facilities or the vehicle's occupants are utilizing the facilities in their host's residence, unless approved for a longer period in advance, by the Shady Cove City Council.
4. Any unoccupied recreational vehicle shall not be stored on any roadway or within any public right-of-way.
5. A recreational vehicle shall not occupy a space within an approved mobile home park unless that space has been specifically approved by the City for short-term recreational vehicle use.

Noxious vegetation. The presence of vegetation on property or in the right-of-way of a street, alley or sidewalk abutting the property, anytime ~~between May 15 and September 30 of any~~ during the year including:

1. Weeds or grass more than 10 inches high.
2. Blackberry bushes that extend into a public thoroughfare or across a property line.
3. Poison oak or ivy.
4. Vegetation that is a health hazard, a fire hazard or other hazard because it is near other combustibles, or a traffic hazard because it impairs the view of the public thoroughfare or otherwise makes use of the thoroughfare hazardous for pedestrians and/or vehicles.

Nuisances and Offenses. Conditions that adversely affect public health, safety or welfare.

Person: A natural person, firm, partnership, association or corporation, whether acting as an individual for themselves, or as the clerk, servant, employee or agent of another.

Person in charge of property: An owner, agent, occupant, lessee, contract purchaser or other person having possession or control of property or supervision of a construction project.

Person responsible: The owner or the person in charge of the property.

Public Indecency. An act of urination or defecation, except in toilets provided for that purpose.

Temporary Signs: Temporary signs include, but are not limited to election, campaign, and yard/garage sale signs.

Unenumerated nuisances and offenses. Nuisances and offenses not specifically enumerated in this Ordinance including a substance or act that is determined to be injurious to public health, safety, or welfare.

Unnecessary Noise. Any unreasonably frequent and prolonged noise which interferes with the health and /or public welfare, including, but not limited to:

1. The keeping of any bird or animal which, by causing frequent or prolonged continuous noise, shall disturb the comfort and repose of any person in the vicinity.
2. The use of a vehicle engine, either stationary or moving, so out of repair, loaded or operated as to create any loud or unnecessary grating, grinding, rattling or other noise.
3. The sounding of a horn or signaling device on a vehicle on a street, or public or private place, except as necessary warning of danger.
4. The use of mechanical devices operated by compressed air, steam or otherwise, unless the noise thereby created is effectively muffled.

5. The use of a gong or siren upon a vehicle, other than police, fire or other emergency vehicle.
6. Noise from construction activities including erection, excavation, demolition, alteration, repair between 6:00 p.m. and 7:00 a.m., except in case of urgent necessity in the interest of the public welfare and safety as determined by the City.
7. The owner of a property may conduct such activities on property occupied by the owner between the hours of 7:00 a.m. and 9:00 p.m. providing such activity does not unnecessarily affect the public health, safety and/or welfare.
8. The creation of excessive noise on a street adjacent to a school, institution of learning, church or court of justice while same are in use, or adjacent to a hospital or institution for the care of the sick or infirm, which unreasonably interferes with the operation of such institution, or which unduly disturbs or annoys patients, and clients.
9. The discharge of the exhaust of a steam engine, internal combustion engine, motorboat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises and the emission of annoying smoke.
10. The use or operation of an automatic or electric piano, phonograph, radio, television, loudspeaker or any instrument for sound producing or any sound amplifying device as to disturb person in the vicinity thereof or in such a manner as renders the use thereof a nuisance. Upon application to the City, permits may be granted to responsible persons or organizations for the broadcast or amplification of programs of music, news, speeches or general entertainment as part of a public event, festival or outstanding event of a noncommercial nature. The amplification shall not be audible at a distance of more than 1,000 feet from the source of amplification, and in no event shall a permit be granted where any obstruction to the free and uninterrupted traffic, both vehicular and pedestrian, will result.
11. The conducting, operating or maintaining of a garage within 100 feet of a residential unit in such a manner as to cause loud or disturbing noises between the hours of 9:00 p.m. and 7:00 a.m.
12. The making of a noise by crying, calling or shouting or by means of a whistle, rattle, bell, gong, clapper, horn, hammer,

drum, musical instrument or other device for the purpose of advertising goods, wares or merchandise or of attracting attention or inviting patronage of a person to a business.

SECTION 3: Nuisances Declared

A. The following conditions are declared to be nuisances affecting public health.

1. Accumulation of debris, rubbish, manure and other refuse that are not removed within a reasonable time.
2. Stagnant water that affords a breeding place for mosquitoes and other insect pests.
3. Pollution of a body of water, well, spring, stream or drainage ditch by sewage, industrial waste or other substance placed in or near the water in a manner that will cause harmful material to pollute the water.
4. Decayed or unwholesome food offered for human consumption.
5. Liquid waste drained from private premises.
6. Mastics, oil, grease or petroleum products allowed to be introduced in the sewer system by a user.
7. Animal carcasses on streets or private or public property.
8. Animals or birds maintained, kept or housed in such a number to create offensive odors or noise.
9. An open vault or privy constructed and maintained within the City, except those constructed or maintained in connection with construction projects in accordance with the Oregon State Board of Health regulations.

B. The following conditions are declared to be nuisances affecting public safety.

1. Woodpiles, wood, lumber, rocks, bricks, blocks or metal within the streets, alleys or sidewalks for a period of time longer than 24 hours of placement of such material without first obtaining a permit from the City.
2. A container with a compartment of more than one cubic foot of capacity with a door or lid that locks or fastens automatically when closed that cannot be easily opened from the inside, maintained, or left, in a place accessible to children
3. A well, cistern, cesspool, excavation, or other hole of a depth of four feet or more and a top width of 12 inches or more

uncovered, not fenced or without a suitable protective construction.

4. Unguarded machinery, equipment or other devices placed or stored in a manner to be appealing, dangerous and accessible to children.
5. Lumber, logs or piling placed or stored in a manner to be appealing, dangerous and accessible to children.
6. Noxious vegetation.
7. The presence of combustible materials stored in such a manner as to constitute a fire hazard.
8. Dumping on public or private property of rubbish, trash, debris, refuse or any substance that would mar the appearance, create a stench or fire hazard, detract from the cleanliness or safety of the property or would likely injure a person, animal or vehicle traveling on a public way.
9. Trees, bushes or shrubs on property abutting a street, alley or sidewalk that interfere with vehicle or pedestrian traffic.
 - a. The person in charge of the property shall keep all trees, bushes or shrubs on the premises, including the adjoining parking strip, trimmed so that any overhanging portions are at least 8 feet above the sidewalk, and at least 12 feet above the roadway, public right-of-way, or parking area.
10. Snow, ice or rain water which adversely affects the safety of users and which falls from the building or structure onto a street or public walkway or right-of-way or is allowed to remain thereon.
 - a. The person in charge of the property shall install and maintain in a proper state of repair, adequate drainpipes or drainage systems so that the overflow water accumulating on the roof or about the building is not carried across or on the sidewalk or other property. City of Shady Cove

C. The following conditions are declared to be nuisances affecting public welfare.

1. Operation of an electrical, mechanical or other device, apparatus, instrument or machine that causes reasonably preventable interference with radio or television reception by a radio or television receiver of good engineering design.

2. Accumulation of any old or scrap copper, brass, pipe, rope, wire, rags, batteries, paper, plastic, trash, rubber, debris, waste, or junked, dismantled, wrecked, scrapped or ruined appliances, motor vehicles or other vehicles or appliances, motor vehicle or other vehicles parts, iron, steel, or other old or scrap ferrous or nonferrous material, metal or nonmetal materials on private property within the sight of the public.
- D. Unnecessary noise is declared to be a nuisance which affects public health, safety and/or welfare.

SECTION 4: Nuisances and offenses Prohibited.

- A. No person, person in charge of, or person responsible for a parcel of real property shall allow or permit a nuisance or offense to occur on that parcel as defined in this Ordinance.

SECTION 5: Complaint.

- A. Any person who believes a violation of this Ordinance exists may file a complaint with the City. The City of Shady Cove Police Department will investigate and make a determination for complaints of violation, including complaints involving fire hazards and noxious vegetation. A citizen may sign a citation if that individual is willing to testify and present evidence to nuisances and offenses which are not witnessed by an individual with police powers.

SECTION 6: Abatement Notice.

- A. When a nuisance or offense is determined to exist, the City will place a notice on the premises in question directing the offending party to abate the nuisance or offense. If the occupant is not the property owner or person in charge of the property, a copy of the notice will be provided to such individual as well as to the property owner, either in person or by certified mail, at the property owner's last known address.
- B. An error in the name or address of the owner or person in charge of the property or the use of a name other than that of the owner or other person or failure of the owner to pick up his or her mail will not make the notice void, and in such case the posted notice will be sufficient. The abatement notice will include:
1. The address or other description of the real property involved.
 2. A description of the nuisance or offense.
 3. A demand that the nuisance or offense be abated within 14 days or such other period of time as the Chief of Police may determine to be appropriate.

4. Notice that failure to comply may result in the City abating the nuisance or offense at the offending party's expense.
5. Notice that the offending party has 10 days to file an appeal of the abatement notice, in writing, with the City.

SECTION 7. Abatement by Owner.

- A. The owner, or person in charge of the property, will remove the nuisance or offense in accordance with the abatement notice, or show that no nuisance or offense exists.

SECTION 8. Abatement by the City.

- A. If the nuisance or offense is not abated within the time allowed, the City may authorize abatement by whatever means are appropriate. This action may be enforced by a law enforcement officer. Necessary personnel will have the right, at reasonable times, to enter into, or upon, the involved property.
- B. The City will keep an accurate record of the expenses incurred by the City for abatement costs and will add, separately noted, a charge of 25 percent of the expenses for administrative overhead.

SECTION 9. Summary Abatement.

- A. Where an immediate threat to life or property exists, any law enforcement officer, or their agent may cause the nuisance or offense to be abated without written notice.

SECTION 10. Assessment of Costs.

- A. The City will send to the responsible party and involved property owner a notice showing the total cost of abatement, including administrative overhead. The notice will also state that the total amount of the assessment is due to the City within 30 days. If the assessment is not paid on time, it will become a lien on the property, and that unpaid assessments will incur interest at the rate of 1.5 percent per month.

SECTION 11. Appeal.

- A. The owner, or person in charge protesting that no nuisance or offense exists, shall file with the City, a written statement which will specify the basis for the protest. The statement will be referred to the City Council or Municipal Court Judge, as appropriate, as part of the next scheduled meeting or court date. At the time set for consideration of the abatement, the owner or other person may appear and be heard and the Council or Municipal Court Judge, as appropriate will

thereupon determine whether or not a nuisance or offense, in fact, exists. If it is determined that it does exist, the owner, or other person shall, within 10 days of that determination complete the abatement.

- B. If the owner, or person in charge of the property, objects to the assessment for abatement, a written objection may be heard by the City Council in the manner described in "A" above.

SECTION 12. Penalties and Damages.

- A. In addition to the cost and assessments provided in this Ordinance, a violation may be prosecuted in the Municipal Court of the City of Shady Cove, and be punished by a fine or not more than \$500.
- B. Each day's violation constitutes a separate violation. The abatement shall not constitute a penalty for violating the Ordinance. City of Shady Cove
- C. The remedies specified herein will not be deemed exclusive and the City may, at its option, seek to enforce the provisions of this Ordinance by exercising its legal or equitable remedies in any court of competent jurisdiction.
- D. When an offense has been committed that results in ascertainable damages to any person, based upon conviction thereof, in addition to any other sentence, the Court may order that the defendant make restitution to the victim.

SECTION 13. Infraction. Neither party shall have the right to a jury trial at the trail of any infraction.

SECTION 14. Severability.

- A. Invalidity of a section or part of a section of this Ordinance will not affect the validity of remaining sections or parts of Sections.

SECTION 15. Repeal.

- A. Ordinance #271, is hereby repealed in its entirety.

SECTION 16. Savings Clause.

- A. The repeal of any Ordinance noted in Section 15, will not preclude any action against any person violating this Ordinance prior to the effective date of this Ordinance.

Adopted by the City Council of the City of Shady Cove this ___ day of ___, 2021.

Approved:

Attest:

Shari Tarvin
Mayor

Thomas J. Corrigan
City Administrator

Council Vote:

Mayor Tarvin
Councilor McGregor
Councilor Nuckles
Councilor Evertt

DRAFT



O'CONNOR LAW | LLC

541.702.5350 | 670 G STREET, SUITE B, JACKSONVILLE, OR 97530

October 13, 2021

VIA FIRST CLASS MAIL, RETURN RECEIPT REQUESTED

City of Shady Cove
Attn: Mayor and/or City Manager
P.O. Box 1210
Shady Cove, OR 97539

RE: FPDA 21-02; Applicant Michael Kretzer

Dear Mayor,

As you will recall, this firm represents Michael Kretzer concerning his land use application before the City Council. Please find enclosed an Objection and Motion to Rescind the Final Decision and to Reopen the Record.

Yours sincerely,

O'CONNOR LAW, LLC

/s/ Garrett West

Garrett K. West, OSB No. 174890

west@oconnorlawgroup.net

GKW:

Enclosure:

cc: City Attorney Mark Bartholomew (by email); Ryan Nolan (by email); client

BEFORE THE HONORABLE CITY COUNCIL
OF THE CITY OF SHADY COVE, OREGON

Michael Kretzer and Scott Ferre,
Applicants.

FPDA 21-02

Objection and Motion to
Rescind the Final Decision and
to Reopen the Record

Applicant Michael Kretzer (the “Applicant”), by and through his attorneys Garrett West and O’Connor Law, LLC, files this Objection and Motion to Rescind the Final Decision and to Reopen the Record for additional evidence.

Applicant requests that this Objection and Motion be included in any record delivered to the Land Use Board of Appeals (“LUBA”).

Facts

On the afternoon of October 7, 2021, City Staff issued a Staff Report on a Type III application numbered FPDA 21-02 for an after-the-fact approval of a pedestrian bridge in the Special Flood Hazard Area and Riparian Setback and for approval of a Riparian Protection Corridor vegetation maintenance plan.

The Staff Report found the application complete (Staff Report at 2) but also said, “The application * * * [does not have] a complete engineer analysis yet. A complete application would include all information required in Section 151.027, 151.047, and 151.048” (Staff Report at 1).

Objection and Motion to Rescind the
Final Decision and to Reopen the Record
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Jacksonville, OR 97530
west@oconnorlawgroup.net

On that same day, the City Council of the City of Shady Cove held an initial evidentiary hearing. The City did not inform the Applicants of his right to present additional evidence or testimony and to keep the record open or to continue the hearing.

Applicant repeatedly requested at the hearing that he be given additional time to present evidence to complete the application, to respond to the newly issued Staff Report, and to respond to the new evidence that had been offered into the record at the hearing by opponents to the Application.

The City Council denied Applicants' request for additional time, closed the public hearing, and denied the Application because the City Council felt that the application was taking too long.

Objection

The Applicant submits this written objection to the closure of the record and to a failure to grant a continuance. The City is legally required to either keep the record open and/or to continue the hearing pursuant to ORS 197.763 and Shady Cove City Code ("SCCC") § 154.379(D). ORS 197.763 says:

"Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. The local hearings authority shall grant such request by continuing the public hearing pursuant to paragraph (b) of this subsection or leaving the record open for additional written evidence, arguments or testimony pursuant to paragraph (c) of this subsection." ORS 197.763 (emphasis added).

Objection and Motion to Rescind the
Final Decision and to Reopen the Record
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That is, state law required the City to continue the public hearing to another time or to leave the record open so that the parties can submit additional evidence—as the Applicant requested. Further, SCCC § 154.379(D) says:

“* * * any participant may ask the hearings body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The hearings body shall grant the request by scheduling a date to finish the hearing (a “continuance”) per division (D)(2) below, or by leaving the record open for additional written evidence or testimony per division (D)(3) below.” SCCC § 154.379(D) (emphasis added).

Therefore, the City was required to allow the applicant to present additional evidence. The refusal to do so has violated Applicant’s statutory rights.

If the City refuses to cure this violation, LUBA will reverse the City pursuant to *Pinnacle Alliance Group, LLC v. City of Sisters*, 73 Or LUBA 169 (2016) (Any party may request an opportunity to present additional evidence and the hearing body must either continue the hearing or leave the record open to receive the additional evidence, and failure to do so is a procedural error).

Motion

Applicant moves the City Council to rescind its decision to deny the subject application. The decision was procedurally invalid and violates both state law and the City Code. It has substantially violated Applicant’s right to a fair hearing

Applicant further moves the City Council for an order to reopen the record so that the parties may submit additional evidence and argument and to continue the hearing to a future date.

Objection and Motion to Rescind the
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Conclusion

For these reasons the Applicant requests that the City rescind its decision, reopen the record, and continue the hearing to another date.

Respectfully submitted this 13th day of October 2021.

O'CONNOR LAW, LLC

/s/ Garrett West

Garrett K. West, OSB No. 174890

west@oconnorlawgroup.net

670 G St, Suite B

Jacksonville, OR 97530

(541) 702-5350

Of Attorneys for Applicant Michael Kretzer

Shady Cove Comprehensive Plan

Section G. HOUSING

INTRODUCTION

The Residential Buildable Lands Inventory is an assessment of the existing supply of land for residential use within the Shady Cove Urban Growth Boundary (UGB). This section summarizes the methodology, assumptions, and results of the Shady Cove Buildable Lands Inventory. Later sections will compare the supply of buildable land with the anticipated demand to determine if an adequate supply of buildable lands exists.

In 1999 Shady Cove was required to complete a Buildable Lands Inventory because it experienced a growth rate that exceeded the average rate of growth for the state in at least three of the five years prior to 1997. The information derived from the study was useful in guiding decisions about other phases of the periodic review of the Comprehensive Plan. In 2015 a Comprehensive Plan update was completed, as part of that process a review of the Buildable Lands Inventory was complete, the review (including an assumption that property not currently served by full public water and sewer would largely not be possible to develop to urban standards) indicated that the Urban Growth Boundary should be expanded by 2.2 acres in order to provide the necessary land to accommodate housing over the next 20 years. As the expected population growth has changed, the City has seen additional housing construction, several properties have been rezoned, and since previous reviews looked to a 2020 population growth forecast, the City has completed an update to the City's Buildable Lands Inventory looking to a 2041 population forecast. The City has also completed prior professional engineering studies which have showed that extension of public or private water systems could allow urban development of lands currently within the City's Urban Growth Boundary. The Buildable Land Inventory is particularly useful in determining whether adequate land exists in the UGB to accommodate anticipated population growth.

Buildable Land

"Buildable Land" means land within the city and the urban growth boundary that is *vacant*, *partially vacant*, and *redevelopable*, and available for development. Buildable lands are not severely constrained by natural hazards or subject to natural resource protection measures. Publicly owned land is generally not considered available for residential use. Land for future rights-of-way or public and semi-public use is deducted from available land at approximately 25 percent.

In order to general a BLI, digital geographical information (GIS) was analyzed used the City's Comprehensive Plan and zoning designations and Jackson County Assessor's data. GIS data enabled an accurate determination of slope, and will be useful in determining the percentage of buildable land on any given parcel. The Jackson County and Rogue River FEMA (floodway)

maps were digitized to conduct a GIS spatial analysis to exclude lands within the floodway from consideration. This information yielded a gross percentage of each lot that would be suitable for development. This percentage was used to determine the net buildable acres on each parcel. In addition, field work included a windshield survey within the UGB. The following definitions were used in evaluating land availability:

Vacant:

Vacant lots are those parcels that are free of improvements (structures) and are available for future residential, commercial, or industrial development. Vacant areas that are not developable include:

- 1) Floodways
- 2) Resource protection areas
- 3) Parks and land reserved for parks and designated open space
- 4) Paved parking lots.

Partially Vacant:

Partially vacant lands have buildable acreage if the lot size is at a minimum double the minimum size set for residential density in each residential zone, or if suitable acreage is available for commercial or industrial buildings and /or uses.

Redevelopable:

Redevelopable parcels are identified by dividing the Improvement Value by the Total Value (Improvement Value IV + Land Value LV=Total Value). Those tax lots where the surrounding land uses are compatible with more intensive uses, and the improvement value is less than or equal to 30 percent of the total value, are listed as redevelopable (RD) in the City's GIS database.

Local Land Use Constrictions

In accordance with State Land Use Goal 6, and the City's adopted Riparian Protection Ordinance lands within 75 feet of the bank of the Rogue River and 50 feet of the bank of Indian Creek have been removed from the buildable land inventory.

Similarly a Local Street Network Plan adopted in 2007 in accordance with State Land Use Goal 12 outlines street widening projects, street extension projects, and new street construction projects planned by the City, those areas impacted by future street projects have also been removed from the buildable land inventory.

Results of Land Inventory:

The inventory of available buildable land revealed that there are approximately 1,743 net acres in the City Limits and 1,315 net acres suitable for residential development in the combined city and urban growth boundary. Table 1 shows the distribution of these buildable acres by zone for the city, and by Comprehensive Plan designation for the combined city and urban growth boundary.

Table G-1. Total Acres by Plan Designation

Plan Designation	Acres	Percent of Total Vacant
Low Density Residential	1,160	88.2%
Medium Density Residential	100	7.6%
High Density Residential	55	4.2%
Total	1,315	100%

Table G-2. Gross Vacant Acres and Partially Vacant Acres by Plan Designation

Plan Designation	Acres	Percent of Total Vacant
Low Density Residential	538.2	94%
Medium Density Residential	20.6	3.6%
High Density Residential	13.1	2.2%
Total	571.9	100%

There are approximately 1,743 acres of land within the Shady Cove Urban Growth Boundary. There are approximately 1,419 acres of land designated for commercial and residential use, 167 acres of parks and open space, and 157 acres not covered by taxlot boundaries (right of way, water bodies). After removing constrained lands, there are a total of 1,490 tax lots within the urban area. There are 1,361 tax lots available within the UGB available for residential use, and 129 tax lots designated for commercial uses.

Step 3: Determine Unbuildable and Constrained Lands

Some lands cannot be developed because of steep slopes, location in a floodway, or designation as wetlands on the National Wetland Inventory. Only one non-river related wetland feature is located in Shady Cove at the site of a former aggregate operation at the southern edge of the city. The wetland features are along the Rogue River, Indian Creek, Long Branch Creek, and two unnamed Rogue River tributaries on either side of Sawyer Road; however, the 50-foot setback required from these streams will not significantly affect the ability to develop adjoining parcels. Other lands are constrained because they are in public ownership. Significant sections of the City are currently lacking in public services such as sewer or water, however, it has been demonstrated through adopted engineering studies that there is potential for improved public

services to provide greater utility services in the future allowing greater development within the urban area. Information from the City's topographic maps was used to determine slopes greater than 25 percent, which are identified as "steep slopes" on several of the following tables.

Constrained lands removed from the buildable inventory include:

- Floodways and water bodies (100% deduction, all lands)
- 25% and up slope (100% reduction, all lands)
- 1% special flood hazard (100% reduction residential lands, 50% commercial lands)
- 75-foot riparian corridor, Rogue River (100% reduction, all lands)
- 50-foot riparian corridor, Indian Creek (100% reduction, all lands)
- ROW (100% reduction, all lands, existing, and planned in 2007 Local Inventory)

Step 4: Determine Percentage of Acres Needed for Public Facilities

As a community develops, land is needed for roads, parks, schools, places of worship, and other public and semi-public uses. The "Planning for Residential Growth" workbook suggests a range of 23 to 31 percent as appropriate, with smaller communities generally requiring a lower percentage. Shady Cove is similar in size to other communities that have used a 25 percent reduction. For this study all roadways (including several that exist across easements and 'non-roadway' tax lots were removed from the buildable lands inventory. Similarly, street extensions, and widening, layed out in the 2007 Local Street Inventory were also removed as buildable lands.

Step 5: Determine Redevelopment Potential

Redevelopable potential is found on land where development has already occurred but which is likely to be replaced by new construction within the planning period. Using the workbook rule-of-thumb, properties in Shady Cove were evaluated to determine which parcels contained buildings whose value was 30 percent or less of the total property value (building plus land). Because Shady Cove is a relatively young community, its housing is generally in good condition. Using the 30-percent formula, a total of 370.7 acres of residential land and 1.25 acres of commercial land were found to be redevelopable or partially vacant.

SUMMARY OF RESULTS

The following three tables reflect research using the Geographic Information System. Land use information from the Jackson County Assessor's Office was used to identify vacant, partially vacant, and developed residential lands. The information was verified and revised as necessary by staff. In each table, acreage is broken into three categories: Low Density, Medium Density, and High Density. Low density refers to the R-1 zones, Medium Density lands are zoned R-2, and High Density lands are zoned R-3.

Table G-3 - Fully Vacant Lands

Fully Vacant Lands - All vacant residential, minus land for public uses and constrained land (floodway and steep slope).				
Comp Plan	Number of Parcels	Acres	Minus constrained land	Net Total
Low Density	158	280	100.5	179.5
Medium Density	25	30	19.4	10.6
High Density	25	24	12.9	11.1

Table G-4 - Partially Vacant Lands

Partially Vacant Lands - All residential parcels whose improvement value is greater than 5% and less than 40% minus constrained land (flood way and steep slope).				
Comp Plan	Parcels	Acres	Minus constrained land	Net Total
Low Density	533	735	376.3	358.7
Medium Density	25	23	13	10
High Density	11	6.1	4.1	2

Table 5 summarizes the information from Tables 2, 3, and 4.

Table G-5 – Summary of buildable residential lands

Comp Plan	Available Acres
Low Density	538.2
Medium Density (R-2)	20.6
High Density (R3)	13.1
Total	571.9

In reviewing similar information for land designated for Commercial use it was determined that there are 129 taxlots with Commercial Comprehensive Land Use Designation for a total of 103 acres. Review found that there are 110 developed commercial tax lots, 3 partially developed lots totaling 1.25 acres, and 16 vacant lots totaling 6.1 acres.

HOUSING NEEDS ANALYSIS

Projected Needed Housing Units

Portland State University in coordination with DLCDC prepared a coordinated population projections for all jurisdictions within Jackson County in June of 2015. According to Portland State University's December 15, 2020 certified population estimates, Shady Cove had a population of 3,140 in 2020. The coordinated projections established an annual expected population growth rate of 1.6% between 2015 and 2035, and a 1.1% growth rate from 2035-2065. Based on this information Shady Cove can expect a population of 4,194 by the year 2041. Using the present household size of 2.15, approximately 467 additional housing units will be required over the next 20 years to provide housing for the expected population growth of the City's Urban Area.

Figure 1. Jackson County and Sub-Areas—Historical and Forecast Populations, and Average Annual Growth Rates (AAGR)

	Historical			Forecast				
	2000	2010	AAGR (2000-2010)	2015	2035	2065	AAGR (2015-2035)	AAGR (2035-2065)
Jackson County	181,269	203,206	1.1%	211,275	255,840	306,858	1.0%	0.6%
Ashland ¹	20,023	20,626	0.3%	20,905	23,183	24,138	0.5%	0.1%
Butte Falls	440	423	-0.4%	421	437	447	0.2%	0.1%
Central Point	13,310	17,736	2.9%	18,329	22,680	27,485	1.1%	0.6%
Eagle Point	4,952	8,508	5.6%	9,657	14,839	18,669	2.2%	0.8%
Gold Hill	1,181	1,228	0.4%	1,267	1,496	2,018	0.8%	1.0%
Jacksonville	2,256	2,785	2.1%	2,927	4,316	6,687	2.0%	1.5%
Medford	67,865	76,581	1.2%	80,024	99,835	124,582	1.1%	0.7%
Phoenix	4,379	4,774	0.9%	4,955	6,883	9,775	1.7%	1.2%
Rogue River	2,544	2,714	0.6%	2,838	3,705	5,545	1.3%	1.4%
Shady Cove	2,528	3,050	1.9%	3,168	4,343	6,105	1.6%	1.1%
Talent	5,683	6,123	0.7%	6,411	9,020	14,290	1.7%	1.5%
Outside UGBs	56,108	58,658	0.4%	60,373	65,104	67,119	0.4%	0.1%

Sources: U.S. Census Bureau, 2000 and 2010 Censuses; Forecast by Population Research Center (PRC)

¹ For simplicity each UGB is referred to by its primary city's name.

DEMOGRAPHIC, ECONOMIC AND HOUSING TRENDS

This section presents information on trends that will affect Shady Cove's housing demands. It identifies issues to be considered during the housing needs analysis.

1. DEMOGRAPHIC TRENDS

Household characteristics, including household size, age of head of household and household income, are determining factors in the demand for housing. It is assumed that a general decline in the size of households leads to a downward shift in the size of housing itself. Another underlying assumption is that as the age of the head of household increases, there is a gradual shift towards smaller-sized housing units. Lastly, there is a strong relationship between household income and the ability to purchase or rent housing.

Age of Head of Household

Given the way the Census Data is structured, it is not possible to discern a trend in the age of the head of household. One person households identified in the 1990 Census included 73 people or 50.7% who were aged 65 year or more. The number increased to 124 or 53.4 percent in 2000. In 2019 that number decreased to 14.1%. This suggests recent trends of cohabitation among senior citizens, although it does not address the question of the size of housing they occupy.

Median Age

There has been an upward shift in age in the overall population of Shady Cove, as reflected in the 14.8 year increase in the median age between 2000 and 2019.

	Median Age	
	Shady Cove	Jackson County
1980	35.7	31.3
1990	41.8	36.7
2000	45.1	39.2
2019	57.4	43.7

Age Groups in Shady Cove

It is possible to see an aging trend in the overall Shady Cove population by comparing Census Data community age structure. The only age groupings that increased during the 1980 -2000 period were those in the upper brackets, namely, the categories of 45 - 64 years and 65+ years.

	<i>Shady Cove</i>				
	1980	1990	2000	2019	% Change since 1990
under age 5	7.5%	6.3%	5.9%	10.6%	+5.9
5 - 19 years	20.6%	18.7%	17.7%	9.5%	-8.2
20 - 44 years	31.7%	29.3%	26.2%	25.9%	-0.3
45 - 64 years	21.6%	25.5%	27.7%	31%	+3.3
65+ years	18.6%	20.3%	22.3	28.8%	+6.5

In order to provide comparison information here are similar numbers for Jackson County:

	<i>Jackson County</i>				
	1980	1990	2000	2019	% Change 2000-2019
0-4	7.2%	6.66%	6.0%	5.3%	-0.7
5-44	60.8%	56.85%	52.6%	46.3%	-6.3
45-64	19.4%	20.29%	25.3%	25.2%	-0.1
65+	12.6%	16.20%	16.0%	23.3%	+7.3

Population Growth

We can assume that a general growth in population will increase the numbers of households and the need for housing in Shady Cove.

	<i>Shady Cove</i>	
	<i>Population</i>	<i>Households</i>
1980 Census	1,097	448
1990 Census	1,351	548
2000 Census	2,307	989
2019	3,080	1,432
(Population forecast)		
2021	3,190	1,484
2041	4,194	1,951

Shady Cove has experienced a much greater change in population than the county as a whole. From 2000 to 2021, Shady Cove's population increased 38%, while Jackson County's population increased 23% over that same period.

Average household size

A comparison of 1980 through 2000 Census data shows a decrease in household size for Shady Cove. This decrease reflects a similar downward trend in household size in the state, a trend projected to continue into the future. It is assumed that Shady Cove's household size will also continue to decline, due to the aging of its population.

	Shady Cove	Jackson Co.	State
1980 Census: Persons per household	2.48	2.60	
1990 Census: Persons per household	2.38	2.50	2.52
2000 Census: Persons per household	2.33	2.46	2.51
2019 Census data: per household	2.15	2.48	2.50

2. ECONOMIC TRENDS

Household Income

Household income is an indicator of the ability to purchase or rent housing. Household income may be expressed as a median and as a mean. The median establishes the mid-way point in incomes in a population. Fifty percent of all household incomes are above that point and fifty percent are below. The mean is the average of all incomes. Between 2010 and 2019, there were increases in both the median and mean household income levels of Shady Cove residents.

Median household income. The median household income increased 16.69% in the decade 2010 to 2019. The median household income in Shady Cove falls notably below that for Jackson County as a whole.

	<i>Shady Cove</i>	<i>Jackson County</i>
1979	\$11,406	\$15,468
1989	\$18,831	\$25,069
2010	\$34,250	\$52,352
2019	\$39,967	\$53,256

Mean household income. This figure provides less information than the median, since we have less information on the range and distribution of incomes.

2010 Shady Cove Household Mean Income - \$44,120

2019 Shady Cove Household Mean Income - \$55,486

Poverty

In 1979, the income of 16.9% of the population was below the poverty level. This percentage decreased slightly by 1989, when it was found that 15.7% were below the poverty level. Certain types of households, namely, female householder families with related children under 18 years are most likely to live below poverty. In 2019, the income of 14.7% of the population was below the poverty level.

Household Size

In 2019 household size is broken down as follows:

- 1-person households – 360
- 2-person households – 713
- 3-person households – 166
- 4-or-more-person households - 193

3. HOUSING TRENDS

Housing Units

Since 1990, the number of housing units in Shady Cove has more than doubled.

1970	293
1980	489
1990	621
2000	1,107
2019	1,432

Housing Occupancy

The percentage of owner-occupied housing, as compared to renter-occupied housing, has remained stable between 1980 and 2000. (Only occupied housing units are included in this table.)

	1980	%	1990	%	2000	%	2019	%
Owner-occupied units	320	72.20	393	71.7	715	72.3	1,073	74.9
Renter-occupied	123	27.76	155	28.3	274	27.7	359	25.1
Total units	443		548		989		1,432	

Units in Structure

A housing unit is defined in the Census of Housing as a house, an apartment, a mobile home or trailer, or a single room occupied as separate living quarters. Separate living quarters are those in which the occupants live and eat separately from any other persons in the building and which have direct access from outside the building or through a common hall.

The increase in mobile homes from 1980 to 2019, is important to note. In 1980, there were 98 mobile home/trailer units in Shady Cove; by 1990, the number had increased to 247, and by 2019 that number has increased to 430.

	1990 Units in Structure	2019 Units in Structure
1-unit, detached *	335	879
1-unit, attached * *	13	12
2 - 4 units	15	96
5 -9 units	1	0
10 or more units	10	15
Mobile home, trailer	<u>247</u>	<u>430</u>
Total Units	621	1,432

* Detached means there is open space on all sides, or the house is joined only to a shed or garage. Mobile homes with permanent room additions are included in this category.

** Attached means that the house is joined to a building by at least one wall that goes from ground to roof. Living quarters attached to commercial structures are included.

Since 2000, approximately 338 dwelling units have been constructed in Shady Cove.

CONCLUSIONS

On the basis of the statistics presented, certain conclusions may be reached regarding demographics, economics and housing in Shady Cove.

1) Several factors combine to suggest the need for smaller sized housing units.

Average household size is decreasing and will likely continue to decrease. The slight reduction of household size in the from 2.38 to 2.15 reflects this trend. The older age groups in the community have increased, while population of people between 5 and 44 years old has decreased.

2) Income factors suggest that less expensive housing alternatives are needed.

With continued lower median income levels less expensive housing alternatives are needed as options in the Shady Cove Urban Area. The percentage of low/moderate income residents in Shady Cove is one of the second highest in the county.

3) Housing costs have far outstripped income levels.

With a median household income of \$18,831 in 1989, at least half of all households were unable to purchase a home. The average 2010 housing value in Shady Cove rose to \$208,300, and in 2019 to \$292,700. The median value of a home in Shady Cove increased by over 40% between 2010 and 2019, while median earnings in Shady Cove only rose by 17%.

Affordable Housing Types

The preceding information confirms that a wide gap exists between personal income and housing cost trends. Whereas Shady Cove has among the highest percentage of low to moderate income residents, it has among the highest housing costs in Jackson County. Much of this disparity can be attributed to the presence of a large population of retired persons on fixed incomes living in high-quality housing. Because the Rogue River runs for nearly three miles through Shady Cove, the city has a disproportionately large number of up-scale riverfront homes.

Manufactured dwelling parks have provided significant housing opportunities for residents having low to moderate incomes. In 1998, Shady Cove manufactured home parks contained approximately 221 mobile homes and manufactured dwellings; an additional 20 spaces were vacant. There are currently very few if any vacant sites. The percentage of housing represented by mobile homes (30) is among the highest of incorporated cities in Jackson County.

Nearly 111 apartment units have been constructed since 1990, providing additional lower cost housing. These units account for nearly 14 percent of the housing added since 1990. Given the significant increase in apartments and manufactured dwelling park spaces, it would seem that the trend would continue.

One method for achieving affordable housing is to reduce land costs. The primary method for achieving this is to provide smaller building lots. Which has been occurring in Shady Cove over the last 30 years.

NEEDED NET DENSITIES

The Board of County Commissioners has adopted a population projection of 4,194 for the year 2041, an increase of 1,887 from the 2000 Census of 2,307. Using the present household size of 2.15, approximately 467 dwelling units will be necessary.

Shady Cove has three residential plan designations: Low Density, Medium Density, and High Density.

- Low Density Residential - one to six units per acre
- Medium Density Residential - up to ten units per acre
- High Density Residential - up to twenty units per acre.

BUILDABLE LAND AT ACTUAL DENSITIES

The purpose of this chapter is to discern whether the UGB contains enough buildable land to accommodate the 20-year housing need at recently developed densities. As determined previously, approximately 467 additional dwelling units will be needed to accommodate the projected population of 4,194 in the year 2041.

Table 6 outlines the needed acres in each residential comprehensive plan designation needed to provide housing at similar levels of density as Shady Cove has historically experienced. Maximum densities would show an even higher level of surplus residentially designated land.

Table 6 - Difference Between Needed Land and Buildable Land

Plan Designation	Needed Acres (Historical Density)	Buildable Acres	Difference	Additional Acres Needed
Low Density	216.3	538.2	+321.9	0
Medium Density	8.6	20.6	+12	0
High Density	9.4	13.1	+3.7	0
Total	234.3	571.9	+337.6	0

Table 6 shows that the city contains a surplus of single-family residential land, medium- and high-density housing. The current residential use land designations of the City of Shady Cove are adequate to provide available land for residential development for the next 20 years.

POTENTIAL MEASURES FOR MORE EFFECTIVE LAND USE WITHIN UGB

While it appears that Shady Cove has adequate acreage to accommodate the projected 2020 population, there are measures that can be used to increase the efficiency of land use in the city.

Shady Cove is a city in transition from a community with a rural character to a more urban form. The preceding information indicates that adequate acreage exists to accommodate the projected 2041 population even when reflecting the recent trends of homes on half-acre lots. Because the Comprehensive Plan Low Density Residential designation accommodates all R1 zones, the City has the ability to initiate zone change from R1-20 and R1-40 to R1-10, which would increase potential residential density from the historical trend of two homes per acre to a more urban density of four homes per acre. This would further reduce the amount of land needed to accommodate projected populations.

The City may also want to consider incentives for increased densities, particularly in lands zoned for medium and high density. One method is to provide public improvements near an area where development is desired.

An additional limiting factor to urban type development within the Urban Area is a lack of available municipal utilities in all areas. A private water system serves large areas of the urban area, but not all. Recent engineering reports related to potential for future infrastructure improvements show that utility infrastructure is may likely be able to allow continued densification and more urban development of parcels with the urban growth boundary.

This process has corrected the City's functional Zoning and Comprehensive Land Use Maps which will allow accurate accounting for all historic zoning and land use comprehensive designations.

This review process has shown that the City has an issue with incomplete and underdeveloped street systems. A 2007 Local Road Inventory accurately accounts for all existing and future necessary road developments. The City should work to clarify ownership and classification of existing roadways and to obtain right of way to allow future planned streets to accommodate necessary infrastructure and allow for better connectivity and emergency ingress/egress related to residential development needs.

HOUSING POLICIES

The City of Shady Cove adopts these policies:

1. The City of Shady Cove will encourage and provide for the availability of a diversity of housing as to type, location, density, and cost.
2. The City of Shady Cove will seek to minimize housing costs while maintaining the City's livability.
3. The City of Shady Cove will promote energy conservation.
4. The City of Shady Cove will seek to ensure the City accommodates its share of regional housing needs considering housing types, densities, and prices.
5. Site plan review will be required for developments proposed in medium and high density residential areas.