

Agenda
Shady Cove Regular City Council Meeting and Public Hearing
Thursday, November 4, 2021
6 PM

<https://us02web.zoom.us/j/87045813950?pwd=QXF6R0FUVGU1bEZPejNrVEZtVIBvUT09>

Meeting ID: 870 4581 3950

Passcode: 932529

One tap mobile

+13462487799,,87045813950#,,,,*932529# US (Houston)

+16699006833,,87045813950#,,,,*932529# US (San Jose)

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 18 at 6 PM, both in Council Chambers and via Zoom.
3. The next regularly scheduled meeting of the Planning Commission is Wednesday, November 10 at 6 PM, both in Council Chambers and 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 Hearing** (pgs 4-24) to Consider a Recommendation from the Planning Commission regarding a proposed Comprehensive Plan Amendment from Commercial to Low Density Residential and a Zone Change from GC (General Commercial) to R-1-20 (Low Density Residential) for property located at 20140 Hwy 62, Assessor's Map No. 34-1W-21D Tax Lot 201. Planning File No. ZC 21-01. Owner: Jason Andrest. Applicant: Michael and Maria Fischer.

- Read Public Hearing Open Statement.

- Jurisdiction Question.
- Conflict of Interest.
- Staff Comments. (Ryan Nolan)
- Applicant's Testimony/Council Questions
- Proponent's Testimony/Council Questions.
- Opponent's Testimony/Council Questions.
- Final Staff Comments.
- Close/Continue Hearing.

III. Public Comment on Agenda Items

IV. Consent Agenda (pgs 25-41)

- A. Bills Paid Report 9/30/21-10/7/21, \$5,503.89
- B. Bills Paid Report 10/8/21 – 10/21/21 \$5,745.11
- C. Minutes of 102121
- D. First Quarter Budget to Actual Report

V. Items Removed from Consent Agenda

VI. Staff Reports

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

VII. New Business

- A. First Reading - Ordinance # 302, an Ordinance of the City of Shady Cove, Oregon, Amending the Comprehensive Plan and Changing the Zoning Map of the City of Shady Cove. (pgs 42-44)

VIII. Old Business

- A. First Reading - Ordinance # 299, Establishing a Public Safety Act and Imposing a Surcharge for Police Funding and Repealing Ordinance # 264 (pgs 45-55)
- B. First Reading - Ordinance # 300, Adopting System Development Charges for the City of Shady Cove and Repealing Ordinance # 271 (pgs 46-65)
- C. Resolution 21-08, Fee Schedule, Establishing Fees and Charges (pgs 66-69)

Shady Cove City Council Regular Meeting

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- D. First Reading - Ordinance # 301, Defining Nuisances and Offenses and Providing for Abatement Procedures and Penalties and Repealing Ordinance # 251 (pgs 70-81)
- E. Bridge Signing

IX. Written Communication

X. Public Comment on Non-Agenda Items

XI. Council Comments on Non-Agenda Items

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

Adjournment

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

IN THE MATTER OF CONSIDERATION OF AN)
APPLICATION FOR APPROVAL OF ZC 21-01) **RECOMMENDATIONS**
REQUEST FOR A COMPREHENSIVE PLAN) **TO CITY COUNCIL**
AMENDMENT AND ZONE CHANGE IN THE CITY)
OF SHADY COVE)

Owner: Jason Andrest

Applicant: Michael and Maria Fischer

RECITALS:

- 1) An Application for a Zone Change for the purpose of altering the zoning designations from GC (General Commercial) to R-1-20 (Low Density Residential) was filed and duly accepted by the City on July 30, 2021 and certified complete on August 5, 2021.
- 2) Subject property, described as tax lot 201 on Jackson County Assessor's Map No. 34-1W-21D, is designated as GC (General Commercial).
- 3) Chapter 154, §§154.435 through 154.441 of the Shady Cove Code of Ordinances governs Plan Amendments and Zone Changes within the corporate limits of the City and requires, if approval is recommended by the Planning Commission, that the City Council of the City of Shady Cove make the final decision regarding the application. Public notice was provided through the Upper Rogue Independent, as well as notices to affected property owners via United States Postal Service. The Planning Commission finds and concludes that proper notice has been given.
- 4) The Shady Cove Planning Commission, after providing proper public notice, met in Public Hearing on September 30, 2021 to consider the application and receive testimony from the applicant, interested parties and staff. The staff recommendations, as submitted to the Planning Commission, are contained in reports which are part of the record.
- 5) On September 30, 2021, following the close of the public hearing, the Planning Commission deliberated on the record of the proceedings, after which a motion was made and duly seconded, to **recommend approval** of the Comprehensive Plan Amendment and Zone Change request. The motion passed by a roll call vote of 3 to 0.

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

SECTION 1: FINDINGS

- 1) The standards used to evaluate applications for a zone change authorization are contained in Chapter 154, §§154.435 through 154.441 of the Shady Cove Code of Ordinances.
- 2) The Planning Commission hereby incorporates by reference all oral deliberations and findings of fact established in the record of the public hearing, and cites by reference: oral testimony by the applicant and the application and findings of fact which are a part of the record, the City Planner's staff report.
- 3) The Planning Commission hereby finds that it has received all information and evidence necessary to consider the application for a Comprehensive Plan Amendment and Zone Change authorization.

SECTION 2: DECISION

Based on the record of the public hearing on this matter, the Planning Commission concluded that the case for a Comprehensive Plan Amendment and Zone Change authorization has been substantiated. Therefore, based upon compliance with the relevant sections of the City of Shady Cove Code of Ordinances Chapter 154, the Planning Commission **recommends approval** of the Comprehensive Plan Amendment from Commercial to Low Density Residential and Zone Change from GC (General Commercial) to R-1-20 (Low Density Residential).

This RECOMMENDATION for APPROVAL is given to the Shady Cove City Council this

07 day of October, 2021, in Shady Cove, Oregon.



Hank Hohenstein
Planning Commission Chair



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

Date: August 24, 2021

Application No: ZC 21-01

Owner / Applicant: Jason Andrest / Michael and Maria Fischer

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

Address: 20140 Highway 62, Shady Cove, OR 97539

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

Acreage: .46 acres

Zoning: General Commercial

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

Section 154.439 establishes the following criteria:

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

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

C. Economic Development

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

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

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

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

F. Public Facilities and Services

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

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

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

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

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

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

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

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

H. Land Use

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

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

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

Finding: See finding under Public Facilities element.

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

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

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

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

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

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

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

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

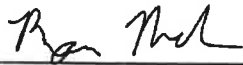
Finding: Agencies providing public facilities and services were notified of the proposal.

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

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

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

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



Ryan Nolan, CFM, City Planner

CITY OF SHADY COVE
ZONE CHANGE APPLICATION

Comprehensive Plan Amendment

OFFICE USE:

Application No. ZC 21-01 Received By DJenmain Date 7/30/21
Amount Paid \$2500.00 Receipt No. 27183 Hearing Date 9/9/21
~~FBD~~
9-23-21

TO BE COMPLETED BY APPLICANT:

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

Property Street Address: 20140 Hwy 62

Between Cindy way and Butte falls / willow lake streets.

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

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

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

MATERIALS REQUIRED (Application must include all required supplemental materials and application form at the time of filing.)

- 1) Attach a copy of recorded covenants, conditions or deed restrictions, if any, concerning the present use of this property.
- 2) Attach a copy of property plat map.
- 3) Attach a copy of a plot plan indicating the existing property lines and the proposed use. (Conceptual Plan)
- 4) Attach a list with the names and addresses of adjacent property owners within 200 feet of any boundary of the property.
- 5) Attach a metes and bounds description of the property.

CERTIFICATION

I hereby certify that the information given above and attached hereto is true and correct, that the property owner is aware of and agrees with this application, and that falsification of fact will result in invalidation of the application. I understand that any approval given is valid for the specific project only, and is subject to all applicable laws, regulations and conditions. Further, I understand that the fee paid at the time of submitting this application does not cover any professional, legal, or consulting fees incurred by City and that I am responsible for all costs incurred by the City of Shady Cove in connection with processing this application.

APPLICANT'S SIGNATURE Michael A. Fischer MARIA FISCHER

ADDRESS ROQUE RIVER RV PARK 21800 Hwy 62 # 80 PHONE NUMBER (609) 820-6583
Shady Cove, OR 97539 michaelalan.fischer@gmail.com

PURSUANT TO ORS 227, THIS APPLICATION IS CONSIDERED COMPLETE WHEN REVIEWED, DATED AND SIGNED BY THE CITY

PLANNER OR HIS/HER DESIGNATE

Complete Incomplete

Signature [Signature]

Date 8/5/21

CITY OF SHADY COVE
ZONE CHANGE APPLICATION
Page 2, Findings

Attach additional sheets as necessary

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

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

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

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

This property meets the public need best by:

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

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

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

**LIMITED POWER OF ATTORNEY
FOR LAND-USE AND DEVELOPMENT PERMITS**

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

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

Jason Andrest 7/29/2021
Sellers Signature - Date

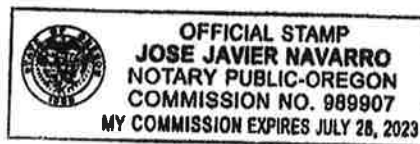
Michael A. Fischer 7/29/21
Buyers Signature - Date

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

STATE OF OREGON }
 } ss
County of Jackson }

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

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



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

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



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

Map data ©2021

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

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

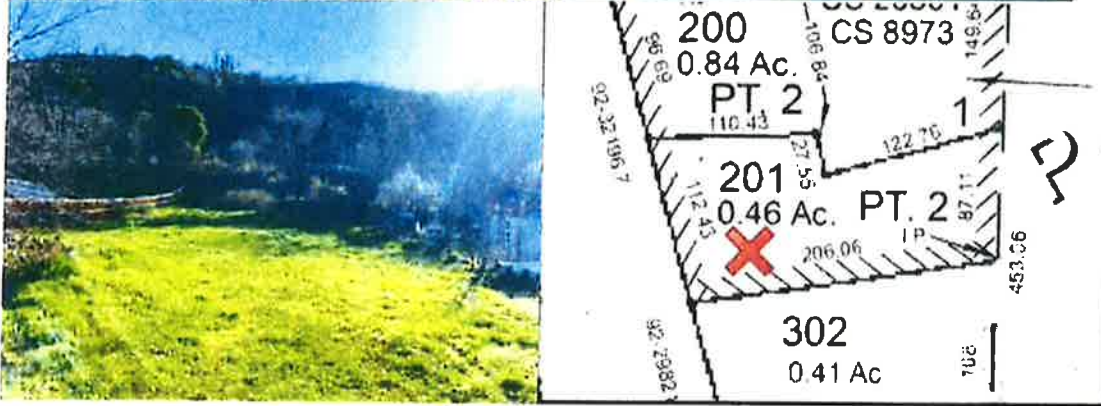
General Property Information	Exterior Information	Land Information
CC&R's: No FIRPTA: No Association: No Elementary School: Shady Cove School Middle Or Junior School: Check with District High School: Eagle Point High Tax Annual Amount: \$795.44 Tax Lot: 201 Tax Map Number: 341w21d Tax Year: 2020 Potential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

Listing courtesy of:

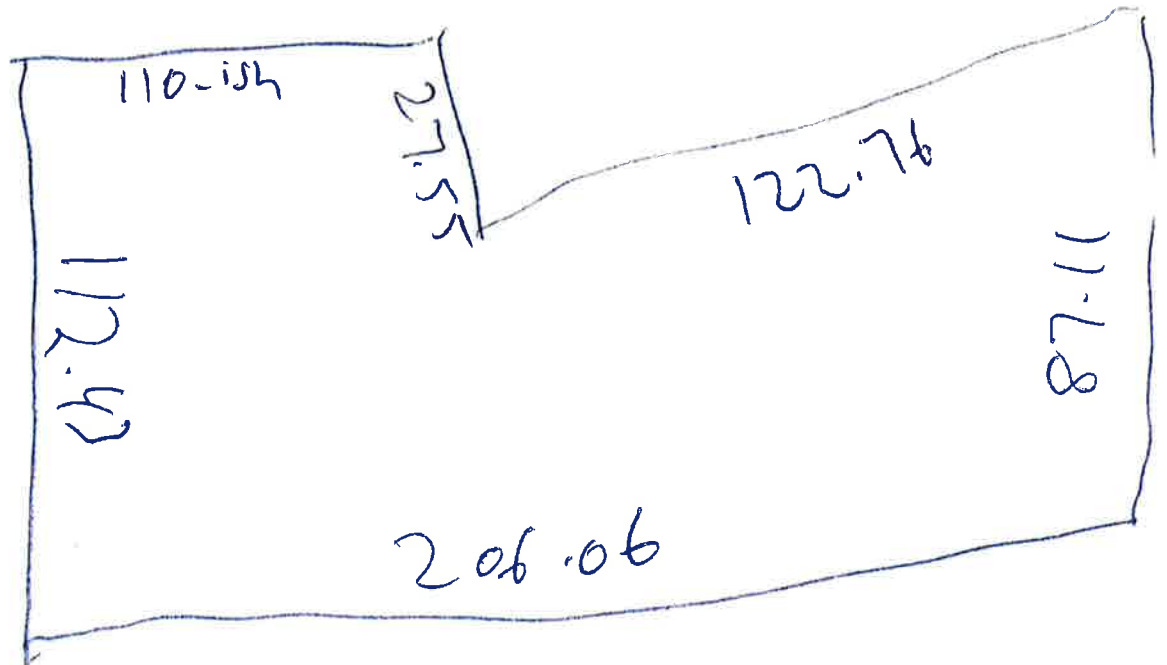
Slade Bittler License:201210593
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 1600 Skypark Dr., Ste. 202
 Medford, OR 97504
 541-944-5620
 541-608-6704
 541-944-5620
 slade@rogucommercial.com
 http://www.rogucommercial.com



2021



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



Account Sequence	Map TL Sequence	Assessment Year 2020	Print Window	Close Window
Assessment Info for Account 1-099295-6 Map 341W21D Taxlot 201 Report For Assessment Purposes Only Created June 29, 2021				
Account Info		Tax Year 2020 Info		Land Info
1-099295-6		Pay Taxes Online		9-15
341W21D 201				0.46
ANDREST JASON P		Details		Zoning
20140 HWY 62 SHADY COVE R				BS 0.46 Ac
ANDREST JASON P		Details		Land Class
4582 TABLE ROCK RD				Property Class 100
CENTRAL POINT OR, 975023150		Details		Stat Class 000
				289736-1
		Details		1
				000
		Details		04
				ACTIVE
		Details		Assessable
				NORMAL
Sales Data (ORCATS)				
\$ 175,000		Apr 14, 2016		2016-11785 Details
Value Summary Detail (For Assessment Year 2020)				
Market Value Summary (For Assessment Year 2020)				
9-15	LAND	0.46	\$ 92,620	\$ 92,620
Details			\$ 59,610	\$ 59,610
			\$ 92,620	\$ 92,620
			\$ 59,610	\$ 59,610
Photos and Scanned Documents				
SCANNED ASSESSOR DOCUMENTS		(See new portal)	(See new portal)	Photo
Account Comments				
>>>5/30/17 LLA BETWEEN 341W21D-200 (+0.26 AC- TTL 0.84 AC) & 341W21D-201 (-0.26AC - TTL 0.46 AC) PER CS 22228 - ALL IMPV. TO REMAIN WITH TL 200. #173 >>>				
Exemptions / Special Assessments / Notations / Potential Liability				
CARTOGRAPHIC ACTIVITY			2017	
CARTOGRAPHIC ACTIVITY			2010	
Location Map				
County of Jackson, OR, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, I... Powered by Esri				
Close Window		Print Window		



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

FORM 1

FOR DLCD USE
File No.:
Received:

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

Jurisdiction: **City of Shady Cove**

Local file no.: **ZC 21-01**

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

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

Local contact person (name and title): **Ryan Nolan**

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

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

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

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

Date of first evidentiary hearing: **August 26th, 2021**

Date of final hearing: **October 7th, 2021**

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

Check all that apply:

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

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

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

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

Notice checklist. Include all that apply:

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

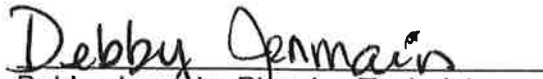


Mayor
Shari Tarvin

Councilors
Dick McGregor
Kathy Nuckles
Tim Evert

CERTIFICATE OF MAILING

I hereby certify that on September 2, 2021 I provided a copy of the REQUEST FOR AGENCY/NEIGHBOR COMMENT, APPLICATION ZC 21-01 by first class mail to the following (list attached):


Debby Jermain, Planning Technician

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

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



Mayor
Shari Tarvin

Councilors
Dick McGregor
Kathy Nuckles
Tim Evertt

PUBLIC HEARING NOTICE REQUEST FOR AGENCY/NEIGHBOR COMMENT

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

Date: September 2, 2021

File No: ZC 21-01

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

Applicant: Jason Andrest

Owner: Michael and Maria Fischer

ADDRESS 20140 Hwy 62, Shady Cove, OR 97539

34-1W-21D, Tax Lot 201

Zoning: GC (General Commercial)

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

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

- We encourage denial of this proposal because:

Agency/Prop. Owner (print)

Phone #

Signature of Agency Rep./Prop. Owner

Date

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

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

Thomas Corrigan
Spencer McMahan
NO ENVELOPE

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

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

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

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

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

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

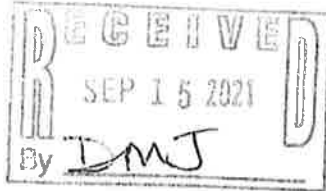
SMAIL GERALD
20076 HWY 62
SHADY COVE, OR 97539

BURKETT JAMES K
20076 HWY 62
SHADY COVE, OR 97539

ANDREST JASON P
PO BOX 523
SHADY COVE, OR 97539

NEKOUIE EDWIN R
20066 HIGHWAY 62
SHADY COVE, OR 97539

GERMANO VICTOR D
20082 HIGHWAY 62
SHADY COVE, OR 97539



Mayor
Shari Tarvin

Councillors
Dick McGregor
Kathy Nuckles
Tim Evert

PUBLIC HEARING NOTICE REQUEST FOR AGENCY/NEIGHBOR COMMENT

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

Date: September 2, 2021

File No: ZC 21-01

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

Applicant: Jason Andrest

Owner: Michael and Maria Fischer

ADDRESS 20140 Hwy 62, Shady Cove, OR 97539

34-1W-21D, Tax Lot 201

Zoning: GC (General Commercial)

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

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

We encourage denial of this proposal because:

Jason Andrest
Agency/Prop. Owner (print)

541 973 5391
Phone #

Jason Andrest
Signature of Agency Rep./Prop. Owner

9/9/21
Date

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

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

PUBLIC NOTICE



REVISED NOTICE OF PUBLIC HEARING

Mayor
Shari Tarvin

Councillors
Dick McGregor
Kathy Nuckles
Tom Evert

The City of Shady Cove Planning Commission will hold a Public Hearing at 8:00 p.m. on Thursday, September 30, 2021, in the City Hall Council Chambers, 22451 Hwy 62, Shady Cove, Oregon for the following purpose:

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

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

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

Failure to raise an issue at a hearing, in person or in writing, accompanied by statements or evidence sufficient to afford the decision maker and the applicant an opportunity to respond to the issue, shall preclude appeal to the Oregon State Land Use Board of Appeals based on that issue. All testimony and evidence must be directed towards specific criteria, copies of which are available at City Hall.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (541) 878-2225. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title II).

PUBLIC NOTICE



NOTICE OF PUBLIC HEARING

Mayer
Shari Tarvin

Councilors
Doris McCreary
Kathy Goodstein
Yona Evertt

The City of Shady Cove, City Council will hold a Public Hearing at 6:00 p.m. on **Thursday, November 4, 2021**, at the City Hall Council Chambers, 22451 Highway 62, Shady Cove, Oregon for the following purposes:

Consider a recommendation from the Planning Commission regarding a proposed Comprehensive Plan Amendment from Commercial to Low Density Residential and a Zone Change from GC (General Commercial) to R-1-20 (Low Density Residential) for property located at 20140 Hwy 62, Assessor's Map No. 24-1W-21D Tax Lot 201. Planning File No. ZC 21-01. Owner Jason Andrest. Applicant: Michael and Maria Fischer.

Oral and written public testimony regarding this matter will be accepted at the public hearing. Mail written comments to Planning Department, City of Shady Cove, PO Box 1210, Shady Cove, OR 97539, via fax at 541-878-2226, or via E-mail at djermaine@shadycove.org.

The proposed zone change and file information are available for public review at City Hall, 22451 Hwy 62, Shady Cove during regular office hours or for purchase if requested. For additional information call Shady Cove Planning Department at 541-878-8200.

Failure to raise an issue at a hearing, in person or in writing, accompanied by statements or evidence sufficient to afford the decision maker and the applicant an opportunity to respond to the issue, shall preclude appeal to the Oregon State Land Use Board of Appeals based on that issue. All testimony and evidence must be directed toward specific criteria, copies of which are available at City Hall.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (541) 878-2226. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.704 ADA Title II).

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				5,503.89

Check Issue Dates: 10/8/2021 - 10/21/2021

Oct 28, 2021, 08:09AM

Check Issue Date	Check	Payee	Description	Amount
10/14/2021	50130	VOID		(40.22)
10/14/2021	50130	VOID		(40.22)
10/18/2021	50135	AT&T Mobility	Cell phones 9/6-10/5	189.75
10/18/2021	50136	Bruce & Cindy Caico	Refund - Property Sold	92.66
10/18/2021	50137	Canon Financial Services, Inc.	Copier Lease 10/1-10/31	203.82
10/18/2021	50138	Confident Staffing, Inc.	M Rowden 08/22/2021	881.75
10/18/2021	50139	David Christian	Radio 10/10-10/14	90.00
10/18/2021	50139	David Christian	Radio 10/4-10/8	90.00
10/18/2021	50140	Hunter Communications	Phone/Internet 11/1-11/30	594.15
10/18/2021	50141	InstaPrint	Window envelopes	149.95
10/18/2021	50142	KAS & Associates, Inc.	Code Research Private Parking Lot	60.00
10/18/2021	50143	Philadelphia Insurance Companies	Liability Ins 11/1/21-11/1/22	1,403.00
10/18/2021	50144	Project A, Inc.	Dev/Hosting 10/2021	200.00
10/18/2021	50145	RVCOG	B Benton 07/21-09/21	1,410.15
10/18/2021	50146	Southern Oregon Sanitation	22451 Hwy 62 10/2021	40.22
10/18/2021	50146	Southern Oregon Sanitation	Nork Ln 09/2021	40.22
10/18/2021	50147	WECO - Carson	Gas/Diesel 09/30/2021	30.89
10/21/2021	50148	Postmaster	10/2021 sewer bill postage	348.99
Grand Totals				<u>5,745.11</u>

City of Shady Cove
City Council Regular Meeting and Public Hearing Minutes
Thursday, October 21, 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 COMMENT ON AGENDA ITEMS

Tanda Murders, 138 Orchard Lane, had questions on Ordinances presented.

II. CONSENT AGENDA

Items in Consent Agenda

- A. Bills Paid Report 9/30-10/7/21 \$5503.89
- B. Minutes of 10/7/21 Meeting

Motion to Accept Consent Agenda, Minutes from 10/7/21 with correction, Bills Paid Report of 9/30-10/7.

Motion: Councilor Nuckles Second: Councilor Evertt

Motion Carried 4-0

III. ITEMS REMOVED FROM CONSENT AGENDA

No items removed

IV. STAFF REPORTS

- A. Jackson County Deputy – Deputy Mateos. No serious crime happening currently.
- B. Fire Chief Winfrey, FD4 – Fire season is over. Air quality requirements in effect for burning. Burning of garbage is prohibited. Check heating appliances and smoke alarms

and make sure they are actively working. Fire Department has fire alarms available and can install if needed.

- C. Commissions/Committees – Not present
- D. City Administrator – Burn phone number 541-776-7007. “Got Leaves?” program begins November 1. No bags, dump leaves into the trailer. Shake out test for Jackson County emergency services received today. If you are not signed up for citizen alert, link is on City website. Emergency Management Fair is happening in March. City is looking to participate in the Transportation Growth Management Grant. Infrastructure Grant – Request for Qualifications sent to satisfy Grant criteria. FEMA Grant is also in progress. RFP for Auditors is also on our website.

V. NEW BUSINESS

- A. SOREDI – Abigail Skelton project manager of EDA grants. Shady Cove has \$7800 that needs to be used by June 30, 2022.

Business Oregon – Marta Tarantsey. from Business Oregon gave us options for ARPA Tourism Grant, Business Oregon encourages the collaboration with neighboring communities. Placemaking endeavor ideas, enhance safety pedestrian and curb appeal, LED lighting for street lights, electric charging station, community communications such as flyers, welcome to Shady Cove plaque or welcome sign to put in front of businesses affected by COVID, evacuation signage, mural creations, printed promotional material for Citizen alert or Radio Stations. Community ideas are very welcome.

- B. Underrepresented Business Grant – Looking for suppliers. Due November 15th. Technical Assistance for small businesses can include plan review, brand identity, technology support, access to capital and business coaching.
- C. Draft Ordinance of 299 – Public Safety Ordinance amendment of 264. Changes include properties within the City limit that are undeveloped, charge will be 50% of Public Safety Fee (currently planned \$10.50 per month).
- D. Draft Ordinance of 300 – Amending the Ordinance Adopting System Development Charges and Repealing Ordinance 271. Changes include verbiage stating Land Use Approval does not trigger the payment of System Development Charges. This allows for the SDC's to be collected when a building permit is issued not at the time of Land Use Approval by the City.
- E. Draft Ordinance 301 – Amending Nuisances and offenses and Providing for Abatement Procedures and Penalties and Repealing Ordinance 251. Changes include removing dates for weed abatement to include all year. Also revising the noxious vegetation definition to exclude the Riparian Zone.

VI. OLD BUSINESS

Consideration for Reopening of the Public Hearing of FPA 21-02 to allow Mr. Kretzer to submit additional information and continuing the matter until December 2, 2021.

Motion to Reopen the Public Hearing regarding FPA 21-02, Kretzer, to allow applicant time to submit additional information and continue the matter until December 2, 2021.

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

VII. WRITTEN COMMENT

None

VIII. PUBLIC COMMENT ON NON-AGENDA ITEMS

Sue Krupa – Having a hard time hearing the councilors.

IX. COUNCIL COMMENTS ON NON AGENDA ITEMS

- A. Councilor Evertt – No comment
- B. Councilor McGregor – No meeting on RVACT, so no report.
- C. Councilor Nuckles – Wish all the families Happy Halloween and hope that the kids take advantage of the trick or treating around the City. Also encourage residents to use the Leaf Drop Off. Everyone received their ballots and hope that everyone returns them so we can have a full council.
- D. Mayor Tarvin – A lot of people are participating in the Trunk or Treat. The whole town is having something fun. Scarecrow contest happening as well to be judged by URCC. Be safe on the roadways, a lot of rain predicted.

X. ADJOURNMENT

There being no further business before the Council, the Mayor adjourned the meeting at 7:52 PM.

Approved:

Attest:

Shari Tarvin
Mayor

Thomas J. Corrigan
City Administrator

Council Vote:

Mayor Tarvin

Councilor McGregor

Councilor Nuckles

Councilor Evertt

DRAFT

2021-2022
As at 09/30/2021
Budget to Actual Report

**RESOURCES
GENERAL FUND 10**

City of Shady Cove

RESOURCE DESCRIPTION	Annual Budget	Actual Year-To-Date	% of Annual Budget
Current Cash on Hand	441856	305,177	
Beginning Balance (Audit)			
Beginning Balance (Budget)			
Previously levied taxes estimated to be recv'd.	1,000		0%
Interest	12,000	-	0%
OTHER RESOURCES			
State Subventions	95,700	27,077	28%
Franchise Fees	310,000	65,938	21%
City Fees (Business License & OLCC License)	25,000	20,433	82%
City Fees (TOT, Raft)	50,000	38,920	78%
City Fees (Planning & Building)	12,000	(625)	-5%
Administrative Allocation	135,785	33,946	25%
Municipal Court	6,000	2,374	40%
Miscellaneous Income	500	14,054	2811%
Public Safety Fee	360,000	103,010	29%
Floodplain Permit Fee	1,000	-	0%
Radio Underwriting	5,000	-	0%
CJ's Hope	2,500	1,000	40%
Special Payment RVSS	1,050,000	226,952	22%
Payment from RVSS for US Bank Loan	125,744	123,843	98%
American Rescue Program	697,000	347,303	50%
Library District Expense Reimbursement	1,500	-	0%
Flag Program	1,500	650	43%
RVSS Reimbursement to City for Billing Services	50,000	50,000	100%
Total resources, except taxes to be levied	3,384,085	1,054,876	31%
Current taxes received	155,731	3,001	2%
Delinquent levied taxes received		-	
TOTAL RESOURCES	3,539,816	1,057,877	30%

2021-2022
As at 09/30/2021
Budget to Actual Report

DETAILED REQUIREMENTS

GENERAL FUND 10

City of Shady Cove

REQUIREMENTS DESCRIPTION	# of FTE's	Annual Budget	Actual Year-To-Date	% of Annual Budget
PERSONNEL SERVICES				
SALARIES & BENEFITS				
City Administrator	1	96,910	21,875	23%
Planning Technician	1	65,670	14,611	22%
Accounting Technician	1	60,940	10,978	18%
Administrative Assistant	1	49,500	419	1%
Maintenance II	1	48,510	10,678	22%
Seasonal Worker	0.5	5,500		0%
Overtime		2,750		0%
Benefits		154,000	48,187	31%
TOTAL PERSONNEL SERVICES	5	483,780	106,749	22%
MATERIALS & SERVICES				
Professional Services (Auditor, Legal, etc.)		70,000	21,760	31%
Operations & Maintenance		100,000	38,232	38%
Discretionary		500		0%
Promotion/Tourism		5,000	1,017	20%
Recognition & Awards		3,000	1,125	38%
Floodplain Management		4,000	-	0%
Planning & Building		18,000	6,731	37%
Training/Conferences		2,000	932	47%
Disaster Preparedness		3,000	25	1%
Radio Station		6,000	1,372	23%
Library Maintenance-Parking Lot		2,000		0%
Flag Program		1,500	-	0%
Records Retention		2,000	39	2%
Special Payment RVSS		1,050,000	226,952	22%
US Bank Principal (January)		60,000	-	0%
US Bank Interest (July/January)		64,044	-	0%
US Bank Agent Fees		1,700	700	41%
American Rescue Program		300,000	-	0%
CJ's Hope		2,500	1,000	40%
TOTAL MATERIALS AND SERVICES		1,695,244	299,885	18%

2021-2022
As at 09/30/2021
Budget to Actual Report

DETAILED REQUIREMENTS

GENERAL FUND 10

City of Shady Cove

REQUIREMENTS DESCRIPTION	Annual Budget	Actual Year-To-Date	% of Annual Budget
REQUIREMENTS			
Law Enforcement Contract (JC SO)	496,315	173,708	35%
Law Enforcement - Community Resource Officer	42,500	14,136	33%
PUBLIC SAFETY REQUIREMENTS	538,815	187,843	35%
TOTAL PUBLIC SAFETY REQUIREMENTS	538,815	187,843	35%

2021-2022
As at 09/30/2021
Budget to Actual Report

DETAILED REQUIREMENTS

GENERAL FUND 10

City of Shady Cove

REQUIREMENTS DESCRIPTION	Annual Budget	Actual Year-To-Date	% of Annual Budget
MATERIALS & SERVICES			
Parks- Utilities	2,000	134	7%
Parks - Park Maintenance	2,200	901	41%
Parks - Materials & Supplies	1,500	1,115	74%
PARKS MATERIALS & SERVICES	5,700	2,150	38%
TOTAL PARKS MATERIALS & SERVICES	5,700	2,150	38%

2021-2022
As at 09/30/2021
Budget to Actual Report

DETAILED REQUIREMENTS

GENERAL FUND 10

City of Shady Cove

REQUIREMENTS DESCRIPTION	Annual Budget	Actual Year-To-Date	% of Annual Budget
CAPITAL OUTLAY			
TOTAL CAPITAL OUTLAY	-	-	
TRANSFERS & CONTINGENCIES			
Transfers			
Transfer OUT - to Capital Purchase Reserve Fund 06			
Transfer OUT - to Capital Improvements Fund 07			
Contingency	50,000		
TOTAL TRANSFERS & CONTINGENCIES	50,000	-	
UNAPPROPRIATED ENDING FUND BALANCE			
	-		
Ending Balance (Prior Years)			
TOTAL REQUIREMENTS	2,773,539	596,627	22%

2021-2022
As at 09/30/2021
Budget to Actual Report

SPECIAL REVENUE FUND
RESOURCES AND REQUIREMENTS

STREETS 01

City of Shady Cove

DESCRIPTION RESOURCES AND REQUIREMENTS	Annual Budget	Actual Year-To-Date	% of Annual Budget
RESOURCES			
Current Cash on Hand	130,243	10,576	
State Highway Revenue	243,432	61,097	25%
TOTAL RESOURCES	373,675	71,673	19%
REQUIREMENTS			
MATERIALS & SERVICES			
Operations & Maintenance	73,000	10,716	15%
Utilities	4,000	951	24%
Vehicle Maintenance	7,500	380	5%
Professional Services	70,000	2,190	3%
Administrative Allocations	125,000	33,946	27%
Travel and Training	2,000	-	0%
Sidewalks	2,000		
Contingency	5,000		
UNAPPROPRIATED FUND BALANCE	85,175		
TOTAL MATERIALS & SERVICES	373,675	48,183	13%

2021-2022
As at 09/30/2021
Budget to Actual Report

**RESERVE FUND
RESOURCES AND REQUIREMENTS**

CAPITAL PURCHASE RESERVE FUND 06

City of Shady Cove

DESCRIPTION RESOURCES AND REQUIREMENTS	Annual Budget	Actual Year-To-Date	% of Annual Budget
RESOURCES			
Current Cash on Hand	150,000		
Beginning Balance (Audit)			
Beginning Balance (Budget)			
TOTAL RESOURCES	150,000	-	0%
TOTAL RESOURCES REQUIREMENTS			
TRANSFERS			
CAPITAL OUTLAY			
Future Development	150,000	-	0%
UNAPPROPRIATED ENDING FUND BALANCE			
TOTAL REQUIREMENTS	150,000		0%

**RESERVE FUND
RESOURCES AND REQUIREMENTS**

CAPITAL IMPROVEMENT FUND 07

City of Shady Cove

DESCRIPTION RESOURCES AND REQUIREMENTS	Annual Budget	Actual Year-To-Date	% of Annual Budget
RESOURCES			
Current Cash on Hand			
Beginning Balance (Audit)			
Beginning Balance (Budget)			
Transferred IN, from other funds			
Oregon Health Authority Grant	20,000	3,925	20%
CDBG Grant	2,500,000		0%
AARP Grant	25,000		
Business Oregon Fuel Reduction Study	11,000	15,291	
OEM / FEMA Fuel Reduction/Work	85,000		
Reader Board Grant	10,000		
TOTAL RESOURCES	2,651,000	19,216	1%
TOTAL RESOURCES			
REQUIREMENTS			
TRANSFERS			
CAPITAL OUTLAY			
OR Health Authority Feasibility Study Expenditures	20,000		0%
CDBG Grant Expenditures	2,500,000		0%
AARP Grant Expenditures	25,000		
Bus OR Fuel Reduction Study Expenditures	11,000	8,719	
OEM/FEMA Fuel Reduction Expenditures	85,000		
Reader Board Expenditures	10,000		
UNAPPROPRIATED FUND BALANCE			
UNAPPROPRIATED ENDING FUND BALANCE			
TOTAL REQUIREMENTS	2,651,000	8,719	0%

2021-2022
As at 09/30/2021
Budget to Actual Report

RESERVE FUND
RESOURCES AND REQUIREMENTS
SYSTEM DEVELOPMENT CHARGE - 08 City of Shady Cove
TRANSPORTATION ACCOUNT

DESCRIPTION RESOURCES AND REQUIREMENTS	Annual Budget	Actual Year-To-Date	% of Annual Budget
RESOURCES			
Beginning Balance (Audit)			
Beginning Balance (Budget)	121,651	22,160	
Interest	2,000	1,782	89%
New Development	60,000	38,540	64%
SCA Grant - Cleveland Street	100,000		
SCA Grant - New	100,000		
TOTAL RESOURCES	383,651	62,482	16%
REQUIREMENTS			
CAPITAL OUTLAY			
Street Improvements	15,000		
SCA Grant - Cleveland Street	100,000		
SCA Grant - New	100,000		
TOTAL CAPITAL OUTLAY	215,000	-	0%
Contingency	20,000		
Unappropriated Ending Fund Balance	148,651		
TOTAL REQUIREMENTS	383,651	-	0%

2021-2022
As at 09/30/2021
Budget to Actual Report

RESERVE FUND
RESOURCES AND REQUIREMENTS
SYSTEM DEVELOPMENT CHARGE - 08 City of Shady Cove
STORM WATER ACCOUNT

DESCRIPTION RESOURCES AND REQUIREMENTS	Annual Budget	Actual Year-To-Date	% of Annual Budget
RESOURCES			
Beginning Balance Audit			
Beginning Balance Budget	7,500		
Interest	1,000		0%
New Development	12,000	3,000	25%
TOTAL RESOURCES	20,500	3,000	15%
REQUIREMENTS			
CAPITAL OUTLAY			
Stormwater Drains-TMDL	12,000		0%
TOTAL CAPITAL OUTLAY	12,000	-	0%
Street Sweeping	4,000		
Unappropriated Ending Fund Balance	4,500		
TOTAL REQUIREMENTS	20,500	-	0%

2021-2022
As at 09/30/2021
Budget to Actual Report

RESERVE FUND
RESOURCES AND REQUIREMENTS
SYSTEM DEVELOPMENT CHARGE - 08
PARKS ACCOUNT

City of Shady Cove

DESCRIPTION RESOURCES AND REQUIREMENTS	Annual Budget	Actual Year-To-Date	% of Annual Budget
RESOURCES			
Beginning Balance (Audit)			
Beginning Balance (Budget)	6,125		
Interest	200		0%
New Development	12,000	3,000	25%
TOTAL RESOURCES	18,325	3,000	16%
REQUIREMENTS			
Contingency	3,000		
TOTAL REQUIREMENTS	3,000	-	0%
Unappropriated Ending Fund Balance	15,325		
TOTAL REQUIREMENTS	18,325	-	0%

After recording, return to:
City of Shady Cove
22451 Highway 62
PO Box 1210
Shady Cove OR 97539

City of Shady Cove

Ordinance No. 302

**AN ORDINANCE OF THE CITY OF SHADY COVE, OREGON AMENDING
THE COMPREHENSIVE PLAN AND CHANGING THE ZONING MAP OF
THE CITY OF SHADY COVE**

Whereas, the City of Shady Cove received an application for a Comprehensive Plan Amendment from Commercial to Low Density Residential and a Zoning Map Change from GC (General Commercial) to R-1-20 (Low Density Residential), referred to as ZC 21-01 and located at 20140 Highway 62; and

Whereas, a Public Hearing was convened before the Council of the City of Shady Cove on November 4, 2021, to consider a recommendation for approval from the Shady Cove Planning Commission; and

Whereas, the Council of the City of Shady Cove determined, based on the hearings record and the approved findings, that the request for a Comprehensive Plan Amendment and Zone Change is consistent with the applicable criteria and approved the request.

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

The Comprehensive Plan Map Amendment and Zoning Map Change are approved as follows:

- | | |
|------------------------|--|
| Section 1: Title | This Ordinance shall be known as the amended Comprehensive Plan and Zoning Map Ordinance of the City of Shady Cove, Oregon. |
| Section 2: Description | A map, attached as Exhibit B, identifies the property which is referenced as Tax Lot 201 on the Jackson County Assessor's Map No. 34-1W-21D. |

Section 3: Amendment The Shady Cove Comprehensive Plan Map is amended from Commercial to Low Density Residential and the Zoning Map is amended to change the zoning of Tax Lot 201 on Jackson County Assessor's Map No. 34-1W-21D from GC (General Commercial) to R-1-20 (Low Density Residential).

Section 4: The City Council adopts as its own, and incorporates by reference, the findings attached as Exhibit A.

PASSED AND APPROVED by the City Council of the City of Shady Cove this _____ day of December, 2021

Approved:

Attest:

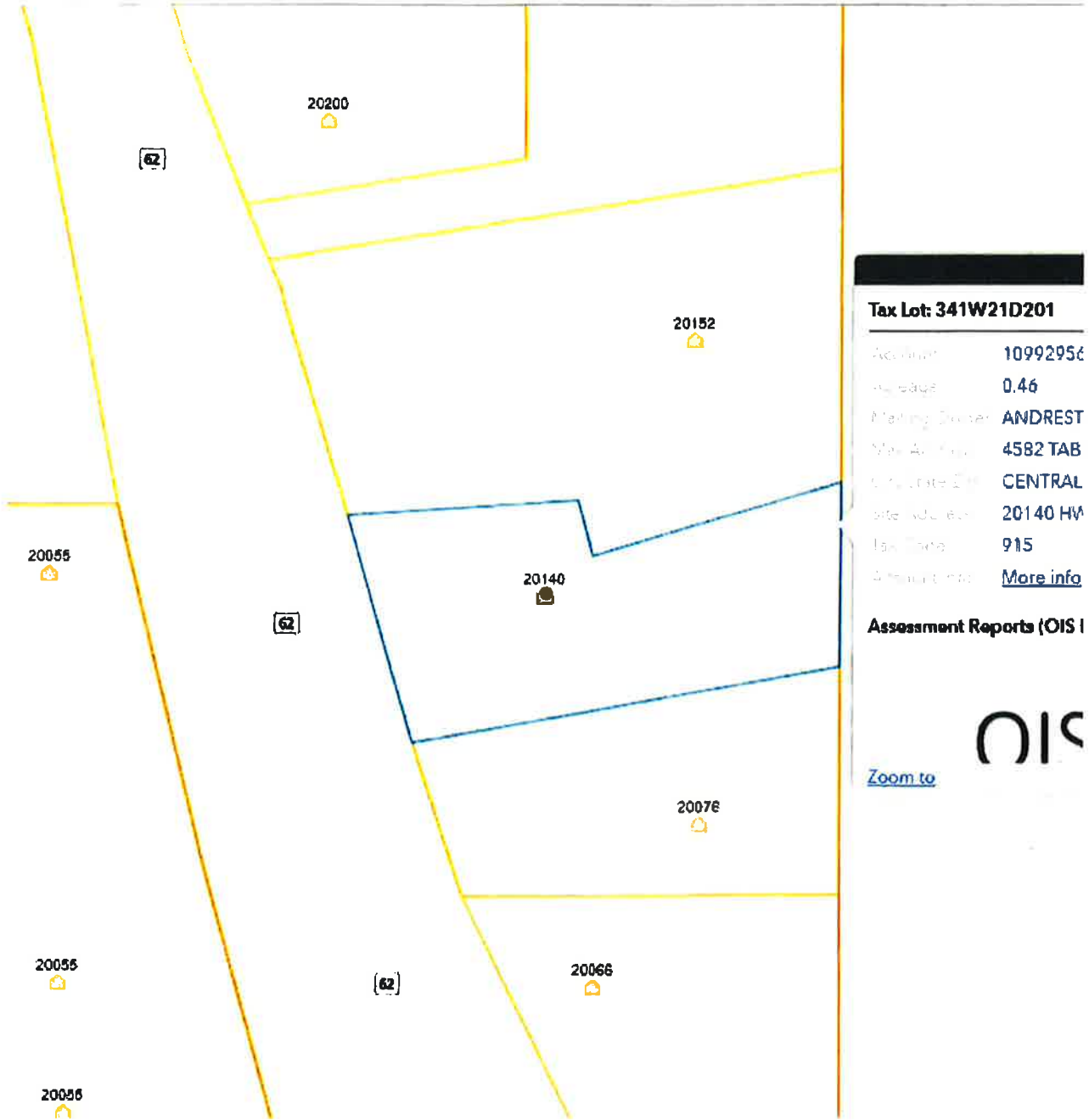
Shari Tarvin
Mayor

Thomas J. Corrigan
City Administrator

Council Vote:

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

EXHIBIT B



Ryan Nolan, Principal Planner

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

DRAFT

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 twenty-one dollars (\$21.00 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 50% of the single non-residential unit public safety fee. ~~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 assessed to the property and shall run with the land. Any unpaid assessments will be the responsibility of any subsequent owners. New utility services will be dependent on a paid account regardless of whether a subsequent owner inherited a delinquency.

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 within 60 days of the receipt of written appeal.** ~~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 or other means as determined practical by Rogue Valley Sewer Services.
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.

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

City of Shady Cove

Ordinance No. 300

AN ORDINANCE OF THE CITY OF SHADY COVE, OREGON ASOBTPTING SYSTEM 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 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 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 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 to 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.
- 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

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 costs 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.

- 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 5 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 purpose, "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.
 - c. 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:

Attest:

Shari Tavin
Mayor

Thomas J. Corrigan
City Administrator

Council vote:

Mayor Tavin _____
Councilor McGregor _____
Councilor Nuckles _____
Councilor Evertt _____

City of Shady Cove

Resolution 21-08

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHADY COVE,
OREGON, ESTABLISHING FEES AND CHARGES**

Whereas, it is the policy of the City of Shady Cove to require the recovery of certain City costs from fees and charges levied therefore in providing City services products and regulations; and

THE CITY COUNCIL RESOLVES AS FOLLOWS:

SECTIONS1: Fees Established

Fees and charges for certain City services, products and regulations are established and set as enumerated in the attached Exhibit "A" incorporated by reference as though fully set forth herein.

SECTION 2: Rates Note Enumerated

Rates for any category, not enumerated in this Resolution, may, from time to time, beset by the City Council.

SECTION 3: Resolutions Repealed

All previous Fee Resolutions are hereby repealed.

SECTION 4: Effective Date

This Resolution shall be effective January 1, 2022

Adopted by the Shady Cove City Council this 4th day of November, 2021

Approved:

Attest:

Shari Tarvin
Mayor

Thomas J. Corrigan
City Administrator

Council Vote:

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

Exhibit "A"
Attachment to City of Shady Cove Fee Resolution No. 21-08

ADMINISTRATIVE FEE		
Administrative Fee	\$45.00	Per hour, per person, after first 15 minutes.
Copies	\$0.30	Per page.
Copies	\$0.55	Per side for 11x17.
Audio Recording (CD)	\$5.00	Actual cost of CD and staff time to reproduce CD.
Returned Check Fee	\$30.00	Returned Check/ACH Fee.
Debit / Credit Card Transaction Fees	TBD	
BUSINESS LICENSE		
Business License	\$85.00	All business licenses. Businesses located in the City, out of City or Home Occupations, etc.
Duplicate Business License	\$10.00	
1 to 30 Day License	\$10.00	One per fiscal year.
License Late Fee	20%	If paid after August 1 a 20% (\$17.00) late fee will be assessed.
License Reinstatement Fee	\$25.00	
Prorated Business License	\$7.00/Month + Next Fiscal Yr.	For a new business beginning after Dec 31 through the end of the fiscal year + full rate of the next fiscal year.
Flag Program	\$50.00	Per calendar year
LIQUOR LICENSE		
Change of Ownership	\$35.00	
Renewal	\$35.00	
Temporary/Special Event	\$35.00	
TAXES AND FEES		
Raft Rental Tax	\$3.00	Per raft rental (Ord. 199 & 232).
Transient Occupancy Tax	6%	(Ord. 140, 140-01, & 171)
PLANNING FEES ***		
Access Permit	\$200.00	Road access.
Ancillary - Up to 100 Sq. Ft.	\$75.00	Applies to small outdoor improvements ancillary to existing structures such as decks and stairs.
Appeal	\$300.00	
Conditional Use Permit	\$600.00	
Consulting, Legal and Professional Charges	Admin Fee	Plus \$45.00 per hour, per person after first 15 minutes.
Extensions	\$25.00	
Fence Permits (Non-Floodplain)	\$50.00	
(Floodplain)	\$250.00	
Final Plat	Half Original Fee	
Floodplain - Additional Inspections	\$150.00	
Floodplain Applications : Minor	\$275.00	Minor includes one inspection.
Floodplain Applications : Major	\$700.00	Includes up to three inspections.
Floodplain Minor File Review	\$150.00	No on site inspection.
Floodplain Minor File Review	\$75.00	Tree removal.
Lot Line Adjustment	\$300.00	
Land Partition Minor	\$600.00	No road creation.

PLANNING FEES continued***		
Land Partition Major	\$1,200.00	Extension or creation of a road
Other Inspection Services	Admin Fee	Plus \$45.00 per hour, per person after first 15 minutes.
Planned Unit Development	\$2,000.00	Plus \$50.00 per lot
Pre-Application Conference	\$400.00	\$100 Credit on land use approval application
Revision to Prior Approval	Half Original Fee	
Sign Permit	\$50.00	Per property.
Land Use Approval	\$175.00	Plus any required engineering cost.
Site Development Review	\$175.00	Resident, Non Floodplain, Plus any required engineering cost.
Site Design Review	\$450.00	Resident, Floodplain & Commercial, Plus any required engineering cost.
Subdivision or Mobile Home Park	\$2,000.00	Plus \$50.00 per lot, Plus any required engineering cost.
Variance	\$500.00	Plus any required engineering cost.
Zone Change Application	\$1,500.00	Plus any required engineering cost.
Zone Change & Comp Plan Amendment	\$2,500.00	Plus any required engineering cost.
Zone Change & Annexation	\$3,000.00	Plus any required engineering cost.
STREET IMPROVEMENTS		
28' with Curb and Gutter	\$120.00 per linear foot	Established by Resolution #99-12
STREET IMPROVEMENTS		
36' with Curb and Gutter	\$136.00 per linearfoot	Established by Resolution #99-12
STORM DRAINAGE		
Excavation and backfill, 18 HOPE, pipe curb inlets	\$60.00 per linear foot	Established by Resolution #99-12
WATER IMPROVEMENTS		
8" C-900 PVC water main, 6" fire hydrant lines, water service lines, excavation and backfill and valves, bends, appurtenances	\$55.00 per linear foot	Established by Resolution #99-12
ENGINEERING / CONTRACT / ADMINISTRATION & SURVEY WORK		
Engineering/Contract/Administration & Surveying	\$40.00 per linear foot	Established by Resolution #99-12
5' Concrete Sidewalk (Optional on Street Improvement)	\$20.00 per linear foot or \$4.00 per square foot	Established by Resolution #99-12
SYSTEM DEVELOPMENT CHARGES (SDC's)		
Ordinance No. 271 & Resolution No. 15-18 - Single Family Residential/ EDU		
Parks: Single Family	\$1,500.00	Established by Resolution 19-04.
Storm Water: Single Family	\$1,500.00	Established by Resolution 19-04.
Transportation: Single Family	\$7,500.00	Established by Resolution 19-04.
PUBLIC SAFETY		
Driver License Reinstatement	\$20.00	
Public Safety Surcharge	\$18.00	Per month per unit. Residential & Non Residential. Excludes unimproved properties
Public Safety Fee - Code Enforcement	\$3.00	Per month per unit. Residential & Non Residential. Excludes unimproved properties.

SEWER MONTHLY RATES		
Residential		
EQUIVALENT DWELLING UNIT (EDU)		
Single Family	\$44.00	
Multiple Family	\$44.00	Per Unit.
Mobile Home Park	\$44.00	Per Space.
LODGING		
Motel	\$46.00	Plus \$10.00 per unit (21.7% of EDU)*.
R.V. Park	\$46.00	Plus \$10.00 per unit (21.7% of EDU)*. If rented for more than 30 days the full EDU rate (\$46.00) applies.
RESTAURANTS & BARS		
Restaurants & Bars	\$46.00	Plus \$1.75 per seat (3.8% of EDU)*
OTHER COMMERCIAL		
Car Wash	\$46.00	Per Stall.
Laundromat	\$46.00	Plus \$23.00 per washing machine (50% of EDU)*.
Business/Building with 1-5 employees	\$46.00	
Business/Building with 6 + employees	\$92.00	
Fats, Oils, Grease Surcharge (FOG)	\$50.00	1st month out of compliance
Fats, Oils, Grease Surcharge (FOG)	\$100.00	Each additional month out of compliance (with maximum limit of \$1,000.00 per month)
OTHER		
Churches, Other Non-Profit	\$46.00	
Recreation Vehicle Dumping Station	\$92.00	
Service Outside the City	\$66.00	
School	\$46.00	Plus \$0.35 per student and employee (307)**.
Utility Billing Late Fee	1.5% or \$10.00	assessed monthly at 1.5% or \$10.00, whichever is more.
Utility Billing Collection Fee	25%	25% administrative fee added to all accounts turned over to collections.
Vacated Buildings Sewer Maintenance Fee	\$46.00	Full months only. (Commercial)
Vacated Buildings Sewer Maintenance Fee	\$44.00	Full months only. (Residential)
Lien Search	\$25.00	
*Percentage will be applied to any subsequent change in EDU rate.		
** Number of students and employees will be validated each year.		
***All Planning Fees may be subject to actual cost of such as; engineer, arborist, County, attorney, surveyor, etc.		

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 # 251.

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 AM 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 defection 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 outside of the Riparian Zone 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.
5. Vegetation within defined Riparian Zones will be maintained per the Riparian Ordinance.

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 14 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 trial 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

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