

Agenda
Shady Cove Regular City Council Meeting
Thursday, December 2, 2021
6 PM

<https://us02web.zoom.us/j/84593278061?pwd=T0xGN3BtNDVmZ1FETk4ybKZSdUtpZz09>

Meeting ID: 845 9327 8061

Passcode: 295190

One tap mobile

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I. Call to Order

- A. Roll Call
- B. Swearing in of New Councilor
- C. Pledge of Allegiance
- D. 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 December 16 at 6 PM, both in Council Chambers and via Zoom.
- 3. The next regularly scheduled meeting of the Planning Commission is December 9 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 December 14 at 10 AM at the Library.
- 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 5-52)

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

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- Read Public Hearing Open (Continuing) Statement.
- Jurisdiction Question.
- Conflict of Interest.
- Staff Comments. (Ryan Nolan)
- Applicant's Testimony
- 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 53-70)

- A. Bills Paid Report 10/22/21-11/10/21, \$ 112,735.25
- B. Bills Paid Report 11/11/21-11/23/21, \$ 13,659.84
- C. Monthly Budget Report
- D. Minutes of 102121

V. Items Removed from Consent Agenda

VI. Staff Reports

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

New Business

- A. 1st Reading – Ordinance #303, an Ordinance of the City of Shady Cove Dedicating Certain Real Property for Street Purposes (pgs 71-72)
- B. Appointment of President of Council
- C. Discussion to Dissolve Parks and Rec Commission
- D. Contract Bids

VII. Old Business

- A. 2nd 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 73-88)

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- B. 2nd Reading - Ordinance #299, Amending the Ordinance of the City of Shady Cove, Oregon, establishing a Public Safety Act and Imposing a Surcharge for Police Funding and Repealing Ordinance #264. (pgs 89-99)
- C. 2nd Reading - Ordinance #300, Amending the Ordinance of the City of Shady Cove Adopting Systems Development Charges and Repealing Ordinance #271 (pgs 100-108)
- D. 2nd Reading - Ordinance #301, an Ordinance of the City Council of the City of Shady Cove Defining Nuisances and Offenses and Providing for Abatement Procedures and Penalties and Repealing Ordinance #251 (pgs 109-120)
- E. Cares Act Funding (pgs 121-128)

VIII. Written Communication

IX. Public Comment on Non-Agenda Items

X. Council Comments on Non-Agenda Items

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

Adjournment

Statement of Votes Cast by Geography
Jackson County, November 2, 2021 Special Election, Nov 02, 2021
All Precincts, City of Shady Cove, All ScanStations, City of Shady Cove, Council Member, All Boxes
Abstract of Votes-City of Shady Cove
Total Ballots Cast: 745, Registered Voters: 2475, Overall Turnout: 30.10%
45 precincts reported out of 45 total

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2021-11-19
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Choice	Votes	Vote %
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All Precincts

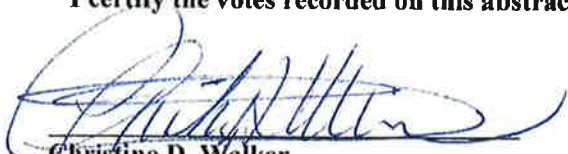
City of Shady Cove, Council Member (Vote for 1)

745 ballots (0 over voted ballots, 0 overvotes, 12 undervotes), 2475 registered voters, turnout 30.10%

Tanda Murders	378	51.57%
Paige Winfrey	351	47.89%
Write-in	4	0.55%
Total	733	100.00%
Overvotes	0	
Undervotes	12	

State of Oregon
ABSTRACT OF VOTE

I certify the votes recorded on this abstract correctly summarizes the tally of votes cast at the election indicated.



Christine D. Walker
County Clerk & Recorder
Jackson County, Oregon



11-19-2021
Date



**Type III Staff Report
Floodplain Development Permit/Riparian Application
Pedestrian Bridge at 128 Penny Lane/
Ongoing Vegetation Maintenance**

Date: September 22, 2021

Description of Property: 34-1W-21AA, Tax Lot 2600

Address: 128 Penny Lane, Shady Cove Oregon

Planning Application: FPA 21-02/Riparian Permit

Owner/ Applicant: Michael Kretzer

Proposal: Receive after the fact approval for the placement of a pedestrian bridge across a portion (branch arm) of the Rogue River, and riparian permit for ongoing vegetation maintenance.

Zoning: Low Density Residential R-1-20

Public Hearing Date: October 7, 2021

In accordance with Section 151.009 development within a Special Flood Hazard Area requires a permit prior to construction and any development requiring an engineering analysis shall be heard through a quasi-judicial land use hearing. Due to the length of time already spent handling this unpermitted development the City has elevated the review to the City Council for determination.

Chapter 151 of the City of Shady Cove Code of Ordinances outlines the requirements for development within the identified Special Flood Hazard Area. Similarly, Ordinance 279 adopted June 16th, 2016 outlines the City's Riparian Corridor Protection standards. According to the applicant a pedestrian bridge was placed across a small branch arm of the Rogue River at 128 Penny Lane. The applicant was not aware that permits were required for the bridge construction. The applicant has applied for an after the fact approval of a temporary pedestrian bridge, and ongoing vegetation maintenance within the Riparian Protection Corridor.

While Section 151.046 allows temporary encroachments in the floodway, there are very specific criteria by which the City can approve these temporary encroachments. The temporary encroachment must be for the purpose of a Capital Improvement Project, the encroachment is limited to the length of the development permit associated with the project, a flood warning system must be implemented to warn potentially affected downstream property owners, the applicant must accept liability for flood damage downstream in writing, and a professional engineer must provide a 'no-rise' analysis, an agreement to monitor the project and correct problems must be included, and the encroachment must comply with all provisions of the flood hazard reduction section of the code of ordinances.

The existing bridge does not meet any of these criteria, and all are required for approval.

Section 151.027 outlines what a complete application for development in the Special Flood Hazard should include. Section 151.046(A) requires an engineer analysis for any

development in the floodway. Section 151.047(A)(1) requires that any structure be properly anchored, while Section 151.048(A)(2) requires that construction materials be resistant to flood damage. The application additional information but not a complete engineer analysis yet. A complete application would include all information required in Section 151.027, 151.047, and 151.048.

In addition to the Flood Hazard Reduction Code Section, the bridge needs to be reviewed under the Riparian Protection Ordinance as well.

Section II(B) describes the riparian protection corridor as an area 75 feet upland from the top of bank. As the bridge is built from bank to bank of the small channel of the Rogue River it is within the Riparian Protection Corridor. Section III (B) states that private paths are allowed in the Riparian Protection Corridor. However, Section III (C) states that structures are prohibited unless they are replacement structures or include evidence that the final development provides increased riparian protection. This is not a replacement structure, and no evidence has been presented to describe the impact on riparian areas.

All applications, in accordance with Section IV (C) are to be referred to Oregon Department of Fish and Wildlife for recommendation. ODF&W have submitted tentative comments, but final comments will await final application materials.

The application asks for after the fact approval of a pedestrian bridge built in the special flood hazard area and riparian protection corridor. ~~The application does not yet include engineering review to include a no-rise analysis as required.~~ ***On September 29th the applicant's Engineer provided staff with additional information to include; a riparian site plan, a No Rise Certification and Report, and an additional submittal narrative. Based on the additional information Staff considers this application to be complete on September 29th, 2021. In accordance with ORS 227.181 the City shall render a final decision on the request by January 27, 2022.***

The additional material submitted by the applicant satisfies the submittal criteria in Section 151.027, 151.046, 151.047, 151.048, and Section IV (A-C) of Ordinance 279.

The applicant has also requested approval of area wide vegetation maintenance. Section III (B)(9) allows perimeter mowing and fire hazard prevention maintenance so long as the vegetation control is approved through an application.

Approval Criteria and Findings – Provisions For Flood Hazard Reduction

The City shall approve, approve with conditions or deny the application for a development in the Special Flood Hazard Area on a finding that all of the following criteria are satisfied.

§ 151.045 SITE IMPROVEMENTS AND SUBDIVISIONS.

(A) All plans and permits for proposed new site improvements, subdivisions, and manufactured home parks shall be consistent with the need to minimize flood damage and ensure that building sites will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes historical data, high water marks, photographs of past flooding, and the like.

FINDING: Requires discretion from City Council. The applicant has submitted photographic evidence as well as an Engineer prepared "No-Rise" analysis indicating

that the pedestrian bridge structure will minimize flood damage. However, no description of any engineered anchoring of the structure has been provided. **The City Council should decide if the new site improvement has been constructed in a manner to meet reasonable flood damage prevention.**

(B) Building lots shall have adequate buildable area outside of regulatory floodways.

FINDING: Satisfied. This application is not a request to divide land, the existing lot has adequate buildable area outside of the regulatory floodway.

(C) Site improvement proposals, subdivision development plans, and manufactured home park plans shall include the mapped flood hazard zones and regulatory floodway boundaries from the effective FIRM.

FINDING: Satisfied. The applicant has provided adequate mapping to show flood hazard zones and regulatory floodway boundaries at the site.

(D) Where base flood elevation data has not been provided or is not available from another authorized source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).

FINDING: Satisfied. Base flood elevations have been provided.

(E) Site improvements, subdivisions, and manufactured home parks shall have public utilities and facilities such as sewer, gas, electric and water systems located and constructed to minimize or eliminate damage and infiltration of floodwaters. Replacement public utilities and facilities such as sewer, gas, electric and water systems, likewise shall be sited and designed to minimize or eliminate damage and infiltration of floodwaters.

FINDING: Not Applicable. No public utilities or facilities are affected by this development.

(F) New and replacement on-site waste disposal systems and sanitary sewerage systems shall be located and constructed to avoid functional impairment, contamination, or discharges from them, during flooding.

FINDING: Not Applicable. No waste disposal system is part of this development.

(G) Subdivisions and manufactured home parks shall have adequate drainage provided to reduce exposure to flood hazards.

FINDING: Not Applicable. Development does not include subdivision or mobile home park construction.

§ 151.046 DEVELOPMENT IN REGULATORY FLOODWAYS.

(A) Except as provided in division (E) of this section, encroachments, including fill, new construction, substantial improvements, fences and other development are prohibited in the regulatory floodway unless certification by a registered professional

engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that such encroachment will not result in any increase in flood levels during the occurrence of the base flood discharge.

FINDING: Satisfied. The applicants Engineer has submitted an acceptable 'No Rise' analysis that substantially satisfies this requirement.

(B) Any fill permitted to be placed in the regulatory floodway shall be designed to be stable under conditions of flooding, including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and flood-related erosion and scour.

FINDING: Not Applicable. No fill is proposed as part of this development.

(C) If permitted, fences shall not cause any rise in base flood elevation and are subject to the no-rise and CLOMR provisions of divisions (A) and (D) of this section.

FINDING: Not Applicable. No fences are proposed as part of this development.

(D) Applicants shall obtain a Conditional Letter of Map Revision (CLOMR) from FEMA before an encroachment, including fill, new construction, substantial improvement, fences, or other development, in the regulatory floodway is permitted that will cause any increase in the base flood elevation unless the development causes a temporary encroachment and the conditions in division (E) of this section are satisfied.

FINDING: Satisfied. The applicant's Engineer has provided a satisfactory engineering analysis that allows the development without a Conditional Letter of Map Revision.

(E) Temporary encroachments in the regulatory floodway for the purposes of capital improvement projects (including bridges) may be allowed even if the encroachment results in an increase in flood levels during the occurrence of the base flood discharge, and without obtaining a CLOMR, when:

(1) The project is limited as to duration with the days and dates that the structure or other development will be in the regulatory floodway specified in the development permit;

(2) Accessory structures (i.e. construction trailers) are restricted from the regulatory floodway;

(3) The project limits placement of equipment and material in the regulatory floodway to that which is absolutely necessary for the purposes of the project;

(4) The project includes a flood warning system sufficient to allow equipment to be evacuated from the regulatory floodway and placed outside the area of special flood hazard in the event of imminent flood;

(5) The project applicant identifies any insurable structures affected by temporary changes to the area of special flood hazard or base flood elevation and notifies owners of any increased risk of flooding; and

(6) The project applicant is provided with written notification that they may be liable for any flood damages resulting from the temporary encroachment.

FINDING: Not applicable. This is not a capital improvement project.

(F) Projects for stream habitat restoration may be allowed without certification by a registered professional civil engineer provided:

(1) The project qualifies for a Department of the Army, Portland District Regional General Permit for Stream Habitat Restoration (NWP-2007-1023);

(2) A qualified professional (a registered professional engineer; or staff of Natural Resources Conservation Service; the county; or fisheries, natural resources, or water resources agencies) has provided a feasibility analysis and certification that the project was designed to keep any rise in 100-year flood levels as close to zero as practically possible given the goals of the project;

(3) No structures would be impacted by a potential rise in flood elevation; and

(4) An agreement to monitor the project, correct problems, and ensure that flood carrying capacity remains unchanged is included as part of the local approval.

FINDING: Not Applicable. This is not a stream habitat restoration project.

(G) All permitted and substantial improvements shall comply with all applicable flood hazard reduction provisions of this chapter.

FINDING: Indeterminant. While the applicant has submitted details of the design and anchoring. No Engineering analysis was submitted related to proper anchoring or to the flood resistance of materials used.

§ 151.049 ACCESSORY STRUCTURES.

Relief from the elevation or dry flood-proofing standards may be granted for new and replacement accessory structures containing no more than 200 square feet. Such a structure must meet the following standards:

(A) It shall not be subject to Specialty Codes;

FINDING: Satisfied. As this is not open to the public, and is not a habitable structure, nor a structure with walls and a roof. It does not require a building permit and is not subject to Oregon Building Code.

(B) The accessory structure shall be located on a property, or an adjacent property with same owner, as a dwelling;

FINDING: Satisfied. The structure is on property with a dwelling.

(C) It shall not be used for human habitation and may be used solely for parking of vehicles or storage of items having low damage potential when submerged;

FINDING: Satisfied. This is not used for human habitation, or storage.

(D) Toxic material, oil or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality shall not be stored below BFE, or where no BFE is available lower than three feet above grade, unless confined in a tank installed in compliance with this chapter;

FINDING: Satisfied. No storage is proposed as part of this structure.

(E) It shall be constructed of flood resistant materials;

FINDING: Indeterminant. The applicant has not provided engineering analysis of the flood resistance of materials utilized.

(F) It shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;

FINDING: Satisfied. The applicant has submitted a satisfactory "No Rise" analysis prepared by a registered Engineer.

(G) It shall be firmly anchored to prevent flotation;

FINDING: Indeterminant. The applicant has submitted details of construction and anchoring, but engineering documentation has not been submitted related to anchoring.

(H) Services such as electrical and heating equipment shall be elevated or flood-proofed to or above the base flood elevation; and

FINDING: Not applicable. There are no electrical or other mechanical services associated with the development.

(I) It shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. Designs for complying with this requirement must be certified by a licensed professional engineer or architect or provide a minimum of two openings, on at least two sides, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding:

(1) The bottom of all openings shall be no higher than one foot above the higher of the exterior or interior grade or floor immediately below the opening; and

(2) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions without manual intervention.

FINDING: Satisfied. The Engineer has submitted details satisfying this criteria.

Approval Criteria and Findings – Provisions For Riparian Development Permit

The City shall approve, approve with conditions or deny the application for a riparian development permit for clearing of vegetation within the Riparian Protection Corridor on a finding that all of the following criteria are satisfied.

§ Shady Cove Ordinance No. 279 Section III. Activities Within the Riparian Area.

(A) Preexisting Activities within the Riparian Corridor.

(A)(1) Any use, sign, or structure, and the maintenance thereof, lawfully existing on the date of adoption of the provisions herein, is permitted within a riparian corridor. Such use, sign, or structure may continue at a similar level and manner as existed on the date of adoption of the provisions herein. Preexisting uses existing fully or partially within the

riparian corridor may be expanded, provided the expansion does not occur within the riparian corridor.

FINDING: Not satisfied. The applicant has not demonstrated that mowing of vegetation across the entire "island" area is a preexisting use.

(A)(2) The maintenance, alteration, and replacement of pre-existing landscaping is permitted within a riparian corridor as long as no additional riparian vegetation is disturbed. Any herbicide, pesticide, or fertilizer applications must strictly comply with the manufacturer's label and avoid saturation, drift, or runoff to water bodies. Maintenance trimming of existing trees is permitted, but under no circumstances can the trimming maintenance be so severe as to compromise the tree's health, longevity, and resource functions.

FINDING: Not satisfied. The intent of the applicant's riparian development permit is to approve routine mowing of riparian vegetation to prohibit vegetative growth within the riparian corridor. This would clearly disturb riparian vegetation and is in fact what the Riparian Protection Ordinance was approved to prevent.

(A)(3) The provisions of this section shall not be affected by any change in ownership of properties containing a riparian corridor.

FINDING: Indeterminant. The applicant is correct that preexisting uses may continue after changes in ownership. Staff is not convinced that full area mowing is a continued use. The City Council will need to determine if a preexisting use is being continued that requires full area mowing.

(B) Allowed Activities within the Riparian Corridor

(B)(1) Streets, roads, and private paths.

FINDING: Satisfied. The pedestrian bridge is part of a private path providing the property owner access to a portion of their property.

(B)(6) Removal of non-native vegetation and replacement with native plant species.

FINDING: Partially satisfied with conditions, partially not satisfied. While the applicant states that non-native blackberry plants were removed to construct the bridge, the entire 'island' area has not been identified as non-native plants. The removal of blackberry bushes can be allowed, and in the case of the bridge construction is permitted with the condition that mitigation in the form of planting 6 native trees as requested by ODF&W be completed. The mowing of the entire 'island' area is not removal of non-native vegetation, and not allowed under this section.

(B)(7) Removal of vegetation necessary for the development of water-related or water-dependent uses.

FINDING: Not satisfied. While the applicant states that the mowing is necessary to allow walking to the river and fishing this seems an excessive removal of vegetation to allow the identified water-related uses. A path or identified areas for river access may be appropriate. Staff does not feel the excessive 'trimming' of vegetation meets the intent of the Riparian Protection Ordinance.

(B)(8) Permanent alteration of the riparian area by placement of structures or impervious surfaces within the riparian corridor boundary established under subsection (I)(B) upon a demonstration that equal or better protection for identified resources will be ensured through restoration of riparian areas, enhanced buffer treatment, or similar measures including, stormwater controls that infiltrate stormwater and are characteristic of Low Impact Development or green infrastructure such as bioswales, rain gardens, and vegetated filter strips. In no case shall alterations occupy more than 50 percent of the width of the riparian area measured from the upland edge of the corridor. This adjustment affects only the Rogue River riparian area; it is not permitted along tributaries.

FINDING: Satisfied with conditions. Based on ODF&W comment the planting of 6 trees of a type and in a location approved by ODF&W will satisfy this criteria as adequate mitigation.

§ Shady Cove Ordinance No. 279 Section IV. Development Review Procedures.

(C) Landscape Plan. A landscape plan will be required for newly disturbed areas in the riparian corridor prior to issuance of permits. The plan shall include the extent of vegetation removal proposed, characteristics of the existing vegetation (types, density), proposed riparian enhancement or restoration measures, proposed alterations of topography or drainage patterns, and existing uses on the property. The plan will be referred to the Oregon Department of Fish and Wildlife for recommendation.

FINDING: Indeterminant. The submitted landscape plan is pending ODF&W final recommendation, though ODF&W staff provided initial comment that they had concerns about the "pre-existing trimming area" and the location of trees to be planted as mitigation for the bridge construction, suggesting that all trees should be planted on the eastern bank of the tributary or on the mainstem Rogue. City Council may want to continue the hearing in order to receive final ODF&W comment if they are not satisfied that the proposed landscape plan satisfies the requirements of Ordinance 279.

§ Shady Cove Ordinance No. 279 Section VII. Site Maintenance.

(1) Maintenance and replacement of existing lawns, non-native riparian planted vegetation, or landscaping is allowed but shall not expand lawn areas or remove or damage any native nondangerous tree.

FINDING: Satisfied. The applicant has suggested that non-native blackberries have been removed at the site of bridge construction. ODF&W has suggested mitigation by planting 6 native trees from an approved list. The applicant has not proposed expanding any lawn areas.

(3) Where replanting is done, vegetation shall be replanted with native species or approved alternatives, with the exception of continued Agricultural Uses.

FINDING: Satisfied with conditions. As recommended by ODF&W the applicant shall plant 6 trees from the approved native tree list and shall follow ODF&W recommendations for placement and care.

(4) Maintenance pruning of existing trees shall be kept to a minimum and shall be in accordance with the American National Standards Institute (ANSI) A300 standards for

Tree Care Operations. Under no circumstances shall the maintenance pruning be so severe that it compromises the tree's health, longevity, and resource functions.

FINDING: Satisfied with conditions. The applicant shall make efforts to follow standards for tree care operations as outlined in Ordinance 279 of the City of Shady Cove. Any damaged tree shall be replaced with a tree from the approved tree list.

Conclusion

The proposed retroactive approval of a foot bridge in the Floodway, with the possible exception of engineered analysis of anchoring and floodproof materials, appears to comply with the required engineering to show that the location in the floodway will not create a rise in flood waters during a flood event. The footbridge is also located in the riparian protection corridor. Based on comment received from ODF&W staff feel that the tree plantings (of type and in location approved by ODF&W) can mitigate the impact on vegetation in the riparian corridor. The footbridge is part of a private pathway allowing the property owner to access a portion of their property. If the City Council is satisfied that the bridge has been constructed to reasonably reduce flood damage they may choose to approve the Floodplain Development Permit with the condition that the riparian mitigation plantings (6 trees) be completed as suggested by ODF&W.

The proposed riparian development permit to 'trim' or maintain vegetation in the riparian corridor is more problematic. The applicant has stated that ongoing trimming of vegetation on the 'island' portion of property is an ongoing preexisting use necessary for river based activities. Staff would suggest that while pathway or very specific vegetation control may be necessary for a pathway, trimming the vegetation across the entire area is not a permissible activity and is antithetical to the intent of the Riparian Protection Ordinance. As is required by Ordinance 279, the application materials have been submitted to ODF&W for comment. Final ODF&W comment regarding the riparian development permit state:

From: SAMARIN Peter A * ODFW [<mailto:Peter.A.SAMARIN@odfw.oregon.gov>]
Sent: Thursday, October 7, 2021 1:21 PM
To: Ryan Nolan
Subject: RE: Riparian Mitigation Rogue River

Hi Ryan,

ODFW has reviewed the application from 128 Penny Lane, Shady Cove (Mr. Kretzer) to perform annual "maintenance" along the banks of the Rogue River. ODFW recommends against approval of the application as submitted. This "annually maintained" area along the Rogue River is visibly barren and likely would have native trees and shrubs were it not being removed yearly for the last 20 years (according to the application). ODFW supports the removal of nonnative plant species along the Rogue River (in conjunction with a landscape plan on record) but does not support removal of native vegetation.

Intact, healthy riparian zones along the upper Rogue River play a key role in the conservation and recovery of federally threatened and state sensitive fish species that inhabit the Rogue River. Thanks, Pete

Based on the failure to meet criteria in Ordinance 279, Section III (A)(1), Section III (A)(2), Section (B)(6), and Section(B)(7) and on comments from ODF&W staff suggest

that the City Council deny the riparian development application or continue the hearing until the applicant can submit a revised plan with supportive comments from ODF&W.

The City Council may approve the requested Floodplain development permit for a pedestrian bridge at 128 Penny Lane as requested, approve with conditions as suggested by staff, deny if specific criteria aren't met, or continue if more information is need or more time for review is necessary. If the City Council chooses to continue the hearing, they should select a time and place certain.

The City Council may approve the requested riparian development permit for ongoing vegetation maintenance in the riparian protection corridor at 128 Penny Lane as requested, deny if specific criteria aren't met, or continue if more information is need or more time for review is necessary. If the City Council chooses to continue the hearing, they should select a time and place certain.

If the City Council chooses to approve the requested floodplain development permit staff suggests the following condition of approval.

Conditions of Approval

_____ 1. 6 trees shall be planted as suggested by ODF&W. The trees should be from the approved tree list as recommended by ODF&W and shall also be planted on the east bank of the small channel, or split with three on the east bank of the small channel and three on the east bank of the main channel.

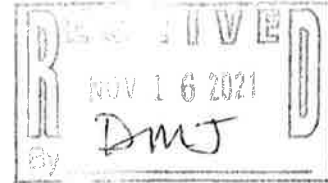
The decision of the City Council is the final decision of the City.

Respectfully submitted this 7th day of October, 2021.



Ryan Nolan, City Planner

CITY OF SHADY COVE
City Council



NOTIFICATION OF ADJACENT PROPERTY USE PROPOSAL

DESCRIPTION OF PROPERTY: 34-1W-21AA, Tax Lot 2600, located at 128 Penny Lane, Shady Cove
PROPOSAL: FPA 21-02. The request is to reopen Public Hearing regarding approval to construct a pedestrian bridge in the Special Flood Hazard Area and Riparian Setback as well as approval for a Riparian Protection Corridor vegetation maintenance plan.

DATE AND TIME OF MEETING: Thursday, December 2, 2021 at 6:00 p.m.

LOCATION: City Hall Council Chamber, 22451 Hwy 62 or via Zoom RESPONSE DATE: November 23, 2021

APPLICANT: Michael Kretzer, Scott Ferre

OWNER: Michael Kretzer

The purpose of this notice is to give nearby property owners and other interested people the opportunity to submit written comments about the application. You may also give oral testimony at the public hearing.

The City Council shall make a Type III decision after addressing all of the relevant approval criteria. Based upon the criteria and standards; the facts contained within the record; the evidence submitted and the testimony presented, the City Council shall grant a continuance of the public hearing, or they shall approve, approve with conditions, or deny the requested Floodplain Development Permit and Riparian Permit.


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

A copy of the application, all documents and evidence submitted by the applicant, and applicable criteria and standards can be reviewed at City Hall at no cost, and copies will be provided at a reasonable cost. The Staff report will be available 7 days prior to the hearing. For more information please contact the Planning Department at City Hall, (541) 878-8204. Please mail comments to City of Shady Cove, PO Box 1210, Shady Cove, OR 97539. Public attendance is welcome.

**** REVIEW AND COMMENT ****

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

REMARKS: See attached

SIGNATURE: 

PRINTED NAME(S): Steve Nuckles

STREET AND MAILING ADDRESS: 33 James Place, Shady Cove, OR 97539

"Notice to mortgagee, lien holder, vendor, or seller: The Shady Cove Zoning Ordinance requires that if you receive this notice it shall be promptly forwarded to the purchaser."

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (541) 878-8204. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title II).

I am very frustrated to have to go thru again, since no new information is available. My previous statement associated with the Oct 7 public hearing still stands and has been included at the end of this statement. In summary:

- The bridge violates our Riparian Ordinance, and there is no compelling argument to grant an exception.
- Mr. Kretzer violated our Riparian Ordinance on two separate occasions: Once to build the bridge; and then months later to clear cut the riparian zone. This points to blatant disregard for our Ordinances.
- The bridge violates my rights as a kayaker to pass thru that channel safely.

I ask City Council to deny approval of this bridge.

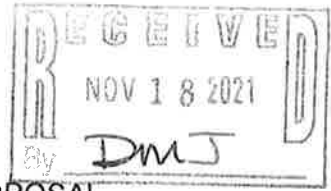
Previous Comments from Oct 7 Public Hearing: The City of Shady Cove has a code of Ordinances that all residents must respect. Building and Riparian ordinances are part of this code. When we bought our riverfront property in 2011, the realtor was very upfront in educating us on our responsibilities regarding these City and County ordinances. Being that Mr. Kretzer bought his home from the same realtor, I must believe that he too was given this information.

Regarding the bridge, I have 2 major concerns:

1. The bridge was built without any regard to the City's building and riparian ordinances. To sweep the bridge in after the fact, is wrong. If a structure is desired in the floodplain and/or riparian corridor, it must be approved and engineered properly BEFORE construction. If we let this slide, then our Ordinances are meaningless. We built a structure in the floodplain and spent months getting the proper approvals before any construction began. Shouldn't the rules apply to everyone?
2. As a kayaker and rafter, that bridge, in its current form, is a huge hazard. We and others do use that channel, and to now be required to navigate under a low, wooden structure is dangerous, especially when the water is high and swift. If this bridge is to be approved, it should be higher off the water and/or a permanent sign should be posted at the channel start warning rafters of the danger.

Regarding the Riparian Maintenance Plan, what Mr. Kretzer presents in his application, was NOT what I witnessed. During the heat of the day in August (extreme fire danger), his crew was clear cutting the vegetation all the way down the bank to the water. This was not trimming invasive species, it was whacking everything down to a few inches in height over a wide swath. In addition, to be doing this in August with gas powered tools is completely unacceptable. Weed abatement time is spring; not during extreme fire danger.

CITY OF SHADY COVE
City Council



NOTIFICATION OF ADJACENT PROPERTY USE PROPOSAL

DESCRIPTION OF PROPERTY: 34-1W-21AA, Tax Lot 2600, located at 128 Penny Lane, Shady Cove
PROPOSAL: FPA 21-02. The request is to reopen Public Hearing regarding approval to construct a pedestrian bridge in the Special Flood Hazard Area and Riparian Setback as well as approval for a Riparian Protection Corridor vegetation maintenance plan.

DATE AND TIME OF MEETING: Thursday, December 2, 2021 at 6:00 p.m.

LOCATION: City Hall Council Chamber, 22451 Hwy 62 or via Zoom RESPONSE DATE: November 23, 2021

APPLICANT: Michael Kretzer, Scott Ferre

OWNER: Michael Kretzer

The purpose of this notice is to give nearby property owners and other interested people the opportunity to submit written comments about the application. You may also give oral testimony at the public hearing.

The City Council shall make a Type III decision after addressing all of the relevant approval criteria. Based upon the criteria and standards; the facts contained within the record; the evidence submitted and the testimony presented, the City Council shall grant a continuance of the public hearing, or they shall approve, approve with conditions, or deny the requested Floodplain Development Permit and Riparian Permit.

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

A copy of the application, all documents and evidence submitted by the applicant, and applicable criteria and standards can be reviewed at City Hall at no cost, and copies will be provided at a reasonable cost. The Staff report will be available 7 days prior to the hearing. For more information please contact the Planning Department at City Hall, (541) 878-8204. Please mail comments to City of Shady Cove, PO Box 1210, Shady Cove, OR 97539. Public attendance is welcome.

**** REVIEW AND COMMENT ****

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

REMARKS: please see attached remarks, also please see the letter, photos and videos submitted on 9-28-21 from the first hearing. Thank-you

SIGNATURE: Gina Ball

PRINTED NAME(S): Gina Ball

STREET AND MAILING ADDRESS: 120 penny ln, Shady Cove

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11-18-21

To Shady Cove city counsel,

Please take attention to my letter, photos and videos I submitted on 9/28/21 from the first hearing on this matter. Some of which included the safety issues for rafters and showing the flooding of the island that occurs in the area where the bridge was built.

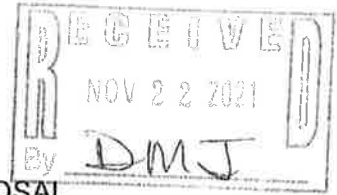
I still believe this matter is a riparian violation of Shady Cove city ordinance. Also the bridge violates the set back ordinance of 5 ft from the property line.

In the past 4 yrs we have witnessed and have many photos of the wonderful beauty of the wildlife on the island. Does nesting, giving birth and nursing their fawns on the island where they feel very safe. It is their sanctuary. Also the geese feel safe making many nests throughout the island. Mallards, Mergansers making their nests and teaching their young to swim in the channel along the river bank. River otters and beavers have been nesting too. We need to preserve its natural state and if humans spend too much time on the island the wildlife will certain be adversely effected. Along with it being an eyesore taking away from the natural beauty. It should be kept as natural as possible for rafters, hikers and fisherman to go and enjoy. And especially for the wildlife on the Rogue River in Shady Cove.

Thank - you.

Lina Ball

CITY OF SHADY COVE
City Council



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**** REVIEW AND COMMENT ****

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

REMARKS: _____

SIGNATURE: *CW Keon* _____

PRINTED NAME(S): CW Keon RR 1 _____

STREET AND MAILING ADDRESS: 129 Penny Ln Shady Cove OR 97539 _____

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ENGINEERING CERTIFICATION

NO-RISE CERTIFICATION FOR 128 PENNY LANE – ROGUE RIVER SIDE CHANNEL FOOTBRIDGE

SHADY COVE, OREGON

September 20, 2021

This is to certify that I am a duly qualified registered professional engineer licensed to practice in the State of Oregon. This is further to certify that the attached report and technical data supports the fact that the footbridge on the Rogue River at 128 Penny Lane in Shady Cove, Oregon, will not impact the 1-percent-annual-chance (100-year) regulatory (base) flood elevations and floodway widths on the Rogue River at the published cross-sections in the Flood Insurance Study for Jackson County, Oregon and Incorporated Areas dated January 19, 2018 and will not impact the 100-yr flood elevations, floodway elevations, and floodway widths at unpublished cross-sections in the vicinity of the foot bridge. The attached report dated September 20, 2021 supports this finding.

This certification was prepared exclusively for Mike Kretzer by RogueTech Civil Engineering, LLC (RogueTech). The quality of information, conclusions, and estimates contained herein are consistent with the level of effort involved in RogueTech services based on:

- i) Information available at the time of preparation,
- ii) data supplied by outside sources, and
- iii) the assumptions, conditions, and qualifications set forth in this report.

This No-Rise Certification is intended to be used by Mike Kretzer for the footbridge providing access to his private property across a side channel of the Rogue River, subject to the terms and conditions of RogueTech's Agreement for Professional Services with Mike Kretzer. Any other use of, or reliance on, this report by any third party is at that party's sole risk.

While this report was prepared in accordance with standard engineering practices by qualified engineering professionals, it should be understood that this report evaluated specific storm recurrence intervals. It is reasonable to assume that a storm event of greater magnitude or that changes in water-way conveyance capacity may cause higher stages than estimated for this project.



September 20, 2021

Scott J. Ferre, PE, M. Eng
RogueTech Civil Engineering, LLC
1056 Highlands DR
Eagle Point, OR 97524
Phone: (503)-545-6000
RogueTech Civil Engineering, LLC



1056 Highlands DR
Eagle Point, Oregon 97524
USA

T: 503-545-6000

www.rogueengineering.com

Memo

To: Mike Kretzer
From: Scott J. Ferre, PE, M. Eng
Project: 2111
cc: Project File

Date: September 20, 2021
Subject: Base Flood Elevation "No Rise" Study for a footbridge on the Rogue River
Shady Cove, Oregon

RogueTech performed a hydrologic and hydraulic analysis in accordance with standard engineering practices for a footbridge on the Rogue River. The location of the bridge is in Shady Cove, Oregon at 128 Penny Lane. The analysis found that the footbridge has no effect on the Federal Emergency Management Agency's (FEMA) published Floodway elevations for the Rogue River. This analysis was performed to meet requirements of Shady Cove.

Attached to this Memo is a No-Rise Certification.

This study compares the existing published Floodway elevations to the expected Floodway elevations modeled after the installation of a new footbridge at 128 Penny Lane.

Pre-Existing Conditions (Prior to the footbridge being installed)

Site Description

The study area where the footbridge is located is approximately 4,070 feet downstream of the Highway 62 bridge in Shady Cove. This reach of the Rogue River is considered the Upper Rogue and consists of a river valley with moderate valley slopes that opens into a small floodplain along both sides of the river. The footbridge provides access to an island separated from the left overbank by an approximate 50-ft side channel. **Figure 1** is a photo of the side channel. The owner's tax lot consists of land on the left overbank of the river as well as land on the island. The footbridge provides access from the left overbank to the owner's land on the island.



Figure 1: Side Channel Looking Downstream from the Footbridge

Flood Insurance Study

The study area includes areas mapped by FEMA as within a Special Flood Hazard Area (SFHA), commonly called the 100-yr floodplain. The current applicable FIS for this project is titled “Jackson County, Oregon and Incorporated Areas” Revised: January 19, 2018. The effective Flood Insurance Rate Map (FIRM) is Map Number 41029C1577G Panel 1577 dated January 19, 2018. The present study was done to confirm that the footbridge would result in no increase in the SFHA Floodway Elevations for the 100-yr flood event.

The current FIRM shows that the footbridge is in Flood Zone “AE” which is a Regulatory Floodway. The effective FIRM is attached in Appendix A. There is an existing hydraulic model and published floodway elevation data available from FEMA that RogueTech obtained and used to perform this study.

Flows

The Flows from the hydraulic model provided by FEMA were utilized. The detailed hydraulics report for the model provided by FEMA noted that modeled peak flows were determined by gauge and regression analysis and flow regulation from Lost Creek Dam. Flows from Lost Creek Dam are based on rating curves found in the Lost Creek Dam Report prepared by the United States Army Corps of Engineers (USACE) in 1968 (STARR, 2015). The Flows that were utilized by the models for this study are listed in Table 1 below.

Table 1: Existing Flows

Return Period	Flow in Cubic Feet per Second (CFS)
10-year	21,744
25-year	24,816
50-yr	31,112
100-yr and Floodway (FW)	46,752
500-yr	136,451

Study Approach

The hydraulic models RogueTech obtained from FEMA utilized the USACE Hydraulic Engineering Center River Analysis System (HEC-RAS) version 4.1.0. This study re-ran the models in HEC-RAS version 6.0.0. Steady flow models were utilized to run the 10, 25, 50, 100, FW, and 500-yr peak flows. The combination of flow and geometry files were determined to use in the model to reproduce the Base Flood and Floodway



water surface elevations and profiles published in the FIS. The FEMA model HEC-RAS project titled “Rogue_River_ras” utilizing the Plan titled “Multifrequency” was ran and it reproduced the published Base Flood and Floodway elevations in the FIS. The Multifrequency model is the Effective Model.

This “Multifrequency” project was saved as the “128PennyLane” Project, and a Duplicate Effective Model plan was created. The Duplicate Effective model was then saved as the Corrected Effective Model which was updated with three new cross sections required to model the footbridge. These new cross-sections were copied upstream from cross-section 69425.29 which lies just downstream of the footbridge. The three new cross-sections’ elevations were adjusted based on the average slope through the studied reach. A representative cross-section was surveyed by RogueTech on August 5, 2021 that included refined topography of the island and side channel at the footbridge. The topography from this cross-section was inserted into the three copied cross sections to refine them to more accurate channel geometry. Appendix B contains plots of the three new cross-sections. In addition, manning’s “n” value locations were adjusted for the side channel and island to more accurately reflect the hydraulics of the refined topography. Ineffective flow area boundaries were set within the new cross-sections based on measurements of the Floodway shown on the FIRM. Finally, all cross sections were deleted from the Corrected Effective Model except for the study reach. The flow change location was updated to the upstream cross-section of the studied reach. Downstream boundary conditions were set at the downstream cross-section, also a published FIS and FIRM cross-section (DH), using the known water surface elevations from the Duplicate Effective Model and FIS at that cross-section. The Corrected Effective Model was then run again to verify the Base Flood and Floodway water surface elevations and profiles matched the same reach from the Duplicate Effective Model. The water surface elevations and profiles matched.

The Corrected Effective Model was then saved as the Post Project Conditions Model. The footbridge geometry was then input into the Post Project Conditions Model. The Post Project Conditions Model was run and compared to the Corrected Effective Model to verify the footbridge does not increase the Floodway water surface elevations and profile. Table 2 lists the models developed from the FEMA Multifrequency Project with their associated plan, geometry, and flow files. All models were run assuming steady state flow.

Table 2: 128 Penny Lane Project Models

Plan Name	Plan File	Geometry File	Steady Flow File*
Duplicate Effective Model	128PennyLane.p03	128PennyLane.g05	128PennyLane.f03
Corrected Effective Model	128PennyLane.p04	128PennyLane.g06	128PennyLane.f04
Post Project Conditions Model	128PennyLane.p05	128PennyLane.g07	128PennyLane.f05

* The steady flow files are all identical but saved separately for each plan.

Model Network

Figure 2 (attached) shows the layout of the modeled cross-sections superimposed on the FIRM. Cross-sections 69700, 69600, and 69500 were copied from the Effective Model’s cross-section 69425.29. Cross-section 69425.29 is the most representative cross-section to modify as it crosses the island in a similar river reach and hydraulic conditions that the footbridge is located in. The Effective Model cross-sections utilized were built from LiDAR. Surveys were completed of the main channel and were inserted into the LiDAR cross-sections to refine them. A further description of how the Effective Model was developed can be found in the detailed hydraulics report prepared by STARR in 2015 and provided by FEMA for this study.



Flows were copied from the Duplicate Effective Model's cross-section 86770.79 and moved to the Corrected Effective and thus Post Project Conditions Models cross-section 72420.55, which is the most upstream cross-section used in this study.

Manning's "n" values were obtained from the Duplicate Effective Model for this study. Although the values were not altered, the locations along the new copied cross-sections were adjusted to calibrate the model. The four "n" values utilized throughout the model are listed in Table 3 below.

Table 3: Hydraulic Model Manning's n-values*

Cross-Section Feature	Manning's n-value	Description
Floodplain	0.075	Floodways with Heavy Stand of Timber
Valley Walls	0.065	Scattered Brush, Heavy Weeds
Plateau on Valley Walls	0.055	Light Brush and Trees
Main Channel and Side Channel	0.030	Bottom: Gravels, Cobbles, and Few Boulders

* (Chow, 1973)

Model Results

Table 4 compares the upstream to downstream Floodway water surface elevations for the studied reach resulting from the Duplicate Effective, Corrected Effective, and Post Project Conditions Models and compares them to the Floodway water surface elevations published in the FIS. This Table shows that the Models are calibrated to the Effective Model and that the footbridge does not result in increased water surface elevations. Note that two of the cross-sections listed are published in the FIS as "DH" and "DI." These cross-sections are also shown on Figure 2 and are published in the FIRM. Appendix C includes the FIS Floodway Data Table and Appendix D includes printouts of output files.

Table 4: Compared Floodway Water Surface Elevations (WSE) in Feet (NAVD 88)

Model Cross-Section ID	FIRM/FIS Cross-Section ID	FIS Published WSE	Duplicate Effective WSE	Corrected Effective WSE	Post Project Conditions WSE	Difference (Post - Corrected)
72420.55				1390.5	1390.5	0.0
71125.22	DI	1386.0	1386.0	1386.1	1386.0	-0.1
70576.58				1384.5	1384.2	-0.3
70096.09				1384.2	1383.9	-0.3
69700 (new)				1383.8	1383.4	-0.4
69600 (new)				1383.4	1383.4	0.0
69500 (new)				1383.6	1383.2	-0.4
69425.29	DH	1382.0	1382.0	1382.0	1382.0	0.00

Notes: "NAVD 88" is North American Vertical Datum of 1988.




Conclusions

The results of this study conclude there is no rise in the published Floodway water surface elevation for the Rogue River due to the footbridge located at 128 Penny Lane in Shady Cove, Oregon.

Respectfully Submitted,

RogueTech Civil Engineering, LLC


Scott J. Ferre, PE, M. Eng
Principal

Attachments: Engineering Certification
Figure 2: FIRM w/ New Cross-Sections
Appendix A: Effective FIRM
Appendix B: New Cross-Section Plots
Appendix C: Floodway Data Table
Appendix D: Printouts of Output Files



References

Chow, *Open-Channel Hydraulics*, McGraw-Hill, 1973.

Brater et. al., *Handbook of Hydraulics*, Seventh Edition, McGraw-Hill, 1996.

Federal Emergency Management Agency, *Flood Insurance Study, Jackson County, OR and Incorporated Areas*, January 19, 2018.

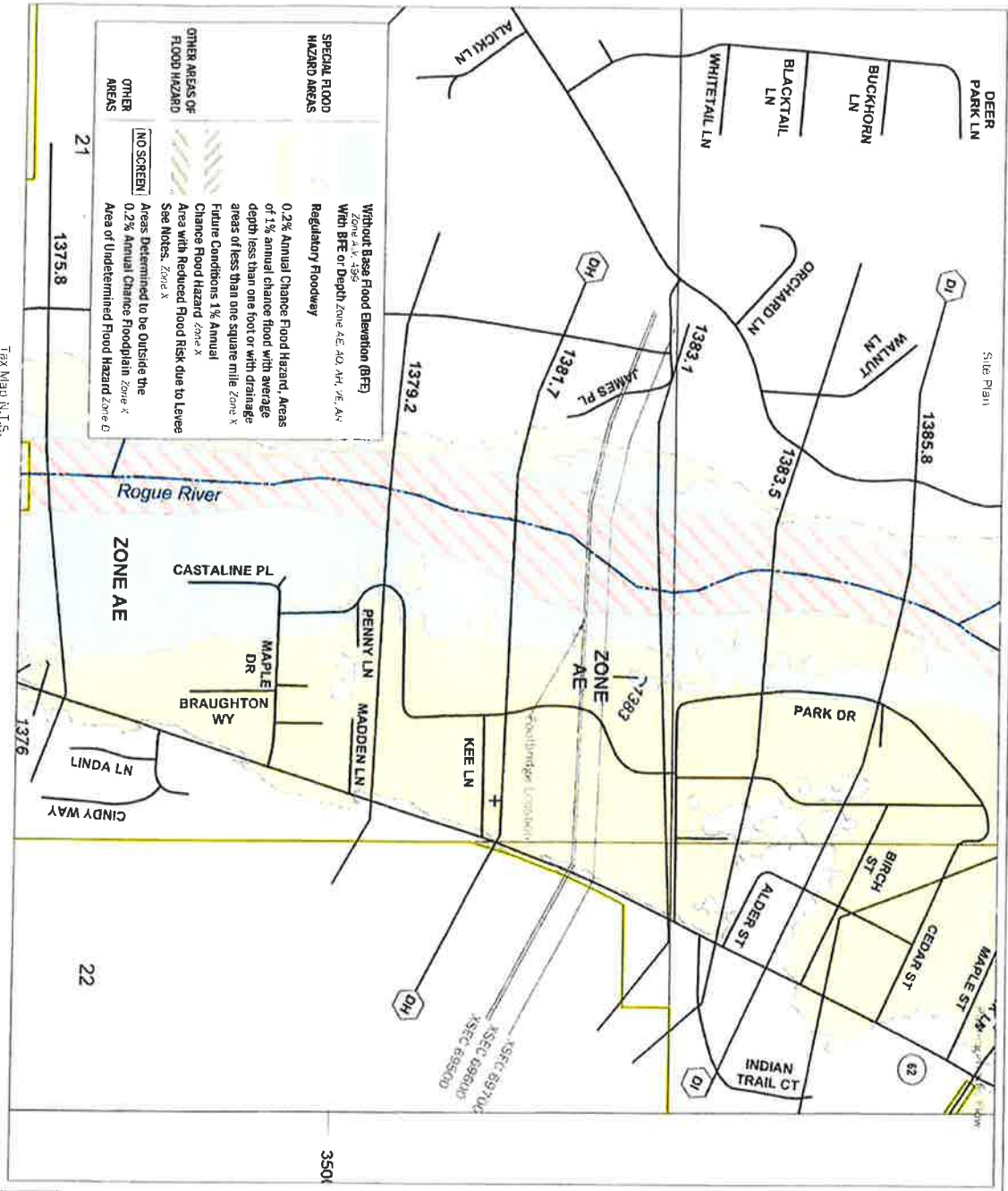
Federal Emergency Management Agency, *Procedures for "No-Rise" Certification For Proposed Developments in the Regulatory Floodway*, U.S. Department of Homeland Security, October 2013.

Hydrologic Engineering Center, *HEC-RAS River Analysis System*, Version 6.0.0, U.S. Army Corps of Engineers, Davis, California, September 2021.

STARR, *Hydraulics Report Upper Rogue Watershed, OR-PMR Detailed Analysis*, March 2015.



Figure 2: FIRM with Added Cross-Sections



Without Base Flood Elevation (BFE)
 Zone A, X, AE
 With BFE or Depth Zone AE, AD, AH, VE, AN
Regulatory Floodway
 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
 Future Flood Hazard Zone X
 Chance Flood Hazard Zone X
 Area with Reduced Flood Risk due to Levees See Notes, Zone X
NO SCREEN
 Areas Determined to be Outside the 0.2% Annual Chance Floodplain Zone X
 Area of Undetermined Flood Hazard Zone D

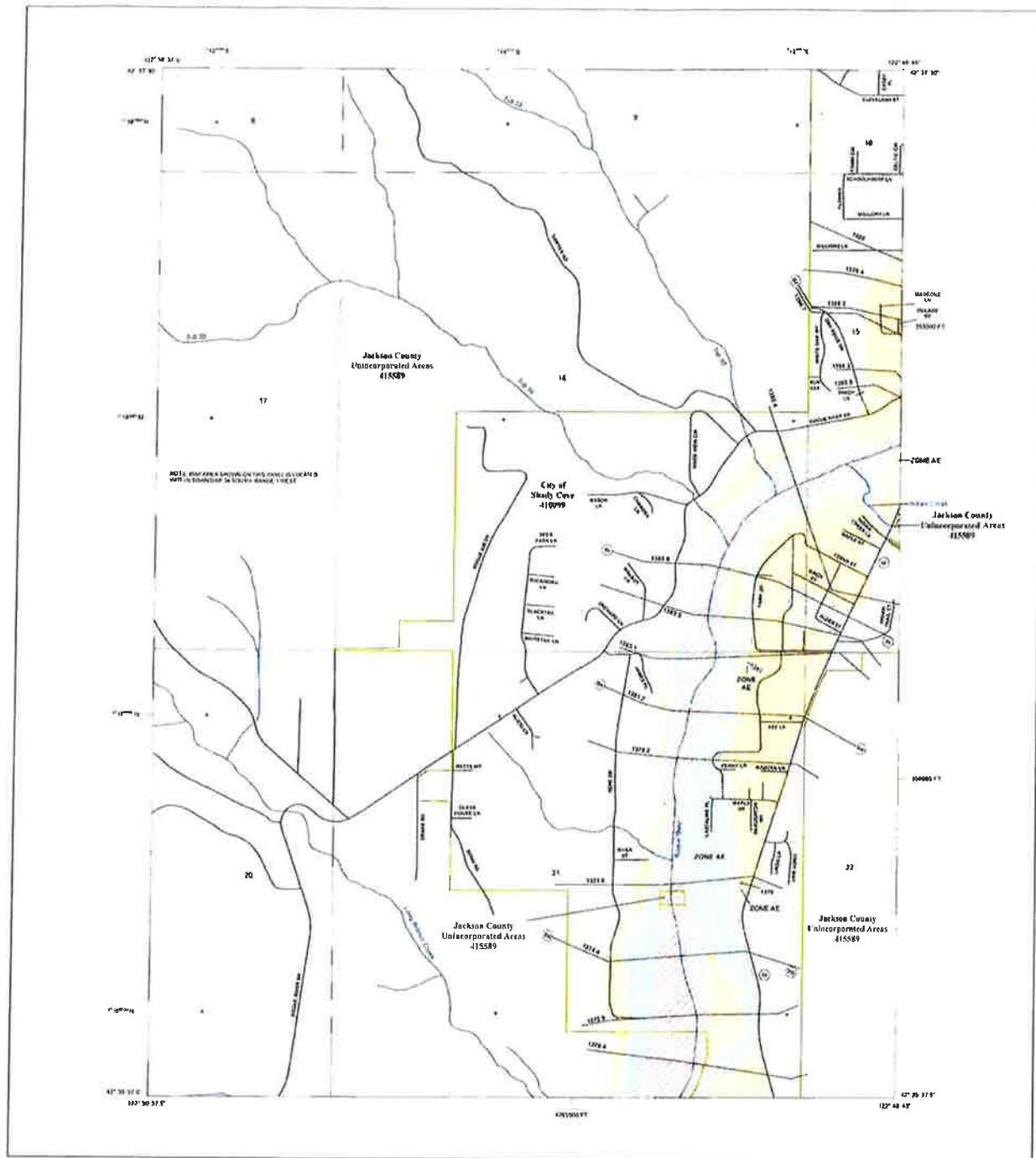
Tax Map N.T.S.



RogueTech Civil Engineering, LLC 2156 Highlands DR Elsie Point, OR 97124 (503) 251-1111 / (503) 251-1112 info@rogue-tech.com / www.rogue-tech.com	
RogueTech Project No 2111 1201 Range Lane Shady Cove, OR	
Date: 09/20/2023 At: 10:54	File: with Added XSECA



Appendix A: Effective FIRM



FLOOD HAZARD INFORMATION

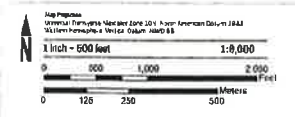
SEE THIS REPORT FOR DETAILED LEGEND AND SHEET MAP FOR PANEL LAYOUT
 THE INFORMATION DERIVED ON THIS MAP AND SUPPORTING
 DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT
[HTTP://MSC.FEMA.GOV](http://MSC.FEMA.GOV)

- SPECIAL FLOOD HAZARD AREAS**
 - Water Base Flood Elevation (BFE) 1% ACF
 - 1% BFE or Depth Zone 47, 50, 51, 52, 53
 - Regulatory Floodway
 - 0.2% Annual Chance Flood Hazard, Areas of 1% Annual Chance Flood with average depth less than one foot or with drainage areas of less than one square mile (0.25 mi²)
 - Flood Condition 1% Annual Chance Flood Hazard (F1)
 - Area with Reduced Flood Risk due to Levees See Notes, 2.1.1.1
- OTHER AREAS OF FLOOD HAZARD**
 - NO SCREEN
 - Areas determined to be outside the 0.2% Annual Chance Flood/Hazard Area of Unincorporated Flood Hazard
- OTHER AREAS**
 - Channel, Culvert, or Storm Sewer
 - Levee, Dike, or Floodwall
- GENERAL STRUCTURES**
 - Cross Sections with 1% Annual Chance Water Surface Elevation (WSE)
 - Capital Excesses
 - Channel of Transported Material
 - Friction Excesses
 - Highway to Feature
 - Base Flood Elevation Line (BFE)
- OTHER FEATURES**
 - Limit of Study
 - Jurisdiction Boundary

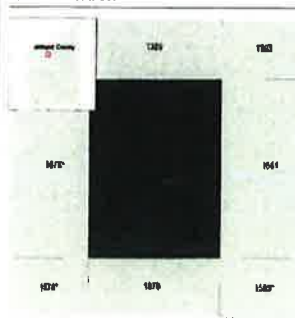
NOTES TO USERS

This information was developed using the best available data and information. It is not intended to be used as a basis for any legal action. The information is provided for informational purposes only. The user assumes all responsibility for the use of this information. The information is provided as a service to the public and is not intended to be used as a basis for any legal action. The user assumes all responsibility for the use of this information. The information is provided as a service to the public and is not intended to be used as a basis for any legal action. The user assumes all responsibility for the use of this information.

SCALE



PANEL LOCATOR



FEMA
 National Flood Insurance Program

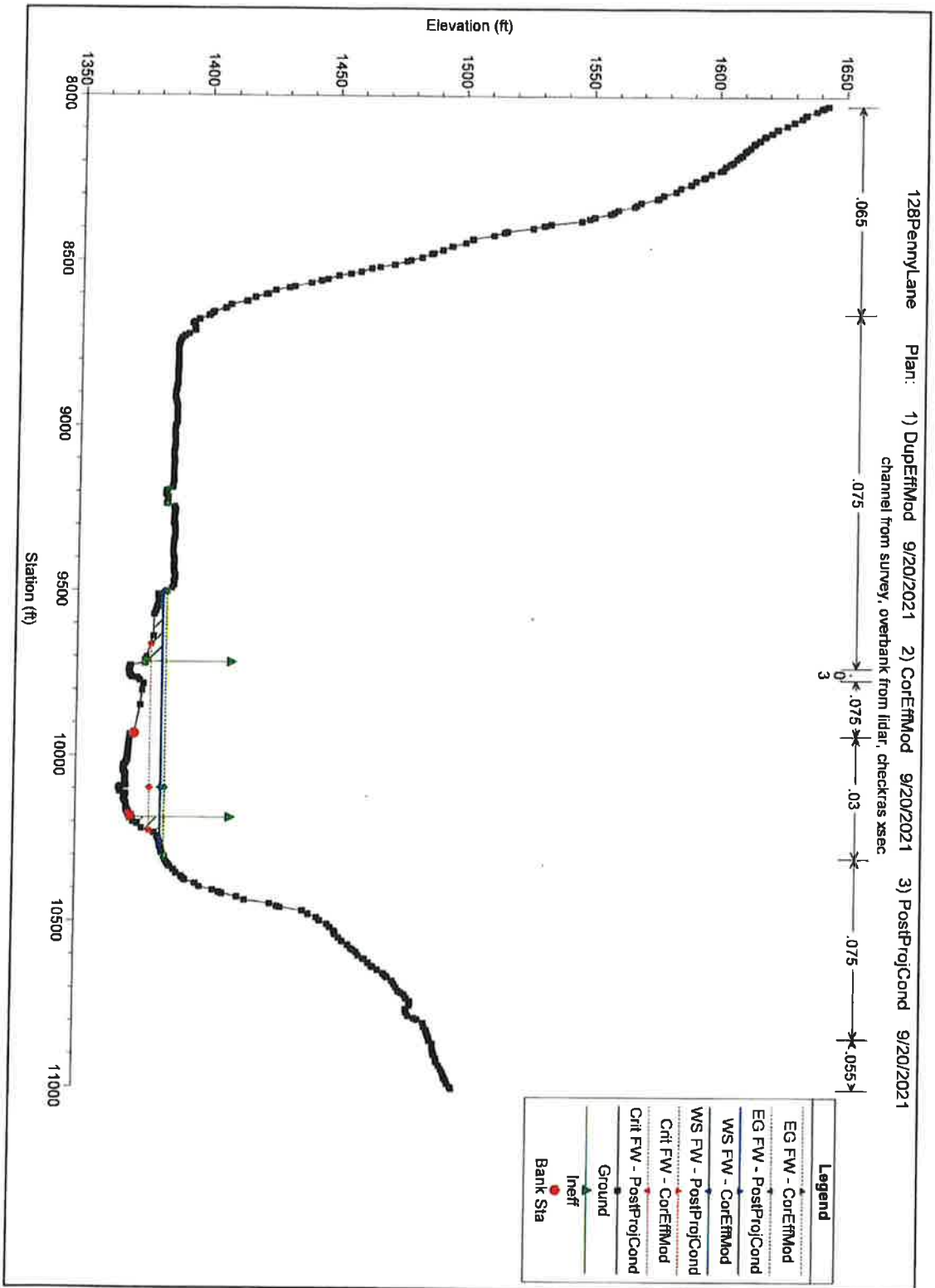
NATIONAL FLOOD INSURANCE PROGRAM
 71200 Jackson County, Oregon
 Jackson County, Oregon
 and Incorporated Areas
 Panel 1677 of 2327

CONTRACT	NOVACR	PANEL	SUFFIX
JACKSON COUNTY	415879	1677	G
SHADY COVE CITY OF	410088	1677	G

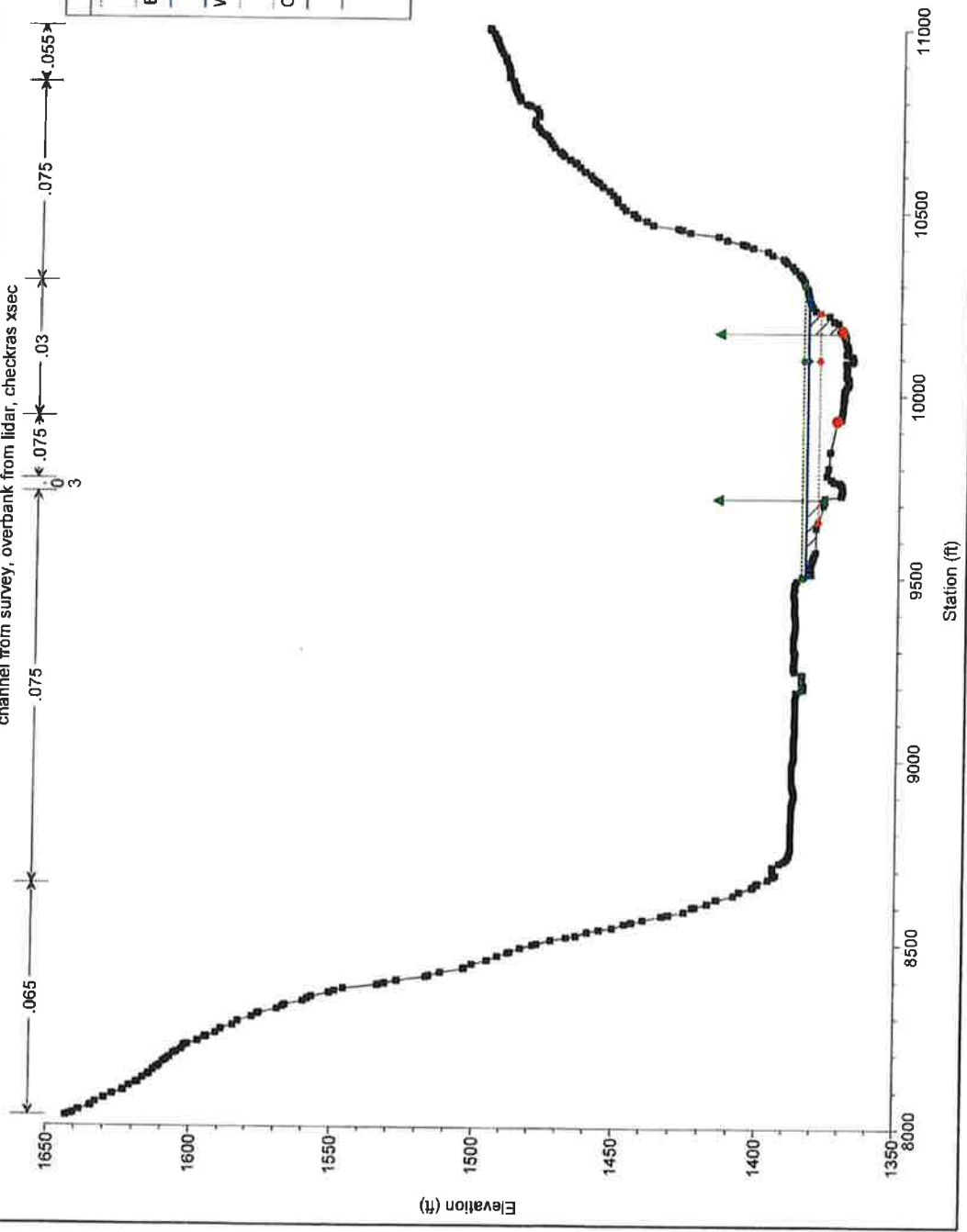
ISSUED BY: 2 3 3 2
 DATE: 1/19/2011
 41029C1577G
 30
 JANUARY 19, 2011



Appendix B: New Cross-Section Plots



128PennyLane Plan: 1) DupEffMod 9/20/2021 2) CorEffMod 9/20/2021 3) PostProjCond 9/20/2021
 channel from survey, overbank from lidar, checkras xsec





Appendix C: Floodway Data Table

FLOODING SOURCE		FLOODWAY				BASE FLOOD WATER SURFACE ELEVATION (FEET NAVD)			
CROSS SECTION	DISTANCE ¹	WIDTH (FEET)	SECTION AREA (SQUARE FEET)	MEAN VELOCITY (FEET PER SECOND)	REGULATORY	WITHOUT FLOODWAY	WITH FLOODWAY	INCREASE	
CR	102570	121	1204	12.3	1630.7	1630.7	1631.1	0.4	
CS	103130	167	1717	8.7	1635.0	1635.0	1635.9	0.9	
CT	103710	151	1287	11.5	1639.0	1639.0	1639.0	0.0	
CU	104360	97/347 ²	1038	13.7	1642.2	1642.2	1643.0	0.8	
CV	105500	124/374 ²	1036	9.6	1655.0	1655.0	1655.0	0.0	
CW	106620	234/468 ²	1404	9.0	1657.5	1657.5	1657.7	0.2	
CX	107390	354	2556	5.8	1663.7	1663.7	1663.7	0.0	
CY	107830	288	2125	6.6	1664.4	1664.4	1664.7	0.3	
CZ	108350	221	1398	10.1	1666.4	1666.4	1666.4	0.0	
DA	108950	225	1500	9.4	1668.7	1668.7	1669.7	1.0	
DB	109910	116	931	15.1	1676.1	1676.1	1676.1	0.0	
DC	111110	120	1253	11.3	1682.4	1682.4	1682.8	0.4	
DD	111910	140	1288	11.0	1685.6	1685.6	1686.4	0.8	
DE	112870	134	1021	13.8	1692.3	1692.3	1692.3	0.0	
DF	113950	335	1651	8.2	1699.3	1699.3	1700.1	0.8	
DG	114910	565	2657	5.1	1706.3	1706.3	1707.1	0.8	
DH	115910	471	1682	8.0	1714.2	1714.2	1714.2	0.0	
DI	116390	198	1033	13.1	1717.4	1717.4	1717.4	0.0	
DJ	116815	100	1206	11.2	1724.3	1724.3	1725.3	1.0	
DK	117915	146	1026	13.2	1729.8	1729.8	1730.2	0.4	
DL	118915	163	1146	11.8	1736.3	1736.3	1737.2	0.9	
DM	119715	278	1509	9.0	1741.5	1741.5	1742.5	1.0	
DN	120515	300	2077	6.5	1746.4	1746.4	1746.9	0.5	
DO	121235	122	1032	13.1	1752.3	1752.3	1752.8	0.5	
DP	121685	187	1689	8.0	1756.7	1756.7	1757.7	1.0	
DQ	122125	172	1502	9.0	1760.8	1760.8	1761.8	1.0	

¹Feet above Kirtland Road ²Width/width combined with Bear Creek Split Flow

FEDERAL EMERGENCY MANAGEMENT AGENCY		FLOODWAY DATA	
JACKSON COUNTY, OR AND INCORPORATED AREAS		BEAR CREEK	

Table 5



Appendix D: Printouts of Output Files

re: C-NAS River toques river Reach 138 Profile FW													
Reach	River Sta	Profile	Plan	Q Total (cfs)	MIn Ch El (ft)	W.S. Elev (ft)	Crit W S (ft)	E.G. Elev (ft)	E.G. Slope (ft/m)	Vel Chnl (ft/s)	Flow Area (sq ft)	Top Width (ft)	Flow # Chl
138	132227.1	FW	DupEntMod	14000.00	1545.88	1565.71	1553.24	1565.85	0.000107	3.06	4574.47	304.00	0.14
138	131287.1	FW	DupEntMod	14000.00	1546.92	1565.50	1554.48	1565.72	0.000126	3.83	3874.93	262.14	0.17
138	130197.6	FW	DupEntMod	14000.00	1544.57	1565.40	1552.20	1565.57	0.000070	2.73	5125.66	318.00	0.12
138	129078.6	FW	DupEntMod	14000.00	1530.09	1565.41	1546.68	1565.50	0.000080	2.41	5816.24	303.91	0.09
138	128950.3	FW	DupEntMod	14000.00	1538.55	1564.95	1547.02	1565.40	0.000073	3.30	2840.88	100.00	0.18
138	128900.3		Bridge										
139	128934	FW	DupEntMod	14000.00	1538.31	1564.56	1546.78	1565.01	0.000074	5.33	2625.27	100.00	0.18
138	128908.1	FW	DupEntMod	14000.00	1539.12	1564.56	1546.99	1565.00	0.000073	5.28	2644.39	100.00	0.18
138	128801.9		24 Spout										
138	128713	FW	DupEntMod	14000.00	1538.50	1548.30	1546.12	1549.20	0.002092	7.62	1837.89	295.00	0.54
138	128247	FW	DupEntMod	14000.00	1537.81	1546.98	1544.96	1548.12	0.002463	8.54	1638.56	247.00	0.58
138	127270.4	FW	DupEntMod	14000.00	1535.52	1543.33	1541.99	1545.02	0.003743	19.41	1345.04	202.00	0.21
138	126304.0	FW	DupEntMod	21591.00	1531.21	1542.48	1538.20	1543.21	0.001042	6.88	3137.58	337.30	0.40
138	125355.7	FW	DupEntMod	21591.00	1520.46	1528.86	1527.35	1541.33	0.003932	12.61	1711.62	495.19	0.25
138	124469.0	FW	DupEntMod	21591.00	1526.59	1536.84	1533.88	1538.66	0.002916	10.54	2049.30	201.00	0.58
138	123843	FW	DupEntMod	21591.00	1523.37	1536.08	1531.19	1537.14	0.000688	6.05	3635.83	399.00	0.33
138	123510		Bridge										
138	123378.8	FW	DupEntMod	21591.00	1522.84	1536.13	1529.63	1538.44	0.000374	4.48	4843.93	478.39	0.25
138	122034.1	FW	DupEntMod	33649.00	1520.07	1532.76	1530.74	1535.74	0.003330	15.11	2834.61	270.00	0.26
138	121871.3	FW	DupEntMod	33649.00	1518.29	1529.73	1528.11	1532.16	0.003151	12.87	2986.61	410.30	0.21
138	121590.4	FW	DupEntMod	33649.00	1518.70	1529.87	1524.80	1530.73	0.001145	8.42	4628.52	579.57	0.43
138	121243.1	FW	DupEntMod	33649.00	1513.60	1525.72	1525.72	1529.99	0.000429	16.12	2208.93	358.85	0.93
138	120735.8	FW	DupEntMod	33649.00	1511.82	1524.85	1521.24	1528.21	0.002423	11.60	2982.71	284.81	0.63
138	120287.1	FW	DupEntMod	33649.00	1512.16	1523.00	1520.68	1525.81	0.003019	12.60	3581.03	379.05	0.69
138	119852.3	FW	DupEntMod	33649.00	1510.23	1521.83	1519.77	1523.62	0.002808	12.42	4111.24	476.77	0.67
138	119379.2	FW	DupEntMod	33649.00	1509.01	1518.50	1518.16	1521.53	0.007031	17.14	2976.47	415.84	1.03
138	119046.2	FW	DupEntMod	33649.00	1504.83	1515.94	1514.56	1518.18	0.003708	12.09	2853.85	380.56	0.74
138	118934.4	FW	DupEntMod	33649.00	1501.64	1512.18	1512.18	1516.97	0.005181	15.88	2153.66	283.00	0.32
138	117769.6	FW	DupEntMod	33649.00	1495.12	1507.01	1505.94	1510.13	0.004462	14.17	2375.28	292.59	0.83
138	117090.6	FW	DupEntMod	33649.00	1490.69	1504.39	1502.37	1507.29	0.003336	13.68	2463.51	227.31	0.73
138	116252.9	FW	DupEntMod	33649.00	1487.26	1501.90	1499.87	1504.64	0.003243	13.03	2593.13	251.45	0.72
138	115461.1	FW	DupEntMod	33649.00	1484.59	1500.83	1497.37	1502.30	0.001824	9.71	3495.41	339.77	0.54
138	114418.8	FW	DupEntMod	33649.00	1484.39	1497.89	1494.92	1500.05	0.002127	11.85	2839.57	298.87	0.63
138	112742.8	FW	DupEntMod	33649.00	1478.39	1494.07	1490.52	1498.32	0.002037	12.03	2727.49	213.19	0.59
138	112361.5	FW	DupEntMod	33649.00	1472.79	1493.79	1488.63	1495.18	0.001842	10.03	4230.22	380.00	0.44
138	111895.7	FW	DupEntMod	33649.00	1465.48	1493.17	1485.71	1494.70	0.000975	10.22	4031.92	336.36	0.42
138	111180.4	FW	DupEntMod	33649.00	1465.37	1493.02	1482.56	1493.69	0.003370	6.63	5411.58	305.68	0.27
138	110783.4	FW	DupEntMod	33649.00	1464.64	1486.52	1486.52	1492.78	0.004357	20.67	2023.41	180.63	0.60
138	110320.4	FW	DupEntMod	33649.00	1463.22	1482.98	1482.51	1487.11	0.004861	16.66	2300.08	257.35	0.67
138	109862.1	FW	DupEntMod	33649.00	1461.94	1482.53	1479.93	1484.95	0.002776	12.47	2699.23	246.78	0.66
138	109784.1	FW	DupEntMod	33649.00	1462.69	1478.50	1476.35	1481.66	0.003273	14.25	2361.73	201.76	0.73
138	108314.3	FW	DupEntMod	33649.00	1461.66	1477.36	1475.10	1479.98	0.002046	12.98	2592.02	243.42	0.70
138	107833.6	FW	DupEntMod	33649.00	1460.56	1476.34	1473.54	1478.53	0.002450	11.68	2832.16	261.28	0.64
138	107321.4	FW	DupEntMod	33649.00	1458.96	1475.99	1471.51	1477.32	0.001448	9.27	3629.63	321.86	0.48

HEC-RAS River gages Over Reach 136 Profile FW (Continued)

Reach	River Sta	Profile	Plan	O Total (cfs)	Min Chl El (ft)	W.S. Elev (ft)	Crit W.S. (ft)	E.G. Elev (ft)	E.G. Slope (ft/ft)	Vel Chnl (ft/s)	Flow Area (sq ft)	Top W/Bn (ft)	Freede # Chl
138	107026.7	FW	DupEriMod	33649.00	1436.69	1472.11	1471.06	1476.33	0.001775	16.47	2042.72	180.23	0.95
138	106497.6	FW	DupEriMod	33649.00	1456.39	1471.17	1468.54	1473.06	0.002007	13.42	2507.46	211.30	0.69
138	105783.5	FW	DupEriMod	33649.00	1456.01	1470.64	1465.09	1472.10	0.001415	9.99	3358.96	259.45	0.49
138	105342.3	FW	DupEriMod	33649.00	1454.16	1470.01	1464.43	1471.58	0.001988	10.03	3353.51	244.86	0.48
138	104764.4	FW	DupEriMod	33649.00	1451.90	1469.51	1462.77	1470.87	0.000974	9.40	3676.84	261.67	0.42
138	104296.4	FW	DupEriMod	41073.00	1449.55	1465.26	1464.07	1469.66	0.003934	17.29	2625.49	208.03	0.84
139	103983.3	FW	DupEriMod	41073.00	1447.56	1464.81	1463.10	1468.26	0.003310	15.06	2009.89	248.37	0.75
138	102615.8	FW	DupEriMod	41073.00	1444.40	1461.40	1459.04	1464.35	0.003121	12.79	2077.96	255.17	0.71
138	102114.2	FW	DupEriMod	41073.00	1444.84	1459.86	1456.60	1462.30	0.002371	12.51	3282.22	267.41	0.83
138	100858.3	FW	DupEriMod	41073.00	1438.57	1457.24	1452.83	1459.64	0.001888	12.42	3306.70	229.98	0.50
138	99758.24	FW	DupEriMod	41073.00	1438.54	1455.16	1451.18	1457.47	0.002012	12.19	3389.45	256.14	0.59
138	99326.84	FW	DupEriMod	41073.00	1438.12	1454.53	1450.11	1455.57	0.001785	11.44	3598.82	274.29	0.65
138	89768.55	FW	DupEriMod	41073.00	1437.61	1453.70	1448.68	1455.82	0.001595	11.11	3697.95	268.98	0.53
138	88288.56	FW	DupEriMod	41073.00	1435.89	1452.00	1448.18	1454.61	0.002233	12.06	3165.31	232.31	0.62
138	87574.13	FW	DupEriMod	41073.00	1433.58	1449.98	1447.10	1452.90	0.002501	14.02	3292.48	272.86	0.66
138	85529.75	FW	DupEriMod	41073.00	1426.43	1445.13	1443.57	1449.49	0.004164	16.76	2451.03	190.00	0.82
138	85507.63	FW	DupEriMod	41073.00	1425.04	1443.47	1440.06	1446.19	0.002207	13.99	3882.84	347.03	0.64
138	84788.21	FW	DupEriMod	41073.00	1425.23	1440.21	1438.14	1443.88	0.003480	15.38	2670.96	211.68	0.76
138	83701.53	FW	DupEriMod	41073.00	1419.77	1438.42	1433.67	1440.89	0.001832	12.52	3280.03	216.93	0.57
138	83238.42	FW	DupEriMod	41073.00	1417.63	1438.82	1431.59	1439.92	0.000824	9.16	4481.58	286.29	0.41
138	82944.8	FW	DupEriMod	41073.00	1416.34	1437.00	1431.31	1439.45	0.001735	12.93	3602.94	230.67	0.55
138	82651.25	FW	DupEriMod	41073.00	1415.06	1435.62	1431.39	1438.81	0.002230	14.09	3144.05	201.46	0.62
138	82164.31	FW	DupEriMod	41073.00	1414.30	1435.01	1429.84	1432.64	0.001798	13.00	3160.26	192.35	0.57
138	81718.23	FW	DupEriMod	41073.00	1413.93	1433.44	1428.98	1436.71	0.002222	14.48	2834.05	170.07	0.61
138	81570.51	FW	DupEriMod	41073.00	1412.56	1431.60	1424.10	1433.17	0.000991	10.05	4086.43	238.10	0.43
138	81092.34	FW	DupEriMod	41073.00	1414.03	1428.57	1425.00	1430.24	0.003869	15.81	2903.88	256.35	0.80
138	80770.70	FW	DupEriMod	46752.00	1409.17	1422.78	1420.90	1426.13	0.003367	15.30	3485.57	305.10	0.75
138	80176.1	FW	DupEriMod	46752.00	1405.14	1421.43	1418.69	1424.40	0.002630	14.34	3754.20	310.14	0.60
138	85259.35	FW	DupEriMod	46752.00	1397.18	1418.13	1414.56	1421.94	0.002609	15.83	2984.16	184.37	0.69
138	84667.78	FW	DupEriMod	46752.00	1397.75	1417.62	1412.05	1419.60	0.001675	12.12	3836.98	238.94	0.53
138	84120.27	FW	DupEriMod	46752.00	1397.62	1416.34	1411.90	1419.23	0.002094	13.63	3430.65	215.70	0.80
138	83783.49	FW	DupEriMod	46752.00	1397.49	1415.70	1410.90	1418.47	0.001946	13.13	3580.91	222.08	0.58
138	82835.28	FW	DupEriMod	46752.00	1393.87	1414.38	1408.99	1416.70	0.001586	12.68	4274.70	274.21	0.54
138	82271.08	FW	DupEriMod	46752.00	1392.58	1412.37	1408.25	1415.57	0.002192	14.50	3432.40	223.90	0.63
138	81603.24	FW	DupEriMod	46752.00	1391.61	1408.47	1407.25	1413.05	0.004446	18.78	2499.07	173.31	0.67
138	81407.84	FW	DupEriMod	49752.00	1390.92	1409.35	1405.19	1411.91	0.002017	12.84	3640.76	259.50	0.60
138	81142.79	FW	DupEriMod	49752.00	1390.40	1408.31	1404.09	1411.30	0.002303	13.87	3370.42	216.82	0.62
138	80829.03	FW	DupEriMod	46752.00	1389.45	1407.49	1402.69	1410.07	0.001651	12.89	3630.29	232.23	0.57
138	79609.66	FW	DupEriMod	46752.00	1385.24	1405.42	1399.28	1408.43	0.001463	11.37	4111.87	226.89	0.47
138	79220.99	FW	DupEriMod	46752.00	1385.02	1405.05	1399.00	1407.91	0.001557	12.06	3875.95	215.11	0.56
138	78801.23	FW	DupEriMod	46752.00	1384.80	1404.67	1398.16	1407.24	0.001687	12.87	3032.70	218.05	0.58
138	77497.11	FW	DupEriMod	46752.00	1384.06	1402.26	1396.99	1404.97	0.001789	13.20	3542.70	210.08	0.57
138	76913.91	FW	DupEriMod	46752.00	1382.41	1401.45	1395.86	1403.70	0.001527	12.04	3883.20	240.83	0.53

HEC-RAS River reguo river Reach 138 Profile FW (Continued)													
Reach	River Sta	Profile	Plan	Q Total (cfs)	Max Vel (ft/s)	W.S. Elev (ft)	Cut W.S. (ft)	E.G. Elev (ft)	E.G. Slope (ft/ft)	Vel Cont (ft/s)	Flow Area (sq ft)	Top Width (ft)	Froude # Chi
138	76116.61	FW	DupEriMod	46752.00	1380.25	1400.37	1391.87	1402.91	0.001830	12.02	3650.73	242.63	0.53
138	75916.43	FW	DupEriMod	46752.00	1380.04	1399.62	1391.19	1402.16	0.001848	12.63	3703.21	224.40	0.55
138	75476.38	FW	DupEriMod	46752.00	1379.21	1398.22	1383.58	1401.40	0.002103	14.30	3269.82	194.48	0.61
138	74435.37	FW	DupEriMod	46752.00	1371.81	1394.97	1391.50	1398.84	0.002742	15.77	2964.39	185.41	0.70
138	73895.15	FW	DupEriMod	46752.00	1375.02	1394.53	1390.16	1396.03	0.001808	12.35	3846.98	276.04	0.57
138	72812.92												
138	72724.19	FW	DupEriMod	46752.00	1373.99	1394.23	1387.94	1395.08	0.001201	10.62	4426.28	278.42	0.47
138	72420.55	FW	DupEriMod	46752.00	1375.23	1390.52	1382.52	1393.40	0.003946	13.81	3434.23	268.80	0.67
138	72420.55	FW	CorEriMod	46752.00	1375.33	1390.50	1382.52	1393.39	0.002657	13.94	3427.33	268.80	0.67
138	72420.55	FW	PostProjCond	46752.00	1375.33	1390.52	1382.52	1393.40	0.002644	13.62	3432.78	268.80	0.67
138	71125.22	FW	DupEriMod	46752.00	1371.13	1385.85	1384.43	1389.21	0.003989	14.47	3231.71	309.00	0.79
138	71125.22	FW	CorEriMod	46752.00	1371.13	1385.05	1384.43	1389.26	0.003864	14.33	3263.58	309.00	0.78
138	71125.22	FW	PostProjCond	46752.00	1371.13	1385.08	1384.13	1389.21	0.003962	14.44	3238.65	309.00	0.79
138	70576.53	FW	DupEriMod	46752.00	1369.53	1394.15	1382.55	1389.89	0.003661	13.50	3462.83	355.00	0.76
138	70576.53	FW	CorEriMod	46752.00	1369.53	1394.49	1382.55	1387.14	0.003270	13.05	3581.23	355.00	0.72
138	70576.53	FW	PostProjCond	46752.00	1369.53	1394.23	1382.55	1387.02	0.003569	13.29	3492.08	355.00	0.75
138	70096.08	FW	DupEriMod	46752.00	1369.09	1393.81	1380.18	1395.41	0.001825	10.14	4611.00	428.47	0.54
138	70096.08	FW	CorEriMod	46752.00	1369.06	1394.24	1380.18	1395.72	0.001603	9.75	4785.72	428.47	0.51
138	70096.08	FW	PostProjCond	46752.00	1369.06	1393.92	1380.18	1395.40	0.001786	10.04	4657.17	428.47	0.51
138	69700	FW	CorEriMod	46752.00	1367.26	1393.75	1379.41	1395.34	0.001538	11.15	5349.17	770.00	0.53
138	69700	FW	PostProjCond	46752.00	1367.26	1393.37	1379.41	1395.07	0.001699	11.50	5176.42	770.00	0.55
138	68800	FW	CorEriMod	46752.00	1365.83	1393.35	1379.43	1393.16	0.001789	11.24	5085.51	788.61	0.57
138	68800	FW	PostProjCond	46752.00	1365.02	1393.38	1379.56	1394.89	0.001440	10.73	5507.90	788.79	0.51
138	68500	FW	CorEriMod	46752.00	1368.89	1393.61	1378.81	1395.02	0.001331	10.46	5854.84	770.21	0.49
138	68500	FW	PostProjCond	46752.00	1368.89	1393.18	1378.81	1394.59	0.001489	10.64	5451.34	759.10	0.52
138	68425.29	FW	DupEriMod	46752.00	1365.85	1393.03	1378.89	1394.11	0.001902	12.02	4717.61	430.00	0.58
138	68425.29	FW	CorEriMod	46752.00	1365.85	1392.01	1378.98	1394.39	0.002269	12.72	4387.33	430.00	0.63
138	68425.29	FW	PostProjCond	46752.00	1365.85	1392.01	1378.89	1394.11	0.001902	12.02	4716.40	430.00	0.58
138	68893.72	FW	DupEriMod	46752.00	1364.11	1379.68	1377.14	1382.80	0.002730	14.33	3594.27	320.00	0.70
138	67491.79	FW	DupEriMod	46752.00	1362.92	1376.43	1373.35	1378.98	0.002405	12.93	3644.14	299.24	0.65
138	66987.07	FW	DupEriMod	46752.00	1359.99	1374.62	1371.98	1377.05	0.002235	12.82	4385.71	457.24	0.63
138	66013.67	FW	DupEriMod	46752.00	1358.16	1371.20	1371.09	1374.88	0.004361	18.98	3891.72	687.99	0.85
138	65477.85	FW	DupEriMod	46752.00	1358.72	1370.82	1368.94	1372.78	0.002272	12.40	5361.15	644.55	0.83
138	64801.39	FW	DupEriMod	46752.00	1363.59	1369.85	1365.14	1371.15	0.001470	11.13	5816.40	540.79	0.52
138	64127.58	FW	DupEriMod	46752.00	1351.85	1365.42	1365.42	1369.70	0.004951	17.02	3437.38	316.67	0.90
138	63806.92	FW	DupEriMod	46752.00	1350.88	1365.83	1363.83	1367.72	0.002138	11.79	4589.08	602.83	0.60
138	63567.35	FW	DupEriMod	46752.00	1350.19	1364.88	1362.61	1367.14	0.002354	12.65	4182.88	442.70	0.63
138	63207.21	FW	DupEriMod	46752.00	1348.23	1363.57	1361.05	1366.23	0.002688	13.27	3695.08	362.01	0.67
138	62088.02	FW	DupEriMod	46752.00	1349.05	1361.23	1360.24	1362.93	0.002458	11.81	5028.21	484.23	0.64
138	61264.53	FW	DupEriMod	46752.00	1344.61	1359.64	1357.57	1361.27	0.001854	11.07	5210.43	720.00	0.66
138	60801.75	FW	DupEriMod	46752.00	1342.81	1357.02	1354.31	1359.08	0.003695	15.61	4131.13	700.76	0.80
138	59501.19	FW	DupEriMod	46752.00	1343.78	1355.22	1352.74	1356.21	0.001711	9.24	7241.04	1371.17	0.52
138	58411.90	FW	DupEriMod	46752.00	1339.47	1353.89	1349.45	1354.40	0.001434	9.88	8924.99	1494.89	0.58
138	57197.08	FW	DupEriMod	46752.00	1332.84	1349.54	1348.54	1352.07	0.003207	14.80	6397.72	1202.54	0.74
138	56311.54	FW	DupEriMod	46752.00	1332.45	1346.85	1346.50	1349.47	0.003122	14.09	5361.28	981.63	0.72
138	56043.85	FW	DupEriMod	46752.00	1332.05	1346.27	1345.39	1348.53	0.002806	13.12	5477.61	868.40	0.69
138	55736.45	FW	DupEriMod	46752.00	1331.50	1345.55	1344.50	1347.61	0.002808	12.37	5508.57	915.38	0.68
138	55080.96	FW	DupEriMod	46752.00	1330.47	1343.22	1342.72	1345.48	0.004012	13.07	5153.58	920.80	0.78
138	54267.72	FW	DupEriMod	46752.00	1329.92	1341.77	1330.48	1343.08	0.001780	10.31	7033.10	934.54	0.84
138	53495.77	FW	DupEriMod	46752.00	1324.39	1340.53	1336.73	1341.73	0.001509	10.32	7202.96	814.23	0.81

HEC-RAS River Regime (Reach 138) Profile FW (Continued)

Reach	River Sta	Profile	Plan	Q Total (cfs)	Min Chl El (ft)	W.S. Elev (ft)	Crit W.S. (ft)	E.O. Elev (ft)	E.O. Slope (ft/ft)	Vel Chl (ft/s)	Flow Area (sq ft)	Top Width (ft)	Freude # Chl
138	53075.45	FW	DupEriMod	46752.00	1323.58	1338.98	1338.39	1340.93	0.002249	12.32	5430.95	732.21	0.62
138	52743.67	FW	DupEriMod	46752.00	1322.87	1337.00	1335.84	1340.07	0.002083	13.27	4614.16	557.75	0.67
138	51212.10	FW	DupEriMod	46752.00	1318.98	1333.49	1333.15	1335.68	0.002812	12.92	5310.48	1131.05	0.68
138	48626.74	FW	DupEriMod	46752.00	1313.38	1328.90	1328.90	1330.82	0.003333	13.21	7173.60	1845.08	0.73
138	49152.23	FW	DupEriMod	46752.00	1311.71	1326.03	1325.55	1328.18	0.004525	13.71	6111.95	1587.67	0.83
138	48700.17	FW	DupEriMod	46752.00	1310.55	1325.91	1323.71	1325.75	0.001806	9.42	6862.77	1850.85	0.55
138	46187.15	FW	DupEriMod	46752.00	1308.54	1323.78	1323.30	1325.24	0.003145	12.94	6579.85	2621.38	0.71
138	47090.01	FW	DupEriMod	46752.00	1309.85	1321.49	1319.42	1322.62	0.002405	11.01	6170.87	1981.92	0.62
138	45824.18	FW	DupEriMod	46752.00	1302.38	1310.13	1316.46	1320.49	0.001343	10.68	8228.38	1304.26	0.50
138	45499.67	FW	DupEriMod	46752.00	1302.24	1317.45	1317.05	1319.78	0.003728	13.21	5337.65	1020.00	0.76
138	44687.73	FW	DupEriMod	46752.00	1302.41	1316.66	1312.64	1317.72	0.001241	8.53	6366.67	700.00	0.45
138	43655.08	FW	DupEriMod	46752.00	1298.61	1313.47	1311.38	1315.61	0.002621	13.89	5430.79	559.64	0.68
138	42003.91	FW	DupEriMod	46752.00	1294.73	1309.48	1309.70	1311.87	0.002300	13.09	4711.53	523.00	0.03
138	41851.20	FW	DupEriMod	46752.00	1293.34	1308.55	1305.93	1310.87	0.002416	12.51	4385.35	520.74	0.64
138	41206.88	FW	DupEriMod	46752.00	1291.78	1307.88	1304.41	1309.80	0.001925	11.49	4801.28	856.36	0.57
138	40400.3	FW	DupEriMod	46752.00	1289.18	1305.15	1303.26	1308.34	0.001973	12.42	5040.81	630.78	0.59
138	39691.04	FW	DupEriMod	46752.00	1291.80	1304.46	1303.23	1306.44	0.003064	13.38	7089.82	1028.05	0.72
138	38497.72	FW	DupEriMod	46752.00	1288.35	1301.53	1299.78	1302.85	0.002583	13.69	10979.32	1675.00	0.67
138	37651.00	FW	DupEriMod	49454.00	1282.02	1298.18	1298.18	1300.86	0.002842	15.21	8264.35	1445.35	0.72
138	36557.43	FW	DupEriMod	49454.00	1281.06	1295.31	1294.07	1297.30	0.002466	12.87	6516.33	950.69	0.85
138	35739.85	FW	DupEriMod	49454.00	1278.47	1293.65	1280.08	1285.45	0.001823	9.93	5554.81	650.00	0.52
138	34555.97	FW	DupEriMod	49454.00	1273.46	1292.43	1288.08	1293.80	0.001214	10.05	6636.26	658.71	0.46
138	34188.2	FW	DupEriMod	49454.00	1272.24	1290.81	1288.50	1293.02	0.001802	12.45	4693.99	357.00	0.57
138	31112.32		Bridge										
138	34031	FW	DupEriMod	49454.00	1270.18	1290.38	1284.71	1292.28	0.001383	11.11	4581.05	335.06	0.59
138	33589	FW	DupEriMod	49454.00	1274.35	1288.89	1285.51	1291.32	0.002316	12.82	4928.70	325.47	0.63
138	32993.74	FW	DupEriMod	49454.00	1272.44	1286.13	1283.62	1288.79	0.002756	13.11	3840.40	349.30	0.68
138	31809.98	FW	DupEriMod	49454.00	1272.22	1284.15	1282.47	1285.78	0.002711	11.10	6005.27	1263.50	0.85
138	31127.77	FW	DupEriMod	49454.00	1269.91	1283.22	1281.98	1284.06	0.001946	10.79	8103.76	1500.00	0.57
138	30834.58	FW	DupEriMod	49454.00	1267.81	1281.25	1278.99	1283.42	0.003050	13.77	8227.04	1900.00	0.72
138	29940.68	FW	DupEriMod	49454.00	1267.75	1278.34	1278.34	1280.38	0.003760	13.22	8454.30	2200.99	0.77
138	28951.92	FW	DupEriMod	49454.00	1265.67	1276.45	1274.98	1277.79	0.002474	10.88	9058.97	1700.00	0.63
138	27412.09	FW	DupEriMod	49454.00	1256.02	1273.53	1270.82	1275.07	0.001773	11.25	7033.65	919.97	0.55
138	26118.72	FW	DupEriMod	49454.00	1245.50	1267.18	1265.58	1271.68	0.003931	17.38	3129.71	242.11	0.81
138	25336.44	FW	DupEriMod	49454.00	1247.72	1264.57	1262.97	1268.44	0.003607	15.78	2134.97	261.47	0.80
138	24696.27	FW	DupEriMod	49454.00	1249.55	1262.88	1260.81	1265.90	0.003437	14.46	3424.57	305.89	0.78
138	23854.41	FW	DupEriMod	49454.00	1245.04	1260.42	1257.84	1263.12	0.002842	13.18	3750.71	329.80	0.89
138	23459.62	FW	DupEriMod	49454.00	1244.23	1260.16	1256.23	1261.98	0.001770	10.81	4575.48	381.00	0.53
138	23071.38	FW	DupEriMod	49454.00	1243.43	1259.11	1255.73	1261.12	0.002170	11.52	4292.85	376.79	0.69
138	22073.42	FW	DupEriMod	49454.00	1238.19	1257.78	1254.74	1258.47	0.001223	10.42	4748.36	313.16	0.47
138	21039.0	FW	DupEriMod	49454.00	1237.36	1255.97	1249.31	1258.08	0.001302	11.64	4247.39	256.12	0.80
138	20230.94	FW	DupEriMod	49454.00	1235.54	1253.84	1250.92	1258.41	0.002647	15.63	3557.10	255.00	0.72
138	18998.97	FW	DupEriMod	49454.00	1232.69	1251.25	1246.09	1253.39	0.001658	11.72	4217.91	287.58	0.54
138	17925.34	FW	DupEriMod	49454.00	1232.04	1248.28	1244.00	1251.18	0.002483	13.84	3625.87	273.46	0.66

HEC-RAS River model user Reach 138 Profile FW (Continued)

Reach	River Sta	Profile	Plan	Q Total (cfs)	Max Ch El (ft)	W.S. Elev (ft)	Crit W/S (ft)	E.G. Elev (ft)	E.G. Slope (ft/ft)	Vel Chnl (ft/s)	Flow Area (sq ft)	Top Width (ft)	Floods # Ch
138	17441.04	FW	DupErlMod	49454.00	1231.74	1247.77	1243.44	1249.89	0.001830	11.89	4232.01	312.89	0.59
138	16973.6	FW	DupErlMod	49454.00	1231.48	1247.06	1242.75	1248.01	0.001729	11.21	4410.85	308.54	0.55
138	16129.66	FW	DupErlMod	49454.00	1227.80	1243.23	1239.95	1245.43	0.002180	11.55	4274.24	372.02	0.61
138	14657.88	FW	DupErlMod	49454.00	1225.14	1240.80	1239.55	1244.13	0.002863	14.79	3711.28	314.01	0.72
138	14396.07	FW	DupErlMod	49454.00	1223.91	1240.44	1237.87	1243.30	0.002904	14.12	4099.89	307.19	0.68
138	13058.23	FW	DupErlMod	49454.00	1224.83	1238.15	1234.79	1239.90	0.002031	10.80	4683.45	434.31	0.57
138	11927.50	FW	DupErlMod	49454.00	1218.35	1233.77	1231.76	1236.89	0.003261	14.17	3591.95	313.56	0.71
138	11457.71	FW	DupErlMod	49454.00	1217.46	1232.72	1230.91	1235.22	0.003875	13.76	4025.37	533.10	0.69
138	10842.76	FW	DupErlMod	49454.00	1216.57	1231.57	1228.65	1233.09	0.002479	12.74	5188.30	533.36	0.65
138	9856.841	FW	DupErlMod	49454.00	1214.76	1228.59	1226.94	1231.28	0.002271	10.52	5056.19	678.77	0.80
138	8893.177	FW	DupErlMod	49454.00	1213.85	1227.59	1224.75	1228.17	0.002105	11.81	6491.03	680.00	0.60
138	8285.656	FW	DupErlMod	49454.00	1212.26	1226.26	1223.03	1227.82	0.001910	10.80	5522.71	875.00	0.57
138	7446.859	FW	DupErlMod	49454.00	1207.24	1222.26	1221.81	1225.46	0.003702	15.37	4592.05	648.00	0.79
138	6835.612	FW	DupErlMod	49454.00	1207.62	1220.94	1219.08	1222.51	0.003197	12.80	5116.76	730.12	0.71
138	5671.711	FW	DupErlMod	49454.00	1206.25	1217.00	1216.72	1219.53	0.003255	13.67	6674.43	1126.37	0.73
138	4506.347	FW	DupErlMod	49454.00	1201.50	1216.39	1212.87	1216.15	0.001826	10.50	10772.92	1687.98	0.35
138	3681.087	FW	DupErlMod	49454.00	1199.96	1214.45	1210.35	1215.00	0.001180	8.53	12406.02	1620.69	0.44
138	3358.055	FW	DupErlMod	49454.00	1198.08	1213.21	1211.02	1214.42	0.002248	11.95	8801.87	1444.10	0.61
138	2875.897	FW	DupErlMod	49454.00	1199.95	1212.98	1207.89	1213.70	0.006074	7.65	10078.19	1487.50	0.40
138	2385.852	FW	DupErlMod	49454.00	1195.45	1210.98	1208.97	1212.79	0.002785	12.79	7314.04	1013.86	0.66
138	1781.125	FW	DupErlMod	49454.00	1194.52	1208.22	1207.09	1210.61	0.003855	13.65	5351.86	918.48	0.78
138	1418.287	FW	DupErlMod	49454.00	1193.75	1207.23	1206.41	1209.22	0.004111	13.98	6353.87	997.33	0.79
138	-0.00002	FW	DupErlMod	71798.00	1189.25	1205.07	1202.97	1206.18	0.001469	9.69	9199.56	1004.39	0.50
138	-0.00012	FW	DupErlMod	71798.00	1186.10	1203.59	1202.85	1205.15	0.002460	11.50	7904.82	1480.41	0.84
138	-0.00027	FW	DupErlMod	71798.00	1183.51	1202.51	1195.46	1203.06	0.000891	9.89	10346.16	1104.27	0.41
138	-0.00054	FW	DupErlMod	71798.00	1181.50	1202.19	1192.76	1202.62	0.000363	8.16	15976.76	1576.09	0.78



Scott J. Ferre, P.E., M. Eng

Principal/Owner

1056 Highlands DR
Eagle Point, OR 97524
503-545-6000

roguetechengineering@gmail.com

www.roguetechengineering.com

City of Shady Cove

P.O. Box 1210

22451 Highway 62

Shady Cove, OR 97539

September 28, 2021

Dear Mr. Nolan,

RogueTech Civil Engineering, LLC (RogueTech) was hired under agreement by the property owner of 128 Penny Lane, Mr. Mike Kretzer, on July 16, 2021 to prepare supporting documentation for permit applications he submitted to the City. The permit applications were for a footbridge he installed in a Regulatory Floodway, and the riparian corridor disturbance resulting from the footbridge, as well as to continue to maintain vegetation within the riparian corridor on his property.

Contact with the Oregon Department of State Lands

RogueTech contacted the Oregon Department of State Lands (DSL) on August 13th, 2021 to request permitting requirements for DSL, for any impacts that may have occurred due to the footbridge. The individual, Lauren Brown, from DSL who is responsible for the area the footbridge is located contacted RogueTech Civil Engineering and communicated that if there are no impacts below Ordinary High Water, DSL has no concerns. RogueTech conducted a determination to identify Ordinary High Water on August 5, 2021. This determination shows that no part of the recent installation of the footbridge is located below Ordinary High Water. The attached Exhibit A illustrates this.

Contact with the U.S. Army Corps of Engineers

In addition, RogueTech contacted Maya Goklany on September 23, 2021 of the U.S. Army Corps of Engineers (USACE) Regulatory Office at the USACE Eugene Office to determine if the recently installed bridge would require any USACE permit. Ms. Goklany stated that based on the conversation it was not likely the

bridge would require a USACE permit. Ms. Goklany asked that RogueTech submit a partial permit application with the property location and description of the footbridge so that she could further review. She communicated that if the partial permit application verified the information RogueTech provided her, that she would likely be able to provide a “no permit required” statement for submittal to the City. As of the date of this letter, Ms. Goklany has not yet responded to this request.

Contact with the Oregon Department of Fish and Wildlife

RogueTech also contacted Mr. Peter Samarin at the Oregon Department of Fish and Wildlife for the Rogue River on September 15, 2021 to ask for Riparian mitigation requirements for the installed footbridge. Mr. Samarin provided an email response which is attached as Exhibit B to this letter. Mr. Samarin offered two options, one to plant six native trees on Mr. Kretzer’s property along the left overbank of the side channel, and another option to plant three trees on the left overbank and three trees on the right overbank of the side channel. We have opted for the latter option as shown on the Riparian Site Plan submitted with this letter.

In addition, in accordance with the City of Shady Cove’s Ordinance 279, adopted in June of 2016, the installation of the footbridge meets Section III(B)(8) which provides for the installation of a permanent structure within a riparian corridor upon demonstration that equal or better protection of the resource will be provided through restoration. Section III(B)(7) provides for the removal of riparian corridor vegetation necessary for the development of a water dependent use including recreation. Mr. Kretzer will utilize the permanently installed footbridge to access his property on the island for recreational uses including but not limited to fishing, and wildlife viewing. Section III(B)(6) provides for the removal of non-native vegetation in the riparian corridor and replacement with native plant species. A 14.67-SF area of invasive species, Himalayan Blackberry, were removed to install a concrete pad to anchor the island side of the bridge to the island. ODFW was contacted as described above to determine the native species planting requirement to meet the intent of this section of Ordinance. The Riparian Site Plan included in this submittal shows the location of six native trees that will be planted in accordance with the ODFW requirements. These trees restore the riparian corridor and ensure increased protection of the side channel by providing a greater area of native vegetation and more shade over the channel than what existed prior to the installation of the bridge.

The Continuation of Pre-Existing Maintenance of Vegetation within the Riparian Corridor

In accordance with Section III(A)(1), a property owner may continue the pre-existing maintenance of any use that lawfully existed on the date of the Ordinance adoption. Mr. Kretzer is applying to continue to maintain vegetation as shown on the Riparian Site Plan as it was maintained in the past. Exhibit C shows a progression of historical aerial photographs of the island since the year 2000. The progression of photos shows that the vegetation on the island has been maintained by previous owners at a similar level of maintenance since before the Ordinance adoption in 2016. Section III(A)(3) provides that change of ownership does not affect the ability of the current owner to do so.

In addition to this letter, please find the submitted "No-Rise" Certification and report to address the installation of the footbridge within a Regulatory Floodway.

I hope the information contained in this letter, figures, exhibits, Riparian Site Plan, and the "no-rise" certification clarifies the intents of Mr. Kretzer and that his past and proposed actions of installing the footbridge and managing vegetation within the riparian corridor on his property have been designed and conducted to meet the requirements of the Oregon Department of State Lands, the U.S. Army Corps of Engineers, the Oregon Department of Fish and Wildlife, and the City of Shady Cove.

We look forward to meeting you at the City Council meeting on October 7th and please contact me with any questions or for additional information at 503-545-6000 or email at: roguetechengineering@gmail.com.

Very respectfully,



Scott J. Ferre, P.E., M. Eng

Ordinary Highwater Determined for Side Channel at Vegetation Line along Channel Bank.



Ordinary High Water

N.T.S.

Client Name	
No.	Revision No.
Project Name	
Project No.	
Project Location	
Project Date	
Project Engineer	
Project Designer	
Project Checker	
Project Approver	
Project Status	
Project Notes	

Project Name: **RogueTech Civil Engineering, LLC**
1056 Highlands DR
Eagle Point, OR 97524
rogue@roguecivileng.com
www.roguecivileng.com

Project No: **2111**
Project Location: **232 Perry Lane**
Project Date: **09/27/2021**
Project Engineer: **Shah A.**
Project Designer: **As Noted**





Scott Ferre <roguetechengineering@gmail.com>

RE: Riparian Mitigation Rogue River

1 message

SAMARIN Peter A * ODFW <Peter.A.SAMARIN@odfw.oregon.gov>
To: Scott Ferre <roguetechengineering@gmail.com>

Thu, Sep 16, 2021 at 9:12 AM

Got it. I recommended mitigation of 6 native trees to be planted at 8-10 foot intervals on the house side of the channel to mitigate for the permanent concrete, paths and bridge itself. However, if the applicants property extends to the main channel of the Rogue River ODFW would accept 3 trees planted along the Rogue River and 3 along the side channel on the bank closest to the house. Trees should be typical to the area and choices include but are not limited to alder, big leaf maple, cottonwood or further upland, ponderosa pine. A maintenance plan needs to be included which should include watering and replacing dead trees for 5 years to ensure 80% survival. A general map showing what is being planted where should also be included in the application. Pete

-----Original Message-----

From: Scott Ferre <roguetechengineering@gmail.com>
Sent: Thursday, September 16, 2021 8:56 AM
To: SAMARIN Peter A * ODFW <Peter.A.SAMARIN@odfw.oregon.gov>
Subject: Re: Riparian Mitigation Rogue River

Hi Pete,

This is for 128 Penny Lane. I talked to Ryan Nolan and he said you made some recommendations but the City has not told us what they want us to do and asked that I contact you. Any chance you could please send the recommendations to me that you sent the City? Then I'll propose those recommendations in the riparian permit application to hopefully satisfy the City.

Thanks!

V/r

-Scott

Sent from my iPhone

> On Sep 16, 2021, at 8:36 AM, SAMARIN Peter A * ODFW <Peter.A.SAMARIN@odfw.oregon.gov> wrote:

>

> Scott,

>

> It appears (according to the city) bridges were added at 128 and 130 Penny Lane. I provided recommended mitigation to the city at 128 Penny Ln. Is this project at 130? If so, I will need photos of the site that includes all areas where work was completed. After receiving those I can make a recommendation to the city as ODFW does not regulate this type of activity and only works in an advisory role for counties/municipalities. Thanks, Pete

>

> -----Original Message-----

> From: Scott Ferre <roguetechengineering@gmail.com>
> Sent: Wednesday, September 15, 2021 11:22 AM
> To: peter.a.samarin@state.or.us
> Subject: Riparian Mitigation Rogue River

>

>

> Good Morning,

>

> I'm a civil engineer and have a client in Shady Cove that has constructed a foot bridge over a side channel of the Rogue River to access his private property on the other side of the channel. He has disturbed about 16 SF of riparian vegetation (black berries) with a concrete pad and installed about a 20' long 2' wide decomposed granite path from the bridge to an undisturbed area of the private island. We are submitting permits for floodplain development and riparian management and the City asked that I reach out to you to see if ODFW has any concerns or permitting/mitigation requirements. I can

9/27/21, 11:21 PM

Gmail - RE: Riparian Mitigation Rogue River

provide photos or would be happy to meet you onsite if needed. Thanks!

>

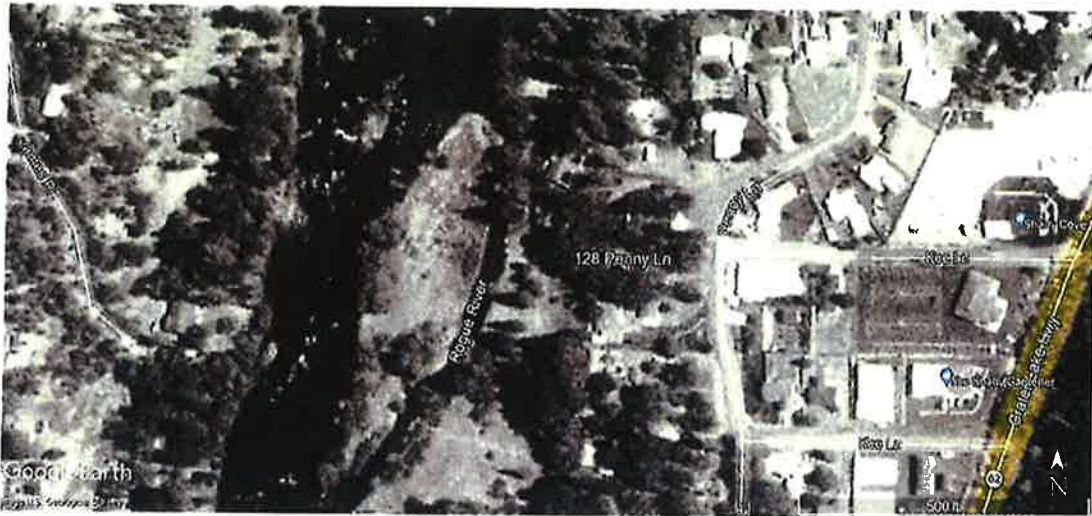
> V/r

>

> -Scott Ferre

> 503-545-6000

Exhibit C: Historical Aerial Photos



Google Earth 2000



Google Earth 2005



Google Earth 2010



Google Earth 2012



Google Earth 2014

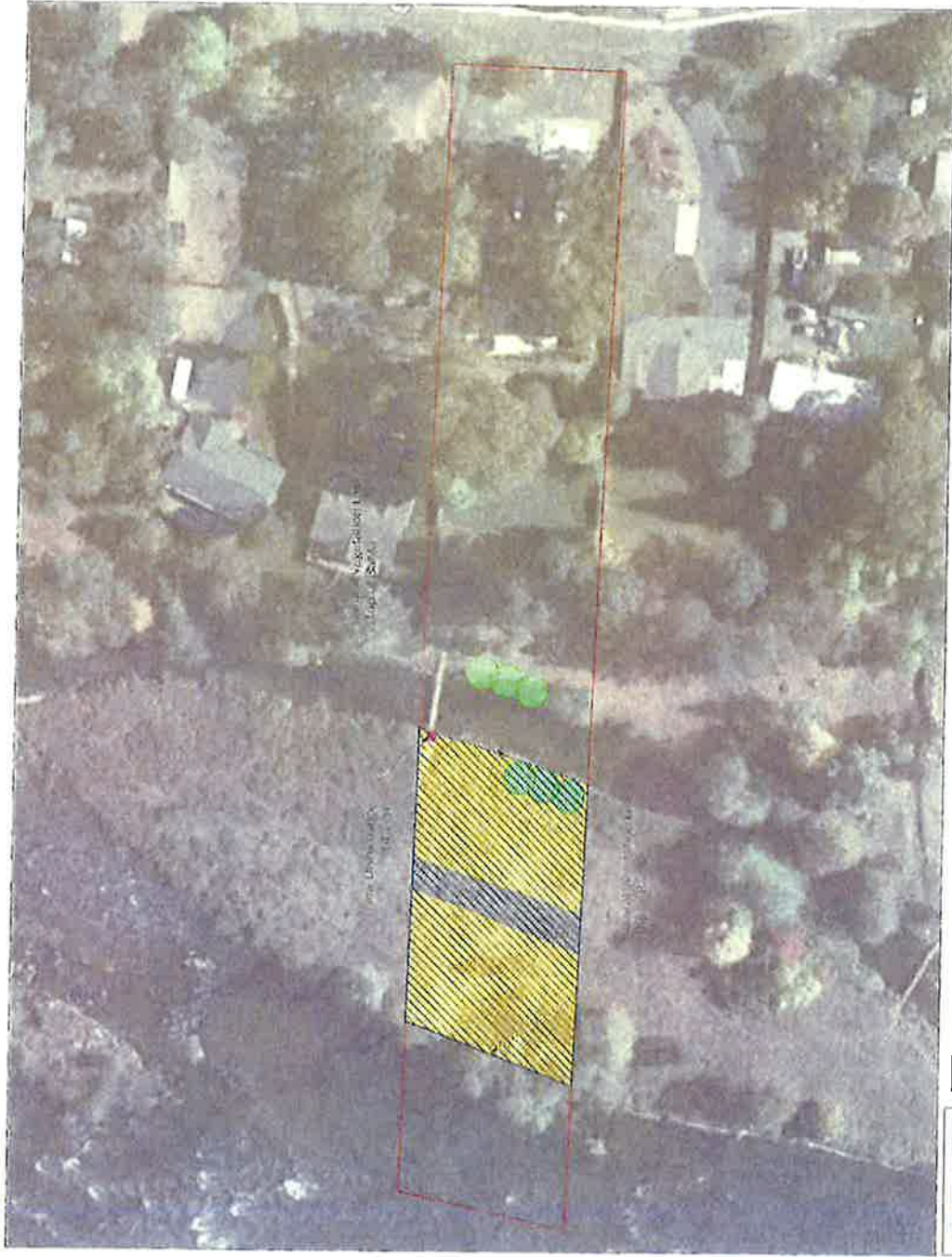


Google Earth 2016



Google Earth 2020 (most recent Google Earth Aerial)

Riparian mitigation requirements of planting six native trees provided by Oregon Department of Fish and Wildlife.



1. Proposed trees shall be Big Leaf Maple, Alder, or Cottonwood; planted 8 - 10 feet apart.
2. Follow supplier recommended planting instructions and maintenance.
3. Replace any dead trees for the first 5 years to ensure at least 80% survival.
4. Vegetation in pre-existing trimming areas to be maintained per City Ordinance 279



No.	Remarks/Notes	Date

Region Tech Civil Engineering, LLC
 1056 Highlands DR
 Eagle Point, OR 97524
 regiontechengineering@gmail.com
 www.regiontechengineering.com

Region Tech Project No: 2111
 118 Parkway Lane
 Shady Grove, OH

Region Tech Plan No: 09/21/2021
 Date: 09/21/2021
 Author: AN, AVMS



Riparian Corridor
 Pre-existing Trimming Area
 Proposed Tree
 Property Boundary

Check Issue Dates: 10/22/2021 - 11/10/2021

Nov 10, 2021 11:17AM

Check Issue Date	Check	Payee	Description	Amount
11/10/2021	50149	Avista Corporation	Natural gas 09/22/21-10/20/21	55.80
11/10/2021	50150	Canon Solutions America, Inc.	Copies	56.63
11/10/2021	50151	Cantel of Medford, Inc.	Street stop sign	240.00
11/10/2021	50151	Cantel of Medford, Inc.	Street sign, post & hardware	298.70
11/10/2021	50152	Celtic Circle, LLC	Shop rent 11/2021	865.00
11/10/2021	50153	City of Shady Cove - Utilities	1008 Celtic Cir 10/2021	46.00
11/10/2021	50153	City of Shady Cove - Utilities	22451 Hwy 62 10/21	46.00
11/10/2021	50153	City of Shady Cove - Utilities	2501 Indian Creek Rd 10/2021	45.00
11/10/2021	50154	Crystal Fresh	City Hall bottled water 10/2021	52.00
11/10/2021	50155	David Christian	Radio 10/18-10/22/21	90.00
11/10/2021	50155	David Christian	Radio 10/25-10/29/21	90.00
11/10/2021	50155	David Christian	Radio 11/1-11/05/21	90.00
11/10/2021	50156	Flory Gene T Trustee	Refund Sewer Acct 1267.01	222.26
11/10/2021	50157	Game Time	Aunt Carolines Park - Play Structure	1,371.10
11/10/2021	50158	Gregory Bohnenkamp	Refund Sewer Acct 1311.02	33.00
11/10/2021	50159	J & J Tree Service, LLC	Remove dead tree at Shady Acres	1,550.00
11/10/2021	50160	Jan Williams	Refund credit balance	36.20
11/10/2021	50161	K & L Premium Properties, LLC	Refund of overpaid transient tax	6,438.79
11/10/2021	50162	KAS & Associates, Inc.	Research RFQ Sample	60.00
11/10/2021	50163	Kimmel Family Foundation	Sold-Refund credit balance	1,522.00
11/10/2021	50163	Kimmel Family Foundation	1823.03 Sold-Refund credit balance	363.23
11/10/2021	50164	Lois Gould	Refund Sewer Acct 1362.01	132.00
11/10/2021	50165	Pacific Power	Aunt Carolines 09/22-10/21/2021	34.29
11/10/2021	50165	Pacific Power	Street lights 10/12/21	640.97
11/10/2021	50165	Pacific Power	City Hall 09/23-10/22/2021	194.15
11/10/2021	50165	Pacific Power	Nork Lane 09/23-10/22	240.69
11/10/2021	50166	VOID		-
11/10/2021	50167	Perfection Cleaning	City Hall office cleaning 10/2021	375.00
11/10/2021	50168	Shady Cove Hardware, LLC	Lysol, Windex	14.58
11/10/2021	50169	SOS Alarm	City Hall 11/1-11/31/21	152.85
11/10/2021	50169	SOS Alarm	(Shop) 11/1-11/31/21	118.35
11/10/2021	50170	Southern Oregon Sanitation	22451 Hwy 62 10/2021	40.22
11/10/2021	50170	Southern Oregon Sanitation	Nork Ln 10/2021	40.22
11/10/2021	50171	State Forester	Fire Protection 7/1/21-6/30/22	10.55
11/10/2021	50172	Susan Lyman-Deatherage	Refund sewer acct 1116.01	70.00
11/10/2021	50173	TouchPoint Networks, LLC	Firewall protection Nov/2021	31.00
11/10/2021	50174	US Bank St. Paul	Principle 7/1-12/31/21	65,000.00
11/10/2021	50174	US Bank St. Paul	Interest 7/1-12/31/21	31,121.70
11/10/2021	50175	Vera Silva	Refund Sewer Acct 1460.01	137.83
11/10/2021	50176	WECO - Carson	Gas/Diesel 10/7-10/15/21	121.55
11/10/2021	50176	WECO - Carson	Gas/Diesel 10/25-10/27	98.47
11/10/2021	50177	Patricia Bankhead	Refund Sewer Acct 2020.02	46.65
11/10/2021	111021	JP Morgan Chase	Expedia refund - LOC hotel, Tom C.	(405.09)
11/10/2021	111021	JP Morgan Chase	late fee reversal	(40.00)
11/10/2021	111021	JP Morgan Chase	Amazon monthly prime	12.99
11/10/2021	111021	JP Morgan Chase	Bmatrix recurring	59.99
11/10/2021	111021	JP Morgan Chase	Staples-AP stamp	14.35
11/10/2021	111021	JP Morgan Chase	Planning network meeting	40.00
11/10/2021	111021	JP Morgan Chase	Adobe monthly recurring	14.99
11/10/2021	111021	JP Morgan Chase	Costco-Supplies	51.98
11/10/2021	111021	JP Morgan Chase	Walmart-City Hall supplies	11.26
11/10/2021	111021	JP Morgan Chase	Staples-Self inking stamp	20.00
11/10/2021	111021	JP Morgan Chase	Amazon-Bathroom towels	70.57
11/10/2021	111021	JP Morgan Chase	Apple-Recurring phone prot	2.99
11/10/2021	111021	JP Morgan Chase	Staples-Toner,paper,post its	299.98

Check Issue Date	Check	Payee	Description	Amount
11/10/2021	111021	JP Morgan Chase	Staples-Toner for finance printer	206.89
11/10/2021	111021	JP Morgan Chase	Amazon-bamboo poles, garden stakes	16.99
11/10/2021	111021	JP Morgan Chase	BeenVerified recurring	22.86
11/10/2021	111021	JP Morgan Chase	Apple-phone prot	0.99
11/10/2021	111021	JP Morgan Chase	Rackspace-Council	70.37
11/10/2021	111021	JP Morgan Chase	Rackspace-Admin	42.22
11/10/2021	111021	JP Morgan Chase	Rackspace-Parks	14.07
11/10/2021	111021	JP Morgan Chase	Rackspace-Planning	14.07
Grand Totals:				112,735.25

Check Issue Date	Check	Payee	Description	Amount
11/23/2021	50178	AT&T Mobility	Cell phones 11/6-12/8/21	179.06
11/23/2021	50179	Avista Corporation	Natural Gas 10/20-11/18/21	119.36
11/23/2021	50180	Canon Financial Services, Inc.	Contract 11/01 - 11/30/21	203.82
11/23/2021	50181	Costco	Membership Renewal	60.00
11/23/2021	50182	Homecker Cowling, LLP	General Advice File 32076-001-MSB	935.65
11/23/2021	50183	Hunter Communications	Phone/Internet 12.01.21-12.31.21	751.10
11/23/2021	50184	OGEC	Oregon Government Ethic Commission 07/01/21-06/30/22	548.82
11/23/2021	50185	Quality One Maintenance Inc	City Hall Parking Lot Seal Coat, Crack Fill and Striping	2,599.00
11/23/2021	50186	RVCOG	Buildable Lands within City Limits 9/20/21	48.91
11/23/2021	50186	RVCOG	R Nolan - July, August, September Planning Services	7,065.38
11/23/2021	50186	RVCOG	Mileage Charges	157.68
11/23/2021	50186	RVCOG	RVCOG Annual Membership	477.00
11/23/2021	50187	Teamster Local 223	November Dues	204.00
11/23/2021	50188	WECO - Carson	Gas/Diesel 11/03-11/15/21	250.06
11/23/2021	50189	State of Oregon Corporation Division	Notary Dues - Michele Rowden	40.00
Grand Totals:				13,659.84

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 (JCSC)	496,315	173,708	35%
Law Enforcement - Community Resource Officer	42,600	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			
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
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%

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

Councilor Murders

DRAFT

City of Shady Cove

Ordinance No. 303

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHADY COVE DEDICATING CERTAIN REAL PROPERTY FOR STREET PURPOSES

WHEREAS, the Common Council of the City of Shady Cove, Oregon deems it necessary to dedicate certain real property for street purposes to the public.

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

Section 1. That real property owned by the City of Shady Cove, Oregon, more particularly described in Exhibit "A" attached hereto (34-1W-15BB TL 4000) and by reference incorporated, is hereby designated as part of Williams Lane and made part of the City street system.

Section 2. A certified copy of this ordinance and the map attached hereto as Exhibit "A" shall be filed with the Recording Department, Jackson County Courthouse, Medford Oregon, upon passage and adoption of this Ordinance.

Adopted by the Shady Cove City Council on this _____ day of _____ 2021.

Approved:

Attest:

Shari Tarvin, Mayor

Thomas J. Corrigan, City Administrator

Council Vote:

Mayor Tarvin _____

Councilor McGregor _____

Councilor Nuckles _____

Councilor Evertt _____

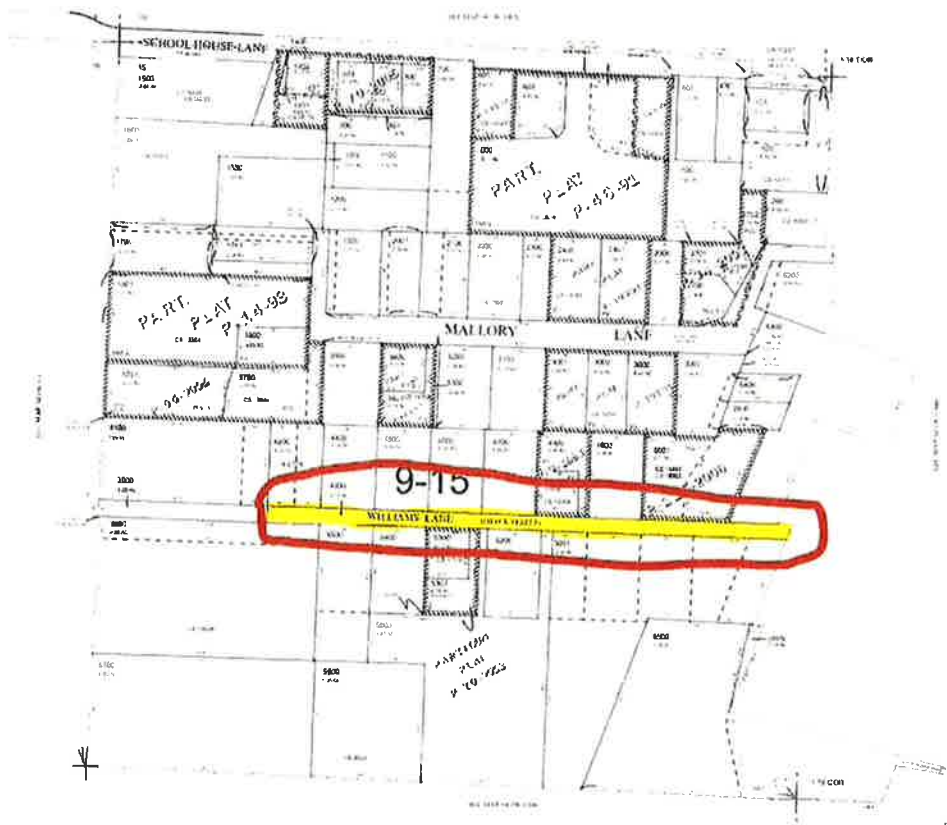
Councilor Murders _____

EXHIBIT 'A'

1/10/1987

N.W. 1/4 N.W. 1/4 SEC 15 T.34S R. 1W. W.M.
JACKSON COUNTY
1" = 100'

34 1W 15BB
SHADY COVE



1/10/1987
1/10/1987
1/10/1987
1/10/1987
1/10/1987
1/10/1987
1/10/1987
1/10/1987
1/10/1987
1/10/1987

34 1W 15BB
SHADY COVE
1/10/1987
1/10/1987

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 _____
Councilor Murders _____

**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:

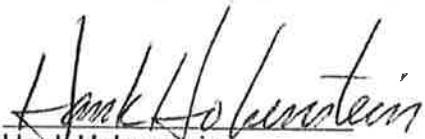
SECTION 1: FINDINGS

- 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
9-23-21

TO BE COMPLETED BY APPLICANT:

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

Property Street Address: 20140 Hwy 62

Between Cindy way and Butte falls / willow lake streets.

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

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

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

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

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

CERTIFICATION

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

APPLICANT'S SIGNATURE Michael A. Fischer MARIA FISCHER

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

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

PLANNER OR HIS/HER DESIGNATE

Complete Incomplete

Signature Angela Nolan 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, triable 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 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

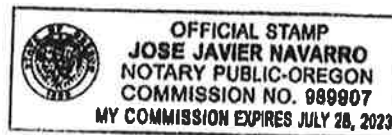
Michael A. Bock 7/29/21
Buyers Signature - Date

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



Google

Map data ©2021

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

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

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

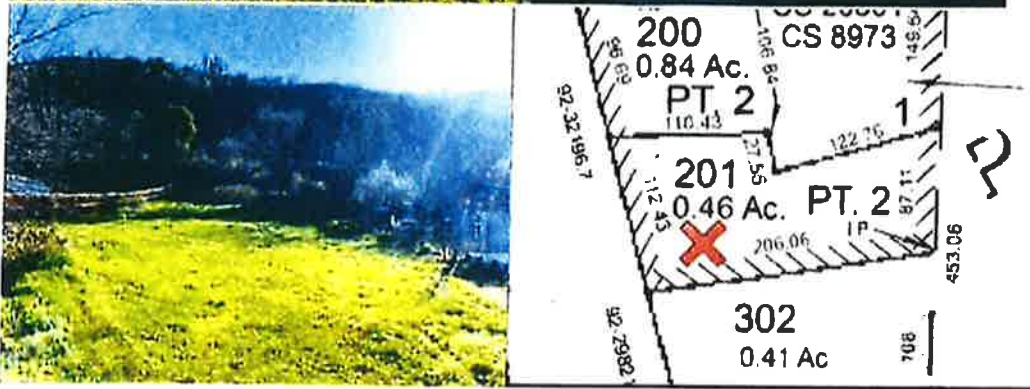
General Property Information	Exterior Information	Land Information
CC&R's: No FIRPTA: No Association: No Elementary School: Shady Cove School Middle Or Junior School: Check with District High School: Eagle Point High Tax Annual Amount: \$795.44 Tax Lot: 201 Tax Map Number: 341w21d Tax Year: 2020 Potential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

Listing courtesy of:

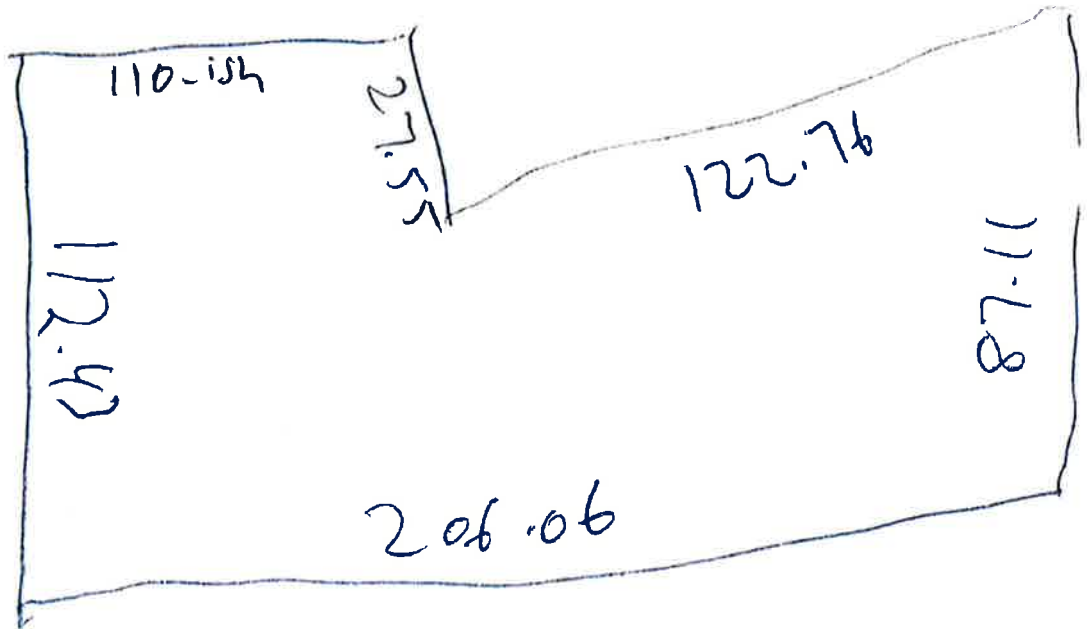
Slade Bittler License:201210593
 Merit Commercial RE, LLC
 1600 Skypark Dr., Ste. 202
 Medford, OR 97504
 541-944-5620
 541-608-6704
 541-944-5620
 slade@roguecommercial.com
 http://www.roguecommercial.com



2921



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 1-099295-6 341W21D 201 ANDREST JASON P 20140 HWY 62 SHADY COVE R ANDREST JASON P 4582 TABLE ROCK RD CENTRAL POINT OR, 975023160		Tax Year 2020 Info Pay Taxes Online Details Details Details Details Details		Land Info 9-15 0.46 Zoning Land Class BS 0.46 Ac Property Class Stat Class 100 000 289736-1 1 000 04 ACTIVE Assessable NORMAL		
Sales Data (ORCATS)						
\$ 175,000		Apr 14, 2016		2016-11785 Details		
<input checked="" type="checkbox"/> Value Summary Detail (For Assessment Year 2020) <input checked="" type="checkbox"/> Market Value Summary (For Assessment Year 2020)						
9-15	LAND	0.46	\$ 92,620	\$ 92,620	\$ 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)	Tax Map		
<input checked="" type="checkbox"/> 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 >>>						
<input type="checkbox"/> Exemptions / Special Assessments / Notations / Potential Liability						
CARTOGRAPHIC ACTIVITY			2017			
CARTOGRAPHIC ACTIVITY			2010			
<input checked="" type="checkbox"/> Location Map						
DCQ 2018 County of Jackson, OR, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, L... 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

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. Effective January 1, 2022.

Approved:

Attest:

Shari Tarvin
Mayor

Thomas J. Corrigan
City Administrator

Council vote:

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

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.
Developed Property.	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.

City of Shady Cove

Ordinance No. 300

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHADY COVE
ADOPTING 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 ORS 223.297 et. Seq., Ordinance No. 209, on 05/01/2003, and subsequently amended by Ordinance No. 230, on 06/02/2005, providing the overall City implementing policy and procedures for System Development Charges (SDC's); and

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

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

35.1.1 Purpose

The purpose of the System Development Charge is to impose a portion of the cost of capital improvements for parks, wastewater, flood control, and streets upon those developments and redevelopments that **increase the demands** on parks, wastewater, stormwater, and streets.

35.1.2 Definitions

The following definitions apply to Chapter 35.01 of this code:

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

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

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

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

- D. Development - all improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage or activities. Development includes redevelopment of property. Development includes improved open areas such as plazas and walkways, but does not include natural geologic 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 cost eligible to be funded with improvement fee revenues; and
- C. A description of the process for modifying the plan.

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

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

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

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

35.1.8 Collection of Charge

The System Development Charge is payable upon the issuance of:

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

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

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

If development is commenced or connection is made to the sewer system without an

appropriate permit, the System Development Charge is immediately payable upon the earliest date that a permit was required.

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

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

35.1.9 Installment Payments

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

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

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

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

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

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

35.1.10 Exemptions

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

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

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

35.1.11 Credits

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

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

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

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

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

Credits shall not be transferable from one development to another.

Credits shall not be transferable from one type of System Development Charge to another.

Credits shall be used within 5 40 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 projected funded in whole or in part with System Development Charge revenues shall be included in the annual accounting.

35.1.14 Refunds

Refunds may be given by the City Administrator upon finding that there was a clerical error in the calculation of a System Development Charge.

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

35.1.15 Appeal Procedure

A person challenging the propriety of an expenditure of System Development Charge revenues may appeal the decision or the expenditure to the City Council by filing a

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

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

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

35.1.16 Prohibited Connection

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

35.1.17 Construction

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

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

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

35.1.18 Severability

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

35.01.18 Classification

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

PASSED AND APPROVED by the City Council of the City of Shady Cove this ___ day of ___ 2021. Effective January 1, 2022.

Approved: _____

Attest: _____

Shari Tarvin, Mayor

Thomas J. Corrigan, City Administrator

Council Vote:

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

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

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

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

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

Drinking in Public Places.

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

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

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

Lodging in Recreational Vehicles.

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

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

Noxious vegetation. The presence of vegetation on property 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 trail of any infraction.

SECTION 14. Severability.

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

SECTION 15. Repeal.

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

SECTION 16. Savings Clause.

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

Adopted by the City Council of the City of Shady Cove this ____ day of ____, 2021. Effective January 1, 2022.

Approved:

Attest:

Shari Tarvin
Mayor

Thomas J. Corrigan
City Administrator

Council Vote:

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

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

SUBGRANT AGREEMENT

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

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Exhibit A – Scope of Work

Exhibit B – Draw Down Process and Reimbursement Request Form

SUBGRANTEE AGREEMENT

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

and

THE CITY OF SHADY COVE

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

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

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

I. DEFINITIONS

As used in this Agreement:

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

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

II. GENERAL AWARD INFORMATION

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

Grant Program

CARES Act Supplemental Planner Grant for COVID Response

Project Background

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

III. SCOPE OF WORK

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

IV. PERFORMANCE MONITORING & REPORTING

Monitoring

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

Reporting

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

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

V. PERIOD OF PERFORMANCE AND TERM

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

VI. AMENDMENT

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

VII. COMPLIANCE WITH APPROVED AGREEMENT

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

VIII. FISCAL, ADMINISTRATIVE, AND SERVICE RESPONSIBILITIES

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

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

award shall be the responsibility of the Subgrantee.

IX. TERMINATION OF AGREEMENT

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

X. REVERSION OF FUNDS

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

XI. OTHER PROGRAM REQUIREMENTS

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

XII. INDEMNIFICATION

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

XIII. COMMENCEMENT OF ACTIVITIES UPON AWARD

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

[the remainder of this page intentionally left blank]

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

GRANTEE

By: _____ / _____
signature / date

Name: Colleen Padilla

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

SUBGRANTEE

By:  _____ / 091421
signature / date

Name: Thomas J. Corrigan

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

EXHIBIT A

SCOPE OF WORK TO BE PERFORMED BY SUBGRANTEE

INTRODUCTION:

Project funds will be used exclusively for the following purposes.

SUPPORT RURAL COMMUNITIES WITH PLACEMAKING & INFRASTRUCTURE NEEDS

Scope of Work – 1

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

Objectives/Justification of Need

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

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

EXHIBIT B

DRAWDOWN PROCESS TO BE PERFORMED BY SUBGRANTEE

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

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

Mailing Address:

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

Drawdown Quarterly Dates:

**September 30, 2020
December 31, 2020**

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

**March 31, 2022
June 30, 2022**

**EXHIBIT B - DRAWDOWN REQUEST FORM
CARES Act Supplemental Planner Grant**

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

Project Name: ?

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

Mailing Address: **22451 Highway 62**

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

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

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

Email: **tcorrigan@shadycove.org**

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

Purpose of Requested Funds

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

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

Signature	Name/Title	Date
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