

Agenda
Shady Cove Planning Commission Public Hearings
Thursday, August 11, 2022
6:00 PM

Zoom Information: <https://us02web.zoom.us/j/81551455534?pwd=WXNXNFpOT2JTbkpCVWpZclo1STZkdz09>

Meeting ID: 815 5145 5534

Passcode: 337695

One tap mobile

+16694449171,,81551455534#,,,,*337695# US

+16699006833,,81551455534#,,,,*337695# US (San Jose)

I. Call to Order

A. Roll call.

B. Announcements by Presiding Officer.

1. This meeting is being digitally recorded.
2. The next regularly scheduled meeting of the Planning Commission will be held on August 25 at 6:00 PM both in Council Chambers and via Zoom.
3. The meeting date is subject to change

II. Public Hearings

A) Public Hearing to Consider a Conditional Use Permit located at 21300 Hwy 62

Continue Public Hearing.

A Public Hearing to accept public testimony and consider the request for a Conditional Use Permit to approve outdoor storage associated with a trucking/transportation business. The property is located at 21300 Hwy 62, Shady Cove, Oregon. Assessor's Map and Tax Lot: 34-1W-15CC, 5800. Zoning is General Commercial (GC).

Owner: Luke Murphy, DMD Applicant: Danette Roan. File Number: CUP 22-02.

1. Read Public Hearing Opening Statement.
2. If you would like to speak before the Commission, please email ahead of time djermain@shadycove.org, sign sheet on the table or via Zoom raise your hand.
3. Jurisdiction Question.
4. Conflict of Interest.
5. Ex Parte Contact.
6. Site Visit.
7. Staff Comments. (Nolan)
8. Applicants' Testimony/Proponents Testimony/Commission Questions

9. Opponents' Testimony/Commission Questions.
10. Rebuttal.
11. Final Staff Comments.
12. Close/Continue Hearing.
13. Deliberations/Discussion/Decision.

B) Public Hearing to Consider a Conditional Use Permit located at 60 Pine Street

Open Public Hearing.

A Public Hearing to accept public testimony and consider the request for a Conditional Use Permit to provide a Vacation Rental by Owner. The property is located at 60 Pine Street, Shady Cove, Oregon. Assessor's Map and Tax Lot: 34-1W-15CA, 2900. Zoning is Low Density Residential, (R-1-6).

Owner/Applicant: Rod & Suzanne Street. File Number: CUP 22-04.

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

III. Consent Calendar

- A. None

IV. Old Business

- A. Pets Definition

V. Department Reports

- A. Planning Technician Report

VI. Public Comment

VII. Commissioner Comments

VIII. Adjournment

[illegible]



Type III Staff Report Conditional Use Permit

Date: May 31, 2022

Description of Property: 34-1W-15CC, Tax Lot 5800

Address: 21300 Highway 62

Planning Application: CUP 22-02

Owner/Applicant: Dr. Luke Murphy/Danette Roan

Proposal: Conditional Use Permit to allow a Commercial Truck Parking use

Zoning: GC (General Commercial)

Planning Commission Public Hearing Date: June 9, 2022

Conditional Use Permits shall be reviewed through a Type III review process as per §154.397, and subject to the criteria of Section 154.401.)

The Planning Commission shall make a Type III decision after addressing all of the relevant approval criteria and standards. Based upon the criteria and standards, the facts contained within the record, the evidence submitted and the testimony presented, the Commission shall approve, approve with conditions, or deny the requested conditional use permit, or they may grant a continuance of the public hearing to a date, time, and place certain.

Purpose

Conditional uses are those found to require special consideration because of their unusual or unique characteristics, or characteristics of the area or district. The intent of this process is to help ensure that all land uses are properly located with respect to the city's goals and development objectives, and policies, and in a manner that will help ensure compatibility between neighboring uses and possible conflicting uses. (**SCCO§154.395**)

Approval Criteria and Findings Conditional Use Permit SCCO§154.401)

In determining whether or not a permit shall be approved, the Planning Commission shall find that all of the following criteria are met, can be met through specific conditions of approval, or not applicable

(A) Criteria.

(1) The proposal meets the requirements for approval of the site development plan, as outlined in § 154.310 through 154.318.

FINDING: No structures or improvements are proposed by the applicant. The applicant has submitted a basic outline of the location of the use, but no description of sight improvement has been provided. The current Code of Ordinances has landscaping standards which have been included as Section 154.318. According to the section, all portions of a lot not otherwise developed with buildings, accessory structures, vehicle maneuvering areas, or parking shall be landscaped. The minimum landscape area standard allows the Planning Commission, to allow credit toward the minimum landscape area for existing vegetation that is retained in the development. At the minimum, and in order to be consistent with requirements of other applicants, the applicant should describe what landscape materials will be retained and what landscaping is proposed for the area not being utilized for outdoor storage. No description of the parking area surfacing has been provided. The applicant should submit a description of the existing parking area surfacing and any plans for surface improvement the applicant is proposing so that the Planning Commission and City Engineer can determine if the use will create any detrimental impacts related to storm water runoff, dust or mud creation, or potential impacts to neighboring property owner's asphalt. In accordance with Section 154.310 items that should be included on a site plan include;

(1) Proposed site plan. The site plan shall contain the following information, if applicable:

- The proposed development site, including boundaries, dimensions and gross area;
- Features identified on the existing site analysis map, which are proposed to remain on the site;
- Features identified on the existing site map, if any, which are proposed to be removed or modified by the development;
- The locations and dimensions of all proposed public and private streets, drives, rights-of-way and easements;
- The location, elevations and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;
- The location and dimensions of entrances and exits to the site for vehicular, pedestrian and bicycle access;
- The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops, as applicable);
- Loading and service areas for waste disposal, loading and delivery;
- Other information, determined by the City. The city may require studies or exhibits prepared by qualified professionals to address specific site features (e.g., traffic, noise, environmental features, natural hazards and the like), in conformance with this chapter.

(2) Preliminary grading plan. (If grading or parking area preparation has already taken place it could be discussed in the application)

- A preliminary grading plan prepared by a registered engineer shall be required for developments which would result in the grading (cut or fill) of 500 cubic yards or greater.

- The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required.

(3) Landscape plan. A landscape plan is required and shall conform to the requirements of § 154.318.

(2) The proposed development or land use will not adversely affect the peace, comfort and livability of the neighborhood and adjacent uses.

FINDING: The property is zoned General Commercial, which permits the widest variety of uses in Shady Cove. The proposed use will involve the continued parking of commercial truck and trailer vehicles on the undeveloped southern portion of the lot, but will not permit wrecking yard type storage. Notice of the proposed use was mailed out to property owners within 200 feet of the tax lot. No property owners have submitted comment related to the proposed use.

(3) The proposed development or land use is of a type that is similar to or otherwise compatible with existing and permitted uses in the zoning district in which it is being proposed and will have no adverse impacts on the area's attractiveness, usefulness or value for additional development in the future.

FINDING: The proposal is being reviewed as a conditional use permit because it will involve outdoor storage (154.082(A)). Similar permitted uses in the GC district include ambulance and other emergency services, automobile repair services, commercial parking lots, and automobile, truck and boat sales lots. The proposed use is subject to conditional use permit review because it will include outdoor storage. The site was originally approved for development in 2009. The conditions of approval specifically stated that development of the unimproved southern portion of the property shall be preceded by a separate site plan review. The approval is attached as an exhibit.

(4) The characteristics of the specific proposed location are such that other already existing or proposed development in the vicinity will not adversely affect the continuation of this proposed use.

FINDING: None of the surrounding uses appears to create any conflicts for the proposed use. The applicant is proposing to continue to gate the direct Highway 62 access and utilize the driveway to the commercially developed property to the south. Commercial uses exist on either side of the highway and to the north and south of the subject lot; residential uses are primarily to the east where there are existing single family homes in the R-3 (high density residential zone).

(5) The establishment, maintenance or operation of the proposed use will not be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood.

FINDING: The portion of the lot proposed for the commercial parking use is not developed, the area has no fencing, no parking lot surfacing, and no landscaping. Potential impacts include; increased traffic, potential for dust or mud related to unimproved parking area, and lack of screening related to industrial type outdoor storage along the main commercial corridor of town. The

applicant has not offered any proposed surface improvement or buffering to mitigate potential impacts created by the new use.

(B) Conditions of approval. The city may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. Conditions and required improvements may include, but are not limited to:

- (1) Restrictions on times of operation of a business or other activity;
- (2) Duration of a particular use;
- (3) Physical improvements intended to minimize such environmental effects as noise, vibration, air pollution, water pollution, glare, odor, dust and visual degradation;
- (4) Increased lot or yard size or adjustments to yard or lot dimensions;
- (5) Limitations to the height, size or location of a structure on its property;
- (6) Dedication of public street right-of-way or additional width that may be required to bring a street up to the city standard;
- (7) Public facilities and services to serve the subject use and in a size that may be necessary to serve future development that is planned for the general area;
- (8) Drainage, screening, landscaping, fencing, lighting or other measures intended to reduce adverse effects on adjacent properties;
- (9) Preservation of natural trees and vegetation, water resources, wildlife habitat, historic resources and visual resources;
- (10) Size, number, location and/or design of vehicle access points or parking areas;
- (11) Requiring and designating the size, height, location and/or materials for fences; and
- (12) Other conditions intended to mitigate adverse effects on adjacent or nearby properties that might occur as a result of the approval of the proposed use or development.

Conclusion

The applicant seeks to establish a commercial truck storage area at the southern portion of the subject lot. While the activity has taken place for some months, it has not been approved by the City. The proposed use is a new use and the site is unimproved. No new structures are proposed.

The applicant has submitted an application describing no attempt to mitigate any impacts created by the new use.

If the Planning Commission is satisfied that the proposal meets the criteria, or can meet the criteria with conditions, it should consider approving this application with the following conditions of approval:

A. The following shall be accomplished before the commercial truck storage business may legally operate at the site.

1. The applicant shall submit a landscaping plan to the Planning Commission for approval.
2. The applicant shall submit a fencing plan to the Planning Commission for approval. The fencing shall be sight obscuring and shall buffer the view of the outdoor storage area from Highway 62.
3. The applicant shall submit a detailed description of the parking area surfacing to show that storm water runoff is managed, that efforts to limit dust area implemented, and to show that surfacing is sufficient to limit mud tracking onto adjacent properties. This description shall be reviewed by the City Engineer and approved by the City Planning Commission.
4. Applicant to comply with City of Shady Cove Business License requirements

B. The following shall be maintained throughout the operation of the business.

1. The storage area shall be maintained to limit dust creation, limit storm water from running onto adjacent properties, and limit mud from being tracked out to adjacent properties.
2. Development shall be consistent with the site plan or as modified by conditions of approval. Installation of any building; plumbing, electrical or mechanical equipment may require permits; call the City before you start work to inquire about permitting requirements.
3. Landscaping shall be maintained.
4. All uses must comply with all applicable state and federal environmental, health and safety regulations.
5. Signs require a permit; apply to City if any signs are to be erected, or altered.
6. No gate access on Highway 62 shall be open.

Respectfully submitted this 31st day of May 2022



Ryan Nolan, City Planner

Exhibit

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

In the matter of consideration of:

Construction of a dental office and two
spaces for lease at the corner of Highway
62 and Indian Creek Road. The property is
described on the Jackson County

Applicant: R. A. Murphy Construction

Assessor's map as 34-1W-15CC, Tax Lot
5800 and is zoned General Commercial
(GC). The situs address is 21300 Highway
62, Shady Cove, Oregon.

1. An application for a Site Development File SD-09-01 for location of a 6,056 square foot dental building and two spaces for lease at 21300 Highway 62 in Shady Cove was filed and duly accepted by the City on January 22, 2009 and certified complete on February 19, 2009.
2. Subject property, described as tax lot 5800 on the Jackson County Assessor's Map No. 34-1W-15CC, is designated as General Commercial (GC) on the General Land Use Plan and Zoning Map of the City of Shady Cove; and,
3. Ordinance No. 225 of the City of Shady Cove governs site development reviews within the corporate limits of the City and requires approval by the Planning Commission; and
4. At a public hearing on February 26, 2009, after providing notice, the Planning Commission considered the application and heard staff recommendations and testimony from interested parties. The recommendations are contained in reports which are a part of the record; and

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

1
2 5. At the public hearing on February 26, 2009, the Planning Commission
3 deliberated on the record of the proceedings, after which a motion was made and
4 duly seconded to **approve** the conditional use permit with conditions. The
5 motion was passed by a unanimous roll call vote of those present.
6
7

8 **SUBSTANTIVE APPROVAL CRITERIA:**

9 The Planning Commission concludes that the following provisions of the Shady Cove
10 Zoning Ordinance constitute the approval criteria for this application:
11

12 Ordinance 225

13 Section 5, Definitions;

14 Section 24, Site Plan Review.

15 Section 26, Off Street Parking and Loading

16 Section 29, Sign Regulations
17

18 **FINDINGS:**

- 19
20 1. The Planning Commission hereby incorporates by reference all oral
21 deliberations and findings of fact established in the record of the Planning
22 Commission public hearing, and cites by reference: oral and written
23 testimony by the applicants; applicants' application; written comments from
24 ODOT; and findings of fact included in the City Planner's report dated
25 February 17, 2009 and the Public Works Director's report dated February
26 18, 2009 which are a part of the record.
27
28 2. The Planning Commission hereby finds that it has received all information
29 and evidence necessary to consider the application for Site Development.
30
31
32

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

1 3. Public notice was provided through the notification of adjacent property
2 owners, mailing of the Planning Commission agendas to those interested
3 parties on the mailing list, providing a copy of the agenda to the Upper
4 Rogue Independent and placing the printed agendas in City Hall for the
5 review of interested parties. The Planning Commission finds and concludes
6 that proper notice has been given.
7
8
9

10 **DECISION:**

11 Based on the record of the public hearing on this matter, the Planning Commission
12 concludes that the case for a Conditional Use Permit authorization has been
13 substantiated and is in accordance with the requirements listed in Ordinance 225,
14 Sections 5 and 24. Therefore, the Planning Commission **conditionally approves** the
15 conditional use permit application based upon compliance with Ordinance No. 225 of
16 the City of Shady Cove.
17
18

19 **CONDITIONS OF APPROVAL:**

20
21 The approval of the Conditional Use Permit Application is based upon the
22 applicant's compliance with all city, county, state and federal regulations and the
23 following additional conditions:
24

25 _____ The driveway on Indian Creek Road shall be located as indicated on the site.
26 Approach permits shall be obtained from Jackson County prior to issuance of
27 building permits. The driveway from Highway 62 shall be moved farther
28 south to align with Cedar Street. ODOT's permits and reviews include:
29

30 a. The applicant shall provide to the City proof of a valid ODOT Road
31 Approach Permit (i.e., an access permit) for proposed access to OR-62, prior
32

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

1 to the city's issuance of a building permit and actual construction. ODOT
2 access permitted is a two-step process involving a preliminary *Permit to*
3 *Construct a State Highway Approach* and a final *Permit to Operate, Maintain,*
4 *and Use a State Highway Approach*. Proof of a valid access permit shall
5 include an approved *Permit to Operate, Maintain and Use* the approach.
6

7 b. The applicant shall provide a valid ODOT Utility Permit for any work within
8 the OR-62 right-of-way (e.g., water, sewer, stormwater drainage, public
9 utilities, frontage improvements, et cetera).
10

11 c. The applicant shall provide a valid ODOT Miscellaneous Permit and a
12 maintenance agreement for the proposed landscaping within the OR-62 right-
13 of-way.
14

15 d. The applicant shall comply with the stormwater drainage and water quality
16 regulations provided as Attachment "A", consistent with local and state
17 drainage law if a net increase in stormwater runoff is proposed to flow to state
18 drainage facilities. ODOT shall require review approval of an adequate
19 hydraulic analysis (a stormwater management/water quality plan and design
20 narrative) completed by an Oregon licensed professional engineer.
21

22 — A minimum of 44 parking spaces shall be provided as shown on the plot plan.
23 At least two spaces must be handicap-accessible. Because the structure is
24 larger than 5,000 square feet, a loading space meeting the design standards
25 of Section 26.4 also shall be provided. If curbing is not installed, wheel stops
26 shall be place at the front of each space.
27

28 — A minimum of one bicycle parking space for every 10 motor vehicle parking
29 spaces shall be provided.
30
31
32

BEFORE THE PLANNING COMMISSION
OF THE CITY OF SHADY COVE

COUNTY OF JACKSON, STATE OF OREGON

1 ___ All trash containers for areas provided for that purpose shall be screened
2 from public view by landscaping or fencing, or a combination of both. .
3

4 ___ Landscaping shall be installed as proposed in the Planting Plan. An irrigation
5 plan shall be provided prior to issuance of permits.
6

7 ___ Any signs shall conform to the total sign requirements for the property,
8 outlined in Section 29.
9

10 ___ Development of the unimproved southern portion of the property shall be
11 preceded by a separate site plan review.
12

13 ___ DEW Engineering calculated the site disturbance area at 0.7 acres, therefore
14 based on that calculation, a 1200-C Permit from DEQ would not be required.
15 The engineer shall provide the City with a drawing showing the estimated site
16 disturbance area. The contractor will incorporate some measures to prevent
17 soil laden water from leaving the site, in particular, installing filter dams and
18 gravel entrances. The developer shall provide an erosion control plan and
19 obtain approval from ODOT, the City Engineer and the Public Works
20 Department prior to construction. Erosion control measures shall conform to
21 ODOT/APWA Standards. Typical ODOT/APWA Standard drawings are
22 attached.
23

24 ___ Concrete curbing shall be installed as shown on the site plan
25

26 ___ All storm water catch basins shall conform to ODOT/APWA standards: Area
27 drainage basin or field inlet. The development shall comply with ODOT
28 recommendations for all drainage onto Highway 62. The development shall
29 obtain approval from ODOT, Jackson County Roads, City Engineer and the
30 Public Works Department prior to construction. Typical attached.
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BEFORE THE PLANNING COMMISSION

OF THE CITY OF SHADY COVE

COUNTY OF JACKSON, STATE OF OREGON

1 ___ The sanitary sewer line crossing Highway 62 shall be considered as a public
2 main extension. The crossing shall comply with ODOT requirements. The public
3 main extension shall be no less than 8 inches in diameter, complying with
4 ODOT/APWA Standards, from the proposed connection to the manhole located on
5 Cedar Street to the proposed new manhole on site. The connection to the
6 manhole on Cedar Street shall be bored and sleeved or link seal and comply with
7 DEQ guidelines. The main line extending to the north of the new proposed
8 manhole shall be considered as a public main line extension and can be no less
9 than 6 inches in diameter. DEQ will allow up to 250 feet of 6 inch pipe. IThe
10 Public Works Director recommends an 8 inch pipe diameter. This extension shall
11 have a cleanout at the end of the line. The developer shall extend the public main
12 to the south to accommodate future growth on the site. The main line extensions
13 shall have a minimum of 12 foot wide easement for maintenance access and
14 recorded as part of the deed. The sewer line extensions shall be engineered and
15 the design shall be submitted to DEQ, the Public Works Department and the City
16 Engineer for approval prior to construction.

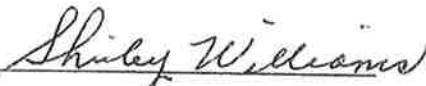
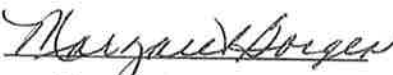
17
18 ___ The applicant and/or developer shall comply with all rules and regulations of
19 the City of Shady Cove, Jackson County Building and Planning, the State Water
20 Resources Department, the Department of Environmental Quality, and all other
21 applicable agencies. The applicant and/or developer shall comply with all
22 recommendations of the City Planner, the City Engineer, the Public Works
23 Department and Fire District #4.
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BEFORE THE PLANNING COMMISSION
OF THE CITY OF SHADY COVE

COUNTY OF JACKSON, STATE OF OREGON

This ORDER for APPROVAL is granted this 5th day of March 2009

ATTEST:

	
Shirley Williams Planning Commission Chair	Margaret Borgen Deputy City Recorder

NOTICE

The Planning Commission Order is the final decision of the City Council of the City of Shady Cove on this application unless an appeal is made to the City of Shady Cove City Council.

This decision may be appealed to the Shady Cove City Council by filing a notice of appeal, in writing, within 10 working days of the date this decision is mailed. This decision is being mailed ^{by FAX} on March 5th, 2009.

The appeal shall set forth in detail the appellant's relationship to the property, how the decision will adversely affect the appellant, and the grounds upon which the appellant believes this decision is incorrect.

Please contact Gretchen Meloth, Planning Secretary, at (541) 878-2225 for more specific appeal information.

CITY OF SHADY COVE
CONDITIONAL USE PERMIT APPLICATION FEE \$600

OFFICE USE:

Application No. CUP 22-02 Received By D. Jermain Date 4-20-22
Amount Paid \$600.00 Receipt No. 27254 Hearing Date 6/9/22

TO BE COMPLETED BY APPLICANT:

Name of Property Owner(s): DR Luke Murphy
Property Street Address: 21300 Hwy 62 Shady Cove OR 97539
Between Indian Creek Rd and Cedar St streets.
County Assessor's Map & Tax Lot Number: 341W15CC 5800
Current Zoning: Commercial Adjacent Zoning: Commercial

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

- 1) Attach a copy of recorded covenants, conditions or deed restrictions, if any, concerning the present use of this property.
- 2) Attach 2 copies of property plat map.
- 3) Attach 2 copies of a plot plan indicating the existing property lines and the proposed use.
- 4) ~~Attach a metes and bounds description of the property.~~

Any person(s) or developer who proposes any dedication to the City shall enter into a bonding agreement with the City of Shady Cove prior to site plan review by the Planning Commission, or recordation of plat with Jackson County.

CERTIFICATION

I hereby certify that the information given above and attached hereto is true and correct, that the property owner is aware of and agrees with this application, and that falsification of fact will result in invalidation of the application. 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

ADDRESS

Danette Roan

Rickini+transport@gmail.com

21300

Hwy 62 Shady Cove OR 97539

PHONE NUMBER

503-539-4886
503-539-4886

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

PLANNER OR HIS/HER DESIGNATE

Complete

RW

Incomplete

Signature

[Signature]

Date

5/4/22

CITY OF SHADY COVE
CONDITIONAL USE PERMIT APPLICATION
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Attach additional sheets as necessary

Describe your proposal

Parking only of Commercial Vehicles

Demonstrate how the proposal complies with the following criteria §154.401(A):

- (1) The proposal meets the requirements for approval of the site development plan, as outlined in §§ 154.310 through 154.318. (Attached)

Yes

- (2) The proposed development or land use will not adversely affect the peace, comfort and livability of the neighborhood and adjacent uses.

No it will not

- (3) The proposed development or land use is of a type that is similar to or otherwise compatible with existing and permitted uses in the zoning district in which it is being proposed and will have no adverse impacts on the area's attractiveness, usefulness or value for additional development in the future.

Yes

CITY OF SHADY COVE
CONDITIONAL USE PERMIT APPLICATION
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- (4) The characteristics of the specific proposed location are such that other already existing or proposed development in the vicinity will not adversely affect the continuation of this proposed use.

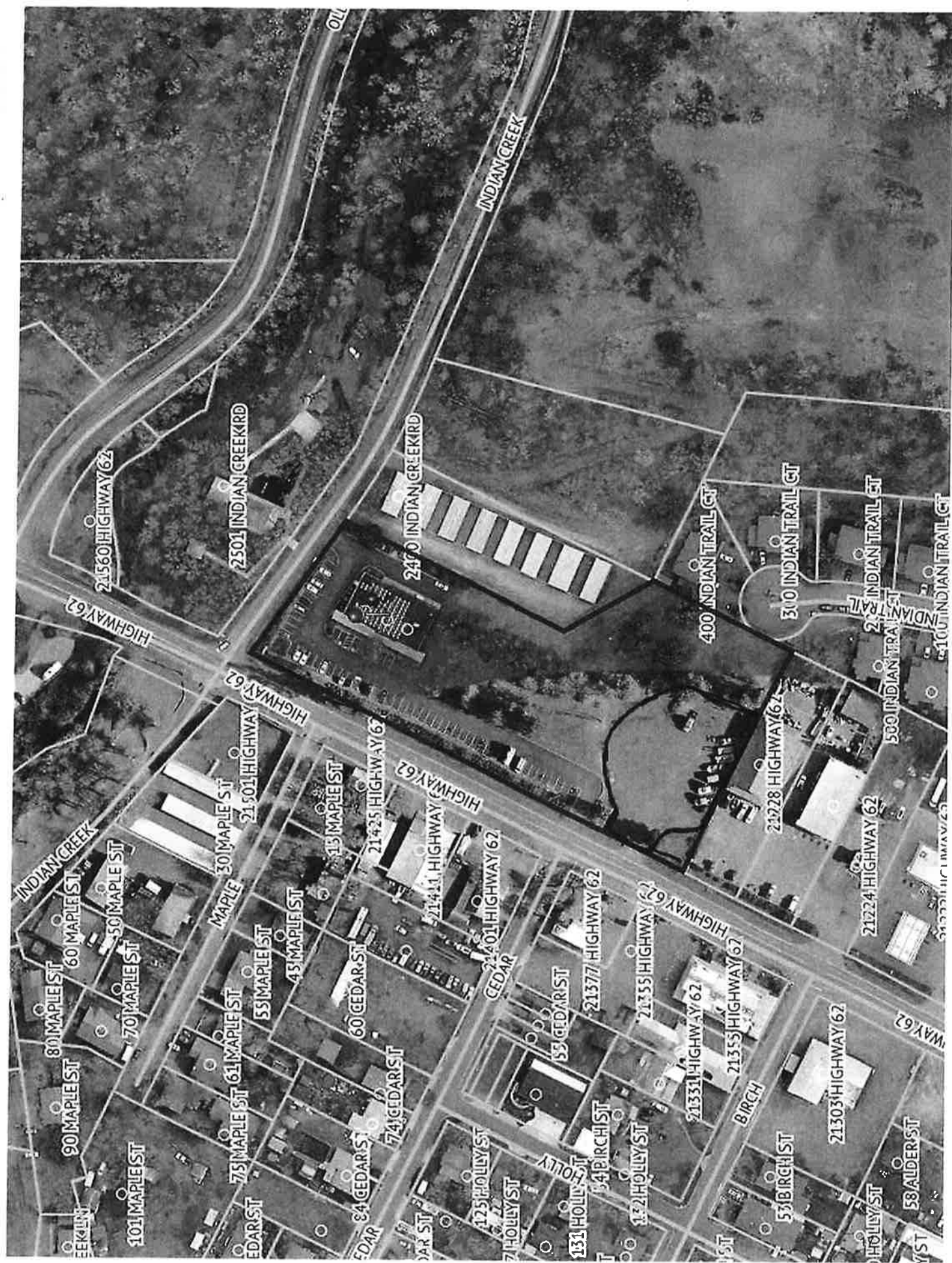
yes

- (5) The establishment, maintenance or operation of the proposed use will not be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood

yes

Other comments you feel are pertinent to your application

We feel this Conditional Use Permit is not necessary. We are not storing any vehicles on this property, we are using the lot to park commercial vehicles only! If we are asked to pave, or fence the whole perimeter, we will find elsewhere to park our vehicles and vacate the property. We rent the property for vehicle parking from Dr. Luke Murphy for a very little amount, Dr. Murphy is not willing to put a lot of conditions on property either.





LETTER OF AUTHORIZATION

Date 4/20/22

Let it be known that Danette Roan Agent is a duly authorized representative to act as my agent to perform all acts in conjunction with filling applications and/or other required documents relative to: CUP / Business License for Kickin it Transport only Type of Permit on my property located at: 21300 Hwy 62 Shady Cove OR 97539 Address or Road Town 34 South, Range 1W West, Section 15CC, Tax Lot 5800

X LuKe Murphy
Owner's Name (printed)

X LuKe Murphy
Owner's Signature

X P.O. Box 1150 Shady Cove OR 97539
Owner's Mailing Address

X 541-538-9883
Owner's Phone Number

Danette Roan
Agent's Name (printed)

Danette Roan
Agent's Signature

P.O. Box 671 Shady Cove OR 97539
Agent's Mailing Address

503-539-4886
Agent's Phone Number



Mayor
Shari Tarvin

Councilors
Tim Evert
Tanda Murders
Paige Winfrey
Jay Taylor

CERTIFICATE OF MAILING

I hereby certify that on May 20, 2022 I provided a copy of the NOTIFICATION OF ADJACENT USE PROPOSAL APPLICATION NO. CUP 22-02 by first class mail to the following (list attached):


Debby Jermain, Planning Technician

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

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

Mailed 5/20/22

SHADY COVE CITY OF
CITY HALL
SHADY COVE, OR 97539

VAN SICKLE MATTHEW
5872 TAMARACK LN
CENTRAL POINT, OR 97502

GOLD BAR INVESTMENTS LLC
PO BOX 39
SHADY COVE, OR 97539

EEPM LLC
PO BOX 3378
CENTRAL POINT, OR 97502

SHADY COVE MINI STORAGE LLC
PO BOX 955
SHADY COVE, OR 97539

GOLD BAR INVESTMENTS LLC
PO BOX 39
SHADY COVE, OR 97539

EEPM LLC
PO BOX 3378
CENTRAL POINT, OR 97502

SHADY COVE MINI STORAGE LLC
PO BOX 955
SHADY COVE, OR 97539

EEPM LLC
PO BOX 3378
CENTRAL POINT, OR 97502

PEAKS RANCH LLC
PO BOX 5055
CENTRAL POINT, OR 97502

TRG ENTERPRISES LLC
1296 S SHASTA AVE
EAGLE POINT, OR 97524

DAUENHAUER JOSEPH G JR TRUST
349 WILSON RD
ASHLAND, OR 97520

PEAKS RANCH LLC
PO BOX 5055
CENTRAL POINT, OR 97502

BARNES JEFF/JULIA
PO BOX 10
TRAIL, OR 97541

MURPHY FAMILY LLC ET AL
PO BOX 1150
SHADY COVE, OR 97539

MAUNU JAMIE A/CYNTHIA A
PO BOX 533
SHADY COVE, OR 97539

MCELROY HARLON V ET AL
PO BOX 207
SHADY COVE, OR 97539

HORN FAMILY LLC
21228 HWY 62
SHADY COVE, OR 97539

FOSENBURG STEVEN LOUIS ET AL
PO BOX 1135
SHADY COVE, OR 97539

MCELROY HARLON V ET AL
PO BOX 207
SHADY COVE, OR 97539

DIVINE FREDRIC C TRUSTEE ET A
1924 4TH ST
SAN RAFAEL, CA 94901

FOSENBURG STEVEN L /SALLY A
PO BOX 1135
SHADY COVE, OR 97539

HOLLAND RICHARD/KIMBERLY
PO BOX 167
TRAIL, OR 97541

COLVIN OIL I LLC
2520 FOOTHILL BLVD
GRANTS PASS, OR 97526

FOSENBURG STEVEN L /SALLY A
PO BOX 1135
SHADY COVE, OR 97539

MCELROY HARLON V ET AL
PO BOX 207
SHADY COVE, OR 97539

CREECH JOHN DAVID TRUSTEE ET
C/O DAVIES GENE C
12915 HIGHWAY 66
ASHLAND, OR 97520

FOSENBURG STEVEN L /SALLY A
PO BOX 1135
SHADY COVE, OR 97539

GOLD BAR INVESTMENTS LLC
PO BOX 39
SHADY COVE, OR 97539

CREECH JOHN DAVID TRUSTEE ET
C/O DAVIES GENE C
12915 HIGHWAY 66
ASHLAND, OR 97520

PECH RYAN ET AL
3193 ROGUE RIVER DR
EAGLE POINT, OR 97524

PETERSEN JOSEPH J TRUSTEE ET
3219 KODIAK ST
ANTIOCH, CA 94531

STANISLAWSKI NICOLE ET AL
PO BOX 1284
MEDFORD, OR 97501

RIDGLEY JAMES A ET AL
332 WOODLAKE DR
GRANTS PASS, OR 97527

Agencies

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

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

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

CITY OF SHADY COVE
PLANNING COMMISSION

NOTIFICATION OF ADJACENT PROPERTY USE PROPOSAL

DESCRIPTION OF PROPERTY: 34-1W-15CC, Tax Lot 5800, located at 21300 Hwy 62

PROPOSAL: Conditional Use Permit Application No. CUP 22-02. The request is approve outdoor storage associated with a trucking/transportation business. Zoning is General Commercial (GC).

DATE AND TIME OF MEETING: Thursday, June 9, 2022 at 6:00 p.m.

LOCATION: City Hall Council Chamber, 22451 Highway 62 and via Zoom. RESPONSE DATE: May 31, 2022

APPLICANT: Danette Roan

OWNER: Luke Murphy, DMD

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

The Planning Commission shall make a Type III decision after addressing all of the relevant approval criteria and standards. Based upon the criteria and standards; the facts contained within the record; the evidence submitted and the testimony presented, the Planning Commission shall grant a continuance of the public hearing, or they shall approve, approve with conditions, or deny the requested application for Conditional Use Permit.

The Conditional Use process is to help ensure that all land uses are properly located with respect to the city's goals and development objectives and policies, and in a manner that will help ensure compatibility between neighboring uses and possible conflicting uses.

§ 154.401 (A) CRITERIA OF APPROVAL.

- (1) The proposal meets the requirements for approval of the site development plan, as outlined in §§ 154.310 through 154.318.
- (2) The proposed development or land use will not adversely affect the peace, comfort and livability of the neighborhood and adjacent uses.
- (3) The proposed development or land use is of a type that is similar to or otherwise compatible with existing and permitted uses in the zoning district in which it is being proposed and will have no adverse impacts on the area's attractiveness, usefulness or value for additional development in the future.
- (4) The characteristics of the specific proposed location are such that other already existing or proposed development in the vicinity will not adversely affect the continuation of this proposed use.
- (5) The establishment, maintenance or operation of the proposed use will not be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood.

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

A copy of the application, all documents and evidence submitted by the applicant, and applicable criteria are available for review at no cost and will be provided at a reasonable cost. Staff reports will be available 7 days prior to the hearing. Public attendance is welcome. For more information please contact the Planning Department at City Hall, (541) 878-8204.

**** REVIEW AND COMMENT ****

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

REMARKS: _____

SIGNATURE: _____

PRINTED NAME(S): _____

STREET AND MAILING ADDRESS: _____

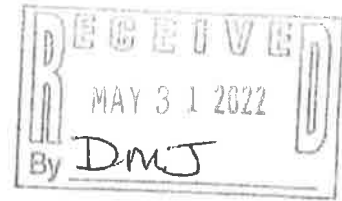
Please submit your response to: City of Shady Cove Planning Dept, PO Box 1210, Shady Cove, OR 97539

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

Debby Jermain

From: scott kasinc.com <scott@kasinc.com>
Sent: Tuesday, May 31, 2022 1:14 PM
To: Debby Jermain
Subject: 34-1W-15CC. TL 5800 (21300 Hwy. 62) CUP 22-02

Follow Up Flag: Follow up
Flag Status: Flagged



Debby:

The information I received shows NO PLAN of what will be stored or where it will be stored on-site. At the very least some type of site plan showing the location of the storage and what will be stored and the access to and from the storage area must be provided. A grading and drainage plan should also be provided, showing how the stormwater will be collected and where it will be discharged from the site. Any new discharge into HWY 62 right-of-way will require approval by ODOT, as will any new access points onto HWY 62. I truly need more information to make any substantive comments.

Scott D. Pingle, P.E., S.E.



**ENGINEERING
SERVICES**

304 S. Holly St.
Medford OR 97501
541-772-5807

CONFIDENTIALITY NOTICE: This message, together with any attachments, is intended for the use of the individual or entity to which it is addressed and may contain information that is legally privileged, confidential, and exempt from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this message or any attachments is strictly prohibited. If you have received this message in error, please notify the original sender immediately by telephone at (541)772-5807, or by return e-mail, and delete this message, along with any attachments, from your computer. Thank you. KAS & ASSOCIATES, INC.



Mayor
Shari Tarvin

Councilors
Tim Evertt
Tanda Murders
Paige Winfrey
Jay Taylor

NOTICE OF PUBLIC HEARING

The City of Shady Cove Planning Commission will hold a Public Hearing at 6:00 p.m. on **Thursday, June 9, 2022**, at the Shady Cove City Hall Council Chambers, 22451 Highway 62, Shady Cove, Oregon or via Zoom for the following purpose:

To consider the request for a Conditional Use Permit to approve outdoor storage associated with a trucking/transportation business at **21300 Highway 62**. Said parcel is legally described as 34-1W-15CC, Tax Lot 5800, and is currently zoned as General Commercial.

Owner: Luke Murphy, DMD Applicant: Danette Roan File Number: CUP 22-02

Individuals may submit written comments relating to this planning action at any time up to two hours before the meeting. Email DJermain@ShadyCove.org or attend and comment in person at City Hall or via Zoom.

The applicable criteria and standards to be considered at the public hearing are found in the Shady Cove Code of Ordinances §§ Conditional Use Permit 154.401; Procedures 154.379.

A copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards can be reviewed at City Hall, or copies will be provided at a reasonable cost. The staff report will be available for public review seven days before the public hearing at 22451 Highway 62, Shady Cove during regular office hours.

Zoom Information: <https://us02web.zoom.us/j/89425944379?pwd=R2NlMTVvSFpHajloTmxKQmkybDd2QT09>

Meeting ID: 894 2594 4379

Passcode: 158042

One tap mobile

+16699006833,,89425944379#,,,158042# US (San Jose)

+12532158782,,89425944379#,,,158042# US (Tacoma)

Posted: 05/20/22
Published: 05/25/22
Remove from Posting: 06/10/22

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

22451 Highway 62 ♦ PO Box 1210 ♦ Shady Cove OR 97539 ♦ (541) 878-2225 ♦ FAX: (541) 878-2226

E-Mail: djermain@shadycove.org ♦ Web Site: www.shadycove.org



**CITY OF SHADY COVE PLANNING COMMISSION PACKET
PLANNING FILE NO. CUP 22-04**

**REQUEST FOR CONDITIONAL USE PERMIT LOCATED
AT 60 PINE STREET, SHADY COVE OREGON**

PUBLIC HEARING: THURSDAY AUGUST 11, 2022, 6:00 P.M.

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Type III Staff Report Conditional Use Permit

Date: July 27, 2022

Description of Property: 34-1W-15CA, Tax Lot 2900

Address: 60 Pine Street

Planning Application: CUP 22-04

Owner/Applicant: Rod & Suzanne Street

Proposal: Conditional Use Permit to permit a short term rental

Zoning: R-1-6 (Single-Family Residential)

Planning Commission Public Hearing Date: August 11, 2022

Conditional Use Permits shall be reviewed through a Type III review process as per §154.397, and subject to the criteria of Section 154.401. Variances are also Type III decisions and subject to the criteria of Section 154.419(2), no variances are requested as part of this application.

The Planning Commission shall make a Type III decision after addressing all of the relevant approval criteria and standards. Based upon the criteria and standards, the facts contained within the record, the evidence submitted and the testimony presented, the Commission shall approve, approve with conditions, or deny the requested conditional use permit, or they may grant a continuance of the public hearing to a date, time, and place certain.

Purpose

Conditional uses are those found to require special consideration because of their unusual or unique characteristics, or characteristics of the area or district. The intent of this process is to help ensure that all land uses are properly located with respect to the city's goals and development objectives, and policies, and in a manner that will help ensure compatibility between neighboring uses and possible conflicting uses. (SCCO§154.395)

Approval Criteria and Findings

A. Conditional Use Permit SCCO§154.401)

In determining whether or not a permit shall be approved, the Planning Commission shall find that all of the following criteria are met, can be met through specific conditions of approval, or are not applicable.

(A) Criteria.

(1) The proposal meets the requirements for approval of the site development plan, as outlined in § 154.310 through 154.317.

FINDING: No new structures are proposed. An existing 384 square foot building was recently converted to a 1 bathroom studio will be used for the vacation rental.

(2) The proposed development or land use will not adversely affect the peace, comfort and livability of the neighborhood and adjacent uses.

FINDING: While the applicant has not proposed a maximum number of vehicles or occupants, the small dimensions of the dwelling naturally limit the size of groups seeking to rent the property.

Section 154.476 establishes standards for vacation rentals as follows:

- (A) Maximum occupancy: ten people.
 - (B) Maximum number of vehicles: four.
 - (C) Vehicles must be parked on the rental property, not on the public right-of-way.
 - (D) Not more than 50% of the front yard setback area may be used for parking. The balance must be landscaped to prevent parking.
 - (E) No outdoor activities, constituting a nuisance or loud noise are permitted after 9:00 p.m.
 - (F) Vacation rentals must comply with all city policies, standards and ordinances.
 - (G) Animals, other than service animals, are not permitted.
 - (H) Vacation rental property owners must subscribe to a scheduled waste collection service and provide garbage and recycling receptacles on the property.
 - (I) With the exception of enclosed barbecues, any outside fire is prohibited.
- These standards are included as conditions of approval.

No comments regarding the application were received during the comment period. The nearest vacation rental is approximately 2,225 feet away, located at 188 Park Drive.

(3) The proposed development or land use is of a type that is similar to or otherwise compatible with existing and permitted uses in the zoning district in which it is being proposed and will have no adverse impacts on the area's attractiveness, usefulness or value for additional development in the future.

FINDING: VRBOs are a conditional use permit in residential zones. A converted dwelling exists on the property and could be used for permanent housing. No structural alterations are proposed for the VRBO.

(4) The characteristics of the specific proposed location are such that other already existing or proposed developments in the vicinity will not adversely affect the continuation of this proposed use.

FINDING: None of the surrounding uses appears to create any conflicts for continuing the proposed use. Because the adjacent uses are residential they should cause minimal effect on the proposed use. While the proposed VRBO relies on private roads within The Cove Neighborhood for access, the requirement for written consent from all affected property owners as stated in ordinance in §154.478(D) is not necessary.

§ 154.478 GENERAL.

(A) *A 500-foot minimum spacing between vacation rental properties, on the same side of the river, is required.*

(B) *A copy of the vacation rental standards shall be posted in a conspicuous place inside the vacation rental.*

(C) *Owners of vacation rental property must have a local contact, and provide the City Administrator with the name and telephone number for that contact.*

(D) *Written consent is required from affected property owners if the vacation rental property is accessed by a shared driveway. A copy of the written consent is to be provided to the City Administrator.*

(E) *Transient occupancy tax will apply to all rentals of 30 days or less.*

It is the opinion of staff that this is specific to 'shared driveways' which are significantly different from private streets or roads contained in separate unique tax lots. It is staff's finding that the subject property is not accessed from a shared driveway, and therefore doesn't necessitate written consent from all members of The Cove.

(5) The establishment, maintenance or operation of the proposed use will not be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood.

FINDING: The proposed VRBO matches an existing use within the immediate area and will result minimal increases in traffic. The applicant contends that their intended clientele of "small families or small fishing groups" will not create a use detrimental to public health, safety, or welfare.

(B) *Conditions of approval.* The city may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. Conditions and required improvements may include, but are not limited to:

- (1) Restrictions on times of operation of a business or other activity;
- (2) Duration of a particular use;

- (3) Physical improvements intended to minimize such environmental effects as noise, vibration, air pollution, water pollution, glare, odor, dust and visual degradation;
- (4) Increased lot or yard size or adjustments to yard or lot dimensions;
- (5) Limitations to the height, size or location of a structure on its property;
- (6) Dedication of public street right-of-way or additional width that may be required to bring a street up to the city standard;
- (7) Public facilities and services to serve the subject use and in a size that may be necessary to serve future development that is planned for the general area;
- (8) Drainage, screening, landscaping, fencing, lighting or other measures intended to reduce adverse effects on adjacent properties;
- (9) Preservation of natural trees and vegetation, water resources, wildlife habitat, historic resources and visual resources;
- (10) Size, number, location and/or design of vehicle access points or parking areas;
- (11) Requiring and designating the size, height, location and/or materials for fences; and
- (12) Other conditions intended to mitigate adverse effects on adjacent or nearby properties that might occur as a result of the approval of the proposed use or development.

FINDING: The structure to be used as a vacation rental exists.

Conclusion

The applicant seeks to establish a vacation rental by owner (VRBO) that is a conditional use within residential zones.

If the Planning Commission is satisfied that the proposal meets the criteria, or can meet the criteria with conditions, it should consider approving this application with the following conditions of approval:

- A. The following shall be accomplished before the property is rented as a short term rental.
 1. Comply with all fire department requirements.
 2. Comply with City of Shady Cove Business License requirements.
- B. The following shall be maintained throughout the operation of the short term rental.
 1. Applicant shall maintain business license and pay all appropriate City taxes and fees related to short term rental operation.
 2. Maximum occupancy shall be limited to 10 individuals.
 3. Vehicles must be parked on the rental property, not on the public right-of-way.

4. Not more than 50% of the front yard setback area may be used for parking, the balance must be landscaped to prevent parking.
5. No outdoor activities, constituting a nuisance or loud noise are permitted after 9:00 p.m.
6. Vacation rentals must comply with all city policies, standards and ordinances.
7. Animals, other than service animals, are not permitted.
8. Vacation rental property owners must subscribe to a scheduled waste collection service and provide garbage and recycling receptacles on the property.
9. With the exception of enclosed barbecues, any outside fire is prohibited.
10. Signs require a permit; apply to City if any signs are to be erected, or altered.
11. All uses must comply with all applicable state and federal environmental, health and safety regulations. Changes to the building; plumbing, electrical or mechanical equipment may require permits.

Respectfully submitted this 27th day of July 2022

A handwritten signature in black ink, appearing to read "Ryan Nolan", written in a cursive style.

Ryan Nolan, City Planner

CITY OF SHADY COVE
CONDITIONAL USE PERMIT APPLICATION FEE \$600

OFFICE USE:

Application No. CUP 22-04 Received By D. Jermain Date 7-6-22
Amount Paid \$60000 Receipt No. 27264 Hearing Date 8-11-22

TO BE COMPLETED BY APPLICANT:

Name of Property Owner(s): ROD & SUZANNE STREET

Property Street Address: 60 PINE STREET

Between RIVERSIDE and CRESCENT streets.

County Assessor's Map & Tax Lot Number: 341 W 15 CA 2900

Current Zoning: R-1-6 101-RESIDENTIAL IMP Adjacent Zoning: R-1-6 101-RESIDENTIAL IMP

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

- 1) Attach a copy of recorded covenants, conditions or deed restrictions, if any, concerning the present use of this property.
- 2) Attach 2 copies of property plat map.
- 3) Attach 2 copies of a plot plan indicating the existing property lines and the proposed use.
- 4) Attach a metes and bounds description of the property.

Any person(s) or developer who proposes any dedication to the City shall enter into a bonding agreement with the City of Shady Cove prior to site plan review by the Planning Commission, or recordation of plat with Jackson County.

CERTIFICATION

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

APPLICANT'S SIGNATURE [Signature]

ADDRESS 2524 NE BUCKBOARD LN PHONE NUMBER 503 475 5441
PRINEVILLE, OR 97754 Rod 503-724-9491

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

PLANNER OR HIS/HER DESIGNATE

Complete ☒ Incomplete ☐

Signature

[Signature: Payson Noble]

Date

7/14/2022

CITY OF SHADY COVE
CONDITIONAL USE PERMIT APPLICATION
Page 2

Attach additional sheets as necessary

Describe your proposal

TO USE THE HOME, LOCATED AT 60 PINE, AS A
~~TOUR~~ SHORT-TERM VACATION RENTAL. THE HOME
IS A STUDIO, WITH 1 BATHROOM AND A KITCHEN
AND WOULD BE IDEAL FOR A SMALL FAMILY OR FISHING
GROUP.

Demonstrate how the proposal complies with the following criteria §154.401(A):

- (1) The proposal meets the requirements for approval of the site development plan, as outlined in §§
154.310 through 154.318. (Attached)

SEE ATTACHED SHEET

- (2) The proposed development or land use will not adversely affect the peace, comfort and livability of
the neighborhood and adjacent uses.

SEE ATTACHED SHEET

- (3) The proposed development or land use is of a type that is similar to or otherwise compatible with
existing and permitted uses in the zoning district in which it is being proposed and will have no
adverse impacts on the area's attractiveness, usefulness or value for additional development in the
future.

SEE ATTACHED SHEET

CITY OF SHADY COVE
CONDITIONAL USE PERMIT APPLICATION
Page 3

- (4) The characteristics of the specific proposed location are such that other already existing or proposed development in the vicinity will not adversely affect the continuation of this proposed use.

SEE ATTACHED SHEET

- (5) The establishment, maintenance or operation of the proposed use will not be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood

SEE ATTACHED SHEET

Other comments you feel are pertinent to your application

1) The proposal meets the requirements for site development in that all proposed changes to the existing structure bring it more into conformity with basic development standards. Furthermore, utilizing the property as a short term vacation rental necessitates that ongoing maintenance of the building, landscaping, and property is consistent and of a high standard, so as to attract vacationers.

2) Using the property at 60 Pine as a short term vacation rental will not adversely affect the peace, comfort, or livability of the neighborhood. If anything, ensuring that the property is well-developed, clean, and attractive to prospective renters will enhance the livability of the neighborhood. The size of the proposed rental unit is small enough that it is not conducive to large, loud groups. There is a pull through driveway for plenty of private, off-street parking. The owners of the proposed rental unit also own the only adjacent home and property as a second residence, and will be regularly in-residence to ensure the property and home are clean, well kept, and that vacationers comply with all regulations designed to mitigate the potential negative impact of a vacation rental.

3) Using the property at 60 Pine as a short term vacation rental is similar and compatible with the existing uses of the neighborhood. The neighborhood "The Cove" sits across the river from the Rogue River RV Park, which has nightly and monthly guests. Furthermore, The Cove was originally developed as a collection of hunting and fishing cabins, to be used as secondary homes and vacation retreats for friends and family. By all appearances, and according to anecdotes, many of the small cabins and homes are still used as fishing and hunting vacation spots, and many are used as long term rentals.

Shady Cove Zoning ordinance §154.478-D states that any vacation rental property accessed by a shared driveway must obtain written consent from all affected property owners. All of the homes in The Cove are accessed by private roads, maintained by each owner's HOA contribution. As defined by § 154.006 DRIVEWAY=A road or other access way that is located entirely on the parcel it serves. By this definition, there is no shared driveway to the property at 60 Pine street, and no zoning requirements will be challenged by using the property as a short term vacation rental.

4) The proposed vacation rental location is on land zoned as residential use. It is surrounded by vacant land on three sides, all zoned residential. The adjoining property is owned by the same owner and currently used as a second home. Using the property as a vacation rental will not adversely affect any residential development.

5) Operating the property at 60 Pine as a short term vacation rental will not adversely affect the health, safety, or general welfare of persons residing or working in the neighborhood. We anticipate the rental will be occupied by small families or small fishing groups, given its proximity to the Rogue River, Crater Lake National Park, Lost Creek Lake, Table Rock trails, and the city of Medford. Renters will likely explore the town of Shady Cove and enjoy the many natural resources available.

BYLAWS
of
SHADY COVE PROPERTY OWNER'S ASSOCIATION
An Oregon Nonprofit Corporation

ARTICLE I
NAME AND LOCATION

Section 1.1 Name. The name of this organization shall be **Shady Cove Property Owners Association** (hereinafter referred to as SCPOA).

Section 1.2 Location and Boundaries. Tax Lot 3900 of NE ¼ SW ¼ Section 15, Township 34S, Range 1W, Willamette Meridian, within the City of Shady Cove, Jackson County, Oregon, serves to provide riverfront access and road access to the residents and owners of property adjacent to and/or accessible by Tax Lot 3900 including, Laurel Drive, Manzanita Drive, Fir Street, Pine Street, Crescent Drive, Black Oak Drive, and Riverside Drive.

Section 1.3 Mailing Address. The mailing address of SCPOA shall be P.O. Box 968, Shady Cove, OR 97539.

ARTICLE II
PURPOSE

Section 2.1 Purpose. The sole purpose of SCPOA is to provide an organized means of paying taxes, as well as protecting, maintaining and enhancing the property known as Tax Lot 3900 of NE ¼ SW ¼ Section 15, T. 34S, R. 1W, W.M., belonging to all members of SCPOA.

Section 2.2 Restrictions. All of the property known as Tax Lot 3900 shall remain intact as it is described legally as of the adoption of these Bylaws, and no property owner may sell, acquire, homestead, procure, buy or move personal property onto Tax Lot 3900 with the intent of making Tax Lot 3900 a part of their own property for their sole ownership. Any fences, driveways, buildings or personal property currently on Tax Lot 3900 is considered a trespass and is not to be considered a means of acquiring Tax Lot 3900 or portions of Tax Lot 3900 for any one SCPOA member's personal property. The SCPOA Board of Directors must approve any changes or modifications proposed to the Tax Lot 3900 infrastructure, even if an easement has been granted.

ARTICLE III
MEMBERS

Section 3.1 Membership. Any person owning property listed in Article I, Section 1.2 of these Bylaws shall be considered a member of SCPOA.

Section 3.2 Voting Rights. At each general meeting of the membership, each property owner's Tax Lot(s) within the Cove neighborhood, as property using Laurel Drive, Manzanita Drive, Fir Street, Pine Street, Crescent Drive, Black Oak Drive, and/or

Riverside Drive as access (Article I, Section 1.2 of these Bylaws) shall have one (1) vote.

In the event that the owners of a given tax lot(s) cannot agree how to vote for those tax lot(s), the tax lot's vote shall be recorded as an abstention.

Section 3.3 Quorum. A quorum for any general meeting of SCPOA shall consist of nine (9) or more property tax lot owners present in person or by proxy at the beginning of the meeting.

Section 3.4 Voting by Proxy. The vote or votes of a tax lot may be cast by absentee ballot or pursuant to a proxy executed by the owner with the proxy given to a SCPOA property owner member eligible to vote. An owner may not revoke a proxy given pursuant to this Section except by actual notice of revocation to the person residing over a meeting of SCPOA. A proxy shall not be valid if it is undated or purports to be revocable without notice.

Section 3.5 Notice of Executive Meetings. For other than emergency meetings, notice of Board of Directors meetings shall be posted at a place or places on Tax Lot 3900 at least three (3) days prior to the meeting, or by such other means as are reasonably calculated to inform tax lot owners of such meetings. Emergency meetings may be held without notice if the reason for the emergency is stated in the minutes of the meeting.

Section 3.6 Annual Meeting of the Membership. The Association (SCPOA) shall hold at least one (1) annual meeting of the owners each calendar year. The President of the Board of Directors, a majority of the Board of Directors, or nine (9) or more owner members of the Association (SCPOA) may call special meetings of the Association. Property owners may attend and participate in annual and special meetings. Property renters/lessors may attend specific meetings with invitation and written permission of property owners; written permission is to be provided to President or leader of meeting.

Section 3.7 Special Meeting of the Membership. In the event a special meeting is called pursuant to this Section, not less than ten (10) not more than fifty (50) days before any meeting called under this Section, the Secretary shall cause notice to be hand delivered or mailed to the mailing address provided by each property owner. The notice shall state the time and place of the meeting and the items on the agenda, including the general nature of any proposed amendment to the Bylaws, any budget changes, or any proposal to remove a director or officer. Meeting notice shall be deemed effective when deposited in ordinary U.S. mail, properly addressed (with last provided mailing address given), and with postage paid.

Section 3.8 Adoption of Annual Budget. A draft of the annual budget will be created by the Board of Directors and presented at the annual meeting of the Association (SCPOA) for the members to review and vote to approve. A copy of the approved budget and minutes of the annual meeting will be mailed to all property owners.

If the Board of Directors is petitioned by owners representing twenty (20%) percent of the votes of the Association (SCPOA), the Board shall call a meeting of the owners to consider rejection of the budget. The date of the meeting shall not be less than fourteen (14) days nor more than thirty (30) days after the budget is provided to the property

owners. At the meeting, whether or not a quorum is present, the budget shall be adopted unless a majority of the votes of the owners eligible to vote at the meeting reject the budget. If the proposed annual budget is rejected, the last annual budget shall continue in effect until the property owners approve a new budget.

ARTICLE IV

AUTHORITY AND RESPONSIBILITIES OF SCPOA

Section 4.1 Authority. SCPOA shall have the authority granted to it by its members, including those powers authorized by ORS 94.630.

Section 4.2 Primary Responsibilities of SCPOA.

- (a) Review the need for maintenance and improvement of Tax Lot 3900 for the benefit of the property owners.
- (b) Enhance Tax Lot 3900 for the benefit of the owners.
- (c) Pay property taxes for Tax Lot 3900 and income taxes incurred by the Association (SCPOA) for the benefit of the Association members.
- (d) Provide public liability policy insurance covering Tax Lot 3900 and all damage or injury caused by the negligence of the Association. The Board of Directors shall obtain, if reasonably available, terms and insurance policies which provide
 - (1) waiver of subrogation by the insurer as to any claims against the Board of Directors of the Association, any property owner or guest of an owner;
 - (2) that the policy may not be cancelled, invalidated or suspended because of any action by a property owner;
 - (3) that the policy may not be cancelled, invalidated or suspended because of the conduct of any director, officer or employee of the Association unless the insurer gives the Association a prior written demand that the Association correct the defect and allow the Association a reasonable time to make the correction; and
 - (4) that any "other insurance" clause in any policy shall exclude from its coverage all owners' policies.
- (e) Collect fees to finance the above responsibilities.
- (f) Provide a forum to serve the mutual needs of the property owners within the area described in Article I, Section 1.2.
- (g) Grant easements for utility access.

Section 4.3 Membership Fees. A fee will be charged each property owner to fulfill the purpose of SCPOA as outlined in Article II, Section 2.1. This fee will be \$100 per year and may be paid in quarterly installments of \$25.00. The year begins in September and this fee is due at the beginning of each year, or quarter, and is considered delinquent at the close of the installment period.

The Board of Directors must pre-approve work performed in the maintenance or improvement of Tax Lot 3900.

If a property owner wishes to file for an exemption from paying fees for any given year, they must submit a written, detailed request to have dues waived based on work

performed/contributed for the maintenance of Tax Lot 3900. The written request must be received by the Board of Directors before the annual meeting.

Work in lieu of payment is good for only one year. Approval by the Board of Directors for the work in lieu of membership dues does not imply perpetual approval; each year stands alone.

Section 4.4 Penalty for Non-Payment of Fees. Any property owner shall be ineligible to vote at any meeting of the membership unless and until all delinquent fees assessed to the owner's property have been paid in full.

ARTICLE V BOARD OF DIRECTORS

Section 5.1 Selection. The Board of Directors shall be elected by the members at the annual meeting of the membership. Candidates for the Board of Directors must have all membership dues/fees paid in full prior to their election.

The Board shall consist of four (4) members, three (3) of which shall constitute a quorum for conducting business. The Board of Directors of the Association may act on behalf of the Association (SCPOA), except as limited by the Articles and Bylaws of the corporation.

Section 5.2 Restrictions on Authority. In the performance of their duties, members of the Board of Directors shall have no authority to elect members to the Board of Directors or determine their qualifications, powers, duties or terms of office. However, the Board of Directors may fill vacancies in its membership for the unexpired portion of any member's term.

Section 5.3 Review of Insurance. At least once every two (2) years, the Board of Directors shall review the insurance coverage of the Association (SCPOA).

Section 5.4 Filing of Tax Returns and State Corporation Documents. The Board of Directors of the Association annually shall cause to be filed necessary income tax and state corporation documents for the Association (SCPOA).

Section 5.5 Open Meetings. All meetings of the Board of Directors of the Association (SCPOA) shall be open to any property owner. Non-Board members shall be allowed to observe Board of Directors meetings, but not actively participate.

Section 5.6 Mailing Address of the Association. The Board of Directors shall maintain a current mailing address of the Association. The mailing address of the Shady Cove Property Owners Association is P.O. Box 968, Shady Cove, OR 97539.

Section 5.7 Financial Statements. At the annual membership meeting, the Board of Directors shall distribute to each property owner the annual financial statement consisting of a balance sheet and income and expense statement for the preceding fiscal year.

Section 5.8 Books and Records. Upon written request of a property owner, the Association shall make available during reasonable hours, the following business records of the Association:

- (a) Association Articles of Incorporation and Bylaws, with any amendments thereto.
- (b) Minutes of the meetings of the Association Board of Directors.
- (c) The most recent financial statement of the Association.
- (d) The current operating budget of the Association.

The Association may charge a reasonable fee for furnishing copies of any documents requested.

Board members shall pass on any records, notes, correspondence or other documents regarding SCPOA to the President of the Board at the end of their term.

Section 5.9 Committees. The Board of Directors shall have authority to establish such committees, including an Executive Committee, as may be beneficial for conducting business of the Board of Directors.

Section 5.10 Removal. Notwithstanding any contrary provision of the declaration or bylaws, the property owners may remove any member of the Board of Directors, other than members appointed by declarant or persons who are ex officio directors, with or without cause, by a majority vote of all owners present and entitled to vote at any meeting of the property owners at which a quorum is present. No removal of a director is effective unless the matter of removal is an item on the agenda and stated in the notice for the meeting required under ORS 94.650.

ARTICLE VI CONDUCT OF MEETINGS

Section 6.1 Officers. At the annual general meeting of the property owners there will be an election of officers for the position of President, Vice President, Secretary and Treasurer. The office of Secretary may be divided into the office of Corresponding Secretary and Recording Secretary. All officers shall be members of SCPOA (current on all dues) and shall serve a one (1) year term until the next annual meeting of the Association.

Section 6.2 Vacancy. Any vacancy of an officer may be filled by appointment of the Board of Directors for the duration of the unexpired term. Any officer may be removed as an officer of the Association upon affirmative vote of the membership at a regular or special meeting of the membership according to Article V, Section 5.10.

Section 6.3 Duties and Authority. The officers of SCPOA shall have the following duties and authorities and such other duties as from time to time may be determined by the members of SCPOA.

(a) **President**

- 1. The President shall preside at all meetings of SCPOA;
- 2. The President or designee shall represent SCPOA to other groups or in business outside of SCPOA meetings as directed by SCPOA members;

3. The President, with the other members of the Board of Directors, will draft a budget annual for presentation at the SCPOA annual meeting; and
4. Such other duties as may be assigned by the Board of Directors or the SCPOA membership.

(b) Vice President

1. The Vice President shall assist and perform duties of the President in the absence of the President;
2. The Vice President may be responsible for preparing, with assistance of the President, and making available, the agenda for the meetings of SCPOA; and
3. Such other duties as may be assigned by the Board of Directors or the SCPOA membership.

(c) Secretary

1. Secretarial duties may be divided into Recording and Corresponding to assist in business;
2. The (Recording) Secretary shall record attendance and proceedings of all SCPOA meetings;
3. The (Recording) Secretary shall provide the President and Vice President with a copy of the minutes of each SCPOA meeting;
4. The (Recording) Secretary shall be a countersigner of the SCPOA financial accounts;
5. The (Recording) Secretary shall maintain a current list of SCPOA members;
6. The (Corresponding) Secretary shall assist the Board of Directors to notify all members of upcoming general or special meetings of SCPOA by mail or phone at least ten (10) days in advance of the meeting. Meeting notices are mailed to property owners only, not renters or lessors;
7. The (Corresponding) Secretary may be requested to assist in drafting business letters; and
8. Such other duties as may be assigned by the Board of Directors or the SCPOA membership.

(d) Treasurer

1. The Treasurer position may be combined with any of the other officers' duties, if need arise;
2. The Treasurer shall keep accurate records of any financial accounts held by SCPOA.
3. The Treasurer, upon request, may provide members with a receipt to record their dues payments;
4. The Treasurer shall report the current balance of finances at the SCPOA meetings and provide other financial reports;
5. The Treasurer shall be the primary countersigner of SCPOA financial accounts; and
6. Such other duties as may be assigned by the Board of Directors or the SCPOA membership.

Section 6.4 Limitation on Officers' Authority. No Officer may act unilaterally, singularly, or with only his/her interests in mind when acting on behalf of the SCPOA membership. Officers are only to act on decisions made by the majority of voting members at general or special meetings or those decisions made by the majority of officers present at Board meetings.

ARTICLE VII

LIABILITY AND INDEMNIFICATION OF MEMBERS, DIRECTORS AND OFFICERS

Section 7.1 Limitation of Liability. No director or uncompensated officer of the corporation shall be personally liable to the corporation or its members for monetary damages for conduct as a director or uncompensated officer, provided this Article shall not eliminate liability which may not be eliminated under the Oregon Nonprofit Corporation Act. No amendment to the Oregon Nonprofit Corporation Act that further limits the acts or omissions for which elimination of liability of a director or uncompensated officer for any act or omission which occurs prior to the effective date of such amendment. The provisions of this Article are intended to be in addition to and not in limitation of any other provisions of the bylaws or any agreement of the corporation or any law that eliminates or limits the liability of directors, officers and others acting on behalf of the corporation.

Section 7.2 Conflict of Interest.

- (a) A conflict of interest transaction is a transaction with the corporation in which a director has a direct or indirect interest. A conflict of interest transaction is not voidable by the corporation solely because of the director's interest in the transaction if the transaction was (i) fair to the corporation, or (ii) authorized, approved or ratified by the vote of the Board of Directors over such transaction, after disclosure to the Board of Directors or the committee of the material facts of the transaction and the director's interest.
- (b) For the purpose of this section, a director has an indirect interest in a transaction if (i) another entity in which the director has a material interest or in which the director is a general partner or party to the transaction, or (ii) the director is a director or trustee of another entity which is not described in the last sentence of this paragraph and is party to the transaction, and the transaction is or should be considered by the Board of Directors. A director does not have a direct or indirect interest in a transaction solely by serving as the director, officer or trustee of an entity that substantially controls, is under substantially common control with, is wholly owned by or is substantially controlled by this corporation.
- (c) For the purposes of this section, a conflict of interest transaction is authorized, approved, or ratified if it receives the affirmative vote of a majority of the Directors on the Board of Directors, or on the committee, who have no direct or indirect interest in the transaction. A transaction may not be authorized, approved, or ratified under this section by a single Director. Notwithstanding any provision of these Bylaws to the contrary, if a majority of the Directors who have no direct or indirect interest in the transaction vote to authorize, approve, or ratify the transactions, a quorum is present for the purpose of taking action under this section. The presence of, or a vote cast by, a Director with a direct or indirect

interest in the transaction does not affect the validity of any action taken under this section if the transaction is otherwise authorized, approved, or ratified as provided in this section.

ARTICLE VIII

INDEMNIFICATION, INSURANCE AND LIMITATION OF LIABILITY

Section 8.1 Indemnification. The corporation shall indemnify to the fullest extent not prohibited by law any indemnified Person (as hereinafter defined) who was or is a party or is threatened to be made a party to any Proceeding (as hereinafter defined) against all expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by the indemnified Person in connection with such Proceeding.

Section 8.2 Advancement of Expenses. Expenses incurred by an indemnified Person in defending a Proceeding shall in all cases be paid by the corporation in advance of the final disposition of such Proceeding at the written request of such indemnified Person, if the indemnified Person furnishes the corporation:

- (a) a written affirmation of the indemnified Person's good faith belief that such indemnified Person is entitled to be indemnified by the corporation under this Article or under any other indemnification rights granted by the corporation to such indemnified Person;
- (b) a written undertaking by or on behalf of such indemnified Person to repay such advance to the extent it is ultimately determined by a court that such indemnified Person is not entitled to be indemnified by the corporation under this Article or under any other indemnification rights granted by the corporation to such indemnified Person.

Such advancements shall be made without regard to the indemnified Person's ability to repay such advances and without regard to the indemnified Person's ultimate entitlement to indemnification under this Article or otherwise.

Section 8.3 Definitions.

- (a) The term "indemnified Person" shall mean any person who is or was (i) a Director, officer, member of a committee, employee or, to the extent authorized by the Board of Directors in the specific case, an agent of the corporation, (ii) a fiduciary within the meaning of the Employee Retirement Income Security Act of 1974 with respect to any employee benefit plan of the corporation, or (iii) serving at the request of the corporation, partnership, joint venture, trust or enterprise, whether or not serving in such capacity at the time any liability or expense is incurred for which indemnification or advancement of expenses can be provided under this Article.
- (b) The term "Proceeding" shall include any threatened, pending or completed action, suit or proceeding, whether brought in the right of the corporation or otherwise and whether of a civil, criminal, administrative or investigative nature, in which an indemnified Person may be or may have been involved as a party or otherwise by reason of the fact that the person is an indemnified Person.

Section 8.4 Non-Exclusivity and Continuity of Rights. The indemnification and entitlement to advancement of expenses provided by this Article shall not be deemed exclusive of any other rights to which those indemnified may be entitled under the Articles of Incorporation or any statute, agreement, general or specific action of the Board of Directors, or otherwise, shall continue as to a person who has ceased to be a person described within the definition of indemnified Person, shall inure to the benefit of the heirs, executors, and administrators of such an indemnified Person and shall extend to all claims for indemnification of advancement of expenses made after the adoption of this Article. The corporation may enter into agreements to indemnify any indemnified Person.

Section 8.5 Amendments. Any repeal of this Article shall only be prospective and no repeal, amendment or modification hereof shall adversely affect the rights under this Article in effect at the time of the alleged occurrence of any act or omission to act that is the cause of any Proceeding.

Section 8.6 Limitation of Liability. The civil liability of Directors, officers and executive board members shall be limited to the fullest extent permitted under the Oregon Nonprofit Corporation Act.

Section 8.7 Insurance. The corporation shall be authorized to purchase and maintain in effect a policy or policies of insurance covering any liability of directors, officers, committee members, employees and agents of the corporation, regardless of whether the corporation would have the power to indemnify such persons against the liability so insured.

ARTICLE IX AMENDMENTS

These Bylaws and any amendments thereof shall become effective upon adoption by a majority of the members constituting a quorum at a general meeting of the membership.

Adopted _____ (date)

President

**Articles of Incorporation
Of
Shady Cove Property Owners Association
Nonprofit Corporation**

The undersigned incorporators hereby adopt the following Restated Articles of Incorporation pursuant to the provisions of the Oregon Nonprofit Corporation Act.

**ARTICLE I
NAME AND CLASSIFICATION**

The name of the corporation shall be Shady Cove Property Owners Association, formerly known as Shady Cove Development Association. This corporation is a mutual benefit corporation and its duration shall be perpetual.

**ARTICLE II
PURPOSES AND POWERS**

This corporation is organized and shall be operated exclusively to maintain, protect and enhance the property owned in common by the members of the Association generally described as Tax Lots 3900 of the Northeast one-quarter (1/4) of the Southwest one-quarter (1/4) of Section 15, Township 34 South, Range 1 West, Willamette Meridian, Jackson County, Oregon.

**ARTICLE III
MEMBERS**

The corporation shall have members who shall meet the eligibility criteria established by the Bylaws of the corporation.

**ARTICLE IV
BOARD OF DIRECTORS**

The affairs of the corporation shall be managed by a Board of Directors to be elected as provided in the Bylaws of the corporation.

**ARTICLE V
DISSOLUTION**

Upon dissolution or final liquidation, after payment or provisions for payment of all liabilities and obligations of the corporation, the remaining assets of the corporation, other than Tax Lot 3900, shall be distributed proportionately to those members of the Association for the last three (3) years of continuous operation of the Association prior to dissolution. Upon dissolution, Tax Lot 3900 shall first be offered to the City of Shady Cove, Oregon, or Jackson County, Oregon, with the riverfront area to be maintained as a public park and the streets to be maintained as public streets for the benefit of those

residents living adjacent to Tax Lot 3900. In the event the City of Shady Cove or Jackson County is unwilling to accept ownership of Tax Lot 3900, upon dissolution of the Association, Tax Lot 3900 shall be deeded to the owners of the parcels accessed by Tax Lot 3900, in equal shares.

ARTICLE VI AMENDMENTS

These Restated Articles of Incorporation may be amended or restated only at a meeting of the Board of Directors upon receiving the affirmative vote of a majority of the directors in office; PROVIDED, HOWEVER, that any amendment of the provisions of these Articles shall be effective only upon the written approval of such amendment by a majority of those eligible for membership in the Association (the owners of parcels accessed by Tax Lot 3900 in the area described in Article II).

ARTICLE VII REGISTERED AGENT

The name and address of the initial registered agent of the corporation is: Paula Trudeau, 160 Black Oak Drive, Shady Cove, Oregon 97539.

ARTICLE VIII PRINCIPAL OFFICE

The principal office address of the corporation is: Shady Cove Property Owners Association, 160 Black Oak Drive, Shady Cove, Oregon 97539. Mailing address is: P.O. Box 968, Shady Cove, OR 97539.

ARTICLE IX LIMITATION OF LIABILITY

No director or uncompensated officer of the corporation shall be personally liable to the corporation or its members for monetary damages for conduct as a director or uncompensated officer; provided that this Article shall not eliminate liability which may not be eliminated under the Oregon Nonprofit Corporation Act. No amendment to the Oregon Nonprofit Corporation Act that further limits the acts or omissions for which elimination of liability is permitted shall affect the liability of a director or uncompensated officer for any act or omission that occurs prior to the effective date of such amendment. The provisions of this Article are intended to be in addition to and not in limitation of any other provisions of the Bylaws or any agreement of the corporation or any law that eliminates or limits the liability of directors, officers and others acting on behalf of the corporation.

**ARTICLE X
INCORPORATOR**

The name of the incorporator is, whose address is P.O. Box 968, Shady Cove, OR 97539.

Dated this _____ day of _____,



Mayor
Shari Tarvin

Councilors
Tim Evertt
Tanda Murders
Paige Winfrey
Jay Taylor

CERTIFICATE OF MAILING

I hereby certify that on July 18, 2022 I provided a copy of the NOTIFICATION OF ADJACENT USE PROPOSAL APPLICATION NO. CUP 22-04 by first class mail to the following (list attached):


Debby Jermain, Planning Technician

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

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

CAMPBELL JAMES KEVIN & NIKI A
103 SUMMIT DR
SHADY COVE, OR 97539

STREET ROD/DEBRA S
2524 NE BUCKBOARD
PRINEVILLE, OR 97754

VAIL ELIZABETH G
160 BLACK OAK DR
SHADY COVE, OR 97539

STREET ROD/DEBRA S
2524 NE BUCKBOARD
PRINEVILLE, OR 97754

RYCKMAN ELIZABETH
PO BOX 844
SHADY COVE, OR 97539

LGMG INC
26926 102ND AVE NW
STANWOOD, WA 98292

EWEN CHRISTINE IRENE
3848 KAREN AVE
LONG BEACH, CA 90808

LGMG INC
26926 102ND AVE NW
STANWOOD, WA 98292

MURPHY JAMES L/RENEE L
100 FIR ST
SHADY COVE, OR 97539

LGMG INC
26926 102ND AVE NW
STANWOOD, WA 98292

THOMPSON MICHAEL L
PO BOX 991
SHADY COVE, OR 97539

SMAGACZ MARIAN MACIEJ
102 RHONDA LN
PHOENIX, OR 97535

CONLEY ROBERT TRUSTEE ET AL
6800 STERLING CREEK RD
JACKSONVILLE, OR 97530

SHADY COVE PROPERTY OWNERS AS
PO BOX 968
SHADY COVE, OR 97539

CONLEY ROBERT TRUSTEE ET AL
6800 STERLING CREEK RD
JACKSONVILLE, OR 97530

LGMG INC
26926 102ND AVE NW
STANWOOD, WA 98292

AYERS JAMES P TRUSTEE ET AL
PO BOX 619
SHADY COVE, OR 97539

LGMG INC
26926 102ND AVE NW
STANWOOD, WA 98292

THAYER TRIS K
951 NE VENTURA ST
ROSEBURG, OR 97470

LITTLE KATHRYN
1001 OLD FERRY RD
SHADY COVE, OR 97539

CITY OF SHADY COVE
PLANNING COMMISSION

NOTIFICATION OF ADJACENT PROPERTY USE PROPOSAL

DESCRIPTION OF PROPERTY: 34-1W-15CA, Tax Lot 2900, located at 60 Pine St, Shady Cove, Oregon

PROPOSAL: Conditional Use Permit Application No. CUP 22-04. The request is for a Conditional Use Permit to provide a Vacation Rental by Owner (VRBO). Zoning is Low Density Residential (R-1-6).

DATE AND TIME OF MEETING: Thursday, August 11, 2022 at 6:00 p.m.

LOCATION: City Hall Council Chamber, 22451 Highway 62 and via Zoom. RESPONSE DATE: August 3, 2022

APPLICANT/OWNER: Rod/Suzanne Street

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

The Planning Commission shall make a Type III decision after addressing all of the relevant approval criteria and standards. Based upon the criteria and standards; the facts contained within the record; the evidence submitted and the testimony presented, the Planning Commission shall grant a continuance of the public hearing, or they shall approve, approve with conditions, or deny the requested application for Conditional Use Permit.

The Conditional Use process is to help ensure that all land uses are properly located with respect to the city's goals and development objectives and policies, and in a manner that will help ensure compatibility between neighboring uses and possible conflicting uses.

§ 154.401 (A) CRITERIA OF APPROVAL.

- (1) The proposal meets the requirements for approval of the site development plan, as outlined in §§ 154.310 through 154.318.
- (2) The proposed development or land use will not adversely affect the peace, comfort and livability of the neighborhood and adjacent uses.
- (3) The proposed development or land use is of a type that is similar to or otherwise compatible with existing and permitted uses in the zoning district in which it is being proposed and will have no adverse impacts on the area's attractiveness, usefulness or value for additional development in the future.
- (4) The characteristics of the specific proposed location are such that other already existing or proposed development in the vicinity will not adversely affect the continuation of this proposed use.
- (5) The establishment, maintenance or operation of the proposed use will not be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood.

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

A copy of the application, all documents and evidence submitted by the applicant, and applicable criteria are available for review at no cost and will be provided at a reasonable cost. Staff reports will be available 7 days prior to the hearing. Public attendance is welcome. For more information please contact the Planning Department at City Hall, (541) 878-8204.

**** REVIEW AND COMMENT ****

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

REMARKS: _____

SIGNATURE: _____

PRINTED NAME(S): _____

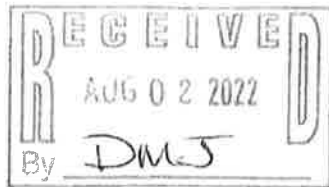
STREET AND MAILING ADDRESS: _____

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

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



County of Jackson, OR, Bureau of Land Management, State of Oregon, State of



CUP 22-04

**** REVIEW AND COMMENT ****

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

REMARKS: See below Conditional Use Permit Application No.
CUP 22-04

SIGNATURE: Lena Richardson

PRINTED NAME(S): Lena Richardson

STREET AND MAILING ADDRESS: 80 Riverside Dr., PO Box 1205, Shady Cove, OR 97539

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

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

Since Rod and Suzanne Street purchased the property at 58 and 60 Pine Street, they have begun the process of cleaning and improving the land and structures after decades of neglect by previous owners. When they began the process of applying for a conditional use permit to operate a VRBO, they contacted neighbors in person to discuss their project and to answer questions.

Using the structure at 60 Pine Street as a VRBO is not expected to adversely affect the livability of our neighborhood and the improvements they are making actually improves the attractiveness and value of adjoining properties. In addition, the small size of the vacation rental will limit the number of occupants and its proximity to the owners' living quarters will ensure compliance with rules and regulations. The neighborhood also has a property owners association in place and contact information for the Streets is available should an issue arise.



Mayor
Shari Tarvin

Councilors
Tim Evertt
Tanda Murders
Paige Winfrey
Jay Taylor

NOTICE OF PUBLIC HEARING

The City of Shady Cove Planning Commission will hold a Public Hearing at 6:00 p.m. on **Thursday, August 11, 2022**, at the Shady Cove City Hall Council Chambers, 22451 Highway 62, Shady Cove, Oregon or via Zoom for the following purpose:

To consider the request for a Conditional Use Permit to provide a Vacation Rental by Owner at **60 Pine Street**. Said parcel is legally described as 34-1W-15CA, Tax Lot 2900, and is currently zoned as Low Density Residential.

Owner/Applicant: Rod & Suzanne Street

File Number: CUP 22-04

Individuals may submit written comments relating to this planning action at any time up to two hours before the meeting. Email DJermain@ShadyCove.org or attend and comment in person at City Hall or via Zoom.

The applicable criteria and standards to be considered at the public hearing are found in the Shady Cove Code of Ordinances §§ Conditional Use Permit 154.401; Procedures 154.379.

A copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards can be reviewed at City Hall, or copies will be provided at a reasonable cost. The staff report will be available for public review seven days before the public hearing at 22451 Highway 62, Shady Cove during regular office hours.

Zoom Information: <https://us02web.zoom.us/j/81551455534?pwd=WxNXNFpOT2JTbkpCVWpZclo1STZkdz09>

Meeting ID: 815 5145 5534

Passcode: 337695

One tap mobile

+16694449171,,81551455534#,,, *337695# US

+16699006833,,81551455534#,,, *337695# US (San Jose)

Posted: 07/29/22
Published: 08/03/22
Remove from Posting: 08/12/22

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

22451 Highway 62 ♦ PO Box 1210 ♦ Shady Cove OR 97539 ♦ (541) 878-2225 ♦ FAX: (541) 878-2226

E-Mail: djermain@shadycove.org ♦ Web Site: www.shadycove.org