

Agenda

Shady Cove Planning Commission Public Hearings

Thursday, November 10, 2022

6:00 PM

Zoom Information:

<https://us02web.zoom.us/j/85325423096?pwd=YVNxNlFWQmJ2VEZmbiFuSG9xcG5PZz09>

Meeting ID: 853 2542 3096

Passcode: 615864

One tap mobile

+17193594580,,85325423096#,,,,*615864# US

+12532158782,,85325423096#,,,,*615864# US (Tacoma)

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 November 24 at 6:00 PM both in Council Chambers and via Zoom.
3. The meeting date is subject to change.

II. Public Hearing

A) Public Hearing to Consider a Variance at 1011 Celtic Circle

Open Public Hearing.

A Public Hearing to accept public testimony and consider a Variance to the standards of Section 154.273(D) that requires all nonconforming structures to conform to current rear setbacks, defined in Section 154.200 as being a minimum of 15 feet. Said parcel is legally described as 34-1W-10CD, Tax Lot 2201 and currently zoned R2 (Medium Density Residential). Owner/ Applicant: Eileen Collins/KNBE LLC
Planning File Number: VAR 22-01

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

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

B) Public Hearing to Consider a Variance at 471 Rogue Air Drive

Open Public Hearing.

A Public Hearing to accept public testimony and consider a Variance to the prohibited home occupations, allowing minor auto repair as a conditional home occupation. Said parcel is legally described as 34-1W-16, Tax Lot 1803 and currently zoned R-1-20 (Low Density Residential). Owner/ Applicant: Daniel King
Planning File Number: VAR 22-02

1. Read Public Hearing Open Statement.
2. If you would like to speak before the Commission, please email ahead of time to djerman@shadycove.org, sign sheet on the table or via Zoom raise your hand.
3. Jurisdiction Question.
4. Conflict of Interest.
5. Ex Parté Contact.
6. Site Visit.
7. Staff Comments. (Schireman)
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. Subject of Workshop

- A. Finalization of Planning Commission Goals
- B. Planning Fees

IV. Department Reports

- A. Planning Technician Report

V. Public Comment

VI. Commissioner Comments

Chair Hohenstein – USMC Birthday

VIII. Adjournment



Type III Staff Report Variance

Date: October 19, 2022

Description of Property: 34-1W-10-CD, Tax Lot 2201

Address: 1011 Celtic Circle, Shady Cove Oregon

Planning Application: VAR 22-01

Owner/ Applicant: Eileen Collins/KNBE LLC

Proposal: Variance to the standards of §154.273(D) that requires all nonconforming structures to conform to current rear setbacks, defined in §154.200 as being a minimum of 15 feet.

Zoning: Medium Density Residential R-2

Public Hearing Date: October 27, 2022

I. PROPOSAL:

The request is for a class C Variance to approve the change of use for a nonconforming structure currently not adhering to the setback requirements of the R-2 zone. §154.273(D), regarding nonconforming structures, states that "Remodeling of a damaged structure shall conform to current codes, setbacks, off-street parking and other site development requirements".

II. AUTHORITY:

All class C variances shall be reviewed through a Type III review process as per §154.379, and §154.376(C) authorizes the Planning Commission to consider the request and make a decision to approve, approve with conditions, or deny. The decision must be based on the criteria contained in §154.419, and the Planning Commission shall approve, approve with conditions, or deny the requested application for a variance, or they may grant a continuance of the public hearing to a date and time certain.

III. APPEAL PROCEDURE:

Appeals to a variance shall be processed in accordance to §154.455 through §154.462. Being as this decision shall come from the Planning Commission, an appeal may be made to the City Council no later than 10 calendar days after the decision has been made.

IV. NOTICE PROCEDURE

Adhering to §154.379, On September 30th 2022 the property owners, neighbors within 200 feet, relevant agencies, and other invested stakeholders were given at least 20 days' notice of the public hearing.

V. GENERAL FINDINGS

The property in question originally existed as utility space and shop. The shop was planned to be demolished upon construction of the planned unit development, but remained. Currently, the shop has operated as an illegal dwelling, as the change of use would require the structure to conform to applicable zoning standards. In this case, the 15-foot required setback provokes excess hardship. Due to a past clerical error from previous city staff, residences built in the Celtic Circle subdivision currently don't adhere to the correct setback distance for their respective zone. While a planned unit development requires a rear yard 10-foot setback, the R-1 zone (the zoning of the area at the time) designation implements a more stringent standard of 15 feet. While the 15-foot rear setback should have prevailed, the 10-foot minimum was applied to properties in the neighborhood. As such, if the building were forced to adhere to the current setbacks standards, it would be one of the few properties with the intended 15-foot rear yard setback. The variance was elevated to a Class C variance as the Class A type only permits a 10% change in setback requirements, in this case an allowed minimum rear setback of no less than 13.5 feet.

VI. CONFORMANCE WITH APPLICABLE CRITERIA

§154.418 of the SCMC states, *Class C variances may be granted if the applicant shows that, owing to the special and unusual circumstances related to the property, the literal application of the standards of the applicable land use district would create a hardship to development which is peculiar to the lot size and shape, topography, sensitive lands or other similar circumstances related to the property over which the applicant has no control and which are not applicable to other properties in the vicinity; except that, no variances to permitted uses shall be granted.*

The City shall approve, approve with conditions or deny the application for a variance based on a finding that all of the following criteria, as outlined in §154.419, are satisfied.

Criterion (1): The proposed variance will not be materially detrimental to the purposes of this chapter, to any other applicable policies and standards and to other properties in the same land use district or vicinity.

Staff response: Satisfied. Due to miscommunication of setback requirements within the Celtic Circle Neighborhood, many of the homes rear setbacks are at 10 feet or less. Therefore, the inclusion of a new dwelling at the same standard would not detract from the character of the neighborhood. In fact, mandating the home be built 15 feet away from the rear property line would only draw attention to it as an abnormality in the local area.

Criterion (2): A hardship to development exists which is peculiar to the lot size or shape, topography, sensitive lands or similar circumstances related to the property over which the applicant has no control and which are not applicable to other properties in the vicinity.

Staff response: Satisfied with Conditions. While the land itself isn't physically constrained, the setbacks requirements that should have been implemented in

the Celtic Circle neighborhood make many of the homes in the area nonconforming structures. Therefore, while the other homes weren't forced to adhere to the 15 foot setback requirement, mandating the 15 foot rear setback for the change of use of this shop represents an unusual and unique constraint.

On the other hand, this constraint shouldn't permit the nonconforming structure to expand in size. Construction projects enabling the primary dwelling to expand in size would demonstrate a capacity to relocate or partially demolish the structure, As such, staff recommends a condition that mandates the nonconforming structure do not expand.

(1) As a condition of approval, the applicant shall submit an application for development review to ensure the shop is not expanded or enlarged. The applicant shall adhere to the application submission requirements of §154.314, primarily a map of the existing conditions, proposed site plan, and architectural drawings. Such a development plan shall not be approved should it fail to meet the conditions of this variance, as stated in §154.315(E).

Criterion (3): The use proposed will be same as permitted under the applicable zoning district and city standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land.

Staff response: Satisfied with conditions. The proposed use is single family dwelling as allotted by the R-2 district in §154.051. All new construction on the parcel can reasonably adhere to appropriate city standards, namely new accessory structures. Staff recommends a condition that addresses this scenario.

(2) As a condition of approval, all new construction including accessory uses listed in §154.051(F) or those deemed similar by the planning commission shall adhere to current city standards. New construction shall adhere to the 15 foot rear setback, while only the nonconforming shop shall retain its non-compliant setback.

Criterion (4): Existing physical and natural systems, such as, but not limited to, traffic, drainage, natural resources and parks will not be adversely affected by any more than would occur if the development occurred as specified by city standards.

Staff response: Satisfied. Allowing the non-compliant setbacks does not adversely affect the existing conditions or systems of the Celtic Circle neighborhood, as many homes in the area do adhere to the rear setback requirement themselves.

Criterion (5): The hardship is not self-imposed.

Staff response: Satisfied. Staff concurs with the applicant's belief that the varying standards of setback requirements in the Celtic Circle neighborhood implements a financial hardship on the applicant. While in the past the city allowed homes to be built in the area with a 10 foot setback, staff expressed to the applicant that strict adherence to the requirement now would necessitate demolition and redesign. The applicant responded saying that these actions were not financially feasible, and would result in the shop remaining as illegal dwelling.

Criterion (6) The variance requested is the minimum variance, which would alleviate the hardship.

Staff response: Satisfied with conditions. The applicant isn't requesting that the existing setback be reduced to facilitate a larger building footprint, and is only requesting the variance to circumvent costly demolition and reconstruction of the structure. Nonetheless, the structure should still be recognized as non-conforming structure should a future owner wish to expand or replace the structure after significant damage.

(3) As a condition of approval, the applicant and future owners shall acknowledge the shop converted to dwelling as a non-conforming structure. Owners shall not expand or enlarge the non-conforming structure, per §154.273(B). Should the structure be destroyed to an extent exceeding 80% of its true cash value, as indicated by the records of the County Assessor, the nonconforming structure shall be considered terminated, per §154.275(B). As stated in §154.273(D), new construction following such destruction shall conform to current codes, setbacks, off-street parking and other site development requirements.

VII. RECOMMENDATION:

Staff recommends the Planning Commission **APPROVE WITH CONDITIONS** the request for a Class C Variance.

Conditions of Approval

1. Before receiving building permits, the applicant shall submit an application for development review to ensure the shop is not expanded or enlarged. The applicant shall adhere to the application submission requirements of §154.314, primarily including a map of the existing conditions, proposed site plan, and architectural drawings. Such a development plan shall not be approved should it fail to meet the conditions of this variance, as stated in §154.315(E).
2. All new construction including accessory uses listed in §154.051(F) or those deemed similar by the Planning Commission shall adhere to current city standards. New construction shall adhere to the 15 foot rear setback, while only the nonconforming shop shall retain its non-compliant setback.
3. The applicant and future owners shall acknowledge the shop converted to dwelling as a non-conforming structure. Owners shall not expand or enlarge the non-conforming structure, per §154.273(B). Should the structure be destroyed to an extent exceeding 80% of its true cash value, as indicated by the records of the County Assessor, the nonconforming structure shall be considered terminated, per §154.275(B). As stated in §154.273(D), new construction following such destruction shall conform to current codes, setbacks, off-street parking and other site development requirements.

Respectfully submitted this 19th day of October 2022.


By: James Schireman, City Planner

CITY OF SHADY COVE
CLASS C
VARIANCE APPLICATION
SCMC §§154.415-154.420

APPLICATION NO. VAR 22-01 REC'D BY: DJ DATE: 9/29/22

FEE: Class C \$ 500.00 AMOUNT PAID: \$5000⁰⁰ RECEIPT NO: 27296

PUBLIC NOTICE MAILING FEE: \$ 75.00

PROPERTY OWNERS: KNBE LLC

PROPERTY STREET ADDRESS: 1011 Celtic Circle

MAP AND TAX LOT: Township 34, Range 1W Section 10CD Tax Lot 2201

CURRENT ZONING: R-1 ADJACENT ZONING: R-2, P

Variance §154.418
<i>A Variance owing to the special and unusual circumstances related to the property</i>
<i>Literal application of the standards would create a hardship to development</i>
<i>Due to peculiar lot size and shape, topography, sensitive lands or other</i>
<i>Applicant has no control, and not applicable to other properties in the vicinity</i>
<i>Hardship cannot be self-imposed and no variance to a permitted use will be granted</i>

SCMC § 154.418 CLASS C VARIANCE.

Class C variances are reviewed using a **Type III** procedure as governed by SCMC §154.379

Application for variance **must** include the following:

1. If you are not the property owner an Owners Authorization must be submitted.
- ✓ 2. 2 copies of property plat map.
- ✓ 3. 2 copies of the plot plan indicating existing property lines and proposed use.
- ✓ 4. 1 copy of metes and bounds description of the property.
5. A narrative statement explaining how the application satisfies each and all of the relevant criteria and standards; the reason for the request, alternatives considered and why the subject standard cannot be met without a variance. The narrative statement must contain sufficient detail for review and decision-making; (see page 3)

6. 1 copy of recorded covenants, conditions or deed restrictions concerning the present use of this property, if any.

7. ~~1 set of pre-stamped and pre-addressed envelopes for all real property owners of record who will receive a notice of the application (within 200 feet of the subject site). The records of the County Department of Assessment and Taxation are the official records for determining ownership. The applicant shall demonstrate that the most current assessment records have been used to produce the notice list.~~

~~[Alternatively, the applicant may pay a fee for the city to prepare the public notice mailing.]~~

CERTIFICATION

I hereby certify that the information given above and attached hereto is true and correct, that I am the property owner (or have provided owners authorization) and that falsification of fact will result in invalidation of the application. Further, I understand any approval given is valid for the specific project only and is subject to all applicable laws, regulations and conditions.

APPLICANT'S SIGNATURE: Eileen Collins, KNBE DATE: 9/29/22
LLC

MAILING ADDRESS: PO Box 1425

Shady Cove, OR 97539

HOME PHONE N/A

CELL PHONE 702-525-2680

PURSUANT TO ORS 227, THIS APPLICATION IS CONSIDERED A COMPLETE APPLICATION WHEN REVIEWED, DATED, AND SIGNED BY THE CITY PLANNER OR HIS/HER DESIGNATE

Complete ✓ Incomplete _____

Letter sent _____

Signature  Date 9-29-22

Criteria for approval- your narrative statement must address the following:

SCMC §154.419 - The city shall approve, approve with conditions or deny the application for a variance based on a finding that **all** of the following criteria are satisfied.

- (a) The proposed variance will not be materially detrimental to the purposes of this chapter, to any other applicable policies and standards and to other properties in the same land use district or vicinity.
- (b) A hardship to development exists which is peculiar to the lot size or shape, topography, sensitive lands or similar circumstances related to the property over which the applicant has no control and which are not applicable to other properties in the vicinity.
- (c) The use proposed will be same as permitted under the applicable zoning district and city standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land.
- (d) Existing physical and natural systems, such as, but not limited to, traffic, drainage, natural resources and parks will not be adversely affected by any more than would occur if the development occurred as specified by city standards.
- (e) The hardship is not self-imposed.
- (f) The variance requested is the minimum variance, which would alleviate the hardship.

And an impact study per 154.379 (A) (d).

State below the need for the variance:

Attach additional sheets as necessary

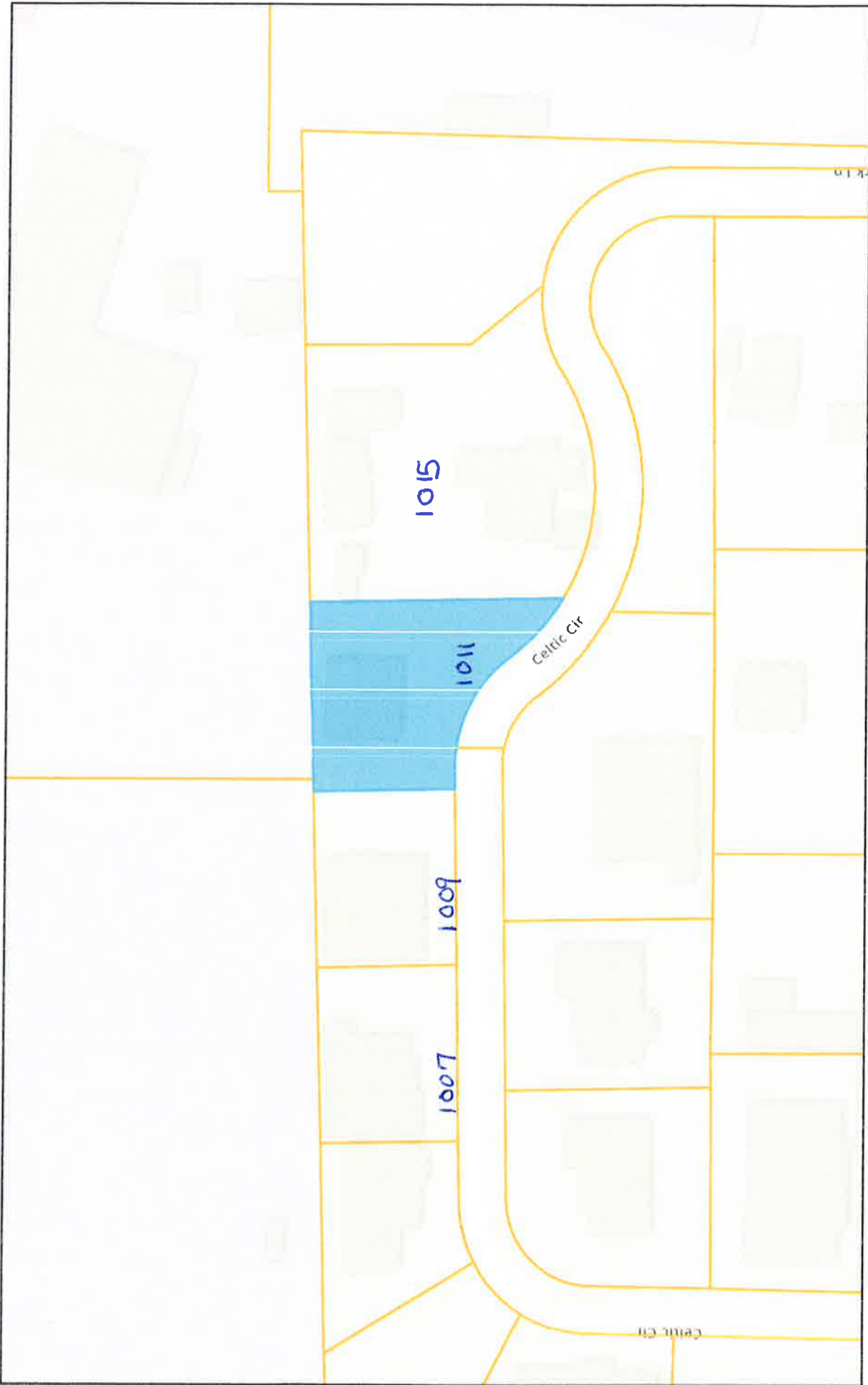
The variance requested is required due to see attached

Prior to the Celtic Circle PUD, this building was a shop. We are requesting to change it to a single family dwelling in compliance with the PUD, a residential neighborhood. We are hoping to provide affordable housing within walking distance to the school.



The building is set back 10 feet from the property line. Please reference the following:

- 1) The set back is consistent with the setback of adjacent properties. Reference: Map 1011 from the Jackson County tax records. See properties 1007 and 1009.
- 2) Building permit from neighboring house-1009, under setbacks required, 10 feet is approved. Reference: City of Shady Cove Land Use Approval Building Permit. (Received 12/11/2007)
- 3) The set back is consistent with neighboring property 1009. Reference: First American Title aerial map.

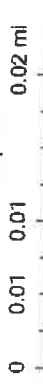
1011 Map



9/21/2022

-  Taxlots
-  County

1:1,128



Esri Community Maps Contributors, County of Jackson, OR, State of Oregon
GEO, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph,

2

1009 Celtic Circle

CITY OF SHADY COVE LAND USE APPROVAL FOR BUILDING PERMIT

Assessor's Map/Tax Lot Number: 341W 10CC TL 3301 Permit #: BR07-39

Name of Property Owner(s): John Collins

Property Street Address: North Ave

Current Zoning: R-2 Lot Sq. Footage: 6424

Building Sq. Footage: 1456 Garage Sq. Footage: 646

Decking/Other Sq. Footage: 430 Total Lot Coverage: _____

Lot Depth: 74 Lot Width: 88 Street Frontage: _____

Setbacks Required:
Front: 15' Rear: 10' Side: 5' Street Side: 15'
per our PUD rules

Setbacks per Plans:
Front: OK Rear: OK Side: OK Street Side: OK

N/A Floodplain Application On File

RECEIVED
DEC 11 2007

Description of Proposed Work: New home construction

12/11/07 Addendum to roofing plan. John Collins 878-7225

DO NOT RELEASE PLANS UNTIL SHADY COVE RECEIVES PAYMENT

I understand that I am responsible for ensuring that all contractors and subcontractors who perform tasks or deliver materials for this job or project are properly licensed to work in the City of Shady Cove, per Ordinance #96-07-597, and that a violation of this ordinance can cause the project to be halted or delayed until such time as there is compliance with this requirement. OK

APPLICANT'S SIGNATURE John Collins

Mailing Address _____ Phone Number 878-0928

FEES REQUIRED: To be payed later

SDCs:
 Waste Water \$3,073.00 Storm Drainage \$1,491.00 Transportation \$1,384.00 Parks \$1,197.00
 Land Use Approval: \$175.00 *Sewer Connection \$175.00 Floodplain Application \$350.00

*All sewer connections must be inspected and approved after the connection is complete and before the trench is backfilled. The inspection will be performed by the Public Works Director. He can be reached at 878-3322.

Total _____ P.U.R.C. Applied _____ Amount Due _____
 Received By Margaret Boegen Date _____ Receipt No. _____

Paid 9/13/07

3



First American Title

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

LEGEND

- FOUND 5/8" REBAR W/PLASTIC CAP STAMPED "KAISER RLS 803" PER F.S. 16311.
- ▲ FOUND 5/8" REBAR W/ALUMINUM CAP STAMPED "KAISER RLS 803" PER F.S. 16311.
- FOUND 5/8" REBAR PER F.S. 6129.
- SET 5/8"x24" IRON REBAR W/PLASTIC CAP STAMPED "LS 2011".
- ⊗ SET 5/8"x30" IRON REBAR W/PLASTIC CAP STAMPED "LS 2011".
- F.S. FILED SURVEY WITH JACKSON COUNTY SURVEYOR'S OFFICE.
- P.R.S.D.E. PRIVATE STORM DRAIN EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- SQ. FT. SQUARE FEET

ENCUMBRANCE NOTE

THE FOLLOWING LIENS AND ENCUMBRANCES ARE SHOWN ON PUBLIC RECORDS RI FOR ISSUING TITLE INSURANCE ORDER NUMBER 489048620 PREPARED BY LAND AM EFFECTIVE DATE MARCH 19, 2007 AND CAN NOT BE SPECIFICALLY LOCATED.

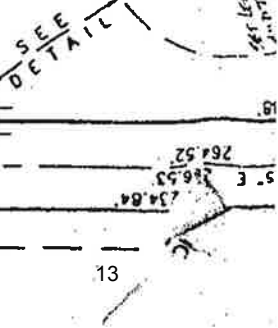
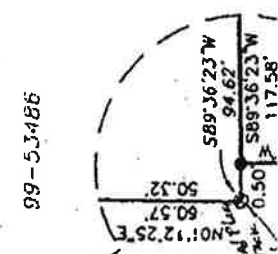
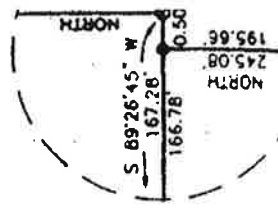
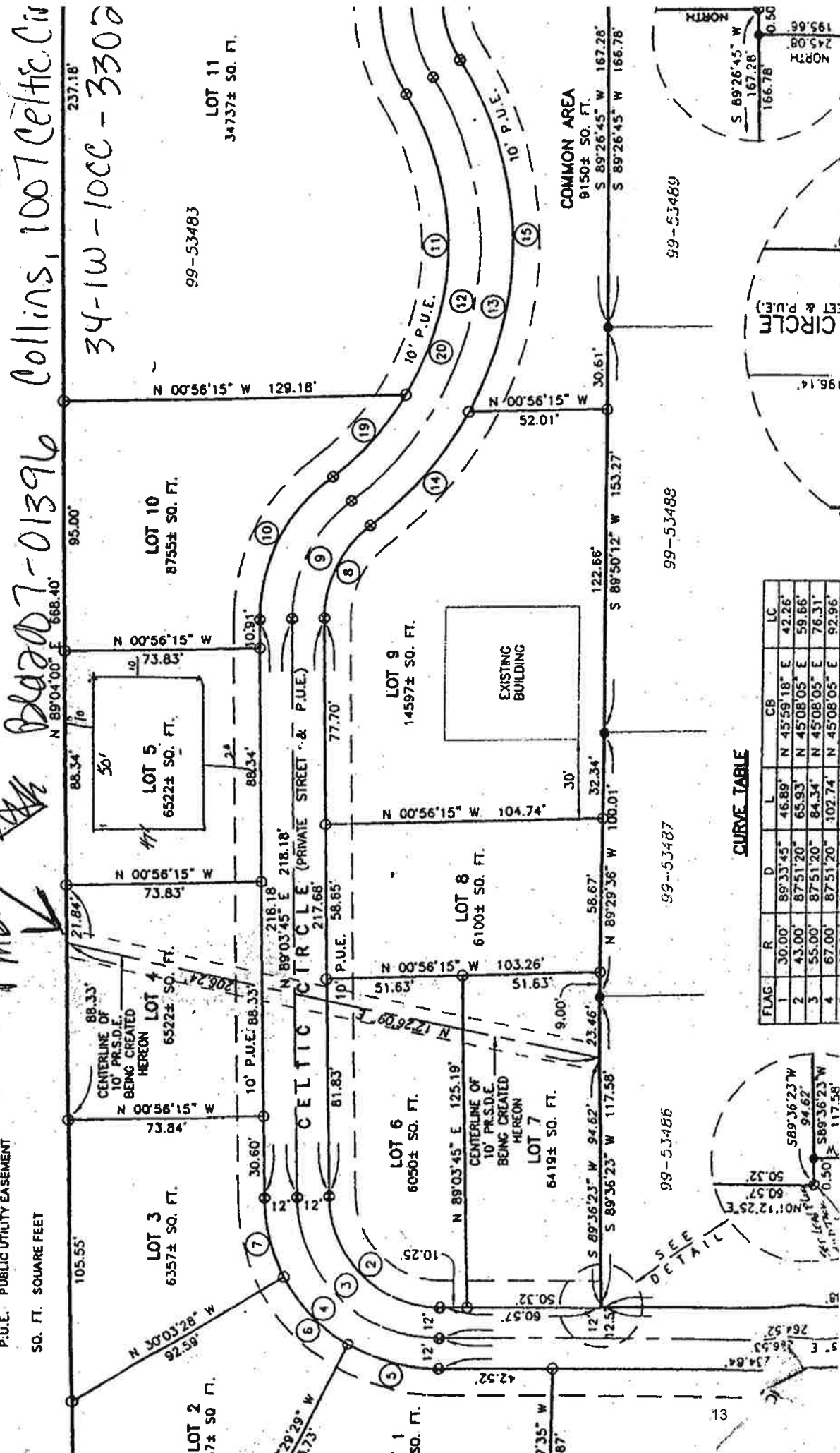
1. RIGHT OF WAY FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY ARE - VOLUME 280, PAGE 59, VOLUME 285, PAGE 159, VOLUME 294, PAGE 294, VOLUME 4 VOLUME 482, PAGE 461, DEED RECORDS OF JACKSON COUNTY, OREGON.

2. EASEMENT FOR UNDERGROUND SEWER LINE AND TEMPORARY EASEMENT FOR PURPOSES - INSTRUMENT NO. 79-15096, 79-16000 AND 79-16096, OFFICIAL RECORDS OREGON.

APPROVED

NOV 27 2007

Shady Cove Planning Dept.
Gretchen Meloth



CIRCLIN
ET R P U E

99-53489

99-53488

99-53487

99-53486

Jackson County Official Records **2021-048363**
R-BSD
Stn=21 SIMPSOHP 11/22/2021 02:57:06 PM
\$15.00 \$10.00 \$11.00 \$11.00 \$60.00 \$107.00

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

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

John Blackhurst
Hornecker Cowling LLP
14 N. Central Ave., Ste. 104
Medford, OR 97501

**UNTIL A CHANGE IS REQUESTED
SEND ALL TAX STATEMENTS TO:**

KNBE LLC
P.O. Box 1425
Shady Cove, OR 97539

BARGAIN AND SALE DEED

FOR VALUE RECEIVED, **Celtic Circle, LLC**, an Oregon limited liability company, as *Grantor*, does hereby grant, bargain, sell and convey unto **KNBE LLC**, an Oregon limited liability company, as *Grantee*, certain real property located in Jackson County, Oregon, and more particularly described as follows:

Parcel 1:

LOT 9 OF CELTIC CIRCLE, A PLANNED UNIT DEVELOPMENT IN THE CITY OF SHADY COVE, JACKSON COUNTY, OREGON, ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDED IN VOLUME 33, PAGE 51, PLAT RECORDS.

For Informational purposes only, the following is included:

(Map No. 341W10CC, Tax Lot 3300, Account No. 1-026938-0, commonly known as: 1008 Celtic Circle, Shady Cove, Oregon)

Parcel 2:

LOT 10 OF CELTIC CIRCLE, A PLANNED UNIT DEVELOPMENT IN THE CITY OF SHADY COVE, JACKSON COUNTY, OREGON, ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDED IN VOLUME 33, PAGE 51, PLAT RECORDS.

For Informational purposes only, the following is included:

(Map No. 341W10CC, Tax Lot 2201, Account No. 1-098696-0, commonly known as: 1011 Celtic Circle, Shady Cove, Oregon)

The consideration for this transfer is ZERO DOLLARS.

TOGETHER WITH all improvements, easements, hereditaments and appurtenances thereto, and subject to such rights, easements, covenants, restrictions and zoning regulations as appear of record or based upon the premises.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855,

1 - BARGAIN AND SALE DEED

OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

GRANTOR:

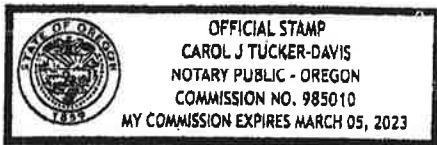
CELTIC CIRCLE, LLC

Kathleen B Collins

KATHLEEN B. COLLINS, Co-Trustee of the John Collins and Bridget Collins Trust, Member and Co-Trustee of the Bridget Collins Non-Elected Disclalmer Trust, Member

STATE OF OREGON)
) ss.
County of Jackson)

On November 18, 2021, personally appeared before me KATHLEEN B. COLLINS, and acknowledged said instrument to be her voluntary act and deed.



Carol J Tucker-Davis
Notary Public for the State of Oregon

[execution page continues on following page]

GRANTOR:

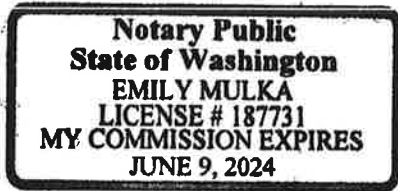
CELTIC CIRCLE, LLC

Robert J. Ardissono, Jr.

ROBERT J. ARDISSONO, JR., Co-Trustee of the John Collins and Bridget Collins Trust, Member, and Co-Trustee of the Bridget Collins Non-Elected Disclaimer Trust, Member

STATE OF WASHINGTON)
County of King) ss.

On November 19, 2021, personally appeared before me ROBERT J. ARDISSONO, JR., and acknowledged said instrument to be his voluntary act and deed.



Emily Mulka
Notary Public for the State of Washington
My Commission Expires: 06/09/2024

H:\USER\FILES\25261-009\BARGAIN AND SALE DEED.1008.1011 CELTIC.DOCX



Mayor
Shari Tarvin

Councillors
Tim Evert
Tanda Murders
Jay Taylor
Paige Winfrey

CERTIFICATE OF MAILING

I hereby certify that on September 30, 2022 I provided a copy of the
NOTIFICATION OF ADJACENT PROPERTY USE PROPOSAL APPLICATION
VAR 22-01 by first class mail to the following (list attached):



Debby Jermain, Planning Technician

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

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

EAGLE POINT SCHOOL DIST #9
11 N ROYAL AVE
EAGLE POINT, OR 97524

TERBECK THOMAS W TRUSTEE ET A
14790 HIGHWAY 62
EAGLE POINT, OR 97524

ROBERTS NICOLAS JASON/ALISA D
1025 CELTIC CIR A/B
SHADY COVE, OR 97539

KNBE LLC
PO BOX 1425
SHADY COVE, OR 97539

RUBINSKY JOSEPH L/SHELBE C
162 SCHOOLHOUSE LN
SHADY COVE, OR 97539

CURTIS ROBIN M
PO BOX 712
SHADY COVE, OR 97539

DUCHENE PATRICK D/BARBARA J
PO BOX 1128
SHADY COVE, OR 97539

EAGLE POINT SCHOOL DIST 9
EAGLE POINT, OR 97524

Eagle Point School District 9
Nick Hogan
PO Box 548
Eagle Point, OR 97524

YARNELL ZANE
PO BOX 371
SHADY COVE, OR 97539

EAGLE POINT SCHOOL DIST #9
SHADY COVE, OR 97539

MCCOY DAWN J
1005 CELTIC CIR
SHADY COVE, OR 97539

BROWN JASON MATTHEW
450 NORK LN
SHADY COVE, OR 97539

ALGEA JAMES L ET AL
PO BOX 1603
SHADY COVE, OR 97539

GOPLEN CHARLOTTE PEARL REV TR
PO BOX 202
SHADY COVE, OR 97539

CELTIC CIRCLE LLC
PO BOX 127
TRAIL, OR 97541

KNBE LLC
PO BOX 1425
SHADY COVE, OR 97539

MITCHELTREE KRISTEN ET AL
1002 CELTIC CIR
SHADY COVE, OR 97539

KNBE LLC
PO BOX 1425
SHADY COVE, OR 97539

COLLINS EILEEN M
PO BOX 127
TRAIL, OR 97541

CELTIC CIRCLE LLC
PO BOX 127
TRAIL, OR 97541

CAPEN DENNIS L ET AL
PO BOX 832
SHADY COVE, OR 97539

CELTIC CIRCLE LLC
PO BOX 127
TRAIL, OR 97541

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

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

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

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

Thomas Corrigan
Spencer McMahan
EMAIL

CITY OF SHADY COVE
PLANNING COMMISSION

NOTIFICATION OF ADJACENT PROPERTY USE PROPOSAL

DESCRIPTION OF PROPERTY: 34-1W-10CD, Tax Lot 2201, located at 1011 Celtic Circle, Shady Cove

PROPOSAL: Variance Application No. VAR 22-01. The request is for a Variance to the 15-foot setback to allow a new dwelling 10 feet from the rear property line. Zoning is Medium Density Residential (R-2).

DATE AND TIME OF MEETING: Thursday, October 27, 2022 at 6:00 p.m.

LOCATION: City Hall Council Chamber, 22451 Highway 62.

RESPONSE DATE: October 19, 2022

APPLICANT/OWNER: KNBE, LLC

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. 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 a Variance.

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

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

**** REVIEW AND COMMENT ****

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

REMARKS: _____

SIGNATURE: _____

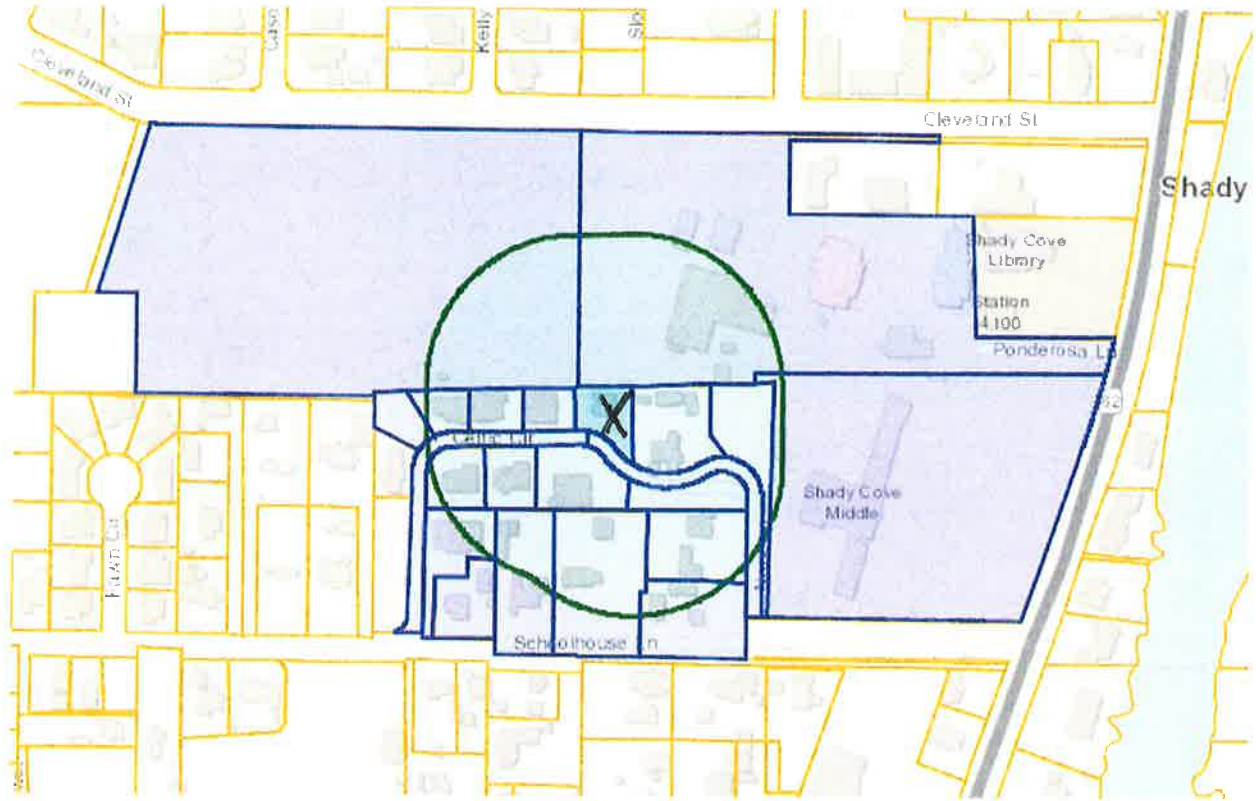
PRINTED NAME(S): _____

STREET AND MAILING ADDRESS: _____

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

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

1011 Celtic Circle
34-1W-10CD TL 2201





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, November 10, 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 Variance to the 15-foot setback requirement to allow for a new dwelling 10 feet from the rear property line at **1011 Celtic Circle**. Said parcel is legally described as 34-1W-10CD, Tax Lot 2201, and is currently zoned Medium Density Residential (R-2).

Owner/Applicant: KNBE, LLC

File Number: VAR 22-01

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 Chapter 154: Zoning

Please mail comments to City of Shady Cove, PO Box 1210, Shady Cove, OR 97539. The staff report and related material will be available for public review seven days prior to the Public Hearing at 22451 Highway 62, Shady Cove during regular office hours (Monday-Friday 8:00 am – 5:00 pm). Copies will be available for purchase. For more information please contact James Schireman, City Planner at 541.878.8204.

Zoom Information:

<https://us02web.zoom.us/j/85325423096?pwd=YVNxNlFWQmJ2VEZmbIFuSG9xcG5PZz09>

Meeting ID: 853 2542 3096

Passcode: 615864

One tap mobile

+17193594580,,85325423096#,,,,*615864# US

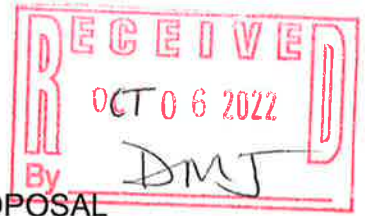
+12532158782,,85325423096#,,,,*615864# US (Tacoma)

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

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

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

CITY OF SHADY COVE
PLANNING COMMISSION



NOTIFICATION OF ADJACENT PROPERTY USE PROPOSAL

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**** REVIEW AND COMMENT ****

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

REMARKS: Great to have affordable housing and not vacant

SIGNATURE: Eileen Collins

PRINTED NAME(S): Eileen Collins

STREET AND MAILING ADDRESS: 1006 Celtic Circle Shady Cove 97539 / PO Box 127 Trail OR 97541

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CITY OF SHADY COVE
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**** REVIEW AND COMMENT ****

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

REMARKS: _____

SIGNATURE: Nora Collins, Kathleen Collins, Bridget Ardissano, Eileen Collins

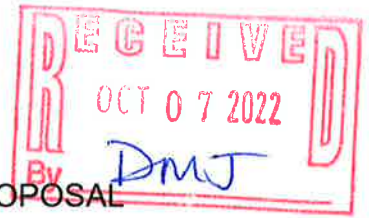
PRINTED NAME(S): Nora Collins, Kathleen Collins, Bridget Ardissano, Eileen Collins

STREET AND MAILING ADDRESS: 1015 Celtic Circle, Shady Cove, Oregon

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CITY OF SHADY COVE
PLANNING COMMISSION



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** REVIEW AND COMMENT **

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

REMARKS: _____

SIGNATURE: Kathleen Collins for Celtic Circle LLC

PRINTED NAME(S): Kathleen Collins

STREET AND MAILING ADDRESS: PO Box 127, Trail, OR 97541

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Type III Staff Report Variance

Date: November 2, 2022

Description of Property: 34-1W-16, Tax Lot 1803

Address: 471 Rogue Air Drive Shady Cove Oregon

Planning Application: VAR 22-02

Owner/ Applicant: Daniel King

Proposal: Allow a variance to the prohibited home occupations, allowing minor auto repair as a conditional home occupation.

Zoning: R-1-20

Public Hearing Date: November 10, 2022

I. PROPOSAL:

The request is for a class C Variance to approve an exception to the prohibited home occupations. §154.294(C), prohibits "Any uses described in this section or uses with similar objectionable impacts because of motor traffic, noise, glare, odor, dust, smoke or vibration, such as . . . vehicle repair, including auto painting, and repair, reconditioning or storage of motorized vehicles". The applicant claims their work won't result in objectionable impacts, and therefore should be conditionally allowed.

II. AUTHORITY:

All class C variances shall be reviewed through a Type III review process as per §154.379, and §154.376(C) authorizes the Planning Commission to consider the request and make a decision to approve, approve with conditions, or deny. The decision must be based on the criteria contained in §154.419, and the Planning Commission shall approve, approve with conditions, or deny the requested application for a variance, or they may grant a continuance of the public hearing to a date and time certain.

III. APPEAL PROCEDURE:

Appeals to a variance shall be processed in accordance to §154.455 through §154.462. Being as this decision shall come from the Planning Commission, an appeal may be made to the City Council no later than 10 calendar days after the decision has been made.

IV. NOTICE PROCEDURE

Adhering to §154.379, On October 20th 2022 the property owners, neighbors within 200 feet, relevant agencies, and other invested stakeholders were given at least 20 days' notice of the public hearing.

V. GENERAL FINDINGS

The property in question already hosts a sizeable shop structure. It's for this reason the applicant seeks to conduct the business at their home, rather than increasing expenses by renting a space in a commercial zone. In filing the application, Staff inquired if it was possible to perform the repair work separately, without the presence of vehicles or clientele, and the applicant informed staff that wouldn't be possible. Overall staff concludes that a lack of industrially zoned land in Shady Cove continues to act as a barrier to this sort of occupation. Ranging from outdoor storage to auto repair, residents of Shady Cove are forced to conduct their business to the standards of the commercial zone, and those who refuse to comply detract from Shady Cove's commercial corridor. Staff recommends the planning commission consider the role industry should play in the future of Shady Cove, and potentially address the element in a future comprehensive plan update.

VI. CONFORMANCE WITH APPLICABLE CRITERIA

§154.418 of the SCMC states, *Class C variances may be granted if the applicant shows that, owing to the special and unusual circumstances related to the property, the literal application of the standards of the applicable land use district would create a hardship to development which is peculiar to the lot size and shape, topography, sensitive lands or other similar circumstances related to the property over which the applicant has no control and which are not applicable to other properties in the vicinity; except that, no variances to permitted uses shall be granted.*

The City shall approve, approve with conditions or deny the application for a variance based on a finding that all of the following criteria, as outlined in §154.419, are satisfied.

Criterion (1): The proposed variance will not be materially detrimental to the purposes of this chapter, to any other applicable policies and standards and to other properties in the same land use district or vicinity.

Staff response: Planning Commission Determination Required. The Planning Commission shall determine if the proposed use creates objectionable impacts. Section 154.037 states that Home Occupations consistent with Section 154.293 may be permitted as conditional uses in the R-1 zone. Section 154.294(C) states that uses which create objectionable impacts such as motor traffic, noise, odor, or vibration such as auto repair shall be prohibited. This code section could be interpreted to mean that all auto repair is prohibited or could also be interpreted to mean that any auto repair that created objectionable impacts such as noise or traffic would be prohibited. If the applicant can provide evidence that the proposed auto repair will not create objectionable impacts due to noise mitigation, control of hours of operation, limited traffic etc. the Planning Commission may determine that the proposed use may be allowed as a Conditional Use provided adequate conditions are adopted which will ameliorate any potential objectionable impacts.

Criterion (2): A hardship to development exists which is peculiar to the lot size or shape, topography, sensitive lands or similar circumstances related to the

property over which the applicant has no control and which are not applicable to other properties in the vicinity.

Staff response: Planning Commission Determination Required. The applicant seeks this variance to eliminate unnecessary costs for shop rental. The lot has an existing large shop building previously used for automotive related activities and is located near the airport, an area identified and associated with airplane and associated mechanical activities. Moreover, the hanger type structures incidental to this type of activity and use for storage and maintenance of airplanes seems to indicate that an automotive repair business wouldn't actively detract from the area's land use history and character. The Planning Commission shall determine if this criteria has been satisfied.

Criterion (3): The use proposed will be same as permitted under the applicable zoning district and city standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land.

Staff response: Planning Commission Determination Required. In order for the Planning Commission to approve the requested Home Occupation the Commission must find that objectionable impacts will not harm the neighborhood. Staff finds that two conditions would facilitate the use while also maintaining the character of the residential zone.

Condition 1: The hours of operation of the auto-repair business shall be limited to a specific set of reasonable hours of activity for the neighborhood.

Condition 2: The applicant may be required to implement adequate pollution mitigation systems including sound proofing and ventilation to minimize objectionable impacts raised by those adversely affected.

While these conditions alone wouldn't properly mitigate the impact of such a use in the commercial zone, Staff acknowledges that the level of impact often associated with a home occupation is lower than what can be expected from a commercial level development. Staff requests that the Planning Commission deliberate what conditions would best protect the rights of neighbors, while also preserve the residential character of the area. Staff views that conditions that mandate landscape parking areas or additional accessways would only highlight the property as a commercial activity, and nullify the purpose of the home occupation.

Criterion (4): Existing physical and natural systems, such as, but not limited to, traffic, drainage, natural resources and parks will not be adversely affected by any more than would occur if the development occurred as specified by city standards.

Staff response: Planning Commission Determination Required. Including a condition that mandates how often clients drop off or pick up vehicles from the proposed auto-repair business could reduce traffic to acceptable residential levels. The 6th edition Institute of Transportation Engineers' Trip Generation manual was used to calculate a conservative estimate for daily trips generated by

a Single Family Dwelling, producing an average rate of 2.55 trips per person each day. Such a condition could appear as:

Condition 3: The applicant shall conduct their business to minimize and disperse client visits, creating an amount of daily trips no greater than 3. In accordance to this average the applicant shall have no more than 3 to 4 client visits to the property per week.

Criterion (5): The hardship is not self-imposed.

Staff response: Planning Commission Determination Required = Staff suggests that the Planning Commission consider whether a lack of industrially zoned land and rental spaces acts as a barrier to this use. In addition does the history of the airport as commercial and industrial center conflict with the current zoning present.

Criterion (6) The variance requested is the minimum variance, which would alleviate the hardship.

Staff response: Satisfied with conditions. By seeking to include their auto repair operation as a conditional home occupation, the applicant accepts that the conditions included in the municipal code are meant protect the rights of citizens by preventing objectionable home occupations from occurring. Staff believes the addition of the following condition could ensure the allowed home occupation remains unobjectionable.

Condition 4: Should a neighbor or client or other invested party raise that the home occupation produces objectionable impact, including but not limited to: radio or TV interference, noise, glare, vibration, smoke or odor beyond allowable levels as determined by local, state or federal standards, or that can be detected beyond the property line, the activity shall cease immediately and the concerns of the affected party addressed. Should the applicant fail to comply, the city shall revoke the conditional use permit.

VII. PUBLIC TESTIMONY

The City of Shady Cove received public testimony from two citizens, both neighbors of the applicant. They both affirm Mr. King's reputation as "an excellent neighbor" and state he provides "excellent necessary services to the neighborhood and community" and that they are "completely in favor of him being able to do mechanics as a business". Both of these pieces of testimony seem to indicate neighbors don't view the noise produced from the applicant's work as objectionable, which is the primary determinant for the approval of such a home occupation.

VIII. RECOMMENDATION:

Per §154.419, which states "The City shall approve or approve with conditions based on the finding that all applicable criteria are satisfied." Staff can only recommend the approval of the conditional home occupation provided that Planning

Commission reaches a determination that the occupation can be properly conditioned and mitigated to not produce objectionable impacts. Should the planning commission require further evidence that the operation won't produce objectionable impacts, Staff recommends the commission motion to continue the hearing to a specific date and time.

Respectfully submitted this 2nd day of November 2022.

James Schireman

By: James Schireman, City Planner

CITY OF SHADY COVE
CLASS C
VARIANCE APPLICATION
SCMC §§154.415-154.420

APPLICATION NO. VAR 22-02 REC'D BY: D. Jermain DATE: 10-11-22

FEE: Class C \$ 500.00 AMOUNT PAID: \$500.00 RECEIPT NO: 27297

PUBLIC NOTICE MAILING FEE: \$ 75.00

PROPERTY OWNERS: Daniel King

PROPERTY STREET ADDRESS: 471 Rogue Air Drive Shady Cove, Or 97539

MAP AND TAX LOT: Township 34, Range 1W Section 16 Tax Lot 1803

CURRENT ZONING: R-1-20 ADJACENT ZONING: R-1-20

Variance §154.418
<i>A Variance owing to the special and unusual circumstances related to the property</i>
<i>Literal application of the standards would create a hardship to development</i>
<i>Due to peculiar lot size and shape, topography, sensitive lands or other</i>
<i>Applicant has no control, and not applicable to other properties in the vicinity</i>
<i>Hardship cannot be self-imposed and no variance to a permitted use will be granted</i>

SCMC § 154.418 CLASS C VARIANCE.

Class C variances are reviewed using a **Type III** procedure as governed by SCMC §154.379

Application for variance **must** include the following:

1. If you are not the property owner an Owners Authorization must be submitted.
2. 2 copies of property plat map.
3. 2 copies of the plot plan indicating existing property lines and proposed use.
4. 1 copy of metes and bounds description of the property.
5. A narrative statement explaining how the application satisfies each and all of the relevant criteria and standards; the reason for the request, alternatives considered and why the subject standard cannot be met without a variance. The narrative statement must contain sufficient detail for review and decision-making; (see page 3)

Class C Variance Application page 2

6. 1 copy of recorded covenants, conditions or deed restrictions concerning the present use of this property, if any.

7. ~~1 set of pre-stamped and pre-addressed envelopes for all real property owners of record who will receive a notice of the application (within 200 feet of the subject site). The records of the County Department of Assessment and Taxation are the official records for determining ownership. The applicant shall demonstrate that the most current assessment records have been used to produce the notice list.~~

~~[Alternatively, the applicant may pay a fee for the city to prepare the public notice mailing.]~~

CERTIFICATION

I hereby certify that the information given above and attached hereto is true and correct, that I am the property owner (or have provided owners authorization) and that falsification of fact will result in invalidation of the application. Further, I understand any approval given is valid for the specific project only and is subject to all applicable laws, regulations and conditions.

APPLICANT'S SIGNATURE:  DATE: 10-11-22

MAILING ADDRESS: 471 Rogue Air Drive

Shady Cove, OR 97539

HOME PHONE NA CELL PHONE (541) 601-1308

PURSUANT TO ORS 227, THIS APPLICATION IS CONSIDERED A COMPLETE APPLICATION WHEN REVIEWED, DATED, AND SIGNED BY THE CITY PLANNER OR HIS/HER DESIGNATE

Complete Incomplete

Letter sent

Signature  Date 10/18/22

Criteria for approval- your narrative statement must address the following:

SCMC §154.419 - The city shall approve, approve with conditions or deny the application for a variance based on a finding that **all** of the following criteria are satisfied.

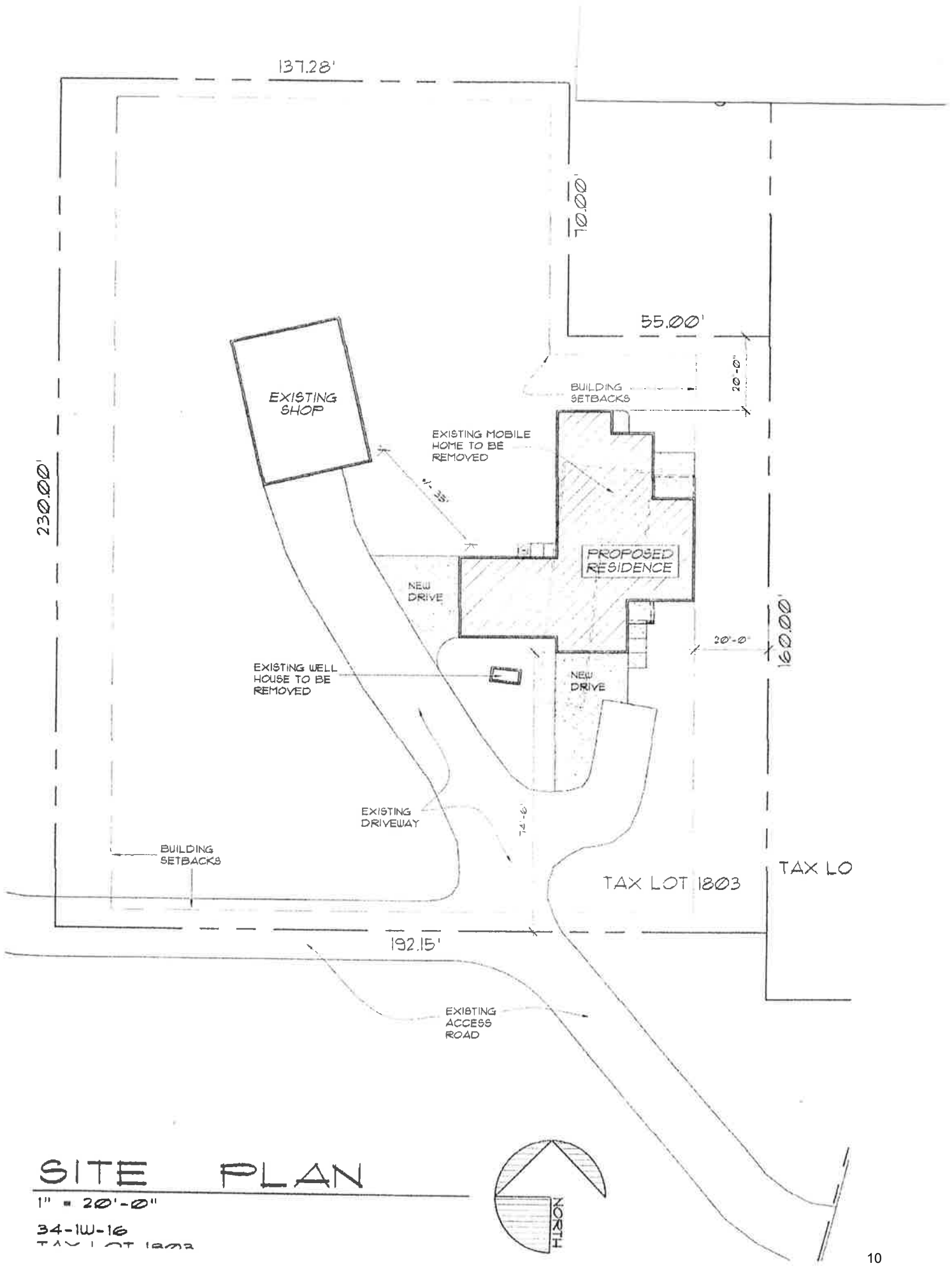
- (a) The proposed variance will not be materially detrimental to the purposes of this chapter, to any other applicable policies and standards and to other properties in the same land use district or vicinity.
- (b) A hardship to development exists which is peculiar to the lot size or shape, topography, sensitive lands or similar circumstances related to the property over which the applicant has no control and which are not applicable to other properties in the vicinity.
- (c) The use proposed will be same as permitted under the applicable zoning district and city standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land.
- (d) Existing physical and natural systems, such as, but not limited to, traffic, drainage, natural resources and parks will not be adversely affected by any more than would occur if the development occurred as specified by city standards.
- (e) The hardship is not self-imposed.
- (f) The variance requested is the minimum variance, which would alleviate the hardship.

And an impact study per 154.379 (A) (d).

State below the need for the variance:

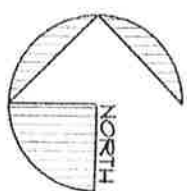
Attach additional sheets as necessary

The variance requested is required due to using my shop to do minor
auto repairs for a select few people. Trying to find a
shop with reasonable rent is very hard, and using my
existing shop does not have any impact on traffic flow, there
is not any noise to disturb my neighbors and I have room
to park a couple vehicles when I need to wait for parts to
come in for vehicles being repaired.
Not having to pay for rent on a shop also helps
keep my costs down and rates more affordable.



SITE PLAN

1" = 20'-0"
 34-1W-16
 TAX LOT 1803





341

ROGUE

BLA 82-03406
82-03407

1802
0.80 AC.

1803
0.93 AC.

CS 17163

-550.9' M/L-

277.22'

M/L

1804
0.99 AC

1800
2.33 AC

714.1'

137.2'

146'

305'

244.53

230'

230'

185'

172.15'

140'

25'

100'

CS-10909

25'

992.1'

372.22'

Shop

X

2

01 56270

DESCRIPTION SHEET

The land referred to in this report/policy is situated in the State of Oregon, County of Jackson, and is described as follows:

Commencing at a 3/4 inch iron pin found set in concrete for the West one-sixteenth corner common to Sections 16 and 21, Township 34 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon; thence along the Easterly boundary of the Southwest Quarter of the Southwest Quarter of said Section 16, North 0° 05' 58" East, 100.00 feet to a 5/8 inch rebar with plastic cap set for the true point of beginning; thence North 89° 55' 33" West, 192.15 feet; thence North 0° 04' 05" East, 230.00 feet to a 5/8 inch rebar with plastic cap set on the Northerly boundary of that tract described in Volume 544, Page 348, Jackson County, Oregon, Deed Records; thence along said Northerly boundary, South 89° 55' 33" East, 137.28 feet to a 5/8 inch rebar with plastic cap set for the West-Northwest corner of that parcel described in Document No. 82-03407, said Official Records; thence South 0° 05' 58" West, 70.00 feet to a 5/8 inch rebar with plastic cap set for the West-Southwest corner of said parcel; thence along the Southerly boundary of said parcel, South 89° 55' 33" East, 55.00 feet to a 5/8 inch rebar with plastic cap set on the Easterly boundary of the Southwest Quarter of the Southwest Quarter of said Section 16; thence South 0° 05' 58" West, 160.00 feet to the true point of beginning.

471 ROGUE AIR DRIVE
SHADY COVE, OR 97539

Jackson County, Oregon
Recorded
OFFICIAL RECORDS

NOV 26 2001

2:00 PM
Arthur J. Reed
COUNTY CLERK

2

Policy No. 54400/CTI-2000941454400

(23) CT-20009414

10
10

FORM No. 716 - WARRANTY DEED (Individual or Corporate), (Grantees or Tenants by Entirety) COPYRIGHT 1992 STEVENS-NESS LAW PUBLISHING CO., PORTLAND, OR 97204

NL 01 56270 WARRANTY DEED - TENANTS BY ENTIRETY

KNOW ALL MEN BY THESE PRESENTS, That MICHAEL D. DAVISON

hereinafter called the grantor, for the consideration hereinafter stated to the grantor paid by MICHAEL D. DAVISON AND JAYCE DAVISON; husband and wife, hereinafter called the grantees, does hereby grant, bargain, sell and convey unto the grantees, as tenants by the entirety, the heirs of the survivor and their assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of JACKSON, State of Oregon, described as follows, to-wit:

(ATTACHED)

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the above described and granted premises unto the grantees, as tenants by the entirety, their heirs and assigns forever.

And grantor hereby covenants to and with grantees and the heirs of the survivor and their assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances

and that grantor will warrant and forever defend the premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$... However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate which). (The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 23rd day of NOVEMBER, 2001 if a corporate grantor, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

Michael D. Davison
Jayce Davison

UTAH MAP
STATE OF OREGON; County of WEBER } ss.
This instrument was acknowledged before me on NOV 23, 2001
by Michael D. Davison & Jayce Davison
This instrument was acknowledged before me on _____, 19____,



Lynne L. Peterson
Notary Public for Oregon
My commission expires 6-27-05

Grantor's Name and Address
Grantee's Name and Address
After recording return to (Name, Address, Zip):
Until requested otherwise send all tax statements to (Name, Address, Zip):
SAME

SPACE RESERVED FOR RECORDER'S USE

STATE OF OREGON, UTAH } ss.
County of WEBER }
I certify that the within instrument was received for record on the 23 day of NOV, 19____, at _____ o'clock _____ M., and recorded in book/reel/volume No _____ on page _____ and/or as fee/file/instrument/microfilm/reception No _____, Record of Deeds of said County.
Witness my hand and seal of County affixed.
By _____, Deputy

Improvement Summary

JACKSON County

For Assessment Year 2022

Account ID 10807683

Map 341W16-00-01803

Situs 471 ROGUE AIR DR SHADY COVE OR 97539

Mailing KING DANIEL ASHLEY
471 ROGUE AIR DR
SHADY COVE OR 97539-9821

Bldg	Code Area	Stat Class	Year Built	Comp %	Description	Sqft
2	0915	141	2016	100	141 - One story	1,430

Rooms: 3 - BD, 2 - FB

Floors

Description	Class	Comp %	OR %	Sqft
First Floor	4	100		1430
Garage	4	100		1052

Improvement Inventory

Description	Qty/Size	Description	Qty/Size
DISHWASHER	1	LAVATORY	2
DISPOSAL	1	MICROWAVE	1
HEAT PUMP	1430	SHOWER	1
HEAVY COMP	1430	TOILET	2
HEAVY COMP	1052	TUB/SHOWER	1

Accessories

Description	Size	Qty
PORCH-CONC-HVY COMP COVER	42	
PATIO-HVY COMP COVER	66	
PATIO	262	
CONCRETE	440	
NO ADDED VALUE (NAV) ITEM	32	

Total RMV \$241,370

JACKSON COUNTY ASSESSOR'S NAME LEDGER

10/6/2022 3:04:21 PM

Account ID 10807683 **Township** 34 **Range** 1W **Section** 16 **1/4** 0 **1/16** 0 **Taxlot** 0 **Special Interest** 01803

Effective Date 23-Sep-2002 12:00 AM **Transaction ID** 16072 **Entry Date** 23-Sep-2002 **Recorded Date** 23-Sep-2002 **Sale Date** 23-Sep-2002

Seq	Voucher ID	Tax Year	Document Source	Type	ID #1	ID #2	PID	Source ID	PT	Operation	To/From Map
1	16189	2002	ASSESSOR'S FILE		2002	79612	1	CONVERSION-10807683		CONVERSION	

Size Changes	Code	+ / - Size	Alternate Size	Code Area Deleted	Move to Acct	Move To Code
	0915	0.93 Acres				
Size Totals	Code	Acres	Sqft	Alternate Size		
	0915	0.93				

Effective Date 19-Dec-2002 12:00 AM **Transaction ID** 93025 **Entry Date** 19-Dec-2002 **Recorded Date** 26-Nov-2002 **Sale Price** \$95,000
Sale Date 05-Oct-2002

Seq	Voucher ID	Tax Year	Document Source	Type	ID #1	ID #2	PID	Source ID	PT	Operation	To/From Map
1	111257	2003	CLERK - BOR	WD	2002	63048	1			NAME CHANGE	

Name Changes	Status	Name	Name Type	Ownership Type	Ownership %
D	DAVISON MICHAEL D JOYCE	OWNER			
A	KING, DANIEL ASHLEY	OWNER		OWNER	100.0000
A	TENANTS IN COMMON--MC KEEHAN, VIRGINIA KING	OWNER		OWNER	100.0000
A	MC KEEHAN, VIRGINIA KING	OWNER		OWNER	100.0000
	NOT TENANTS IN COMMON BUT WITH RIGHT OF SURVIVORSHIP--KING, DANIEL ASHLEY				

Size Totals	Code	Acres	Sqft	Alternate Size
	0915	0.93		

Effective Date 15-Mar-2017 3:01 PM **Transaction ID** 6649528 **Entry Date** 23-Feb-2017 **Recorded Date** 22-Feb-2017 **Sale Price** \$0
Sale Date 06-Jun-2015

VIRGINIA LOUISE KING-MCKEEHAN DIED ON JUNE 06, 2015 PER RECORDED ARIZONA HEALTH AUTH D.C.

Seq	Voucher ID	Tax Year	Document Source	Type	ID #1	ID #2	PID	Source ID	PT	Operation	To/From Map
1	6934332	2017	CLERK - BOR	DC	2017	5872	1			NAME CHANGE	

Name Changes	Status	Name	Name Type	Ownership Type	Ownership %
D	KING, DANIEL ASHLEY	OWNER		OWNER	100.0000
	TENANTS IN COMMON--MC KEEHAN, VIRGINIA KING				
D	MC KEEHAN, VIRGINIA KING	OWNER		OWNER	100.0000
	NOT TENANTS IN COMMON BUT WITH RIGHT OF SURVIVORSHIP--KING, DANIEL ASHLEY				
A	KING, DANIEL ASHLEY	OWNER		OWNER	100.0000

Size Totals	Code	Acres	Sqft	Alternate Size
	0915	0.93		



Mayor
Shari Tarvin

Councilors
Tim Evert
Tanda Murders
Jay Taylor
Paige Winfrey

CERTIFICATE OF MAILING

I hereby certify that on October 20, 2022 I provided a copy of the
NOTIFICATION OF ADJACENT PROPERTY USE PROPOSAL APPLICATION
VAR 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

MAYES TERESA M
725 RAVEN RD
CENTRAL POINT, OR 97502

WARD WILLIAM KENNETH/MARTHA N
401 ROGUE AIR DR
SHADY COVE, OR 97539

ENGBRETSON ERIC T/JAMI K
430 ROGUE AIR DR
SHADY COVE, OR 97539

ROGUE AIR INC
PO BOX 1175
SHADY COVE, OR 97539

~~FRANK DANIEL ROY
453 ROGUE AIR DR
SHADY COVE, OR 97539~~

Dan Frank
PO Box 4249
Medford, OR 97501

FRANK DAN
453 ROGUE AIR DR
SHADY COVE, OR 97539

WARD WILLIAM K/MARTHA
401 ROGUE AIR DR
SHADY COVE, OR 97539

GRENIER JOSHUA/KRISTIN
451 ROGUE AIR DR
SHADY COVE, OR 97539

Thomas Corrigan
EMAIL

KING DANIEL ASHLEY
471 ROGUE AIR DR
SHADY COVE, OR 97539

AGENCY

TAYLOR ELIZABETH A
PO BOX 589
SHADY COVE, OR 97539

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

ROGUE AIR INC
PO BOX 1175
SHADY COVE, OR 97539

~~CITY OF SHADY COVE
22451 HIGHWAY 62
SHADY COVE, OR 97539~~

CITY OF SHADY COVE
PLANNING COMMISSION

NOTIFICATION OF ADJACENT PROPERTY USE PROPOSAL

DESCRIPTION OF PROPERTY: 34-1W-16, Tax Lot 1803, located at 471 Rogue Air Drive, Shady Cove

PROPOSAL: Variance Application No. VAR 22-02. The request is for a Variance to Section 154.294, prohibiting repair of motorized vehicles as a home occupation. Zoning is Low Density Residential (R-1-20).

DATE AND TIME OF MEETING: Thursday, November 10, 2022 at 6:00 p.m.

LOCATION: City Hall Council Chamber, 22451 Highway 62 or via Zoom. RESPONSE DATE: November 9, 2022

APPLICANT/OWNER: Daniel King

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. 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 a Variance.

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

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

* * REVIEW AND COMMENT * *

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

REMARKS: _____

SIGNATURE: _____

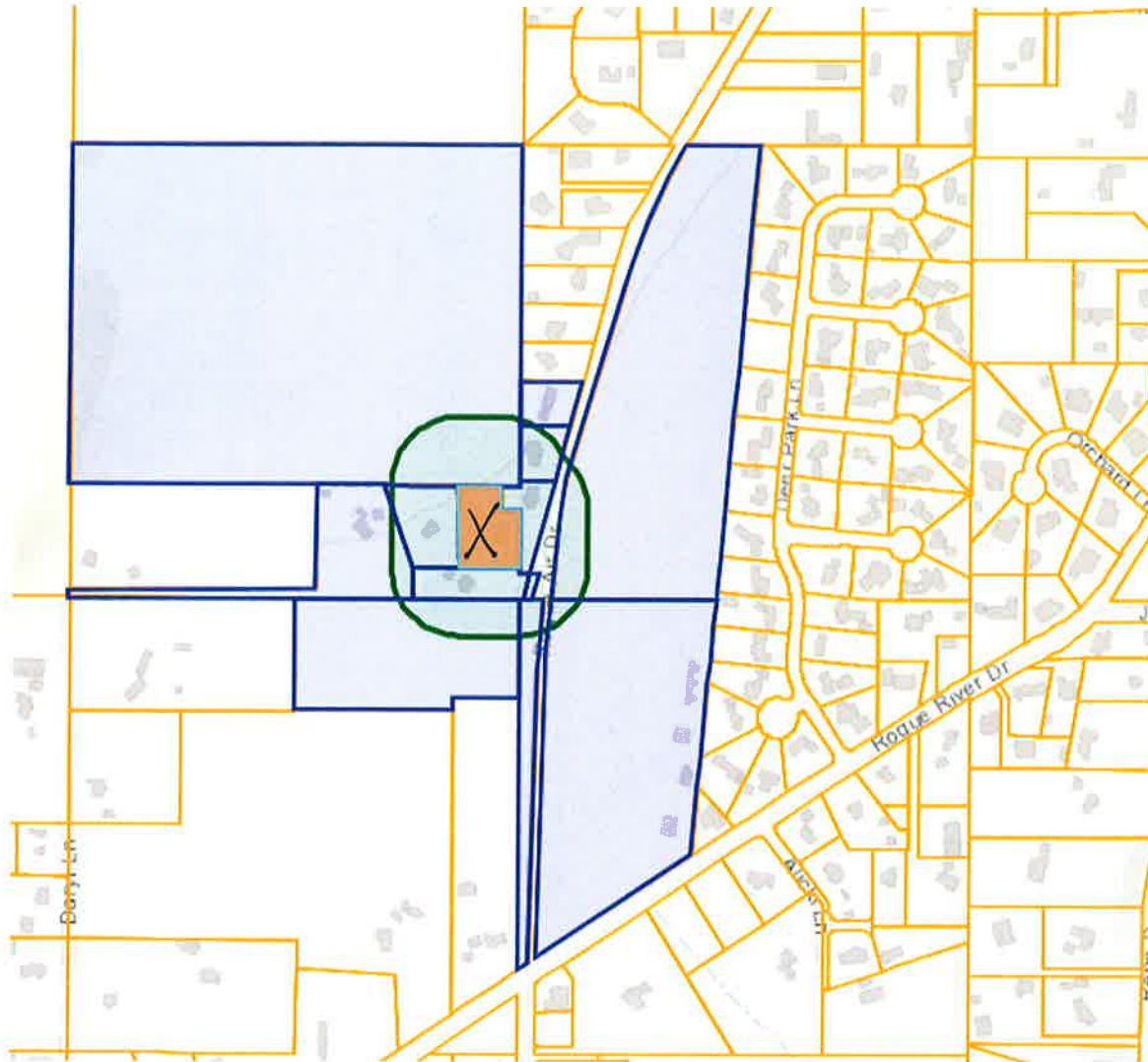
PRINTED NAME(S): _____

STREET AND MAILING ADDRESS: _____

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

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

471 Rogue Air Drive





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, November 10, 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 Variance to Section 154.294, prohibiting repair of motorized vehicles as a home occupation at **471 Rogue Air Drive**. Said parcel is legally described as 34-1W-16, Tax Lot 1803, and is currently zoned Low Density Residential (R-1-20).

Owner/Applicant: Daniel King

File Number: VAR 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 Chapter 154: Zoning

Please mail comments to City of Shady Cove, PO Box 1210, Shady Cove, OR 97539. The staff report and related material will be available for public review seven days prior to the Public Hearing at 22451 Highway 62, Shady Cove during regular office hours (Monday-Friday 8:00 am – 5:00 pm). Copies will be available for purchase. For more information please contact James Schireman, City Planner at 541.878.8204.

Zoom Information:

<https://us02web.zoom.us/j/85325423096?pwd=YVNxNlFWQmJ2VEZmbiFuSG9xcG5PZz09>

Meeting ID: 853 2542 3096

Passcode: 615864

One tap mobile

+17193594580,,85325423096#,,,,*615864# US

+12532158782,,85325423096#,,,,*615864# US (Tacoma)

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

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

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

CITY OF SHADY COVE
PLANNING COMMISSION



NOTIFICATION OF ADJACENT PROPERTY USE PROPOSAL

DESCRIPTION OF PROPERTY: 34-1W-16, Tax Lot 1803, located at 471 Rogue Air Drive, Shady Cove
PROPOSAL: Variance Application No. VAR 22-02. The request is for a Variance to Section 154.294, prohibiting repair of motorized vehicles as a home occupation. Zoning is Low Density Residential (R-1-20).
DATE AND TIME OF MEETING: Thursday, November 10, 2022 at 6:00 p.m.
LOCATION: City Hall Council Chamber, 22451 Highway 62 or via Zoom. RESPONSE DATE: November 9, 2022
APPLICANT/OWNER: Daniel King

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. 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 a Variance.

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

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

** REVIEW AND COMMENT **

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

REMARKS: Daniel King is an excellent neighbor we have no issues with his motorized vehicle repair business activity. He provides excellent necessary services to the neighborhood and community. Approve the variance.

SIGNATURE: Eric Engebretson Jami Engebretson

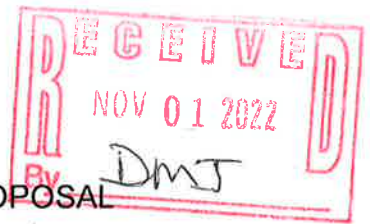
PRINTED NAME(S): Eric Engebretson Jami Engebretson

STREET AND MAILING ADDRESS: 430 Rogue Air Drive, Shady Cove, OR 97539

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

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

CITY OF SHADY COVE
PLANNING COMMISSION



NOTIFICATION OF ADJACENT PROPERTY USE PROPOSAL

DESCRIPTION OF PROPERTY: 34-1W-16, Tax Lot 1803, located at 471 Rogue Air Drive, Shady Cove

PROPOSAL: Variance Application No. VAR 22-02. The request is for a Variance to Section 154.294, prohibiting repair of motorized vehicles as a home occupation. Zoning is Low Density Residential (R-1-20).

DATE AND TIME OF MEETING: Thursday, November 10, 2022 at 6:00 p.m.

LOCATION: City Hall Council Chamber, 22451 Highway 62 or via Zoom. RESPONSE DATE: November 9, 2022

APPLICANT/OWNER: Daniel King

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

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**** REVIEW AND COMMENT ****

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

REMARKS: Dan is a great neighbor. We are completely in favor of him being able to do mechanics as a business. He is quiet, keeps his yard clean, and does not make noise. Please allow him to continue.

SIGNATURE: Kristin Grenier Josh Grenier

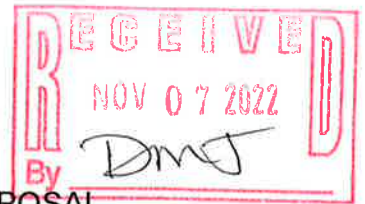
PRINTED NAME(S): Kristin Grenier Josh Grenier

STREET AND MAILING ADDRESS: 451 Rogue Air Dr. - Direct neighbor of Dan

"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."

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CITY OF SHADY COVE
PLANNING COMMISSION



NOTIFICATION OF ADJACENT PROPERTY USE PROPOSAL

DESCRIPTION OF PROPERTY: 34-1W-16, Tax Lot 1803, located at 471 Rogue Air Drive, Shady Cove

PROPOSAL: Variance Application No. VAR 22-02. The request is for a Variance to Section 154.294, prohibiting repair of motorized vehicles as a home occupation. Zoning is Low Density Residential (R-1-20).

DATE AND TIME OF MEETING: Thursday, November 10, 2022 at 6:00 p.m.

LOCATION: City Hall Council Chamber, 22451 Highway 62 or via Zoom. RESPONSE DATE: November 9, 2022

APPLICANT/OWNER: Daniel King

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** REVIEW AND COMMENT **

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

REMARKS: It is located close to a paved public road and city limits. Needs to be limited in service to the residential owner of the property. I own abutting acreage - 5 perhaps one

SIGNATURE: *Daniel R. Frank* *extra worker DRF*

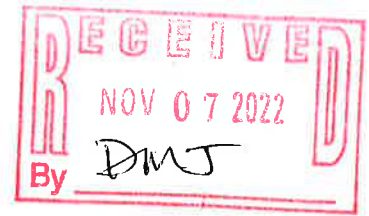
PRINTED NAME(S): Daniel Roy Frank

STREET AND MAILING ADDRESS: 453 Rogue Air Drive, Shady Cove, OR 97539-9021

"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."

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CITY OF SHADY COVE
PLANNING COMMISSION



NOTIFICATION OF ADJACENT PROPERTY USE PROPOSAL

DESCRIPTION OF PROPERTY: 34-1W-16, Tax Lot 1803, located at 471 Rogue Air Drive, Shady Cove

PROPOSAL: Variance Application No. VAR 22-02. The request is for a Variance to Section 154.294, prohibiting repair of motorized vehicles as a home occupation. Zoning is Low Density Residential (R-1-20).

DATE AND TIME OF MEETING: Thursday, November 10, 2022 at 6:00 p.m.

LOCATION: City Hall Council Chamber, 22451 Highway 62 or via Zoom. RESPONSE DATE: November 9, 2022

APPLICANT/OWNER: Daniel King

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.

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** REVIEW AND COMMENT **

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

REMARKS: There is no issue with The repair shop. They are neat and clean, never hear them

SIGNATURE: Michael J Butler President Rogue Air

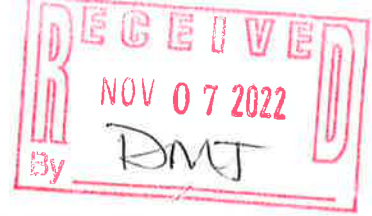
PRINTED NAME(S): Michael L Butler

STREET AND MAILING ADDRESS: Shady Cove airport P.O. Box 1175 Shady Cove

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CITY OF SHADY COVE
PLANNING COMMISSION



NOTIFICATION OF ADJACENT PROPERTY USE PROPOSAL

DESCRIPTION OF PROPERTY: 34-1W-16, Tax Lot 1803, located at 471 Rogue Air Drive, Shady Cove

PROPOSAL: Variance Application No. VAR 22-02. The request is for a Variance to Section 154.294, prohibiting repair of motorized vehicles as a home occupation. Zoning is Low Density Residential (R-1-20).

DATE AND TIME OF MEETING: Thursday, November 10, 2022 at 6:00 p.m.

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APPLICANT/OWNER: Daniel King

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. 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 a Variance.

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

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

** REVIEW AND COMMENT **

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

REMARKS: WATER IS MY MAIN CONCERN. AS IT IS, WELLS STRUGGLE TO
KEEP UP WITH DEMAND.

SIGNATURE: Teresa M. Mayes

PRINTED NAME(S): TERESA M. MAYES

STREET AND MAILING ADDRESS: 725 RAVEN RD. CENTRAL POINT, OR 97502

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

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

TOP TEN CHALLENGES
for
SHADY COVE

The Planning Commission (PC) has polled its members and their five submittals were compiled and reviewed for submittal to the City Council. This list is meant to be contemplative and advisory. It simply reflects the observations of the PC and its members. The PC has taken the individual lists and made an attempt to select a uniform language and finally a ranking of these challenges.

DRAFT

Top Ten Goals within City's fiscal capacity:

- 1) Vacancies along Hwy 62
- 2) Tourism as an economic driver (video)
- 3) Wildfire danger (Emergency Plan dissemination)
- 4) Communication and participation by citizens (Web site)
- 5) Business licenses (Making a personal list available; Better reporting on businesses)
- 6) Budgeting and better reporting of financial activity
- 7) Resetting of community goals
- 8) Rogue River and parks as economic engines
- 9) Follow through with items on the agenda
- 10) Determination for usage of Covid 19 funds.

Items that require extensive financial support from non-City sources:

- 1) Domestic water supply and distribution
- 2) Combatting wildfire dangers

Goals that are in queue, that can be moved into top ten as space becomes available:

- 1) Working with business owners
- 2) Rogue River as an ecosystem
- 3) Updating all guiding documents
- 4) Adequate housing to sustain population
- 5) Increasing accessibility to local government
- 6) Informing CC and PC when anyone wants to open a new business
- 7) More information on activities reporting by CSO
- 8) Forwarding to CC and PC complaints received by the city
- 9) Get citizens of SC more involved
- 10) Feed back to CC and PC regarding assignments ex. Condition of City streets
- 11) Study support and funding for water park and dog park
- 12) Lack of (age) diversity in City population
- 13) Stagnant business environment
- 14) Too high a level of 'as is' is good enough attitude
- 15) Limited workforce for businesses
- 16) Lack of community unity (severe)
- 17) Lack of City funding to address concerns
- 18) Lack of interest (inertia) by City leaders to see a brighter future within current capacity
- 19) Consider formation of a Parks Commission to deal with issues other than events
- 20) Consider formation of a Business commission in lieu of a Chamber of Commerce
- 21) Consider formation of a 501(c)(3) not-for-profit called Friends of Shady Cove

Exhibit "A"
Attachment to City of Shady Cove Fee Resolution No. 20-02

Effective Date: April 2, 2020

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

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

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

10/08/22 Through 11/04/22 Planning and Building Activities

YEAR Permit No.	BUILDING PERMITS		ADDRESS	MAP	TAX LOT
	DATE	NAME			
22-26	10/10/22	Sherman Hammond	Solar Panels	15BB	2500
22-27	10/11/22	Curtis Camps	Replacement MH	15BB	3701
	10/11/22	Steven Incerty	Solar Panels	16CD	2400
22-28	10/27/22	Avista	Encroachment Permit	10CC	2207

PLANNING APPLICATIONS

Property Action Log	Name	Address	Notices Mailed	Comments due back	Staff report due	Section/TL
10/11/2022 VAR 22-02	Daniel King	471 Rogue Air Dr	20-Oct-22	3-Nov-22	3-Nov-22	15 1803
10/28/2022 CUP 22-06	Aaron Buckle	108 Hudspeth				10CA 3100

FLOODPLAIN CLEARANCE FOR PERMIT

10 November 2022

A MESSAGE FROM THE COMMANDANT OF THE MARINE CORPS

70 years ago, Army Major General Frank E. Lowe was quoted as saying, "The safest place in Korea was right behind a platoon of Marines. Lord, how they could fight." That testimonial rings as true now as it did then, and will remain so tomorrow. As we celebrate the 247th anniversary of our Corps' founding, we reflect on nearly two and a half centuries of exceptional prowess, while also taking objective stock of where we are today and how we will prepare for future battlefields. Our birthday provides us a chance to focus on the one thing common to our success in the past, present, and future: the individual Marine. Victories are not won because of technology or equipment, but because of our Marines.

Since 1775, Marines have fought courageously and tenaciously in every conflict our country has faced. Through the Revolution, the Spanish-American War, World Wars in Europe and the Pacific, conflicts in Korea and Vietnam, and operations in the Middle East, Marines consistently earned a reputation as the world's elite fighting force. We inherit and take pride in this reputation, evolved over time by Marines acquitting themselves with honor and distinction on every battlefield in every clime and place. Battlefields change, and Marines have always adapted to the environment and the changing character of war - but the reason we fight and win is immutable. It's the individual warfighters, and their love for each other, that makes our Corps as formidable a force today as it has been for the past 247 years. It's our ethos and our unapologetic resolve to be the most capable and lethal fighting force that sets us apart from the rest.

Current events around the world remind us that peace is not guaranteed. While we are justifiably proud of our past and pay tribute to the remarkable warfighters who came before us, we understand that the stories of yesterday cannot secure our freedom tomorrow. We must be ready to respond when our Nation calls. It falls on Marines who are in uniform today to write the next chapter of our Corps. The solemn responsibility of maintaining our illustrious warfighting legacy rests upon your shoulders. I know that you are up to that task. The battlefields of tomorrow are uncertain. The future characteristics of warfare are uncertain. But one thing is certain - wherever Marines are called, they will fight and win - today, tomorrow, and into the future.

Happy 247th Birthday, Marines!