

**Agenda**  
Shady Cove Planning Commission Public Hearing  
April 13, 2023  
6:00 PM

<https://us02web.zoom.us/j/89110227382?pwd=a0hKSUN4bmVzM1FNNXppV202MTJidz09>

Meeting ID: 891 1022 7382

Passcode: 620357

One tap mobile

+13462487799,,89110227382#,,,,\*620357# US (Houston)

+16694449171,,89110227382#,,,,\*620357# US

**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 April 27, 2023, 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 Conditional Use Permit located at 10 Steelhead Place

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 10 Steelhead Place, Shady Cove, Oregon. Assessor's Map and Tax Lot: 34-1W-21D, 1338. Zoning is Low Density Residential (R-1-40). Owner: Steelhead LLC Applicant: Chris Brown and Michael McCuen Agent: Stay Rogue File Number: CUP 23-01.

1. Read Public Hearing Open Statement.
2. If you would like to speak before the Commission, please sign sheet on the back table or via Zoom raise your hand.
3. Jurisdiction Question.
4. Conflict of Interest.
5. Ex Parté Contact.
6. Site Visit.
7. Staff Comments. (Rowan)
8. Applicants' Testimony/Proponents Testimony/Commission Questions
9. Opponents' Testimony/Commission Questions.

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).

10. Rebuttal.
11. Final Staff Comments.
12. Close/Continue Hearing.
13. Deliberations/Discussion/Decision

**III. Old Business**

None

**IV. New Business**

- A. Extension Request for Conditional Use Permit on Account of Family Hardship
- B. Review Riparian Landscape Plan
- C. Review Zoning Clearance Permit

**V. Department Reports**

- A. Planning Technician Report

**VI. Public Comment**

**VII. Commissioner Comments**

**VIII. Adjournment**



**CITY OF SHADY COVE PLANNING COMMISSION PACKET  
PLANNING FILE NO. CUP 23-01**

**REQUEST FOR CONDITIONAL USE PERMIT LOCATED  
AT 10 STEELHEAD PLACE, SHADY COVE OREGON**

**PUBLIC HEARING: THURSDAY APRIL 13, 2023, 6:00 P.M.**

	INDEX	PAGE #
	Staff Report	2 – 7
	Conditional Use Permit Application	8 – 15
	Adjacent Property & Agency Request for Comments / Mailing	2 - 20
	Comments returned	21 – 60
	Legal Notice – Notice of Public Hearing	61



**City of Shady Cove  
Type III Staff Report  
Conditional Use Permit**

Date: April 5, 2023

Proposal: A conditional use permit for a vacation rental home by owner.

Applicant: Chris Brown, on behalf of Steelhead LLC.

Address: 10 Steelhead Place

Description of Property: 34-1W-21D Tax Lot 1338

Planning Application: CUP 23-01

Zoning: R-1-40 Low Density Residential

Planning Commission Public Hearing Date: April 13, 2023

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## **1.0 PROPOSAL**

Applicant wishes to operate a Vacation Rental by Owner (VRBO) out of an existing single-family residence. Applicant would list the property on AirBnB or other similar websites, and use a local property management company to handle any complaints.

## **2.0 AUTHORITY**

Conditional Use Permits are processed as a Type III procedure, per § 154.397.

Per § 154.379 of the Shady Cove Code of Ordinances, 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 approve, approve with conditions, or deny the requested application for a conditional use permit, or they may grant a continuance of the public hearing to a date and time certain.

Conditional Use Permits shall meet the approval criteria in § 154.401.

The various zoning district descriptions in Chapter 154 of the Shady Cove Code of Ordinances include lists of "conditional uses", which may be permitted subject to approval of a conditional use permit. These particular uses were found to require special consideration because of their unusual or unique characteristics, or characteristics of the area or district.

### 3.0 PROCEDURE and TIMELINE

- 3.1 **Submittal:** The applicant submitted their application on February 16, 2023, and it was deemed complete by city staff on March 8, 2023.
- 3.2 **Notice:** Adhering to § 154.379, on March 23, 2023, the property owners, neighbors within 200 feet, relevant agencies, and other interested stakeholders were mailed notice of this application and public hearing.
- 3.3 **Hearing:** The public hearing will be held on April 13, 2023, which is at least twenty (20) days after the mailed notice, as required by § 154.379 (C)(1)(a).
- 3.4 **Appeal:** A Type III decision is made by the Planning Commission, and therefore may be appealed to the City Council, no later than 10 calendar days after the decision has been made. Appeals shall be processed in accordance to §154.455 through §154.462

### 4.0 PROPERTY CHARACTERISTICS

- 4.1 **Access:** From Steelhead Pl, off of Rene Dr.
- 4.2 **Zoning:** R-1-40, Low Density Residential
- 4.3 **Size:** 1.24 acres
- 4.4 **Current Land Use:** Residential (riverfront)
- 4.5 **Adjacent Land Uses:** Residential (riverfront)

### 5.0 CONTEXT FINDINGS

The entire property is within the 100-year floodplain as designated by FEMA. The structures are within the regulated floodway.

Staff looked at building permits records from Jackson County and saw that several permits were issued in 1997 for plumbing, building, and electrical for the basement and bathroom. These permits were “after-the-fact” and subject to double fees, indicating that the owner did the work without a permit. In 1997, the owners were the Kincaids. This becomes relevant with regard to the comments submitted in opposition, see below.

The Browns and the McCuens purchased the property in June 2022, and transferred ownership to Steelhead LLC in August 2022.

## 6.0 CRITERIA FOR APPROVAL

Per § 154.401, in determining whether 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:

- 6.1** *The proposal meets the requirements for approval of the site development plan, as outlined in § 154.310 through 154.317;*

**Staff Response: Satisfied**

No new construction or development is proposed. Off-street parking is sufficient for 4 vehicles, the maximum allowed. The property is already landscaped.

- 6.2** *The proposed development or land use will not adversely affect the peace, comfort and livability of the neighborhood and adjacent uses;*

**Staff Response: Planning Determination Required**

The neighboring properties are also residential, zoned R-1-40. The proposed rental is not within 500 feet of another VRBO, as prohibited by § 154.478. No adverse impacts to the neighborhood are anticipated by the applicant.

However, this application has received **substantial opposition from neighbors, with regard to their peace, comfort, livability, safety, security, and quality of life.** See their comments in full, and the Testimony section for a brief summary.

- 6.3** *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;*

**Staff Response: Satisfied**

Proposal will not change zoning or develop the property further. Vacation Rentals may be used in any area zoned residential, per § 154.475 (A), and are therefore compatible. No adverse impacts to the area from this proposal are anticipated by the applicant. However, several neighbors are concerned about the value of the area if a VRBO is allowed. See their comments in full.

- 6.4** *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;*

**Staff Response: Satisfied**

The adjacent lots are already a developed neighborhood. No adverse impacts to the proposal from existing or future development are anticipated.

- 6.5 *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;*

**Staff Response: Planning Determination Required**

Vacation Rentals may be used in any area zoned residential, per § 154.475 (A). Residence is 3 bedrooms and 2 baths. Applicant is familiar with the requirements regarding maximum number of guests and vehicles and quiet hours, and will enforce them through a local management company, "Stay Rogue."

The dwelling is entirely within the floodway of the Rogue River. No information was given about the floodproofing of the dwelling. **Staff asks that the applicant explain about the current floodproofing in the dwelling, the use of the basement as habitable space, and how the flood risk and evacuation plans will be communicated to renters.** If the Planning Commission finds the explanation to be inadequate, then they should impose a condition of approval to address it, or deny the application.

Per the Standards in § 154.476 (H), the owner must "*subscribe to a scheduled waste service and provide garbage and recycling receptacles on the property.*"

## 7.0 TESTIMONY

This application has received several comments in opposition, up to the date of this staff report:

- Conrad and Mrs. Patrao, at 349 Rene Dr.
- Shane and Janice Cunningham, at 20 Steelhead Pl.
- Leann Myers Nordstrom, at 350 Rene Dr.
- Rick McClain, at 369 Rene Dr.
- Jeannine Englehart, at 357 Rene Dr.

To briefly summarize the comments received so far, neighbors are very concerned that a VRBO at the subject property will cause adverse impacts to peace, comfort, and livability, due to:

- Excessive numbers of vacationers
- Trespassing (intentionally or not)
- Noise disturbances from cars, large groups, and partying
- Decreased neighborhood stability, security, fellowship, mutual trust, and respect
- Unenforceable rules and a lack of accountability
- Traffic and road safety
- Inadequate water supply

Other topics include

- the danger that the river can pose to the unfamiliar, especially children and pets
- decreased property values and decreased tax base
- a change in neighborhood ambience
- taking customers away from established local hotels and RV parks
- danger to local wildlife
- dangers during wildfire season, especially because Rene is a long, dead-end road

In particular, the letter from the Cunninghams brought up possible violations of floodway regulations, and submitted evidence that the basement level has been converted into habitable space. This is in violation of the Non-Conversion Declaration associated with this property.

The same letter brought up that the property is subject to the Covenants, Conditions, and Restrictions (CCRs) of the Hidden River Valley Subdivision, which states that the lots shall be for residential purposes only. The letter asserts that a VRBO is a commercial purpose, and thus in violation of the CCRs.

## **8.0 CONCLUSION**

The proposal is to use an existing home as a vacation rental by owner ("VRBO"). VRBOs are established as a conditional use for residential zones in the Shady Cove Municipal Code, with standards and requirements stated in § 154.476 through § 154.478. If the Planning Commission is satisfied that the proposal meets the criteria, or can meet the criteria with conditions, they may consider approving this application.

**At this time, staff cannot make a recommendation. If and only if the Planning Commission finds that all the criteria are met, including compliance with floodway regulations and other restrictions, then staff can recommend that they approve the request with, at minimum, the following conditions of approval.**

## **9.0 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, as given in § 154.401(B).

Staff recommends the following conditions of approval.

### **Conditions prior to operation:**

1. Owners of vacation rental property must have a local contact, and provide the City Administrator with the name and telephone number for that contact, as given in §154.478.
2. Prior to operation, the applicant shall obtain a Business License from the City of Shady Cove, as required by §110.03.

### **Conditions during operation:**

3. Flood risk and evacuation procedures shall be posted visibly on the property and be communicated to customers during their check-in.
4. No guest parking shall be allowed on the public right-of-way, as mandated in §154.476(B) and (C).
5. Any outside fire is prohibited, except for enclosed barbeques.



6. The owner shall pay the transient occupancy tax to the city for all rentals of 30 days or less.
7. The VRBO shall comply with all special use and safety standards, as stated in § 154.475 through 154.479.

Respectfully submitted this 4<sup>th</sup> day of April, 2023,

A handwritten signature in black ink, appearing to read "Rowan Fairfield". The signature is fluid and cursive, with the first letter of each word being significantly larger than the others.

---

Rowan Fairfield, Contract City Planner

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

**OFFICE USE:**

Application No. CUP 23-01 Received By D Jermain Date 2/16/23  
Amount Paid \$600.00 Receipt No. 27321 Hearing Date 4-13-23

**TO BE COMPLETED BY APPLICANT:**

Name of Property Owner(s): Steelhead LLC

Property Street Address: 10 Steelhead Place Shady Cove, OR 97539

Between Rene Drive and Hwy 62 streets.

County Assessor's Map & Tax Lot Number: 341 W 21 D 133B

Current Zoning: R-1-40 Adjacent Zoning: R-1-40

**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 dedication 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.

DocuSigned by:

Chris Brown

A785B94085564EC

APPLICANT'S SIGNATURE

ADDRESS P.O. Box 8041 Medford, OR 97501 PHONE NUMBER 458-203-6555

Agent: Stacy Roque

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

PLANNER OR HIS/HER DESIGNATE

Complete  Incomplete

Signature [Signature]

Date 3/8/2023

CITY OF SHADY COVE  
CONDITIONAL USE PERMIT APPLICATION

Page 2

Attach additional sheets as necessary

Describe your proposal

I would like to permit this home as a vacation rental home and list it on Airbnb.

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)

There will be no new construction or development. We are simply changing use of existing single family home to use as a vacation rental as per the city ordinance requirements.

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

Renters will not affect the peace, comfort or livability of the neighborhood. There will be no more than 10 people at a time, 4 cars max in driveway, and a 9pm quiet time will be strictly enforced.

- (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.

Proposal will not change current zoning for a single family residential home.

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.

There will be no adverse affects for any continued development. The area is already fully developed neighborhood.

(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

There will be local property management that neighbors can reach out to with any nuisance complaints.

Other comments you feel are pertinent to your application

None

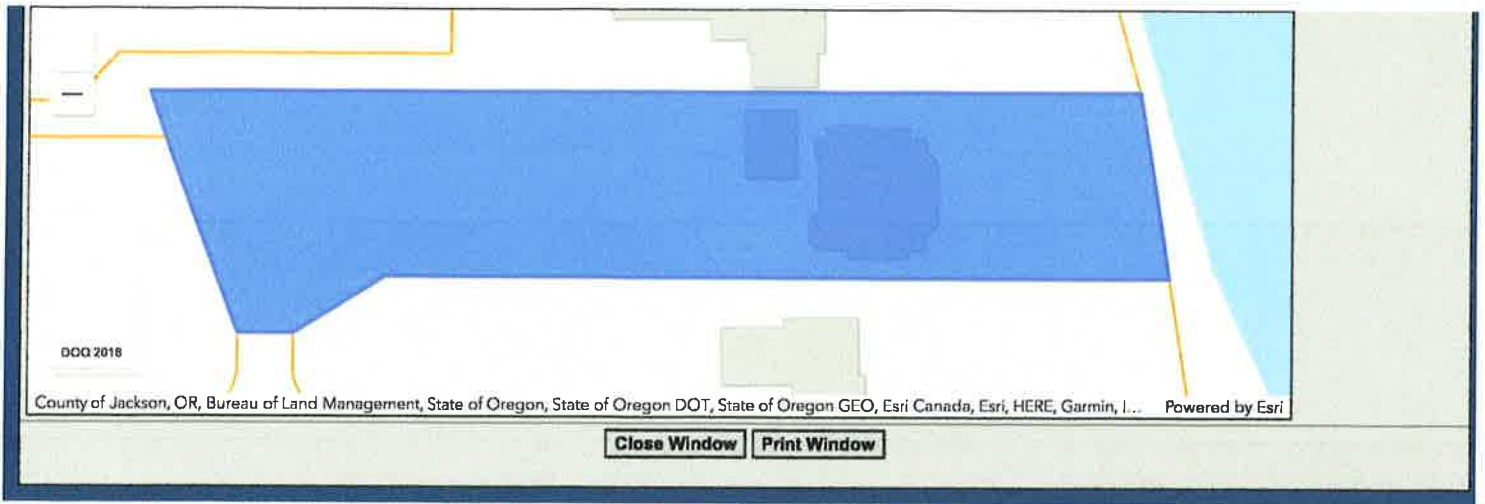
**Aerial Map**



**TICOR TITLE COMPANY**

**Parcel ID: 10811422**

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.





**Addendum to recently submitted Conditional Use Permit  
Application**

**Address: 10 Steelhead Place, Shady Cove, OR.**

**\*\*Included photos are of the parking area directly in front of the garage.**

Although there are 2 levels, only 1 level will be used and accessible to the guests.

The front entrance has a set of steps leading to the main front door which opens up to the main level that is on the 2nd floor. The entrance to the bottom floor will not be accessible and will remain locked at all times. In case of emergency people can vacate through the front door.

Call with any further questions,  
Brittni Allen (Stay Rogue Co-Hosts)  
(458) 203-6555



Parking area, 10 Steelhead Place





*Mayor*  
Jon Ball

*Councilors*  
Kathy Nuckles  
Paige Winfrey  
Jim Hubbard  
Steve Mitchell

## CERTIFICATE OF MAILING

I hereby certify that on March 24, 2023 I provided a copy of the NOTIFICATION OF ADJACENT USE PROPOSAL APPLICATION NO. CUP 23-01 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](mailto:djermain@shadycove.org) ♦ Web Site: [www.shadycove.org](http://www.shadycove.org)

**CITY OF SHADY COVE  
PLANNING COMMISSION**

**NOTIFICATION OF ADJACENT PROPERTY USE PROPOSAL**

DESCRIPTION OF PROPERTY: 34-1W-21D, Tax Lot 1338, located at 10 Steelhead Pl, Shady Cove, Oregon  
PROPOSAL: Conditional Use Permit Application No. CUP 23-01. The request is for a Conditional Use Permit to provide a Vacation Rental by Owner (VRBO). Zoning is Low Density Residential (R-1-40).  
DATE AND TIME OF MEETING: Thursday, April 13, 2023 at 6:00 p.m.  
LOCATION: City Hall Council Chamber, 22451 Highway 62 and via Zoom. RESPONSE DATE: April 5, 2023  
OWNER: Steelhead LLC APPLICANT: Chris Brown/Michael McCuen AGENT: Stay Rogue

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."

10 Steelhead Place



KREISS FAMILY TRUST ET AL  
PO BOX 1382  
JACKSONVILLE, OR 97530

CUNNINGHAM SHANE P/JANICE C  
19829 CAMPON CT  
REDDING, CA 96003

PATRAO CONRAD  
349 RENE DR  
SHADY COVE, OR 97539

ENGLEHART WAYNE TRUSTEE ET AL  
357 RENE DR  
SHADY COVE, OR 97539

LOST CREEK ESTATES LLC  
PO BOX 559  
SHADY COVE, OR 97539

MCCLAIN RICKEY L TRUST ET AL  
369 RENE DR  
SHADY COVE, OR 97539

MILLER RON H TRUSTEE ET AL  
PO BOX 65  
SHADY COVE, OR 97539

Steelhead LLC  
10 Steelhead Place  
Shady Cove, OR 97539

LOST CREEK ESTATES LLC  
PO BOX 559  
SHADY COVE, OR 97539

Stay Rogue  
PO Box 8041  
Medford, OR 97501

KEYS MARK WILLIAM & ROBIN LE  
BANK OF AMERICA NA  
7105 CORPORATE DR  
PLANO, TX 75024

Chris Brown  
20617 Deodar Dr  
Yorba Linda, CA 92886

SIMON CHRISTOPHER G TRUSTEE E  
5342 HARWOOD LN  
STOCKTON, CA 95212

Michael McCuen  
259 Vista Marina  
San Clemente, CA 92672

ANSELM CHARLES E/ANSELMI NAL  
361 RENE DR  
SHADY COVE, OR 97539

MCCLAIN RICKEY L TRUST ET AL  
369 RENE DR  
SHADY COVE, OR 97539

~~STEELHEAD LLC~~  
~~20617 DEODAR DR~~  
~~YORBA LINDA, CA 92886~~



**\*\* REVIEW AND COMMENT \*\***

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

REMARKS: My wife and I object to having a VR-BO in our neighborhood for the following reasons:  
it changes the ambience of the bedroom <sup>community</sup>, more car + foot traffic, possibility of unmanageable guests  
(partying, loud music, etc.), excessive water usage, trespassing (no fences) and property damage.

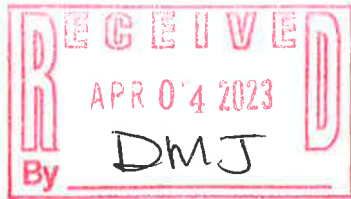
SIGNATURE: *h/b*

PRINTED NAME(S): CONRAD PATRÃO

STREET AND MAILING ADDRESS: 349 RENE DR, SHADY COVE

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."



Shane and Janice Cunningham  
20 Steelhead Place  
Shady Cove, OR 97539

April 3, 2023

Ms. Rowan Fairfield, Planner  
City of Shady Cove  
Via Email: RFairfield@rvcog.org

City of Shady Cove Planning Dept  
PO Box 1210  
Shady Cove, OR 97539  
Via USPS

RE: Conditional Use Permit Application, CUP 23-01

To Whom It May Concern:

We are residents of 20 Steelhead Place, Shady Cove, and we have written this letter to express our strong opposition to the application for a Conditional Use Permit "CUP 23-01". CUP 23-01 proposes to allow a Vacation Rental By Owner ("VRBO") to be operated at 10 Steelhead Place with up to 10 guests at a time. This letter, together with the supporting documentation attached, provides necessary support for the Planning Commission to deny the application and therefore disallow the operation of a VRBO upon the subject property. All code sections cited in this letter refer to City of Shady Code ordinances or as otherwise referenced.

The application for the CUP states, "We are simply changing use of existing single-family home to use as a vacation rental...". However, as you will read below, this change in use is far from simple given neighborhood CC&Rs as well as a shared domestic water well supply issue. Furthermore, the cursory and unsubstantiated opinion of the applicant indicating the change in use will not, "...affect the peace, comfort, or livability of the neighborhood" is incorrect as it fails to consider the environment within which the residence at 10 Steelhead Place is located. Finally, the applicant summarily avoids the issue of the proposed use being a detriment to the health and safety or general welfare of persons residing in the neighborhood, by simply indicating, "There will be local property management that neighbors can reach out to with any nuisance complaints", which clearly does not address safety or welfare, nor take into consideration the physical environment the subject property exists within. The application on its face is insufficient for the Planning Commission to approve a CUP as the proposal must be considered in context, utilizing the characteristics of the area (§ 154.395).

1



## 10 Steelhead Place Property Description/Characteristics

The proposed VRBO lies within a low-density residential zoning area (R-1-40), with the stated intended purpose of providing a quiet, family-oriented neighborhood that is characteristic of the city's small town and semi-rural atmosphere, consisting of single-family dwellings on individual lots (§ 154.035).

The subject is located within the Hidden River Valley Subdivision, Block 2 and is subject to Covenants, Conditions and Restrictions ("CC&R's") of which a copy of Jackson County recorded document 86-23183 is attached herewith. The CC&R's state, "No Lot shall be used except for residential purposes." A VRBO is a commercial business and not a residential use as contemplated by the CC&R's, and therefore contrary to the CC&R's. The proposed VRBO is a business as evidenced by the City's requirement that the proposed VRBO shall hold a valid Business License (§ 154.479(D)), Transient Occupancy Tax must be paid for all rentals of 30-days or less (§ 154.478(E)), and a Conditional Use Permit is required. Moreover, the property will be advertised and marketed publicly with the intent of generating revenue and profit, which is the purpose of a business; therefore, the proposed VRBO would not be in compliance with the the existing CC&R's. The applicant has not secured the consent of the affected neighborhood, nor have they secured an amendment to modify the CC&R's.

Furthermore, the CC&Rs more strictly regulate "nuisances" stating, "No noxious or offensive activity shall be carried on upon any Lot, nor shall anything be done thereon which may be or may become a nuisance or an annoyance to the neighborhood." The ever-changing presence of up to 10 vacationer's in "vacation party mode" who have no accountability to the neighborhood, nor consequences for the disturbances they create, is most definitely an annoyance. Furthermore, the applicant demonstrates their expectation of a nuisance occurring by completing question five of the permit application as follows: "There will be local property management that neighbors can reach out to with any nuisance complaints."

The residence lies within the regulated floodway of the Rogue River and the total of the parcel is located within the 100-year flood plain. Because of the residence site being within the regulated floodway, it is subject to a Non-Conversion Declaration (see attached), which prohibits improvement of areas below the base flood elevation. Areas below base flood elevation shall be restricted to "limited storage" which is described as lawn & garden equipment, snow tires and items that cannot be stored on the main living area. However, the residence is currently in violation of this provision as the areas of the structure below the base flood elevation have been converted to living space, complete with drywall, tile floors, bedrooms, and a bathroom, which is in violation of the recorded Non-Conversion Declaration.



The subject residence is sited on the parcel within 30 feet (outside wall to outside wall) of our residence located at 20 Steelhead Place. The area is a quiet environment with very little, if any, public traffic. All neighboring homes along the river have backyards which are open and parklike to the river. There are no fences as they are prohibited within the regulatory floodway (151.054(B)(1)).



The subject is accessed by using Steelhead Place which is a single-lane, City maintained road accessed from a cul-de-sac located at the end of Rene Drive. Rene Drive is a City maintained, paved, unstriped, narrow, rolling, lane-and-a-half wide, dead end road.

Domestic water supply is provided by a shared well with its use and expenses evenly shared between the subject and two other residences, including ours at 20 Steelhead Place. The well is located at 361 Rene Drive and serves this address as well. The well, based on the latest well test, produces only 11 gallons per minute, which has historically served three households of two persons each, for a total of six conscientious persons with knowledge of the well's capacity limitations

### **VRBO Detriments to Health, Safety, or General Welfare of Persons Residing In Neighborhood**

The City of Shady Cove's zoning regulations state that the Commission must determine that the establishment, maintenance or operation of the proposed use will not be detrimental to the health, safety or general welfare of persons residing in the neighborhood (§ 154.401 (A)(5)).

### ***Domestic Water Supply***

As mentioned above in the property description/characteristics section of this letter, 10 Steelhead Place shares a well with two adjoining residences with utilities, maintenance and repair expenses being evenly split between the three parties. Research shows that the typical household requires 6 to 12 gallons per minute. The latest well testing for our well reveals the well produces 11 gallons per minute, or what is typically used by one household. This means the existing capacity of the well is already low given use by three households. Historically, the capacity of this well has been sufficient to sustain the residents with an average household size of 2.5 people per household; however, each has had the knowledge that their water comes from a well with a potentially limited supply.

Over-pumping is a real concern for this domestic water system. Pumping systems remove water from the well until the end use is satisfied. During pumping the water column is drawn down when demand

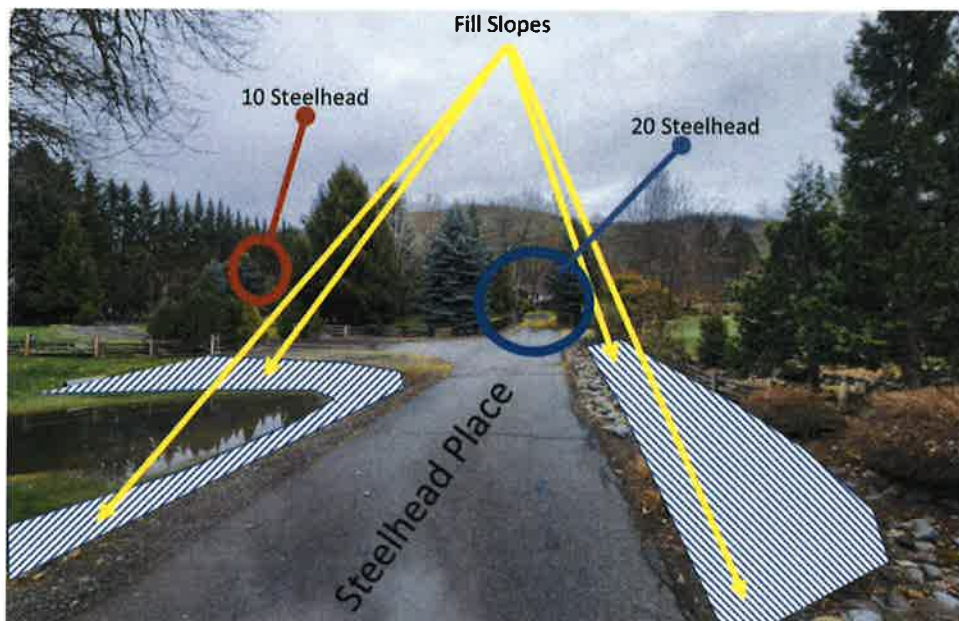
for water exceeds the rate at which it flows into the well. Pumping water out of a well faster than it comes results in the over pumping. Extended over pumping increases the rate water travels through the ground causing the well to draw in sediment that adds cloudiness to the water and may eventually clog the spaces in the soil and rock which allows a connection of the well itself to the aquifer (<https://www.wellmanager.com/how-over-pumping-can-result-in-well-contamination-and-yield-decline/>).

Revolving door, short-term vacation revelers consisting of parties of up to ten persons would require greater water demands than an average household and what this well has historically served. Permitting a VRBO with up to 10 occupants, plus the four existing occupants of the other two houses would require the well to satisfy the water demands of up to 14 people, rather than 6 people, which is more than double the current demand. Additionally, the VRBO's over burdening of the well will consume excess electricity and premature wear and tear on the well and equipment, resulting in the other two homes incurring involuntary expense increases because of this for-profit VRBO.

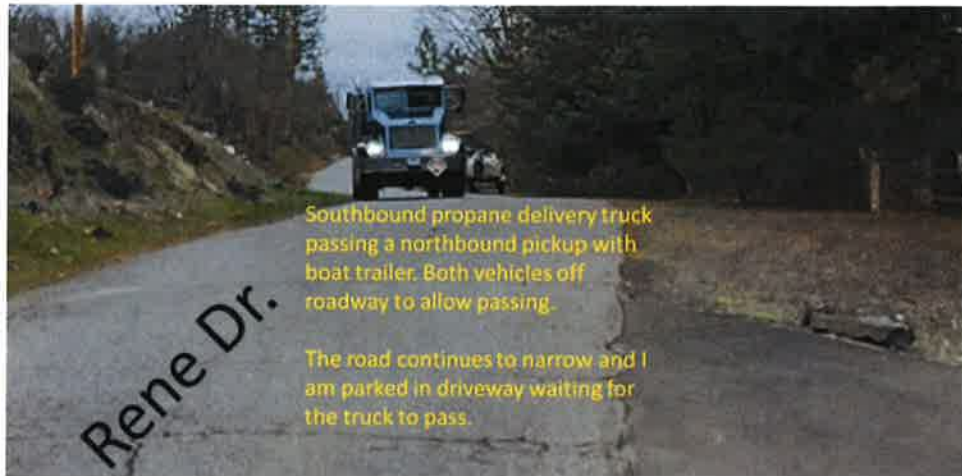
Using 10 Steelhead Place as a vacation rental could significantly impact the water supply available to the other two residences. For this reason, we recommend denial of the use permit or at a minimum, conditioning the permit, consistent with §154.401(B)(7), and requiring adequate public services (i.e. water), be secured to serve the planned use and future development in the general area.

#### **Road Access**

10 Steelhead Place is directly accessed by Steelhead Place, a paved, single lane, unlit, unstriped, City maintained, dead end road, which has steep fill slopes on both sides for a portion of its distance.



Steelhead Place is accessed by Rene Drive, which is a city maintained, paved, unstriped, unlit, narrow, rolling, lane and a half, dead end road.



The dead end nature of these roads is concerning from a wildfire risk perspective. We recommend denial of the permit, but at a minimum, a condition of approval be a restriction on the times of operation of the vacation rental. Due to possible fire risk and the narrow, dead end roads, we would recommend suspending rentals when the fire danger is “high” or “extreme”, so as to safeguard the renters and ensure current residents are not hampered by the increased presence and density of people resulting from renting of the residence.

Both Steelhead Place and Rene Drive are sufficient to serve the familiar single residential uses it was intended for, but insufficient to service frequent, unaccustomed, revolving door, short term renters, accessing a rental property, at the far terminus of the roads, due to the roads’ respective widths and characteristics.

### ***Flood Way***

The residence at 10 Steelhead Place is located in the Rogue River regulatory floodway and all of the parcel is within the 100 year flood zone. This brings up unique public safety issues for a vacation rental. The real possibility of flooding occurring within the structure is concerning as it will possibly be rented by uniformed renters who are unfamiliar with the risks associated with living in a flood way.

### **VRBO Detriments to Peace, Comfort, and Livability of the Neighborhood**

In determining whether this permit is appropriate, the Commission must find the proposed vacation rental will not adversely affect the peace, comfort and livability of the neighborhood and adjacent residential uses (§ 154.401(A)(2)).

The CC&Rs for the Hidden River Valley Subdivision are intended to ensure peace, comfort and livability of the neighborhood. They are requirements for any owner in the subdivision and purchasers of property must acknowledge these rules. The CC&Rs set a standard which should be used to judge whether an activity would possibly impact the peace, comfort and livability of a neighborhood they govern.

***VRBO Is a Business and Not Allowed***

Section 1 of the CC&Rs states no lot shall be used except for residential purposes. VRBO's are a business as evidenced by the marketing activities to generate revenue, the owner's obligation to pay Transient Occupancy Tax, the need for business license and this conditional use permit (§ 154).

***VRBO Can Not Be or Become a Nuisance***

Section 6 of the CC&Rs states no noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become a nuisance or an annoyance to the neighborhood. This standard exceeds prohibiting something from being a nuisance and instead also prohibits something that **can become** an annoyance. Mitigation in the application states the 9:00 PM quiet time will be enforced; however, nuisances and annoyances can occur at anytime of day and is likely as the proposed VRBO is only 30 feet from our house.

***VRBO Increased Traffic Could be a Nuisance or Annoyance***

The CC&Rs speaks to road use under nuisances and states, "Traffic flow shall be kept at a minimum to insure peace and tranquility of the area." Privacy was so important to the neighborhood that the CC&Rs state, "No lot shall conduct more than one garage sale in any one year." Creating this VRBO will undoubtedly result in increased traffic, most notably on Steelhead Place, which sees minimal traffic.

***VRBO Residence Sited Near Neighboring Houses***

The residence at 10 Steelhead Place is located immediately adjacent to its neighbors, despite the parcels being of larger size. The outside wall of the VRBO is merely 30 feet from our outside wall at 20 Steelhead Place.

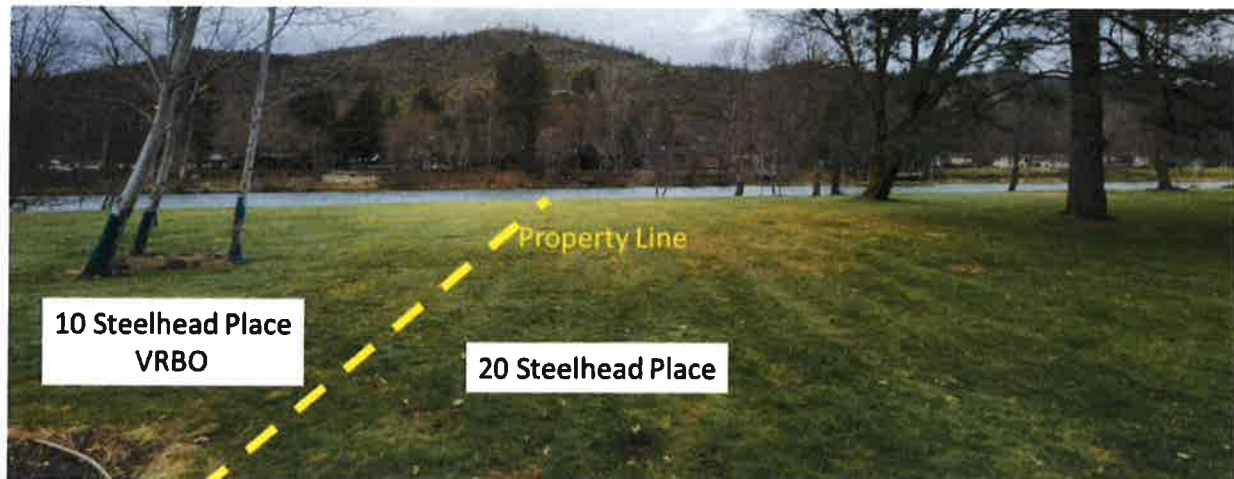


Vacationers rent VRBOs to vacation, have fun, and on occasion cut loose and party. Certainly homeowners can do so also; however, the frequency is likely much less than a VRBO given the possibility this home could be rented by a different ten vacationers every weekend, each with a fresh outlook on vacationing and yes, partying. This likely possibility will undoubtedly affect the peace, comfort and livability of the neighboring residence during the morning, afternoon and evening time periods where quiet time apparently does not apply.

***No Fences Between Neighbors***

Unlike most urban or suburban environments, there are no fences in the backyards of the properties adjacent to the VRBO. Fences traditionally confine activities to the subject property and provide some level of privacy to the subject property and it's neighbors. However in this case, because of regulations

and ordinances restricting development in the regulated floodway, the installation of fencing is not allowed. The absence of fencing and the draw of the river will unquestionably result in VRBO patrons (up to 10 at a time) occupying neighbors yards regularly. Imagine lying in bed, enjoying a morning cup off coffee, looking out your sliding glass door, and seeing 10 people traversing your back yard. Vacation revelry will undoubtedly spill into our back yards given the absence of traditional boundaries such as fencing. This will result in a reduction to the peace and livability of the neighboring properties.



#### **City Ordinances Prohibit Issuing a Permit If Subject Property is Nonconforming**

City of Shady Cove ordinances prohibit issuing a CUP to any parcel which has development not in conformance with existing code, without first curing the nonconforming issue (§ 154.315(C)).

As mentioned above, the residence at 10 Steelhead Place is within the regulated flood way. As such City code, and FEMA, have limitations on development of the ground floor below the regulated floodway level. In fact, each property within the flood way has a recorded Non-Conversion Declaration on file with Jackson County which runs with the land regardless of how many times ownership of the property may change. A copy of the Non-Conversion Declaration for the subject property prohibits improvement of areas below the base flood elevation (see attached). Areas below base flood elevation are restricted to "limited storage" which is described as lawn & garden equipment, snow tires and items that cannot be stored on the main living area.

In the case of 10 Steelhead Place, the downstairs area was improved as living space. In fact the downstairs consists of a large room, two bedrooms, and a bathroom. The floor is tile and the walls are covered in sheetrock. Three sliding glass doors access the base level patio. These improvements are evidenced by the following photo as well as the attached copy of the Realtor's marketing materials used when the home was sold last year.



An addendum was attached to the VRBO application indicating the downstairs area will be locked off to vacationers. However, the applicant's inclusion of this statement does not negate the fact the property is nonconforming to regulations for structures within the regulated floodway. The proposed VRBO is still a code violation that goes against the recorded Non-Conversion Declaration. For this reason, together with the City of Shady Cove's own ordinance which prohibits issuance of a permit to any parcel which has development not in conformance with existing code, therefore, the CUP should be denied (§ 154.315(C)).

### Conclusion

§ 154.037(J) requires approval of a conditional use permit when the use of a residential structure is intended to be for purposes of a vacation rental. As such, the vacation rental use must be compatible with neighboring uses, and must be considered in context, utilizing the characteristics of the area (§ 154.395). The Commission is charged to determine that the establishment, maintenance or operation of the proposed use will not be detrimental to the health, safety or general welfare of persons residing in the neighborhood (§ 154.401 (A)(5)). Finally, in determining whether this permit is appropriate, the Commission is charged to find that the proposed vacation rental will not adversely affect the peace, comfort and livability of the neighborhood and adjacent residential uses (154.401(A)(2)).

Based on the information presented above, the Commission must determine the VRBO will be detrimental to health and safety given the domestic water supply issues and associated hazards related to wildfire and flood. Also, based on the information presented, the Commission must find the proposed VRBO will adversely affect the peace, comfort and livability of the neighborhood and adjacent residential use. Therefore, the application for VRBO at 10 Steelhead Place should be denied.

Thank you for understanding and considering our concerns. We will be present at the hearing to answer any questions and available by telephone.

Sincerely,

Shane Cunningham  
(530) 945-2206

Janice Cunningham  
(530) 262-7962

(17) *et. Occorn (63573.JP)*  
 HIDDEN RIVER VALLEY SUBDIVISION

13.50  
 2.00

BLOCK TWO  
 IN THE CITY OF SHADY COVE,  
 COUNTY OF JACKSON, STATE OF OREGON  
 PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS

The undersigned do hereby certify and declare that the following reservations, conditions, covenants and agreements shall become and are hereby made a part of all conveyances of property owned by the undersigned within the Plat of Hidden River Valley Subdivision, of which conveyances and agreements shall thereupon apply as fully and with the same effect as is set forth at large therein.

1. Land Use: No Lot shall be used except for residential purposes.

2. Dwelling Size and Building Type: The total floor area of the main structure, exclusive of open porches and garages, shall be not less than 1,500 square feet. All buildings are to have wood shake or shingle, tile, the equivalent or better roofing. All electrical service to each building will be underground, and each building will have flush mounted meter bases.

3. Mobile Home Restriction: No mobile or modular homes shall at any time be allowed.

4. Temporary Structures: No structure of a temporary character, trailer, camper-truck, basement, tent, shack, garage, barn or other outbuilding shall be used on any Lot at any time as a residence. No existing house shall be moved upon any Lot.

5. Occupancy: No dwelling shall be occupied permanently or temporarily prior to 100% completion of the exterior of the structure.

6. Nuisances: No noxious or offensive activity shall be carried on upon any Lot, nor shall anything be done thereon which may be or may become a nuisance or an annoyance to the neighborhood. This shall include but not be limited to the following:

No junked or wrecked cars, racing cars or any jalopy-type cars shall be allowed.

Recreational use of dirt bikes, three-wheelers and the like shall be prohibited in the neighborhood.

Ham radios shall not be operated in the neighborhood due to interference with television reception.

Traffic flow shall be kept at a minimum to insure peace and tranquility of the area.

No Lot shall conduct more than ONE garage sale in any one year.

ADDENDUM: Article #2 of this page is corrected to read the minimum dwelling size is 1300 square feet not 1500 square feet. *[Signature]*



86-23183

7. Easements: Easements for installation and maintenance of utilities, sewer, water, drainage facilities, and irrigation transmission and distribution are hereby reserved as shown of record.

8. Livestock and Poultry: No animals, livestock or poultry of any kind shall be raised, bred, or kept on any Lot for either domestic or commercial use. This is not to include feeding of unrestrained wild animals and birds (i.e., deer, ducks, etc.) if owners desire, providing it does not become an annoyance to the neighborhood. Each Lot shall be limited to not more than two household pets (dogs or cats), which shall be kept under control by owner at all times. If said animal causes any damage to the property of others, then the animal owner shall be strictly responsible for the damages resulting therefrom.

9. Garbage and Refuse Disposal: No Lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste except in sanitary containers regularly serviced by a regular garbage collection agency. All garbage receptacles and cans and wood piles shall be kept clean and sanitary and shall be protected from ordinary view of the adjoining lots.

10. Condition of Property: All improved Lots shall be maintained in first class condition by the homeowners to establish and retain the highest integrity of the neighborhood.

11. Terms: These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of thirty (30) years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years, unless an instrument signed by a majority of the then owners of the Lots has been recorded, agreeing to change said covenants in whole or in part.

12. Enforcement: All said conditions, restrictions, covenants and agreements shall be binding upon and inure to the benefit of all present and future owners and purchasers of land in said addition and any and all persons having any right, title, estate, lien claim or interest therein, their heirs, legal representative, successors and assigns, and the failure on the part of any said parties at any time to enforce any of said conditions, restrictions, covenants or agreement shall in no event be deemed a waiver thereof, or any part thereof, or of any existing violation thereof; nor shall the invalidation of any said conditions, restrictions, covenants or agreements, but the same shall remain in force and effect. Should any suit or action be instituted by any of said parties to enforce any of said conditions, restrictions, covenants or agreements, or to restrain the violation of any thereof, after demand for compliance therewith or for the cessation of such violation, and failure to comply with such demand, then and in either of said events and whether such suit or action be reduced to decree or judgment or not, the party instituting such suit or action shall be entitled to recover

2 -

10

86-23183

from the defendant or defendants therein such sum as the court may adjudge reasonable as attorney's fees in such suit or action, in addition to statutory costs, and disbursements. Building setbacks shall conform to City of Shady Cove Zoning Ordinance.

13. Means of Exception: Any owner with the written approval of all subdivision owners at the time may obtain a variance from a specific protective covenant of this agreement. However, this shall neither be construed to modify or amend these restrictions in any other way except in that specific case, nor shall it be construed to provide authority in any future situation of a like or similar nature.

DATED: July 14, 1986

G. E. McKinney  
Larry Tanguay

This 10<sup>th</sup> day of July, 1986 personally appeared the above named G. E. McKinney

86-23183  
GENERAL ACKNOWLEDGMENT

NO. 391

State of California } ss.  
 County of Orange }

On this the 14 day of July 19 86 before me,  
**\*\*Christine E. Cunliffe\*\***  
 the undersigned Notary Public, personally appeared  
**\*\*Larry Tanguay\*\***

personally known to me  
 proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he executed it.  
 WITNESS my hand and official seal.

Christine E. Cunliffe  
 Notary's Signature

OFFICIAL SEAL  
 CHRISTINE E. CUNLIFFE  
 NOTARY PUBLIC - CALIFORNIA  
 PUBLIC OFFICE IN  
 ORANGE COUNTY  
 My Commission Exp. June 22, 1990

3

11

86-23183

from the defendant or defendants therein such sum as the court may adjudge reasonable as attorney's fees in such suit or action, in addition to statutory costs, and disbursements. Building setbacks shall conform to City of Shady Cove Zoning Ordinance.

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DATED: July 14, 1986

G. E. McKinney  
[Signature]  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This 10<sup>th</sup> day of July, 1986 personally appeared the above named G. E. McKinney

and acknowledged the foregoing instrument to be their voluntary act and deed.

Jackson County, Oregon  
Recorded  
OFFICIAL RECORDS  
8:50 NOV 17 1986 A.M.  
KATHLEEN S. BECKETT  
CLERK and RECORDER  
By [Signature] Deputy

[Signature]  
Notary Public for Oregon  
My Commission Expires: 7/9/87

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



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

**City of Shady Cove**

**Non-Conversion Declaration**

This DECLARATION is made this 14<sup>th</sup> day of August, 2012 by Kincaid Family Revocable Trust. Owners, of 10 Steelhead Place, Shady Cove, Oregon 97539, more legally described as Map 34-1W-21D Tax Lot 1338.

WITNESSETH:

WHEREAS, the Owners are the owners of record of all that real property located at of 10 Steelhead Place, in the city of Shady Cove, in Jackson County, Oregon, as described in a Deed dated October 31, 1997, and recorded in the Jackson County Official Records, Document number 1998-01359A.

WHEREAS, the Owners have a structure on that property that must be in compliance with the strict elevation requirements of Flood Damage Prevention Ordinance no. 118, and under Floodplain Development Permit No. 2010-0224-01, issued February 24, 2010. In order to prevent a later conversion or alteration of that structure that may be in violation of these requirements, the Owner herein make this DECLARATION.

WHEREAS, Owners agree to record this DECLARATION and hereby certify and declare that the following covenants, conditions and restrictions are placed on the affected property as a condition of granting the Certificate of Compliance, and affects rights and obligations of the Owner and shall be binding on the Owners, their heirs, personal representatives, successors and assigns.

UPON THE TERMS AND SUBJECT TO THE CONDITIONS, as follows:

1. The structure or part thereof to which these conditions apply is the lowest grade immediately adjacent to the building is 1362.0 feet, NGVD 1929.
2. At this site, the Base Flood Elevation is 1370.5 feet above mean sea level, NGVD, and the minimum Finished Floor Elevation is 1371.5 feet above mean sea level, NGVD.

Owner Initials ML JK

Non-Conversion Declaration

3.

3. Enclosed areas below the Base Flood Elevation, as established by Elevation Certificate, shall be used solely for parking of vehicles, access to the building, and limited storage. "Limited storage" is defined as that which is incidental and accessory to the principal use of the structure such as lawn and garden equipment and snow tires, which cannot be conveniently stored in the elevated portion of the structure. All interior walls, ceilings and floors below the Base Flood Elevation shall be unfinished or constructed of flood resistant materials. Mechanical, electrical or plumbing devices shall not be installed below 1371.5 feet above mean sea level, NGVD.
4. The walls of the enclosed areas below the Base Flood Elevation shall be equipped and remain equipped with at least two flood openings, one each located on two different walls, equal to one square inch of opening per one square foot of enclosed floor area, and the bottoms of the vents shall be no more than one foot above grade.
5. Any alterations or changes from these conditions constitute a violation of the Certificate of Compliance and may render the structure non-compliant with Ordinance 118, uninsurable, or increase the cost for flood insurance. The jurisdiction issuing the Certificate of Compliance and enforcing the Floodplain Ordinance may take any appropriate legal action to correct any violation.

I, Michael J. and Joan M. Kincaid, Trustees, do hereby state that we understand and agree to comply all the conditions of this Declaration.

By Michael J. Kincaid, Trustee  
Michael J. Kincaid, Trustee

By Joan M. Kincaid, Trustee  
Joan M. Kincaid, Trustee

STATE OF OREGON,  
COUNTY OF JACKSON

Be it remembered, that on this 14<sup>th</sup> day of August, 2012, before me, the undersigned, a Notary Public in and for the County and State, personally appeared the within named Michael J. and Joan M. Kincaid, Trustees,, known to me to be the identical individuals described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.

IN TESTOMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Tim C Heim  
Notary Public for Oregon

My commission expires 5/18/2016





**Listing #220144083**

 **3**     **3 full**     **5,670**    **House**  
Bedrooms    Bathrooms    Square Feet    Type

## ABOUT THIS PROPERTY

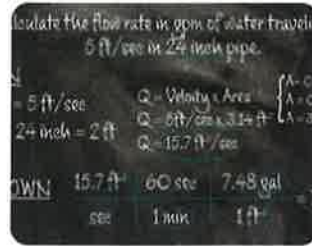
Stunning home with over 100ft of river frontage! DO NOT MISS OUT! The home's main level is 2,870 SqFt and the basement level is 2,800 SqFt! Main level features 3 beds and 2 baths plus an office. The daylight basement features an additional 2 bedrooms, 1 bath, a workshop, storage space and even more room for storage or activities. As you enter the home you'll notice the attention to detail and craftsmanship. This home has had extensive remodeling in the last five years, the kitchen has granite countertops, double ovens, and top of the line appliances. The master bedroom features sliding glass doors that lead out to the deck overlooking the river and the luxurious bathroom contains a beautiful marble floor, shower and countertops. The property is immaculately landscaped and feels like a park. Too much to put in a few short sentences! You won't regret coming to take a look at this river property!



Photo Source: Online marketing June 2022.

## about 6 to 12 gallons per minute

The average household needs 100 to 120 gallons per person per day, and a flow rate of about 6 to 12 gallons per minute.



 Boshart Industries  
<https://blog.boshart.com/whats-your-home-water-flow-...>

### What is the Typical Household Water Flow Rate? - BoshartU

Please note: The above gallons per minute recommendation is for one household. A typical household size is between 2 – 4 people and uses about 6 – 2 gmp. Our well produces an average of only 11.22 gallons per minute (see attached well report) and must serve THREE households. The existing well is not able to support the added demand of a VRBO which allows up to 10 guests.

17





# Pump Test Report

## All Well & Pump Service

P.O. Box 1778, Rogue River, OR 97537

541-582-HELP (4357)

Email: [steve@allwellandpump.com](mailto:steve@allwellandpump.com)

Date of Test

10/01/19

Ordered By: Rebecaa Mitchell

Company: Envimero Realty

Agent: Tina Jackson-Berger

Well Location: 20 Steelhead Place - Well located on 361 Rene Dr

	Time	Static Level	GPM	
Start Time:	9:00	18	13.5	Static Water Level
	9:15	64	12.75	18
	9:30	86	12.5	
	9:45	110	12	<b>Pumping Rate</b>
	10:00	127	11.5	<b>at End of Flow Test</b>
	10:15	137	11.5	<b>10.25</b>
	10:30	146	11.5	
	10:45	153	11	<b>Average</b>
	11:00	154	11	<b>11.22</b>
	11:15	155	10.75	
	11:30	156	10.5	<b>Test Requirements</b>
	11:45	158	10.5	<b>4 hr open flow</b>
	12:00	161	10.5	
	12:15	163	10.5	
	12:30	165	10.25	
	12:45	166	10.25	
	1:00	167	10.25	
			<b>11.221</b>	

**Notes:** The well is approximately 224' deep, the pump is set at about 212', well is connected to a holding tank and has a filtration system. **The well is shared with three homes.**

Thank you for using **All Well & Pump Service**

Well log Jack876

18



**Well Flow Test**

**Test Date:** May 18, 2022  
**Service Tech:** STEVE FRAZIER

**Test ID:** 6047  
**Street Address:** 10 STEELHEAD PL  
 SHADY COVE, OR 97030  
**Name:** BUYER: MATTHEW & MINDY TAYLOR  
**Billing Address:** 10 STEELHEAD PL  
 SHADY COVE, OR 97030  
**Telephone:** 541.260.1836

**Test Requirements:** PERFORM A 4-HOUR OPEN WELL FLOW TEST

**Remarks:** UNABLE TO GET STATIC READINGS PAST 97 FEET DUE TO SYSTEM DESIGN

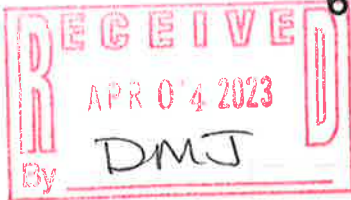
**Equipment Used:** EXISTING 1HP WELL PUMP SYSTEM **Source:** WELL  
**Well Depth:** 224 **Pumping Level:** 212 **Diameter:** 6 **Seal:** Yes **Vent:** Yes **Pop Off Valve:** No  
**Water Color:** CLEAR **Taste:** N/A **Odor:** NONE

**Flow Data**

Time	Flow	Level	Meter
09:15 AM	13 GPM	10 feet	195.00 Gallons
09:30 AM	12.5 GPM	34 feet	382.50 Gallons
09:45 AM	12 GPM	67.5 feet	562.50 Gallons
10:00 AM	11.5 GPM	88 feet	735.00 Gallons
10:15 AM	11.5 GPM	- feet	907.50 Gallons
10:30 AM	11.5 GPM	- feet	1080.00 Gallons
10:45 AM	11 GPM	- feet	1245.00 Gallons
11:00 AM	11 GPM	- feet	1410.00 Gallons
11:15 AM	11 GPM	- feet	1575.00 Gallons
11:30 AM	11 GPM	- feet	1740.00 Gallons
11:45 AM	11 GPM	- feet	1905.00 Gallons
12:00 PM	11 GPM	- feet	2070.00 Gallons
12:15 PM	11 GPM	- feet	2235.00 Gallons
12:30 PM	11 GPM	- feet	2400.00 Gallons
12:45 PM	11 GPM	- feet	2565.00 Gallons
01:00 PM	11 GPM	- feet	2730.00 Gallons
01:15 PM	11 GPM	- feet	2895.00 Gallons

**Total Time** **Total Gallons**  
 4 Hours 2895.00 Gallons

GPM = Gallons per minute being pumped out of well.  
 Level = The distance from the top of the well to the water level in the well.  
 Meter = Total gallons of water pumped from well.



Scan2023-03-28\_154404 ✓ Done

CITY OF SHADY COVE  
PLANNING COMMISSION

NOTIFICATION OF ADJACENT PROPERTY USE PROPOSAL

DESCRIPTION OF PROPERTY: 34-1W-21D, Tax Lot 1338, located at 10 Steelhead Pl, Shady Cove, Oregon  
PROPOSAL: Conditional Use Permit Application No. CUP 23-01. The request is for a Conditional Use Permit to provide a Vacation Rental by Owner (VRBO). Zoning is Low Density Residential (R-1-40).  
DATE AND TIME OF MEETING: Thursday, April 13, 2023 at 6:00 p.m.  
LOCATION: City Hall Council Chamber, 22451 Highway 62 and via Zoom. RESPONSE DATE: April 5, 2023  
OWNER: Steelhead LLC APPLICANT: Chris Brown/Michael McCuen AGENT: Stay Rogue

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) 878-6204.

\*\* REVIEW AND COMMENT \*\*

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

REMARKS: See attached letter

SIGNATURE: Leeann Myers Nordstrom

PRINTED NAME(S): Leeann Myers Nordstrom

STREET AND MAILING ADDRESS: 350 Renee Dr, Shady Cove, OR 97539

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



April 4, 2023

City of Shady Cove Planning Department

P.O. Box 1210

Shady Cove, OR 97539

**RE: Conditional Use Permit Application No. CUP 23-01**

To Whom It May Concern:

I am writing in opposition to CUP 23-01 at 10 Steelhead Place. Steelhead Place is a small offshoot of Rene Drive, almost directly across from where I live.

Having lived in a county where short-term rentals became a major, divisive issue for permanent residents, I am well aware of what a nightmare a VRBO rental can become for neighbors and the neighborhood. Here are the issues that most concern me:

- **Reduced quality of life**—Noise disturbance due to large groups and parties is an often-reported effect of short-term rentals, and because VRBO is whole-house only, it by nature invites larger groups, gatherings, and celebrations that can get out of hand
- **Decreased neighborhood stability**—Short-term rentals potentially lead to fewer permanent residents who know and look out for each other, empty houses in the off season ripe for looting, and strangers coming in and out with no accountability
- **Altered neighborhood character**—By their nature, vacation rentals introduce an unknown transient component that can quickly upset neighborhood stability. With a VRBO in a neighborhood, it is likely you may have different neighbors every couple of days.
- **Decreased property values**— VRBOs can have a negative impact on property values. A VRBO adjacent to a residential home for sale can have a negative effect on prospective buyers looking to establish themselves in a residential neighborhood.
- **Nonexistent owner supervision**—VRBO rentals are whole-house only. The owner or property manager can say all they want about having checked the prospective renters; the fact remains that once they are there, they are on their own, and no one can enforce the regulations they supposedly agreed to.
- **Traffic and safety issues**—Permanent residents on Rene Drive live here partly because we love our wildlife. In addition, because Rene Drive is a dead-end street with beautiful scenery, it's a favored destination for walkers with and without dogs. People come here to walk from many surrounding neighborhoods, simply because there's no other road so peaceful, quiet, and protected.

As a result, we're careful to drive well below 25 mph so we don't hit the walkers and their dogs or resident deer, fawns, squirrels, and turkeys. Nonresidents, especially those who come from high-density cities, are likely to have no awareness of the need to drive below the speed limit, and thus endanger both themselves and our neighbors and wildlife.

2

One of the Planning Department's stated Criteria of Approval is that the proposed use "will not adversely affect the peace, comfort and livability of the neighborhood." The issues I've stated above clearly endanger that peace, comfort, and livability.

I urge you to reject Conditional Use Permit Application No CUP 23-01.

Sincerely,  
Leeann Myers Nordstrom  
350 Rene Drive  
[leeann.myers@mindspring.com](mailto:leeann.myers@mindspring.com)  
650-515-2543

# RICK MCCLAIN

369 Rene Dr. Shady Cove

4-4-2023



City of Shady Cove  
Planning Commission

RE: Notification of Adjacent Property Use Proposal

Applicants: Chris Brown/Michael McCuen

Address: 10 Steelhead Place

I am writing to Vehemently oppose having a short-term vacation rental (VRBO, Airbnb, Cozycozy, Home to Go, Etc.) at 10 Steelhead place. I, along with all of my neighbors who received the mentioned proposal are retired. We retired in Shady Cove and specifically Rene Dr. We retired here to what we thought for a safe and secure quality of life that Shady Cove seemed to embrace with their residents.

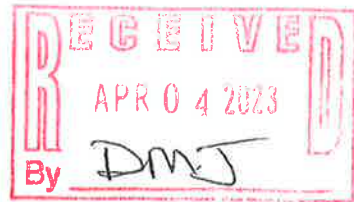
"I think Shady Cove can be so much better," Ball said. "I want to help the citizens. I don't feel like they're being listened to. "His priorities as mayor including examining the city's water system bringing in new businesses, and fostering "unity" among the people.

Steelhead Place is approximately 285' long and 11.8" wide and dead-ends into two residents and my gate leading to the river. My property runs the whole distance of Steelhead and is completely manicured with flowers and shrubbery. We already have issues with people pulling boats and trailers onto Steelhead not knowing it is a dead-end running into our bushes and fencing. Allowing a vacation rental at 10 Steelhead will bring in unwanted traffic, gawkers, and criminal activity knowing there is a short-term rental ready for the taking.

My neighbors will be weighing in on issues of unwanted traffic, noise issues, water shortages, unsavory renters. I am speaking to the issues of quality of life in the neighborhood. We have such a wonderful diverse group living up and down Rene. We waive to and say hello to those driving, walking for exercise, walking their pets, mowing, or just relaxing in their yards. We have a large picnic every year with those living on the street. This is why we live on Rene and in Shady Cove.

There is absolutely no upside to allowing the short-term rental for the residents or to Shady Cove. This will not help our tax base, our local hotels, and RV parks. Is this really want we want our town and neighborhoods to become. We have two **NEW** co-owners of this property that absolutely have total disregard for the quality of life of their immediate neighbors and the neighborhood in general.

Rick McClain



4/4/2023

To the Mayor and City Council:  
Concerns of a VRBO, Rental Permit

My wife and I have a home at 275 Rene Drive. We love this neighborhood which we have been in for 10 years. We have great friends and neighbors who live along this street. It is a quiet and friendly neighborhood. We are on a single dead end street that has lots of wild life, pets and sometimes kids on or crossing it, as well as lots of walkers.

Apparently, the city has notified a few of the closest owners that a vacation rental at Number 10 Steelhead Place may be in the works. Clearly, such a vacation rental will affect all of us in this neighborhood. However, the city has neglected to notify the majority of us. In our view, the last thing we need in our neighborhood is a vacation rental.

We do not need a parade of strangers driving fast in and out and maybe hitting young deer or pets that sometimes get out. We do not need strangers checking out our properties. We don't need loud music late at night from people who are only here a few days and then gone like the rental across the river. Because of the housing shortage in Jackson County, we do not believe this home should be turned into a vacation rental. Because some Rene properties also have water shortage issues, so we do not need people renting and maybe using excessive water.

As mayor and members of the City Counsel, would you like a vacation rental next to you or on your street? We definitely do not.

So, we ask that any vacation rental permits be denied in this neighborhood.

John McKinney

*John A. McKinney*  
Carleen Osher  
*Carleen Osher*

275 Rene Drive

541-778-1091

*Marlynn Hendrickson*

243 Rene Dr.

541-550-6863

*David B. Walker*

366 RENE DR.

520-437-7890

*Rob Nordstrom*  
707-834-9535

*Donna M. Smith*  
760.468.4401

*Jeri Morgan*  
332 Rene Dr.

*Bob Ellis*

339 Rene Dr

*David B. Espi*  
331 Rene

*Aue Simpson*

331 Rene Dr.

Shady Cove DR

541-326-6787

*Steve Colborn*

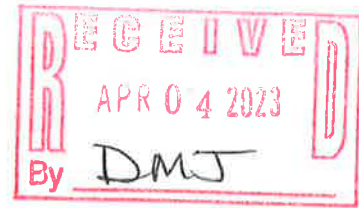
285 Rene Dr

Shady Cove OR 97539

541 821 6814

April 2, 2023

To the City of Shady Cove Planning Commission,



My name is Chuck Anselmi and I reside with my wife, Nalani at 361 Rene Drive. Our property is adjacent to the applicant's property located on 10 Steelhead Place. It must be understood, first and foremost, that there is no well located on the applicant's property. The owners Chris Brown and Mike McCuen, draw water from my well which is located on my property. The water is also shared with Shane and Janice Cunningham at 20 Steelhead Place. The well thus far has supported these three private residences without over taxing the water supply. However, if this permit were to be authorized and issued for a (VRBO) with an untold number of vacationers using high volumes of water, this could easily deplete and or destroy our water supply. (It's a well documented fact that wells in fairly close proximity to this area have been dug only to yield no water.)

I would also like to note that the notification letter states that this property is "Low Density" residential zoning. Therefore as a vacation rental, it violates the low density zoning. Furthermore, the Criteria of Approval states that "the land use will not adversely affect the peace, comfort and livability of the neighborhood". Please take note that losing our water supply will most definitely affect our livability. This kind of stress level should not be imposed on anyone.

Another issue of concern is the road access to the applicant's property. Steelhead Place is a narrow road only accommodating one car at a time. If more traffic ensues due to a busy vacation rental, this could pose a noisy traffic nuisance as Steelhead borders my property. Of course there is also the danger imposed if the Fire Department needs to access these homes that rely on a narrow road potentially compromised by excess traffic. Another concern is the heightened danger to our wildlife. We truly enjoy the beauty and serenity of this area and admittedly feel very protective of the wildlife. Non-residential motorists have often been seen speeding on these private roads, placing children and animals at greater risk. Authorizing a vacation rental will only exacerbate an already existing potential threat.

In conclusion, I strongly and respectfully ask that this proposal for a Vacation Rental Authorization be rejected based on the above reasons as well as any other objections submitted by my neighbors. Thank you.

Sincerely, Chuck and Nalani Anselmi

1



**ADDENDUM:**

We have included a copy of the CC&R document pertinent to the properties of concern in this letter.

Please note item #1. Land Use: No lot shall be used except  
for residential purposes.

A (VRBO) is a violation of this ordinance.

86-23183

Page One of Three

(17) *et. Asson (63573-JP)*  
 HIDDEN RIVER VALLEY SUBDIVISION  
 BLOCK TWO  
 IN THE CITY OF SHADY COVE,  
 COUNTY OF JACKSON, STATE OF OREGON  
 PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS

13.50  
2.00

The undersigned do hereby certify and declare that the following reservations, conditions, covenants and agreements shall become and are hereby made a part of all conveyances of property owned by the undersigned within the Plat of Hidden River Valley Subdivision, of which conveyances and agreements shall thereupon apply as fully and with the same effect as is set forth at large therein.

1. Land Use: No Lot shall be used except for residential purposes.
2. Dwelling Size and Building Type: The total floor area of the main structure, exclusive of open porches and garages, shall be not less than ~~4,500~~ 1,300 square feet. All buildings are to have wood shake or shingle, tile, the equivalent or better roofing. All electrical service to each building will be underground, and each building will have flush mounted meter bases.
3. Mobile Home Restriction: No mobile or modular homes shall at any time be allowed.
4. Temporary Structures: No structure of a temporary character, trailer, camper-truck, basement, tent, shack, garage, barn or other outbuilding shall be used on any Lot at any time as a residence. No existing house shall be moved upon any Lot.
5. Occupancy: No dwelling shall be occupied permanently or temporarily prior to 100% completion of the exterior of the structure.
6. Nuisances: No noxious or offensive activity shall be carried on upon any Lot, nor shall anything be done thereon which may be or may become a nuisance or an annoyance to the neighborhood. This shall include but not be limited to the following:
  - No junked or wrecked cars, racing cars or any jalopy-type cars shall be allowed.
  - Recreational use of dirt bikes, three-wheelers and the like shall be prohibited in the neighborhood.
  - Ham radios shall not be operated in the neighborhood due to interference with television reception.
  - Traffic flow shall be kept at a minimum to insure peace and tranquility of the area.
  - No Lot shall conduct more than ONE garage sale in any one year.

ADDENDUM: Article #2 of this page is corrected to read the minimum dwelling size is 1300 square feet not 1500 square feet. *[Signature]*

86-23183

7. Easements: Easements for installation and maintenance of utilities, sewer, water, drainage facilities, and irrigation transmission and distribution are hereby reserved as shown of record.

8. Livestock and Poultry: No animals, livestock or poultry of any kind shall be raised, bred, or kept on any Lot for either domestic or commercial use. This is not to include feeding of unrestrained wild animals and birds (i.e., deer, ducks, etc.) if owners desire, providing it does not become an annoyance to the neighborhood. Each Lot shall be limited to not more than two household pets (dogs or cats), which shall be kept under control by owner at all times. If said animal causes any damage to the property of others, then the animal owner shall be strictly responsible for the damages resulting therefrom.

9. Garbage and Refuse Disposal: No Lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste except in sanitary containers regularly serviced by a regular garbage collection agency. All garbage receptacles and cans and wood piles shall be kept clean and sanitary and shall be protected from ordinary view of the adjoining lots.

10. Condition of Property: All improved Lots shall be maintained in first class condition by the homeowners to establish and retain the highest integrity of the neighborhood.

11. Terms: These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of thirty (30) years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years, unless an instrument signed by a majority of the then owners of the Lots has been recorded, agreeing to change said covenants in whole or in part.

12. Enforcement: All said conditions, restrictions, covenants and agreements shall be binding upon and inure to the benefit of all present and future owners and purchasers of land in said addition and any and all persons having any right, title, estate, lien claim or interest therein, their heirs, legal representative, successors and assigns, and the failure on the part of any said parties at any time to enforce any of said conditions, restrictions, covenants or agreement shall in no event be deemed a waiver thereof, or any part thereof, or of any existing violation thereof; nor shall the invalidation of any said conditions, restrictions, covenants or agreements, but the same shall remain in force and effect. Should any suit or action be instituted by any of said parties to enforce any of said conditions, restrictions, covenants or agreements, or to restrain the violation of any thereof, after demand for compliance therewith or for the cessation of such violation, and failure to comply with such demand, then and in either of said events and whether such suit or action be reduced to decree or judgment or not, the party instituting such suit or action shall be entitled to recover

2-

from the defendant or defendants therein such sum as the court may adjudge reasonable as attorney's fees in such suit or action, in addition to statutory costs, and disbursements. Building setbacks shall conform to City of Shady Cove Zoning Ordinance.

13. **Means of Exception:** Any owner with the written approval of all subdivision owners at the time may obtain a variance from a specific protective covenant of this agreement. However, this shall neither be construed to modify or amend these restrictions in any other way except in that specific case, nor shall it be construed to provide authority in any future situation of a like or similar nature.

DATED: July 14, 1986

G.E. McKinney  
Larry Tanguay

This 10<sup>th</sup> day of July, 1986 personally appeared the above named G.E. McKinney

86-23183  
GENERAL ACKNOWLEDGMENT

NO. 201

State of California }  
County of Orange } ss.

On this the 14 day of July, 1986 before me,

**\*\*Christine E. Cunliffe\*\***

the undersigned Notary Public, personally appeared

**\*\*Larry Tanguay\*\***

personally known to me

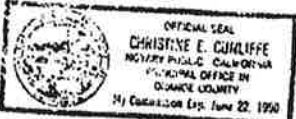
I proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is subscribed to the

within instrument, and acknowledged that he executed it.

WITNESS my hand and official seal.

Christine E. Cunliffe  
Notary's Signature



770 128

NATIONAL NOTARY ASSOCIATION • 2892 Venture Blvd. • P.O. Box 4028 • Brea, CA 92614

3-

86-23183

from the defendant or defendants therein such sum as the court may adjudge reasonable as attorney's fees in such suit or action, in addition to statutory costs, and disbursements. Building setbacks shall conform to City of Shady Cove Zoning Ordinance.

13. Means of Exception: Any owner with the written approval of all subdivision owners at the time may obtain a variance from a specific protective covenant of this agreement. However, this shall neither be construed to modify or amend these restrictions in any other way except in that specific case, nor shall it be construed to provide authority in any future situation of a like or similar nature.

DATED: July 14, 1986

*G.E. McKinney*  
*Larry Payne*

This 10<sup>th</sup> day of July, 1986 personally appeared the above named G.E. McKinney

and acknowledged the foregoing instrument to be their voluntary act and deed.

Jackson County, Oregon  
Recorded  
OFFICIAL RECORDS

7:50 NOV 17 1986 A.M.

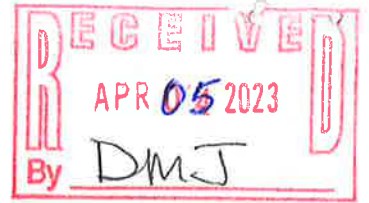
KATHLEEN S. BECKETT  
CLERK and RECORDER

*Kathleen S. Beckett*

*James Allen*  
Notary Public for Oregon  
My Commission Expires: 7/9/87



6



**\*\* REVIEW AND COMMENT \*\***

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

REMARKS: See Attachment

SIGNATURE: Jeannine Englehart

PRINTED NAME(S): Jeannine Englehart

STREET AND MAILING ADDRESS: 357 Renee Dr.

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."

April 4, 2023

Re: Conditional Use Permit / Application No Cup 23-1  
10 Steelhead Place, Shady Cove, Oregon

**Dissent to approve VRBO as listed above**

Shady Cove City Planning Commission,

My name is Jeannine Englehart and I reside at 357 Rene Dr., Shady Cove, which is located directly next door to the applicants property located at 10 Steelhead Place, Shady Cove.

1. Living in the flood plain on the river, my home is set back a bit farther than the applicants, and my front door opens directly to our shared property line (which is partially separated greenery and by our garages and again we are not fenced in.) In other words we are both very exposed to each others property.

As we have always shared the property line with residents in the past, this was not an issue, as both residents were owner occupied. There was a mutual respect for each others boundary lines and we kept it.

My concern is, how would I know if the people I see walking out my front door are vacation renters or someone/s with a criminal intent. Residents have to register as sex offenders, do vacation renters? So how do I know who is ok and who isn't. This is a very alarming to me.

2. Who is renting this week? How many people will be coming and going? Will they be throwing a party with music blowing and carrying down the river? Or will they be respectful and I won't even know they are there? What control is there on this issue, I know the owner isn't on site so who is controlling it? Although I have not had a need for urgent police presence, that may not be true in the future. I believe this will substantially increase the risk. Will they be running into my property?

3. Living on the Rogue River can be tricky, and experience says that it takes time to learn the dangers of it. Vacationers are more than likely to be completely unaware. I am very concerned for the safety of all involved as we have limited emergency presence in Shady Cove.

4. Rene Dr. Is narrow and very dark at night. As Shady Cove does not have places to walk, Rene Dr. has been known to be a quiet, and safe place to gather with neighbors and their animals to get in a little exercise. I also need to mention the wildlife, the deer roam freely along Rene. We are all very aware of this and drive the road with extra caution. City folks have no idea.

In addition, because the entry to the driveway to the 10 Steelhead property is not obvious, many people mistake my driveway for their driveway. I have to redirect them to the proper property entrance. This is disruptive and potentially dangerous for me.

5. I believe this would devalue my home. I know for one that I would not buy next door to a vacation rental.

In closing, I have found my street and community to be a very quiet, respectful and peaceful residential area. There is a great deal of fellowship and trust among neighbors on Rene Drive, and that is our security as we know each other. This my residential home, I do not want to see a vacation rental go up next door for all the reasons I listed above.

I ask that this application not be approved on the basis that *it will* steal my sense of peace, comfort and livability.

“For the record, I am incorporating into my comments elements of the CUP Org.,: Shady Cove, Municipal Code; Chapter (s) 154.395 to 154.404.”

Sincerely,

Jeannine Englehart  
Email: [jeadsl@embarqmail.com](mailto:jeadsl@embarqmail.com)  
Ph: 541-878-8401



Picture illustrates close proximity of rental property to my house from river looking up.



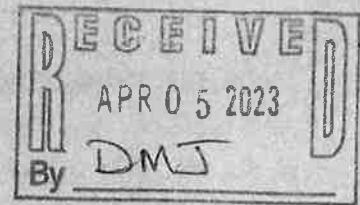
Picture illustrates close proximity of rental property to my house.



April 4, 2023

Re: 10 Steelhead Place

Shady Cove, Oregon 97539



**To: Shady Cove Planning Committee: Re: Conditional Use Permit**

Attn: All Commissioners,

As residents who live on Rene Drive in Shady Cove, we stand behind our community in opposition to the vacation rental proposal for the following reasons:

**1. Rene Drive:**

- a. A narrow winding road without adequate lighting at night.
- b. As the city does not have walk areas, local residents use Rene Dr. as a place to get out and exercise with each other, as well as their animals.
- c. Being keenly aware of the wildlife and deer population which reside along Rene Dr., residents know to be very cautious when driving up or down Rene.

**2. How often will this home be rented, to how many and what changes will it cause?**

- a. Inexperienced drivers on a rural road may not be aware of the risk potential accidents involving people and wildlife.
- b. Does this include their extra friends aka extra cars, traffic and noise?
- c. How are residents suppose to handle issues with renters, ie: Loud music on deck spilling over on to neighbors, abuse of property boundaries as we are not fenced in all around. Again, we are not talking about a small vacation home rental. This property can host a very large group of people.
- d. Where you once had neighbors you knew and trusted, you now have a revolving door of strangers, and you are in your home and not in a vacation rental. One will forever have to question, is this a potential criminal near my house, or is it a vacation renter? Do I call the sheriff or not? We know a burglar will not say he is one, so how do we know what to do?
- e. Will they keep their dog/s on a leash or will they allow them to run freely across our property lines, or possibly attack our animals?

Dogs attack deer, the deer live on the local land and rivers. Living here we know this and train our dogs accordingly, vacationers don't know this. Are they now going to scare the deer away? We love to watch our wildlife. This is our home, our neighborhood and not a vacation rental area!

f. It will become a revolving door of ever changing strangers coming and going. The neighborhood where, you once felt safe and secure will have been changed.

3. We are a very small community with plenty of people that cannot find affordable housing that have lived their whole lives here. Please don't allow Shady Cove to become a vacation rental haven. If you research the issue of vacation rentals in other communities, you will find that residents living next door complain of the changes that take place in their community. The complaints are:

a. Other communities have stated that commercial landlords are buying up and renting out units through agents such as "**Stay Rogue,**" as listed in the conditional use permit from Shady Cove. This has resulted in lack of emotional investment and involvement in the communities.

b. Faced with many negative side effects, neighborhoods around the country are becoming unrecognizable to residents who have lived in them their entire lives. When commercial landlords get involved, they are not part of the community, therefore, they are not vested. Note that much of 3b., was taken from complaints registered by neighbors who live next door to vacation rentals, and have started a watch dog group to warn the public about allowing them into your town.

4. One point that needs to be discussed is that Shady Cove is struggling for tourists for business, We have 2 hotels that would love to host these people. We do not see vacation rentals in Shady Cove to be in the best interest of Shady Cove. You cannot deny the fact that it does take away from the hotel industry in our town.

5. Shady Cove is of a diverse group of people. With housing becoming so far out of reach, for many families, do we really want this for Shady Cove?

6. "For the record, we are incorporating into our comments elements of the CUP Org.: Shady Cove, Municipal Code; Chapter (s) 154.395 to 154.404."

In Summary:

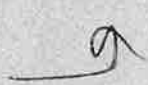

We residents who live next to or near 10 Steelhead Lane, in Shady Cove do believe that our peaceful residential neighborhoods, which are the fabric of our community, are what we love about living here. We strongly believe that the approval of this permit will interrupt the peace, comfort and livability of our neighborhood. We do not believe any of you sitting on the bench would wish a revolving door of strangers living next door to your home.

We are sorry if this has caused Mr. Bownor Mr. McCuen issues. However, if this was their intention from the beginning, they should have resolved this issue before purchasing the property in Shady Cove.

At this point we residents of Rene Drive in Shady Cove are asking that the conditional land use permit be denied on the basis of 154.401 2. "The proposed development or land use will not adversely affect the peace, comfort and livability of the neighborhood and adjacent uses.

We thank council for their time and sincerely hope you find favor in our request.

Sincerely,

- 1) Michelle Simon - 359 Rene Dr S/C
- 2) Chris Sison 
- 3) Gloria Ocegueda 328 Rene
- 4) Catherine Walkerton 320 Rene Dr.
- 5) Wesam Zuhad 351 Rene Dr.
- 6) Ron Rocky 324 Rene Drive
- 7) 
- 8) Amanda Welch 306 Rene Drive
- 9) Robert Sprague 160 Rene Dr.
- 10) Karisatless 120 Rene Drive.



April 5 2023  
Re: Conditional Use Permit / Application No Cup 23-1  
10 Steelhead Place, Shady Cove, Oregon

"For the record I am incorporating into our comments all elements of the Conditional Use Permit Order; Shady Cove, Municipal Code; Chapter(s) 154.395 to 154.404."

Rene Drive is a one way in and one way out street in which 10 Steelhead Place is almost at the end of the street. In recognition of its location all residents residing on Rene Drive should be notified of the proposed Conditional Use Permit referenced above to allow all residents the opportunity to comment and voice their concerns for the impacts of the proposed referenced above (VRBO).

- 1) Rene Drive is home to owner occupied residents who take pride and find comfort in knowing our neighbors. Most of the residents on Rene Drive are older and or retired and take great pride in knowing our neighbors and the friendships we have built. Introducing an VRBO to the neighborhood would not be consistent with the relationships that currently prevail exist on Rene Drive.
- 2) As seen too often on the news VRBO's are often the subject of loud parties, guests in large numbers, excessive traffic and guests that are "here to have a good time" who regularly show little respect to a neighborhood. I am concerned that the City of Shady Cove and or the County of Jackson don't have the necessary laws/ regulations in place to deal with the issues a VRBO place on a community.
- 3) The residents on Rene Drive take great pride on our quiet little street which pretty much takes care of itself, if there is trash on the street, we pick it up. If we walk our dogs we clean up after them. This will not be the case with VRBO tenants who have no vested interest in our neighborhood. A VRBO will have an impact our property values. If you have a VRBO next to a property for sale it is likely most of the showings for the home for sale will be on a weekend at the same time there are renters at the VRBO who have no concern for their conduct or actions which can negatively impact the showing.
- 4) VRBO's are notorious for loud parties, parking issues, trash, vandalism, theft and excessive alcohol/ drug use and traffic. These activities will have a detrimental impact on the health, safety and general welfare of the neighborhood.
- 5) Who will insure the tranquility of our neighborhood? There will be no on-site supervision of 10 Steelhead Place while visitors are on site as current owners do not live locally.
- 6) Who will mitigate the negative impacts of the VRBO? As already mentioned above the owners of the proposed VRBI do not live in the neighborhood. My research indicates that local municipalities often do not have the regulations/ laws in place to deal with the impacts VRBO's bring to a community.

- 7) Rene Drive is abundant with natural resources. Most residents enjoy our deer and turkey population, the clean street, the beauty of the Rogue River and the tranquility of the trees along with the peace and quiet we all enjoy. What recourse do the residents have to ensure and guarantee the tranquility of Rene Drive will be protected and preserved if the VRBO is approved?
- 8) The water supply for Rene Drive comes from wells and is a constant concern for all residents. The water supply is designed for low density R-1 use and is not consistent with VRBO's higher occupancy rates. This issue in itself is a major concern to all residents on Rene Drive as we have no other option for a municipal water service. Do you think VRBO tenants will give much concern for their water usage? I don't think so.
- 9) In closing, Rene Drive is in itself its own community within Shady Cove. Our one way in, one way out street affords us a level of security and comfort, we know many of our neighbors and what they drive. Rene Drive is a narrow somewhat winding street where you often encounter any number of wild animals including deer and turkeys. Rene Drive doesn't have street lights and is very dark at night and demands you drive slowly and carefully. Driving down Rene Drive you will often see people walking their dogs, jogging or just taking in the crisp morning air. Rene Drive is a place where friends stop and talk to one another and a good place to make friends. Rene Drive is a close nit community that prides itself on watching out for each other, driving slowly to ensure pedestrian safety for the neighbors that like to walk their pets and just enjoy the day. Our residents tend to be older in age and or retired and have selected Rene Drive to enjoy a peaceful lifestyle while enjoying friends. This is our refuge; this is our home.
- 10) Loud parties, parking issues, trash, vandalism, theft, alcohol/ drug use, speeding and a disrespect for our neighborhood will have an everlasting impact on Rene Drive. It would be a mistake to jeopardize our way of life by allowing the owners of a VRBO to rent to unknown tenants who will likely have no respect for our way of life or the neighborhood we cherish.

Sincerely,

Ron & Hollie Roche  
324 Rene Drive, Shady Cove

Upper Rogue Independent, Eagle Point, Ore. Wednesday, March 29, 2023

## PUBLIC NOTICE



Mayor  
Jon Ball

Councilors  
Kathy Hockley  
Pete Wesley  
Jim Hubberts  
Steve Mitchell

### NOTICE OF PUBLIC HEARING

The City of Shady Cove Planning Commission will hold a Public Hearing at 6:00 p.m. on Thursday, April 13, 2023, 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 10 Steelhead Place. Said parcel is legally described as 34-1W-21D, Tax Lot 1338, and is currently zoned as Low Density Residential.

Owner: Steelhead LLC    Applicant: Chris Brown/Michael McQueen    File Number: CUP 23-01

Individuals may submit written comments relating to this planning action before the meeting 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.

<https://us02web.zoom.us/j/89110227382?pwd=OUhKSUN4bWVzMlFNNkpwV202MTZkdz09>

Meeting ID: 891 1022 7382

Passcode: 620357

One tap mobile

+1361487799, 49710227382#... \*120357# US (Houston)

+16594449171, 89110227382#... \*620357# US

## written request for extension for 21425 Hwy 62

jeffjuliebarn@frontier.com

Wed 3/15/2023 8:54 PM

To: Debby Jermain <djermain@shadycove.org>

To City of Shady Cove:

We are writing this to request an extension on our conditional use permit for 21425 Highway 62 Shady Cove OR. We cannot complete the fence until mobile home is put in place. We have a building permit (We are asking for an extension also with the county) with the county to put the mobile home on the property. Four deaths occurred in our family over the last 5 months and weather have caused us to not finish on time.

Thank you for your time.

Jeff and Julia Barnes

Debby can you please forward to Rowan?





## Riparian Landscape Plan Checklist

### PLANNING DEPARTMENT

22451 Highway 62  
Shady Cove, OR 97539  
541.878.2225

Please use the following checklist to assist you in completing your Riparian Landscape Plan successfully.

- Complete the attached Application.
- Create a Landscape Plan Map on an 8-½" x 11" sheet of paper, using plantings from the attached list, titled "*List of Native Plants for City of Shady Cove Riparian Corridors.*"
- Call the Oregon Department of Fish and Wildlife (ODFW) and **set up an appointment** to have your project and landscape plan reviewed by ODFW. Please contact one of the fish biologists at 541-826-8774. This number is for the front office at ODFW where one of the assistants will put you in contact with the correct fish biologist.

Oregon Department of Fish & Wildlife (ODFW)  
1495 East Gregory Road  
Central Point, OR 97502

- Take to ODFW:
  1. The completed Application
  2. The Landscape Plan Map that you have created
- Receive an approval signature from the Oregon Department of Fish and Wildlife.
- Return the approved Landscape Plan Map and the signed Application to the City of Shady Cove Planning Department.
- Keep a copy for your own records.



# Riparian Landscape Plan Application

**PLANNING  
DEPARTMENT**

22451 Highway 62  
Shady Cove, OR 97539  
541.878.2225

## TO REPLACE OR MANAGE VEGETATION WITHIN A RIPARIAN SETBACK AREA

Ordinance 279 issued by the City Council of Shady Cove requires that all vegetation replacement or management within seventy-five (75) feet of the Rogue River or within fifty (50) feet of all other fish-bearing streams be approved by the Planning Department.

The Ordinance allows for the removal of non-native vegetation like blackberries and other invasive/noxious species. Non-native plants may be removed, but must be replaced with a native species. This is accomplished through a landscape plan, approved by the Oregon Department of Fish and Wildlife (ODFW).

Completion of this form is the first step on your attached checklist. Please complete the following to the best of your ability. For noxious weed control, in addition to filing this project description with development services, contact the OSU Extension office at 541-776-7371.

Name \_\_\_\_\_ Phone \_\_\_\_\_

Mailing Address \_\_\_\_\_

Project Location/Site Address \_\_\_\_\_

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ Tax Lot(s) \_\_\_\_\_

### PROJECT DESCRIPTION

1. What is your purpose for filing this Plan?

\_\_\_\_\_  
\_\_\_\_\_

River or Stream  
Name \_\_\_\_\_

2. Approximate length of river or stream affected: \_\_\_\_\_

3. a. If this is a fish-bearing stream, identify the approximate width of the stream at the point where the landscape plan is proposed: \_\_\_\_\_

b. State the required width of your riparian setback area: \_\_\_\_\_

Describe your basic plan regarding plant removal and replanting.

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4. Does your proposal include planting new trees and/or understory vegetation?  
 Yes \_\_\_\_\_ No \_\_\_\_\_

5. If you answered YES to question #4 please provide the following information:

- List the species of trees/plants you are proposing to use, AND the quantity.  
 The plant species type should be from the list attached to this form.  
 (For noxious weed control, contact the OSU Extension office at 541-776-7371)

	QUANTITY	SPECIES TYPE and SIZE (seedling, 1-gallon, 5-gallon, etc)
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		

The area being removed measures approximately \_\_\_\_\_ sq. ft.

The plant species to be removed is commonly called \_\_\_\_\_

6. Are you proposing a maintenance plan for the riparian area?  
Yes \_\_\_\_\_ No \_\_\_\_\_

7. If YES, please describe the maintenance plan.

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8. a. Proposed date of vegetation removal: \_\_\_\_\_  
b. Vegetation will be replaced by (date): \_\_\_\_\_

9. What is your justification for impacting the riparian setback area?

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11. Did you create a Landscape Plan Map for approval by ODFW on an 8 1/2" x 11" sheet of paper? Yes \_\_\_\_\_ No \_\_\_\_\_  
If you answer No, please create one before you set up an appointment with ODFW.

12. **To be filled in by ODFW.** The appropriate time of year to plant the vegetation at this location, to assist in its chances of successful establishment, is

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\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

Approved By:

\_\_\_\_\_  
Oregon Department of Fish & Wildlife

\_\_\_\_\_  
Date

\_\_\_\_\_  
Received by: Planning Department

\_\_\_\_\_  
Date

\_\_\_\_\_  
Approved by: Planning Department

\_\_\_\_\_  
Date

## CITY OF SHADY COVE, OREGON

### LIST OF NATIVE PLANTS FOR SHADY COVE RIPARIAN CORRIDORS

This list is a partial list of native species appropriate for use within the City of Shady Cove Riparian Corridors, and is not intended to be exclusive. Successful cultivation is site specific as a function of solar exposure or shade, ground water, soils, and other factors. Some plants will require irrigation on some sites. Some plants thrive in wet soils, and some require dry soils in the summer months. An understanding of each plant is required to use this list.

<b>Botanical Name</b>	<b>Common Name</b>	<b>Height &amp; Width</b>	<b>Environment &amp; Water Requirement</b>	<b>Solar</b>
<b><u>CANOPY TREE</u></b>				
Acer macrophyllum	Big-Leaf Maple	90' x 30'	RiparianMed/Wet	S/Pt Sh
Alnus rubra	Red Alder	50' x 30'	Riparian/ Med/Wet	S/Pt Sh
Arbutus menziesii	Madrone	70'	Dry (required)	Sun
Calocedrus decurrens	Cedar	90'	Wet/Dry	Sun
Fraxinus latifolia	Oregon Ash	40' X 60'	Wet/Dry	Sun
Pinus ponderosa	Ponderosa Pine	150' x 50'	Woodland/Dry	Sun
Quercus garryana.	Oregon White Oak	40'	Woodland/Dry	Sun
Quercus kelloggii	Calif. Black Oak	70'	Woodland/Dry	Sun
<b><u>UNDERSTORY TREE</u></b>				
Acer circinatum	Vine Maple	25'	Riparian/Med	Pt Sh
Crataegus douglasii,	Douglas Hawthorn	25'	Moist	Sun
Crataegus suksdorfii	Black Hawthorn	20'	Moist	Sun
Prunus emarginata.	Bitter Cherry	30'	Woodland/Med	S/Pt Sh
Prunus virginiana	Chokecherry	20'	Woodland/Dry/Wet	Sun
Pyrus fusca Western	Crabapple	25'	Wet	S/Pt Sh
Rhamnus purshiana	Cascara Sagrada	30'	Woodland	Sun/Sh
Salix boothii	Willow	20'	Moist	Sun
Salix lasiandra	Pacific Willow	30'	Moist	Sun
Sambucus mexicana	Blue Elderberry	20'	Dry	Sun

#### KEY

Pt Sh = Part Shade

S/Pt Sh = Sun and/or Part Shade

Botanical Name	Common Name	Height & Width	Environment & Water Requirement	Solar
<b><u>SHRUB</u></b>				
<i>Amelanchier alnifolia</i>	Western Serviceberry	20'	Dry	Sun
<i>Arctostaphylos manzanita</i>	Manzanita	10'	Exposed/Dry	Sun
<i>Ceanothus cuneatus</i>	Buckbrush	8'	Exposed/Dry	Sun
<i>Ceanothus integerrimus</i>	Deerbrush	10'	Exposed/Dry	Sun
<i>Cercocarpus betulifolia</i>	Mtn. Mahogany	8'	Exposed/Dry	Sun
<i>Cercocarpus montanus</i>	Alderleaf Mtn Mahogany	15'	Exposed/Dry	Sun
<i>Cornus nutallii</i>	Pacific Dogwood	15'	Woodland/Med	Pt Sh
<i>Cornus sericea (stolonifer)</i>	Redtwig Dogwood	12'	Riparian/Med	Sun
<i>Corvus cornuta californica</i>	Western Hazelnut	15'	Medium water	S/Pt Sh
<i>Garrya fremontii</i>	Fremont's Silktasse	14' x 8'	Exposed/Dry	S/Pt Sh
<i>Holodiscus discolor</i>	Ocean Spray	15' x 15'	Woodland/Dry	Pt Sh
<i>Lonicera involucrata</i>	Twinberry	10'	Woodland/Med	S/Pt Sh
<i>Mahonia aquifolium</i>	Oregon Grape	3' x 6'	Woodland/Dry	S/Pt Sh
<i>Mahonia nervosa</i>	Longleaf Or Grape	.5 x 2'	Woodland/Dry	Shade
<i>Mahonia ripens</i>	Creeping Or. Grape	3' x 6'	Woodland/Dry	S/Pt
<i>Oemleria cerasiformis</i> ,	Indian Plum	15'	Riparian/Wet	S/Pt Sh
<i>Physocarpus capitatus</i>	Pacific Ninebark	15'	Woodland/Med/Dry	S/Pt Sh
<i>Philadelphus lewisii</i>	Wild Mock Orange	15'	Woodland/Med	S/Pt Sh
<i>Physocarpus capitatus</i>	Pacific Ninebark	15'	Woodland/Dry	Sun
<i>Pyrus fusca</i> ,	Pacific Crabapple	25'	Wet	S/Pt Sh
<i>Rhododendron macrophyllum</i>	Pacific Rhododendron	15'	Regular	Pt Sh
<i>Ribes alpina</i>	Alpine Currant	3'	Dry	S/Pt Sh
<i>Ribes aureum</i>	Golden Currant	3'	Dry	S/Pt Sh
<i>Ribes sanguineum</i>	Red Currant	3'	Regular water	Pt Sh
<i>Rosa gymnocarpa</i>	Dwarf Rose		Dry	S/Pt Sh
<i>Rosa pisocarpa</i>	Clustered Rose	3'	Dry	S/Pt Sh
<i>Rosa nutkana</i>	Nootka Rose	6'	Regular/Dry	Sun
<i>Rosa woodsii</i>	Woods Rose	1.5'	Regular water	Sun
<i>Rubus paviflorus</i>	Thimbleberry	6'	Regular water	Pt Sh
<i>Sambucus mexicana (caerulea)</i>	Elderberry	10'	Dry	Sun
<i>Salix hookeriana</i>	Hooker Willow	15'	Moist	Sun
<i>Salix breweri</i>	Brewer Willow	8'	Moist	Sun
<i>Spirea douglasii</i>	Douglas Spirea	4'	Regular Water	Sun
<i>Syphoricarpus albus</i>	Snowberry	1.5'	Dry	S/Pt Sh
<i>Viburnum ellipticum</i>	Viburnum	15'	Regular Water	S/Pt Sh

**KEY**

Pt Sh = Part Shade

S/Pt Sh = Sun and/or Part Shade

## **General Mitigation Planting Recommendations**

from the Oregon Department of Fish and Wildlife

- Mitigation planting should consist of 50% native trees and 50% native shrubs.
- Replant 1 stem per 64 square feet of vegetation removal or encroachment into the regulated riparian setback.
- Commit to water as needed for 5 years to ensure establishment and survival, and replace any mitigation plants lost for any reason.
- Commit to manage invasive plant species for 5 years to ensure native species establishment.
- Avoid removal of vegetation between April and September.
- Replant between November and March.
- Recommendations may change based on site specifics.

### **KEY**

Pt Sh = Part Shade

S/Pt Sh = Sun and/or Part Shade



# Zoning Clearance Permit Application

**PLANNING  
DEPARTMENT**

22451 Highway 62  
Shady Cove, OR 97539  
541.878.2225

Permit Number \_\_\_\_\_

Property Address \_\_\_\_\_

Assessor's Map and Tax Lot Number \_\_\_\_\_

Applicant Name \_\_\_\_\_ Phone \_\_\_\_\_

Email \_\_\_\_\_

Mailing Address \_\_\_\_\_

Property Owner (if different) \_\_\_\_\_ Consent attached:  Yes  No

Owners Address \_\_\_\_\_ Phone \_\_\_\_\_

Lot area (sq. feet) \_\_\_\_\_ Zoning \_\_\_\_\_

Setbacks required: Front \_\_\_\_\_ Rear \_\_\_\_\_ Side \_\_\_\_\_ Street Side \_\_\_\_\_

Description of proposed work \_\_\_\_\_

Structures area (sq. feet): Existing \_\_\_\_\_

Proposed \_\_\_\_\_

Access:  City Street  Private Street  County Road  State Highway Flood hazard area:  Yes  No

Create your Site Plan Map on a sheet of paper at least 8.5" x 11", and include the following:

- Scale and north arrow
- Property lines
- Dimensions and total area of the parcel
- Location, dimensions, heights, and square footage of structures (existing and proposed)
- Setbacks (from structures to property lines, utilities, and streams)
- Location of streets and driveway access (existing and proposed)
- Location of utilities (existing and proposed)
- Location, dimensions, and uses for all easements on and/or serving the parcel (existing and proposed)
- Location and height of fences and walls (existing and proposed)
- Location of streams and waterways
- Slopes greater than 5%
- Landscaping (existing and proposed)
- Name and address of all owners
- Name and address of engineer, surveyor, designer, or other contractor, if applicable

Include for Commercial and Multi-Family development:

- Location and dimensions of off-street parking spaces and loading zones
- Locations and widths of vehicle circulation areas and points of entry and exit
- Pedestrian and bicycle circulation, including sidewalks, internal pathways, bike lanes, and trails



- Common areas, plazas, outdoor recreation spaces, and/or street furniture
- Natural resource areas, such as wetlands and protected wildlife habitats
- Location, type, and size of signs
- Location and height of outdoor lighting
- Location of mailboxes, trash storage areas, bus stops, or other facilities

Attach separately:

- Architectural drawings showing elevations, dimensions, height, building materials, type, and color, and the name of the designer/architect
- A preliminary grading plan, if applicable
- Other engineering or architectural data as may be required

Read and initial the following:

\_\_\_\_\_ 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. I understand that any property information that I or my contractors submit must be legal and accurate, and that nonlegal or inaccurate information may delay or cancel my project.

\_\_\_\_\_ I understand that I am responsible for the cost of any additional engineering or other contract work required by the City to complete review of this application.

\_\_\_\_\_ Issuance of a Zoning Clearance Permit does not guarantee issuance of a Building Permit. Building permits are issued by Jackson County Development Services. Supplemental permits are required by the City for signs, street access, for work in a floodplain or riparian area, and for work that encroaches on the public right-of-way. Other access or environmental permits may be required by county, state, or federal agencies.

\_\_\_\_\_ The City is authorized by the applicant to make all the required inspections; the City shall also have the authority to accept reports of inspections by approved agencies or individuals. Reports of such inspections shall be in writing. The City is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise.

\_\_\_\_\_ Sewer connections must be inspected and approved after the connection is complete and before the trench is backfilled. Inspections are performed by Rogue Valley Sewer, who can be reached at (541) 664-6300.

Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_

Staff Use Only

Total Fees Due _____	Received by _____	Date _____	Receipt No. _____
System Development Charges:	<input type="checkbox"/> Storm Drainage \$1,500	<input type="checkbox"/> Transportation \$7,500	<input type="checkbox"/> Parks \$1,500
Total SDC's Due _____	Received by _____	Date _____	Receipt No. _____