

**Agenda**  
Shady Cove Regular City Council Meeting  
Thursday, January 4, 2024  
6 PM

<https://us02web.zoom.us/j/83900664548?pwd=M3pxaHBNSjhzUUgxdGJldFQraFZ1QT09>

Meeting ID: 839 0066 4548  
Passcode: 445291

One tap mobile  
+16699006833,,83900664548#,,,,\*445291# US (San Jose)  
+17193594580,,83900664548#,,,,\*445291# US

**I. Call to Order**

- A. Roll Call
- B. Pledge of Allegiance
- C. Announcements by Presiding Officer

1. This meeting is being digitally recorded.
2. The next regularly scheduled meeting of the City Council will be held on January 18, 2024 at 6 PM, both in Council Chambers and via Zoom.
3. The next regularly scheduled meeting and Public Hearing of the Planning Commission is January 11 at 6 PM, both in Council Chambers and via Zoom.
4. The next regular meeting of the Recreation and Tourism Commission has not been set at this time.
5. The next meeting of the Emergency Management Commission is tentatively scheduled for January 8, 2024 at 6 PM.
6. These meeting dates and times are subject to change
7. Anyone wishing to address the City Council concerning items of interest may do so. The person addressing the Council must complete a Public Comment Card and submit it to the City Administrator prior to the meeting. All remarks will be addressed to the whole City Council and limited to 3 minutes per person. Public Comments may also be submitted by email to the City Administrator, at [TCorrigan@shadycove.org](mailto:TCorrigan@shadycove.org), no later than 4:00 PM the day of the meeting. The Council reserves the right to delay any action, if required, until such time as they are fully informed on a matter.

**II. Public Comment on Agenda Items**

**III. Consent Agenda (pgs.3-8)**

- A. Minutes of 12/07/23
- B. Bills Paid – 11/21/23 – 12/27/23 - \$26,853.52

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).

**IV. Items Removed from Consent Agenda**

**V. Staff Reports**

- A. Jackson County Deputy
- B. Fire Chief Travis Crume, FD4
- C. Commission/Committee Reports
- D. City Administrator

**VI. Old Business**

- A. City Logo Update
- B. 2<sup>nd</sup> Reading Ordinance# 306, Amending Sections of Ordinances 225 and 275, Relative to Short-Term Rentals (pgs.9-12)

**VII. New Business**

- A. 1<sup>st</sup> Reading, Ordinance #307, Amending Sections of Ordinances 225, 259, and 286 Relative to Fences (pgs.13-19)
- B. Workshop Schedule
- C. Recognition Awards

**VIII. Written Communication**

**IX. Public Comment on Non-Agenda Items**

**X. Council Comments on Non-Agenda Items**

- A. Mayor Ball
- B. Councilor Nuckles
- C. Councilor Winfrey
- D. Councilor Hubbard
- E. Councilor Mitchell

**Adjournment**

City of Shady Cove  
**City Council Regular Meeting**  
Thursday, December 7, 2023, 6:00 PM  
Meeting was held at City Hall and on Zoom

**I. CALL TO ORDER**

Mayor Ball called the Regular City Council Meeting to order at 6:00 PM.

The Pledge of Allegiance was recited.

**I.C. ANNOUNCEMENTS**

Roll Call

Council Present: Mayor Ball, Councilor Nuckles, Councilor Hubbard, Councilor Mitchell

Staff Present: Thomas J. Corrigan, City Administrator

Mayor Ball made the announcements on the agenda.

**II. PUBLIC COMMENT ON AGENDA ITEMS**

**III. CONSENT AGENDA**

- A. Minutes of 11/30/23-Pending
- B. Bills Paid – None due to schedule of holiday meetings

**IV. ITEMS REMOVED FROM CONSENT AGENDA**

None

**V. STAFF REPORTS**

- A. Jackson County Deputy- Deputy Amaya- For the month of November they had 216 incidents with 39 traffics stops. Domestic violence was up as well as motor vehicle collisions. They worked a major case with Humboldt County where they had a missing persons case they were working involving an individual that was in the Shady Cove area and after two weeks he was arrested without incident.
- B. Planning Commission – No Meeting
- C. Fire Chief Travis Crume, FD4 – No report
- D. Emergency Management Commission – Jay Taylor – Gave update on siren towers.
- E. Councilor Nuckles gave a report for Recreation and Tourism. Tree lighting is tomorrow. Lots of tasks.

- F. City Administrator-Tom Corrigan – Extra meetings next week. Jackson County Mental Health payment is for temporary restaurant permit for tree lighting. ODOT received \$19 million to keep roads clear of snow. DEQ meeting regarding recycling went well. SPIRE grant due January 2. Hazard Mitigation grant proceeding. Small City Allotment grant construction on Cleveland Street most probably after school closes for the year. Working with property owners on fuel reduction grant along highway 6. Deferred Improvement Agreements from 20 years ago still in effect. State Fire Marshal's Office will be in attendance at tree lighting.

#### **VI. OLD BUSINESS**

- A. Mayor's Monarch Society – Mayor Ball taking the reins for this pollinator group. Shady Cove will be the first City with Monarch Society designation in Southern Oregon. After the January 1, the City will need to do a proclamation. Student will be involved in education of citizens and plantings to include Firewise and pollinator plants.
- B. City Logo – Councilor Nuckles will be working with a Southern Oregon University professor of graphic arts to develop logo with his classes. Twenty options will be presented to Council at SOU.

#### **VII. NEW BUSINESS**

- A. Hiland/NW Natural ROW/Franchise Agreement – City Attorney advised we need NW Natural to request the ROW assignment

**Motion to direct Staff to work with City Attorney to request NW Natural provide the assignment of ROW Agreement of Hiland Water/Shady Cove Waterworks.**

Motion: Councilor Mitchell  
Motion Carried: 4-0

Second: Councilor Hubbard

#### **VIII. WRITTEN COMMUNICATION**

Communication from citizen's reply from Steve Lambert from County Roads and Parks regarding input for County park boat ramp.

#### **IX. PUBLIC COMMENT ON NON-AGENDA ITEMS**

#### **X. COUNCIL COMMENTS ON NON-AGENDA ITEMS**

- A. Councilor Hubbard - Thanked everyone for coming and also on Zoom. Emergency Management Commission diligently working on siren.
- B. Councilor Nuckles- RVCOG meeting update on WildFire cameras. See you tomorrow at tree lighting at 5:50. Have a wonderful Christmas and New Year.
- C. Councilor Mitchell – Thanked Christy from Upper Rogue Independent for doing a great job.
- D. Mayor Ball – Vestal Butte has been on list for camera for some time, however, does not have electricity. Newsletter contributions due soon. Great meeting at Oregon Mayor’s Association. Qualified labor and housing are major obstacles in economic stability. Saturday is Christmas celebration at school. Meetings regarding City Administrator replacement position will be next week.

**ADJOURNMENT**

There being no further business before the Council, Mayor Ball adjourned the meeting at 6:56 PM.

Approved:

Attest:

\_\_\_\_\_  
Mayor Ball

\_\_\_\_\_  
Thomas J. Corrigan  
City Administrator

**Council Vote:**

Mayor Ball \_\_\_\_\_  
Councilor Nuckles \_\_\_\_\_  
Councilor Winfrey \_\_\_\_\_  
Councilor Mitchell \_\_\_\_\_  
Councilor Hubbard \_\_\_\_\_

Report Criteria:  
Detail report type printed

Vendor Number	Name	Invoice Number	Description	Seq	Invoice Date	Invoice Amount	Discount Amount	Check Amount	Check Number	Check Issue Date
13	Avista Corporation	4941620000	Natural Gas 11/2023	1	11/21/2023	123.27	.00	123.27	51039	12/06/2023
Total 13:						123.27	.00	123.27		
21	Bow Wow Waste Products	582023	3 - 1000 Single Pull Bags	1	11/27/2023	163.47	.00	163.47	51040	12/06/2023
Total 21:						163.47	.00	163.47		
24	Canon Financial Services, I	31541053	Contract charge 11/01/202	1	11/11/2023	203.82	.00	203.82	51042	12/06/2023
Total 24:						203.82	.00	203.82		
25	Canon Solutions America, I	6006254966	Copier	1	11/25/2023	38.02	.00	38.02	51058	12/13/2023
Total 25:						38.02	.00	38.02		
37	Costco	00011188465	Membership Renewal	1	11/30/2023	60.00	.00	60.00	51044	12/06/2023
Total 37:						60.00	.00	60.00		
39	Crystal Fresh	702328	invoices 694925,696669,6	1	10/27/2023	696.00	.00	696.00	51060	12/13/2023
Total 39:						696.00	.00	696.00		
43	Christian, David	11112023	Veterans Day Flag Raising	1	11/11/2023	50.00	.00	50.00	51043	12/06/2023
		11132023	Radio 11/13/2023-11/17/20	1	11/17/2023	90.00	.00	90.00	51043	12/06/2023
		11202023	Radio 11/20/2023-11/24/20	1	11/23/2023	90.00	.00	90.00	51043	12/06/2023
		11302023	Radio 11/27/2023-12/01/20	1	10/30/2023	90.00	.00	90.00	51043	12/06/2023
		12523	Performance Agreement H	1	12/05/2023	50.00	.00	50.00	51043	12/06/2023
Total 43:						370.00	.00	370.00		
61	Hornecker Cowling, LLP	133492, 133	General Advice File No: 32	1	12/11/2023	2,938.61	.00	2,938.61	51062	12/13/2023
Total 61:						2,938.61	.00	2,938.61		
83	KAS & Associates, Inc.	22039	Preliminary engineering SC	1	11/25/2023	140.00	.00	140.00	51050	12/06/2023
		22040	misc. engineer & admin sto	1	11/25/2023	160.00	.00	160.00	51050	12/06/2023
Total 83:						300.00	.00	300.00		
104	OMA	012023	2024 OMA Membership Du	1	12/11/2023	150.00	.00	150.00	51070	12/13/2023
Total 104:						150.00	.00	150.00		
114	Pacific Power	3284764100	Aunt Carolines Park	1	11/27/2023	89.17	.00	89.17	51064	12/13/2023
		3284764100	Nork Lane	2	11/27/2023	175.62	.00	175.62	51064	12/13/2023
		3284764100	Reader Board	3	11/27/2023	18.99	.00	18.99	51064	12/13/2023
		3284764100	City Hall	4	11/27/2023	246.34	.00	246.34	51064	12/13/2023
		3284764100	Street lights	5	11/27/2023	683.01	.00	683.01	51064	12/13/2023
Total 114:						1,213.13	.00	1,213.13		
119	Perfection Cleaning	292138	City Hall office cleaning 11/	1	11/27/2023	360.00	.00	360.00	51053	12/06/2023

Vendor Number	Name	Invoice Number	Description	Seq	Invoice Date	Invoice Amount	Discount Amount	Check Amount	Check Number	Check Issue Date
Total 119:						360.00	.00	360.00		
122	Pitney Bowes Purchase Po	8000909000	meter refill SN-6155988	1	11/15/2023	120.06	.00	120.06	51054	12/06/2023
Total 122:						120.06	.00	120.06		
139	Shady Cove Hardware, LL	424415 4256	fasteners, tools	1	11/30/2023	4.07	.00	4.07	51066	12/13/2023
		424415 4256	Gorilla tape, cable ties	2	11/30/2023	28.40	.00	28.40	51066	12/13/2023
Total 139:						32.47	.00	32.47		
151	Southern Oregon Sanitatio	11242023880	1008 Celtic Circle	1	11/24/2023	45.93	.00	45.93	51056	12/06/2023
		11242023880	2501 Indian Cr Rd	2	11/24/2023	66.80	.00	66.80	51056	12/06/2023
		11242023880	22451 Hwy 62	3	11/24/2023	45.93	.00	45.93	51056	12/06/2023
Total 151:						158.66	.00	158.66		
160	Teamster Local 223	12072023	Monthly dues	1	12/06/2023	248.00	.00	248.00	51067	12/13/2023
Total 160:						248.00	.00	248.00		
176	Winters Electric, LLC	20493	11/2 verify outlets connecte	1	12/06/2023	586.10	.00	586.10	51069	12/13/2023
Total 176:						586.10	.00	586.10		
221	Hunter Communications	474911	Phone/Internet 11/2023	1	11/08/2023	703.30	.00	703.30	51048	12/06/2023
Total 221:						703.30	.00	703.30		
255	TouchPoint Networks, LLC	INV-7510	WatchGuard T40 Firebox	1	12/01/2023	116.06	.00	116.06	51057	12/06/2023
Total 255:						116.06	.00	116.06		
258	WECO - Carson	CP-0025246	Gas/Diesel 11/2023	1	11/30/2023	211.80	.00	211.80	51068	12/13/2023
Total 258:						211.80	.00	211.80		
286	City of Shady Cove - Utilitie	11302023	22451 Hwy 62	1	11/30/2023	47.25	.00	47.25	51059	12/13/2023
		11302023	2501 Indian Creek Rd	2	11/30/2023	46.25	.00	46.25	51059	12/13/2023
		11302023	1008 Celtic Cir	3	11/30/2023	47.25	.00	47.25	51059	12/13/2023
Total 286:						140.75	.00	140.75		
430018	SAIF Corporation	1001306119	Installment payment worke	1	12/01/2023	431.61	.00	431.61	51065	12/13/2023
Total 430018:						431.61	.00	431.61		
430023	Grabowski Paving LLC	9253	Asphalt patching on bond:s	1	11/27/2023	1,436.00	.00	1,436.00	51046	12/06/2023
Total 430023:						1,436.00	.00	1,436.00		
430032	JP Morgan Chase	3376 12-6-23	bmatrix	1	11/28/2023	59.99	.00	59.99	51049	12/06/2023
		3376 12-6-23	Amazon prime monthly me	2	11/28/2023	14.99	.00	14.99	51049	12/06/2023
		3376 12-6-23	Hughesnet	3	11/28/2023	49.99	.00	49.99	51049	12/06/2023
		3376 12-6-23	Costco, City Hall candy	4	11/28/2023	19.99	.00	19.99	51049	12/06/2023
		3376 12-6-23	Adobe	5	11/28/2023	19.99	.00	19.99	51049	12/06/2023

Vendor Number	Name	Invoice Number	Description	Seq	Invoice Date	Invoice Amount	Discount Amount	Check Amount	Check Number	Check Issue Date	
		3376 12-6-23	Apple.com	6	11/28/2023	18.96	.00	18.96	51049	12/06/2023	
		3376 12-6-23	Jackson County Mental He	7	11/28/2023	42.00	.00	42.00	51048	12/06/2023	
		3376 12-6-23	blink camera monthly bill	8	11/28/2023	10.00	.00	10.00	51049	12/06/2023	
		3376 12-6-23	Zoom account for Planning	9	11/28/2023	149.90	.00	149.90	51049	12/06/2023	
		3376 12-6-23	Staples, office supplies	10	11/28/2023	64.11	.00	64.11	51049	12/06/2023	
		3376 12-6-23	Rackspace email and apps	11	11/28/2023	292.92	.00	292.92	51049	12/06/2023	
		3376 12-6-23	bmatrix	12	11/28/2023	59.99	.00	59.99	51049	12/06/2023	
		3376 12-6-23	Costco	13	11/28/2023	27.98	.00	27.98	51049	12/06/2023	
		3376 12-6-23	purchase interest charges	14	11/28/2023	14.60	.00	14.60	51049	12/06/2023	
		3376 12-6-23	Motion and Flow contol pro	15	11/28/2023	119.86	.00	119.86	51049	12/06/2023	
		3376 12-6-23	batteries plus, backup batt	16	11/28/2023	111.60	.00	111.60	51049	12/06/2023	
		Total 430032:						1,076.87	.00	1,076.87	
430055	OGEC	AIE18712	Oregon Government Ethic	1	11/20/2023	945.68	.00	945.68	51051	12/06/2023	
		Total 430055:						945.68	.00	945.68	
430074	Isler CPA	236529	Progress billing for financia	1	11/30/2023	5,000.00	.00	5,000.00	51063	12/13/2023	
		Total 430074:						5,000.00	.00	5,000.00	
430099	Brewer, Jeremy	12082023	Performance Agreement H	1	12/08/2023	125.00	.00	125.00	51041	12/06/2023	
		Total 430099:						125.00	.00	125.00	
430101	Edwards, Carol	11162023	Veterans Day Flag raising	1	11/16/2023	86.96	.00	86.96	51045	12/06/2023	
		Total 430101:						86.96	.00	86.96	
430104	GMP Consulting LLC	12132023	Consultants for hiring new	1	12/13/2023	6,416.67	.00	6,416.67	51061	12/13/2023	
		Total 430104:						6,416.67	.00	6,416.67	
430106	Paisley, Sarah	11302023	Sewer refund 82 Maple	1	11/30/2023	846.25	.00	846.25	51052	12/06/2023	
		Total 430106:						846.25	.00	846.25	
430107	Holsclaw, Donna	11302023	Sewer refund	1	11/30/2023	1,402.96	.00	1,402.96	51047	12/06/2023	
		Total 430107:						1,402.96	.00	1,402.96	
430108	Sherlock, James	11302023	Sewer refund	1	11/30/2023	152.00	.00	152.00	51055	12/06/2023	
		Total 430108:						152.00	.00	152.00	
		Grand Totals:						26,853.52	.00	26,853.52	

Report Criteria:  
 Detail report type printed



**City of Shady Cove**

**Ordinance No. 306**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHADY COVE AMENDING THE SHADY COVE CODE OF ORDINANCES, INCLUDING ORDINANCES 225 AND 275, TO AMEND VACATION RENTAL DWELLINGS, (SHORT-TERM RENTALS), AS A CONDITIONAL USE IN RESIDENTIAL AND GENERAL COMMERCIAL DISTRICTS.**

**Whereas**, The City Council of the City of Shady Cove desires to update the conditions set forth for Short-Term Rentals; and

**Whereas**, The City Council of the City of Shady Cove desires to remove obsolete, redundant, and generally update the Planning Code;

**THE COUNCIL OF THE CITY OF SHADY COVE ORDAINS THE FOLLOWING AMENDMENTS:**

The title of "Vacation Rental Dwellings" is changed to "Short Term Rentals (STR)"

Section 154: Zoning table of contents is amended to reflect Short Term Rentals (STR) instead of Vacation Rental Dwellings. This change is defined in Exhibit B.

Sections 154.475 thru 154.479 are amended to include additional stipulations, delete obsolete stipulations and clarify existing stipulations for short term rentals (STR). These changes are defined in Exhibit A.

The conditional uses section contained in Section 154.037 (Low Density Residential District, R-1) of the Shady Cove Code of Ordinances is amended to reflect short term rentals (STR) instead of vacation rental dwellings, and to restrict such rentals to Residential District R-1-6. This change is defined in Exhibit B.

The conditional uses section contained in Section 154.052 (Medium Density Residential District, R-2) and Section 154.067 (High Density Residential District, R-3) of the Shady Cove Code of Ordinances is amended to reflect short term rentals (STR) instead of vacation rental dwellings. This change is defined in Exhibit B

The conditional uses section contained in Section 154.082 (General Commercial District, G-C) of the Shady Cove Code of Ordinances is amended to add short term rentals (STR) to the list of conditional uses. This change is defined in Exhibit B.

**Exhibit A**

Amendments to Vacation Rental Dwellings Ordinance (ref. Sections 154.475 thru 154.479 in Shady Cove Code of Ordinances):

- Exhibit B changes from the original Vacation Rental Dwellings Ordinance were incorporated.
- The Ordinance name is changed from "Vacation Rental Dwellings" to "Short Term Rentals (STR)"
- Allowable zoning districts were added to the beginning
- Grandfather clause was removed
- More specificity in maximum occupancy in Standards-1
- Changed maximum vehicles to 2 in Standards-2
- Added original Ordinance Exhibit B clauses in Standards-10,11,12
- Removed exemptions for VRBO registry in Standards-12
- Added new provisions per Council discussion in Standards-12, 13, 14
- Removed attached garage provision in Safety Requirements-1
- Add additional stipulations for shared driveways/roadways and shared water source in General-4, 5
- Cleanup/clarification of language in Enforcement-1, 3, 4

**Exhibit B**

Amendment to Zoning chapter table of contents (ref. Chapter 154 in Shady Cove Code of Ordinances):

Change	Vacation Rental Dwellings
To	Short Term Rentals (STR)

Amendment to Low Density Residential District, R-1 – Conditional Uses (ref. Section 154.037 in Shady Cove Code of Ordinances):

Change	(J) Vacation rental dwellings; and
To	(J) Short term rentals (STR) (R-1-6 only); and

Amendment to Medium Density Residential District, R-2 – Conditional Uses (ref. Section 154.052 in Shady Cove Code of Ordinances):

Change	(L) Vacation rental dwellings; and
To	(L) Short term rentals (STR); and

Amendment to High Density Residential District, R-3 – Conditional Uses (ref. Section 154.067 in Shady Cove Code of Ordinances):

Change	(L) Vacation rental dwellings; and
To	(L) Short term rentals (STR); and

Amendment to General Commercial District, G-C – Conditional Uses (ref. Section 154.082 in Shady Cove Code of Ordinances):

Change	(J) Scientific or technical research facilities and laboratories; and (K) Zoos.
To	(J) Scientific or technical research facilities and laboratories; (K) Zoos; and (L) Short term rentals (STR).

### **Appeal**

A. The owner, or person in charge protesting any citation of any sections of this Ordinance, shall file with the City, a written statement which will specify the basis for the protest. The statement will be referred to the City Council or Municipal Court Judge, as appropriate, as part of the next scheduled meeting or court date. At the time set for consideration of the abatement, the owner or other person may appear and be heard and the Council or Municipal Court Judge, as appropriate will thereupon determine whether or not a nuisance or offense, in fact, exists. If it is determined that it does exist, the owner, or other person shall, within 10 days of that determination complete the abatement.

B. If the owner, or person in charge of the property, objects to the assessment for abatement, a written objection may be heard by the City Council in the manner described in "A" above.

### **Penalties and Damages**

A. In addition to the cost and assessments provided in this Ordinance, a violation may be prosecuted in the Municipal Court of the City of Shady Cove, and be punished by a fine or not more than \$500.

B. Each day's violation constitutes a separate violation. The abatement shall not constitute a penalty for violating the Ordinance.

C. The remedies specified herein will not be deemed exclusive and the City may, at its option, seek to enforce the provisions of this Ordinance by exercising its legal or equitable remedies in any court of competent jurisdiction.

D. When an offense has been committed that results in ascertainable damages to any person, based upon conviction thereof, in addition to any other sentence, the Court may order that the defendant make restitution to the victim.

### **Infraction**

A. Neither party shall have the right to a jury trial at the trial of any infraction.

### **Severability**

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

**Savings Clause**

A. The amendment of any Ordinance noted in these sections will not preclude any action against any person violating this Ordinance prior to the effective date of this Ordinance.

**Adopted** by the City Council of the City of Shady Cove this 4th day of January, 2024.

**Approved:**

**Attest:**

\_\_\_\_\_  
Jon Ball  
Mayor

\_\_\_\_\_  
Thomas J. Corrigan  
City Administrator

**Council Vote:**

Mayor Ball \_\_\_\_\_  
Councilor Nuckles \_\_\_\_\_  
Councilor Winfrey \_\_\_\_\_  
Councilor Hubbard \_\_\_\_\_  
Councilor Mitchell \_\_\_\_\_

**City of Shady Cove**

**Ordinance No. 307**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHADY COVE AMENDING THE SHADY COVE CODE OF ORDINANCES, INCLUDING ORDINANCES 225, 259, and 286, FENCING REGULATIONS IN RESIDENTIAL AND GENERAL COMMERCIAL DISTRICTS.**

**Whereas**, The City Council of the City of Shady Cove desires to update the conditions set forth for fencing; and

**Whereas**, The City Council of the City of Shady Cove desires to remove obsolete, redundant, and generally update the Planning Code;

**THE COUNCIL OF THE CITY OF SHADY COVE ORDAINS THE FOLLOWING AMENDMENTS:**

Exhibit A details the changes to Ordinances 259, 286 and 225 to incorporate standardized fencing heights plus barbed wire and electric fencing regulations within the City of Shady Cove Flood Hazard Reduction and Zoning municipal code.

**EXHIBIT A**

**The following modifications are to be made to Ordinances 259 and 286:**

- I. PROVISIONS FOR FLOOD HAZARD REDUCTION; FENCES AND WALLS; . . .  
evaluation criteria list: [Ref. 151.054,  
Add as (A)-(4)]

**ADD:**

- (4) Electronically-charged fences are prohibited.

**The following modifications are to be made to Ordinance 225:**

- II. Ord 225, Exhibit A, Section 7.4-D (LOW DENSITY RESIDENTIAL DISTRICT, R-1;  
PROPERTY DEVELOPMENT REQUIREMENTS; *Fences, Walls, and Hedges*):

[Ref. 154.038, (D)]

**CHANGE:**

- D. Fences, Walls, and Hedges: Any fence, wall, hedge, or other screen planting shall not exceed a height of neither three feet above grade within any front yard setback area, nor six feet above grade within any side or rear yard areas. Open mesh deer fencing may exceed the height restrictions noted above.

**TO:**

D. Fences, Walls, and Hedges:

1. Fences and walls are a type of development and require a permit.
2. Any fence, wall, hedge, or other screen planting shall not exceed a height of neither three feet above grade within any front yard setback area, nor six feet above grade within any other yard area. Open mesh deer fencing may not exceed 8 feet above grade.
3. *Barbed wire*. It is unlawful for any person to erect or maintain within the city any fence constructed in whole or in part of barbed wire, razor wire, concertina wire or other similar wire (hereafter referred to as barbed wire) except as indicated below.
  - a. Barbed wire is not allowed, except for security fence around construction building materials, and then only by approval of a conditional use permit by the Planning Commission.
4. *Electric fences*. Electronically-charged fences are prohibited.

III. Ord 225, Exhibit A, Section 8.4-C (MEDIUM DENSITY RESIDENTIAL DISTRICT, R-2; PROPERTY DEVELOPMENT REQUIREMENTS; *Fences, Walls, Hedges*):

**NO CHANGES:** This section references Zone R-1.

IV. Ord 225, Exhibit A, the second Section 9.3 (HIGH DENSITY RESIDENTIAL DISTRICT, R-3; PROPERTY DEVELOPMENT REQUIREMENTS):

[Ref. 154.068, Add as (E)]

**ADD:**

D. Fences, Walls, and Hedges:

1. Fences and walls are a type of development and require a permit.
2. Any fence, wall, hedge, or other screen planting shall not exceed a height of neither three feet above grade within any front yard setback area, nor six feet above grade within any other yard area. The Planning Commission may approve a variance to the height requirement for reasons of security or visual screening, to a maximum height of ten feet.
3. *Barbed wire*. It is unlawful for any person to erect or maintain within the city any fence constructed in whole or in part of barbed

wire, razor wire, concertina wire or other similar wire (hereafter referred to as barbed wire) except as indicated below.

- b. Barbed wire is not allowed, except for security fence around construction building materials, and then only by approval of a conditional use permit by the Planning Commission.

4. *Electric fences.* Electronically-charged fences are prohibited.

- V. Ord 225, Exhibit A, Section 12.6 (GENERAL COMMERCIAL DISTRICT, G-C; Fences, Walls, Hedges): [Ref. 154.085, Change (A), Add (D), (E)) & (F)]

**CHANGE:**

- A. All fences, walls, or hedges placed within ten feet of any property *line* shall be limited in height to six feet, with the exception of trees. The Planning Commission may approve a variance to the height requirement for reasons of security or visual screening, to a maximum height of ten feet.

**TO:**

- A. All fences, waifs, or hedges shall be limited in height to six feet, with the exception of trees. The Planning Commission may approve a variance to the height requirement for reasons of security or visual screening, to a maximum height of ten feet.

**ADD:**

- D. Fences and walls are a type of development and require a permit.
- E. *Barbed wire.* It is unlawful for any person to erect or maintain within the city any fence constructed in whole or in part of barbed wire, razor wire, concertina wire or other similar wire (hereafter referred to as barbed wire) except as indicated below.
  1. Barbed wire is not allowed, except for security purposes, and then only by approval of a conditional use permit by the Planning Commission. Conditional use permits will not be issued for barbed wire in areas accessible to the public during normal business hours.

F. *Electric fences.* Electronically-charged fences are prohibited.

- VI. Ord 225, Exhibit A, Section 13.6 (PUBLIC USES DISTRICT, P; Fences, Walls, Hedges, Buffering): [Ref. 154.105, Change (A), Add (E), (F) & (G)]

**CHANGE:**

1. All fences, walls, or hedges placed within ten feet of any property *line* shall be limited in height to six feet, with the exception of trees. The Planning Commission may approve a variance to the height requirement for reasons of security or visual screening.

**TO:**

1. All fences, waifs, or hedges shall be limited in height to six feet, with the exception of trees. The Planning Commission may approve a variance to the height requirement for reasons of security or visual screening, to a maximum height of ten feet.

**ADD:**

5. Fences and walls are a type of development and require a permit.
  6. *Barbed wire*. It is unlawful for any person to erect or maintain within the city any fence constructed in whole or in part of barbed wire, razor wire, concertina wire or other similar wire (hereafter referred to as barbed wire) except as indicated below.
    - o Barbed wire is allowed for the following facilities for perimeter fencing, materials, and facility security or protection. (Perimeter fencing is allowed with barbed wire only if the barbed wire is a minimum of six feet above the ground. If barb arms are used on the fence top, the fence must be completely on property, including the area below the barbed arms if they extend outside the fence line).
      - i. Federal, state or local government facilities; and
      - ii. School facilities
  7. *Electric fences*. Electronically-charged fences are prohibited.
- VII. Ord 225, Exhibit A, Section 16.8 (GENERAL LIMITED INDUSTRIAL DISTRICT, L-1; Fences, Walls, Hedges): [Ref. 154.142, Change (B), Add (F) & (G)]

**CHANGE:**

In the L-1 District, solid fences and walls shall not exceed 3 feet in height above the sidewalk grade, within the front yard setback area or street side yard setback area, vision clearance shall be required on all corner lots. On an ulterior lot a wall, fence, or hedge not more than eight feet in height may be located anywhere on the lot to the rear of the required front yard or street side yard setback line. When an L-1 District adjoins a residential district, the Planning Commission may require that a fence, wall, or hedge be erected along and immediately adjacent to the abutting



property line that is the zone boundary. The Planning Commission may make this requirement in the approval of the Site Plan as required by Section 24. All fences, walls, and hedges shall be properly constructed, maintained, trimmed and kept in good condition and repair

**TO:**

- A. Fences and walls are a type of development and require a permit.
- B. In the L-I District, a fence, wall, or hedge shall not exceed three feet in height above the sidewalk grade, within the front yard setback area or street side yard setback area. Vision clearance shall be required on all corner lots.
- C. A fence, wall, or hedge not more than six feet may be located anywhere on the lot to the rear of the required front yard setback or street side yard setback line. The Planning Commission may approve a variance to the height requirement for reasons of security or visual screening, to a maximum height of ten feet.
- D. When an L-I District adjoins a residential district, the Planning Commission may require that a fence, wall or hedge be erected along and immediately adjacent to the abutting property line that is the zone boundary.
- E. The Planning Commission may make this requirement in the approval of the site plan, as required by Section 24.
- F. All fences, walls and hedges shall be properly constructed, maintained, trimmed and kept in good condition and repair.
- G. *Barbed wire*. It is unlawful for any person to erect or maintain within the city any fence constructed in whole or in part of barbed wire, razor wire, concertina wire or other similar wire (hereafter referred to as barbed wire) except as indicated below.
  - 1. Barbed wire is allowed to the rear of the front yard and side street setback areas for perimeter fencing, materials, and facility security or protection. (Perimeter fencing is allowed with barbed wire only if the barbed wire is a minimum of six feet above the ground. If barb arms are used on the fence top, the fence must be completely on private property, including the area below the barbed arms if they extend outside the fence line).
- H. *Electric fences*. Electronically-charged fences are prohibited.

## **Appeal**

A. The owner, or person in charge protesting any citation of any sections of this Ordinance, shall file with the City, a written statement which will specify the basis for the protest. The statement will be referred to the City Council or Municipal Court Judge, as appropriate, as part of the next scheduled meeting or court date. At the time set for consideration of the abatement, the owner or other person may appear and be heard and the Council or Municipal Court Judge, as appropriate will thereupon determine whether or not a nuisance or offense, in fact, exists. If it is determined that it does exist, the owner, or other person shall, within 10 days of that determination complete the abatement.

B. If the owner, or person in charge of the property, objects to the assessment for abatement, a written objection may be heard by the City Council in the manner described in "A" above.

## **Penalties and Damages**

A. In addition to the cost and assessments provided in this Ordinance, a violation may be prosecuted in the Municipal Court of the City of Shady Cove, and be punished by a fine or not more than \$500.

B. Each day's violation constitutes a separate violation. The abatement shall not constitute a penalty for violating the Ordinance.

C. The remedies specified herein will not be deemed exclusive and the City may, at its option, seek to enforce the provisions of this Ordinance by exercising its legal or equitable remedies in any court of competent jurisdiction.

D. When an offense has been committed that results in ascertainable damages to any person, based upon conviction thereof, in addition to any other sentence, the Court may order that the defendant make restitution to the victim.

## **Infraction**

A. Neither party shall have the right to a jury trial at the trial of any infraction.

## **Severability**

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

## **Savings Clause**

A. The amendment of any Ordinance noted in these sections will not preclude any action against any person violating this Ordinance prior to the effective date of this Ordinance.

**Adopted** by the City Council of the City of Shady Cove this 4th day of January, 2024.

City of Shady Cove  
Ordinance No. 307  
Fencing Amendments

**Approved:**

\_\_\_\_\_  
Jon Ball  
Mayor

**Attest:**

\_\_\_\_\_  
Thomas J. Corrigan  
City Administrator

**Council Vote:**

Mayor Ball

Councilor Nuckles

Councilor Winfrey

Councilor Hubbard

Councilor Mitchell

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