

Agenda
Shady Cove Planning Commission Public Hearing
January 11, 2024
6:00 PM

<https://zoom.us/j/94205763014?pwd=THJoZHJ1U2dsa09PUTJoQi9zOUd3dz09>

Meeting ID: 942 0576 3014

Passcode: 283650

One tap mobile

+16699006833,,94205763014#,,,,*283650# US (San Jose)

+17193594580,,94205763014#,,,,*283650# 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 January 25, 2024, 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 242 Williams Lane

Open Public Hearing.

A Public Hearing to accept public testimony and consider the request for a Conditional Use Permit to use the property for a short-stay vacation rental. The property is located at 242 Williams Lane, Shady Cove, Oregon. Assessor's Map and Tax Lot: 34-1W-15BB, 4501. Zoning is Low Density Residential (R-1-6).

Applicant/Owner: Michael Boffing, EEPM LLC

File Number: CUP 23-05.

1. Read Public Hearing Opening 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.

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).

6. Site Visit.
7. Staff Comments. (Fairfield)
8. Applicants' Testimony/Proponents Testimony/Commission Questions
9. Opponents' Testimony/Commission Questions.
10. Rebuttal.
11. Final Staff Comments.
12. Close/Continue Hearing.
13. Deliberations/Discussion/Decision

III. Old Business

None

IV. New Business

None

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 23-05**

**REQUEST FOR CONDITIONAL USE PERMIT LOCATED
AT 242 WILLIAMS LANE, SHADY COVE OREGON**

PUBLIC HEARING: THURSDAY JANUARY 11, 2024, 6:00 P.M.

	INDEX	PAGE #
	Staff Report	4 - 9
	Conditional Use Permit Application	10 - 16
	Adjacent Property & Agency Request for Comments / Mailing	17 - 23
	Comments Returned	24 -31
	Legal Notice – Notice of Public Hearing	32



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

Date: January 3, 2024
Applicant: Michael Boffing, EEPM LLC
Address: 242 Williams Lane
Assessor's Map: 34-1W-15BB Tax Lot 4501
Planning File: CUP 23-05

Planning Commission Public Hearing Date: January 11, 2024

1.0 PROPOSAL

To use the property for a short-stay vacation rental.

1.1 Attachments

Staff Report Map

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 September 5, 2023, and it was deemed incomplete by city staff on October 4, 2023. Revised materials were submitted on October 4, and the application was deemed complete on October 11, 2023.
- 3.2 **Notice:** Adhering to § 154.379, on December 22, 2023 the property owners, neighbors within 200 feet, relevant agencies, and other invested stakeholders were mailed notice of this application and public hearing. On December 27, 2023, a public notice was published in the Upper Rogue Independent.
- 3.3 **Hearing:** The public hearing will be held on January 11, 2024, 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 with §154.455 through §154.462.

4.0 PROPERTY CHARACTERISTICS

- 4.1 **Access:** From Williams Lane
- 4.2 **Zoning:** Low Density Residential (R-1-6)
- 4.3 **Size:** 0.15 acres, or about 6,500 sq. ft.
- 4.4 **Current Land Use:** Residential
- 4.5 **Neighboring Land Uses:** Residential

5.0 CONTEXT FINDINGS

In June 2023, the Planning Commission held a public hearing and approved the use of 234 Williams Lane as a short-term rental, which is the property behind 242 and is accessed by a flag-pole driveway. Shortly after, the applicant for 234 Williams informed the City of a change of plans, and relinquished the approval for a short-term rental. By removing that property from the approved STR's, this application does comply the 500-foot buffer between each Short Term Rental, which is required by §154.478.

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

The applicant submitted the same site plan as for the original construction (dated March 2022). The site plan meets all standards for single-home development in an R-1 zone. No new structures are proposed.

- 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: Satisfied

Applicant states that the property has privacy fencing installed and landscaping. Applicant states that occupancy will be limited to 6 persons, and a maximum of 2 vehicles, which is under the limits imposed by the STR standards in §154.476. Staff recommends these limits be included with the conditions of approval.

Applicant states that the property will be managed by “an accredited, local, licensed” company with “strict rules and vetting processes” for guests, but they do not name the company.

This segment of Williams Lane is not improved to current street standards. It has been dedicated to the city, but technically is not part of public right-of-way and is not maintained as a city street. The lane narrows considerably and does not have sidewalks at the site address, however, staff does not find that this is sufficient to deny the application.

- 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

The zoning district of the property is R-1-6 (Low-Density Residential). Vacation Rentals may be used in any area zoned residential, per § 154.475 (A), and are therefore compatible. In addition, the proposed VRBO falls outside the 500-foot minimum spacing as mandated by §154.478(A).

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

Staff does not anticipate any adverse impacts to the property from other developments in the vicinity. Such developments are residential in nature.

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: Satisfied

Vacation Rentals may be permitted in any area zoned residential, per § 154.475 (A). The applicant is proposing one (1) rental unit with a maximum of six (6) guests and two (2) vehicles, so impacts of occupancy and vehicle maneuvering will be limited. Impacts to the health, safety, and welfare of other residents should also be limited or negligible.

7.0 TESTIMONY

Two comments were received before this staff report was submitted.

From Christine Saling, owner of 235 Williams Lane, who states her objection to the proposal and her concerns about increased traffic, parking issues, inadequate roads, public safety (fire and crime), water availability, and nuisances relating to trash and noise.

From Rodney Bianco at 225 Williams Lane, who states his objection to the proposal and his concerns about increased traffic, parking issues, inadequate roads, public safety (crime), nuisances relating to trash and noise, and adverse impacts to local hospitality businesses (motels) and to the local availability of long-term housing.

Comments are accepted until and during the public hearing.

8.0 CONCLUSION

Staff recommends **conditional 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. The applicant shall obtain a Business License from the City of Shady Cove, as required by §110.03.

Conditions during operation:

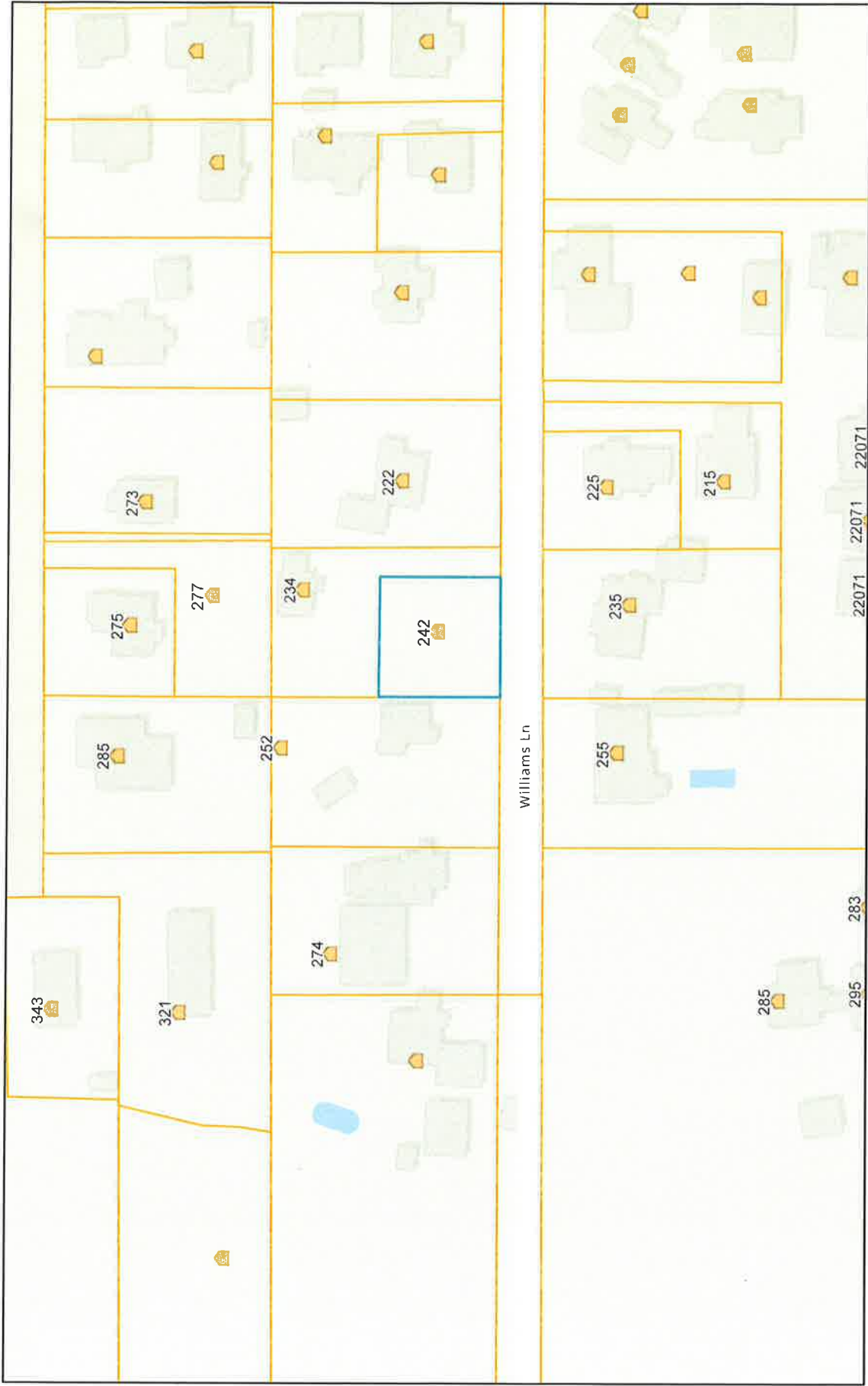
2. The rental shall be limited to six (6) occupants and two (2) vehicles maximum.
3. The owner shall pay the transient occupancy tax to the city for all rentals of 30 days or less.
4. The VRBO shall comply with all special use and safety standards, as stated in §154.475 through 154.479.

Respectfully submitted on January 2, 2024,



Rowan Fairfield, Contract City Planner

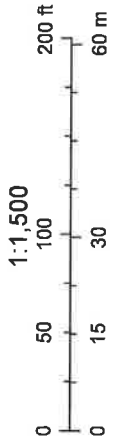
Staff Report Map – 242 Williams Lane



1/2/2024, 11:55:44 AM

Tax Lots

Site Address Point



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatasysteisen, Rijkswaterstaat, GSA, Geoland, FEMA, Jackson County GIS

Data within this application may contain inaccuracies. Maps produced are not intended for legal purposes and do not substitute for a professional land survey. For more information, see ORS 672.060(13), ORS 306.125(1), ORS 308.245(1)-(4), and Oregon SB55.

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

OFFICE USE:

Application No. CUP23-05 Received By D. Jermain Date 9/5/23
Amount Paid \$600.00 Receipt No. 27362 Hearing Date 1/11/24

TO BE COMPLETED BY APPLICANT:

Name of Property Owner(s): Michael Boffing - EEPM LLC

Property Street Address: 242 Williams Ln. Shady Cove, OR 97539

Between Highway 62 and Dead end of Williams Ln. streets.

County Assessor's Map & Tax Lot Number: 341W15BB/4501

Current Zoning: R-1-6 Adjacent Zoning: R-1-6

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

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

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

CERTIFICATION

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

APPLICANT'S SIGNATURE 

ADDRESS 185 Eastern St. Suite 200, White City, OR 97503 PHONE NUMBER 541-913-8479

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 

Date 10/11/2023

CITY OF SHADY COVE
CONDITIONAL USE PERMIT APPLICATION
Page 2

Attach additional sheets as necessary

Describe your proposal

This house will be used as a short stay vacation rental property managed by an accredited, local, licensed, vacation rental property management company. This property will provide guests visiting Shady Cove with a rental that is safe, clean, and comfortable. The guests will be encouraged to shop local, eat local, and experience the small town community of Shady Cove.

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)

The landscaping is within city code and privacy fencing is around the property.

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

This property provides parking off the main street and has room for the maximum allowance of 2 vehicles. It is a 1,890 square foot house that will sleep a maximum of 6 people and will be limited to that number. An accredited, licensed, vacation rental property management company will be managing the property and they have strict rules and vetting processes to avoid attracting renters that will cause problems to avoid local livability issues and keep the property in good condition.

- (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.

This new construction home has great curb-appeal bringing value of the nearby properties. It will benefit the city of Shady Cove to have a vacation rental for tourists to reside so close to many local businesses.

**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.

With this property only being used for short term rentals, there should be no issues with this.

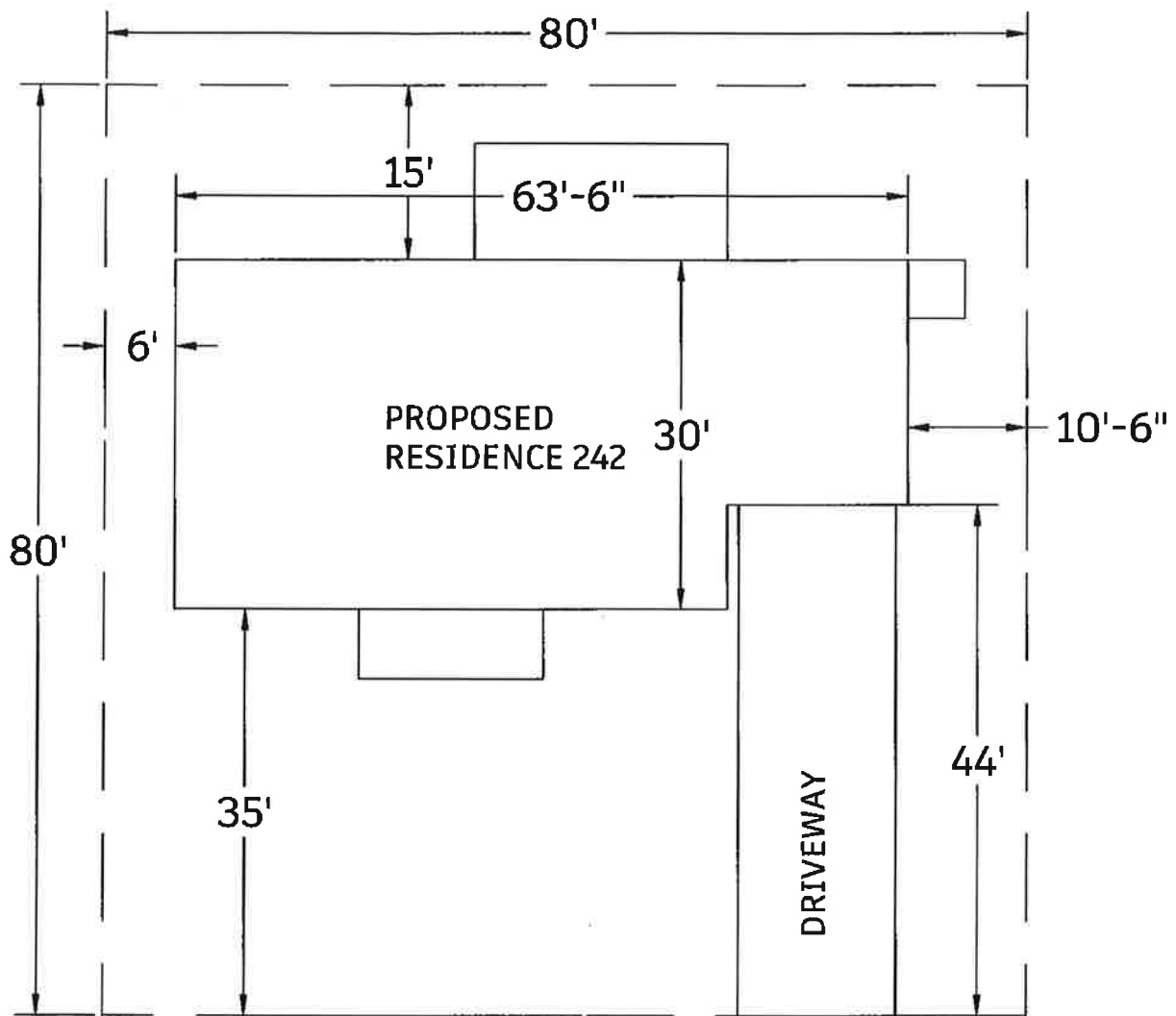
It will be used only for occupancy and no other business.

(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

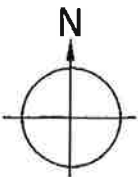
This property has largely native landscaping and will have bi-monthly landscaping services as needed. We expect most people using the property will be there in the mornings and evenings due to it's use as a vacation rental. This coming and going will be similar to residents in the area going to work and coming home.

Other comments you feel are pertinent to your application

We want to provide a vacation rental that is located within the city of Shady Cove so that tourists are given an opportunity to truly experience what Shady Cove has to offer. By providing a space to stay in town, we hope to encourage retention, repeat visits, and an outreach for the City.



WILLIAMS LANE



242 WILLIAMS LANE
SHADY COVE, OREGON

Site Plan

SCALE: 1" = 15'

SHADY COVE, OREGON
ZONE: R1-SC

Square Footage:

Residence #1: 1,249 SQ. FT.
Residence #1 Garage: 300 SQ. FT.
Residence #1 Other: 341 SQ. FT.
Total: 1,890 SQ. FT.



City of Shady Cove

22451 Highway 62
PO Box 1210
Shady Cove, OR 97539
(541) 878-2225 FAX: (541) 878-2226
www.shadycove.org

Mayor
Jon Ball

Councilors
Kathy Nuckles
Paige Winfrey
Jim Hubbard
Steve Mitchell

October 4, 2023

Michael Boffing, EEPM LLC
185 Eastern St. Suite 200
White City, OR 97503

Hello Mr. Boffing and EEPM LLC,

I have been reviewing your application for a Conditional Use Permit for the property at 242 Williams Lane, legally described as Assessor's Map 34-1W-15BB Tax Lot 4501. Your application is not yet complete because it was missing an impact statement.

FOR C.U.P. APPLICATION:

A conditional use permit is a "Type III" review procedure. All Type III applications need an **impact statement** or study. It shall "address, at minimum, the transportation system, the drainage system, the parks system, the water system, the sewer system, and the noise impacts of the development", per § 154.379. Your application is a relatively minor change from current operations, so it would be enough to write a paragraph that addresses each type of impact, to your own best judgment. You do not need to hire a professional to conduct a formal study.

NEXT STEPS:

Your application will be deemed "incomplete", which means you have 180 days to submit revised materials, according to state law. You will not need to pay an additional fee, and all deadlines are adjusted, according to the date that we mark your application "complete".

Disclaimer: The issues explained above may not be an exhaustive list. It is your responsibility to comply with all relevant portions of the Municipal Code of Shady Cove.

Feel free to contact me if you have questions. I am in City Hall on most Wednesday mornings, and can be reached by phone or email.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. W. Fairfield'.

Rowan Fairfield, Contract City Planner for the City of Shady Cove
(541) 423-1382
rfairfield@rvcog.org

From: Michael Boiffing <michael@extremeelements.us>
Sent: Wednesday, October 4, 2023 4:25 PM
To: Debby Jermain <djermain@shadycove.org>; Office Extreme Elements <office@extremeelements.us>
Cc: 'Rowan Fairfield' <rfairfield@rvcog.org>; Rosie Rubio <rosie@extremeelements.us>

IMPACT STATEMENT

We don't anticipate It will be used only for occupancy and no other business.

Transportation - We expect most people using the property will be there in the mornings and evenings due to its use as a vacation rental. This coming and going will be similar to residents in the area going to work and coming home.

Drainage System - We expect most people using the property will be there in the mornings and evenings due to its use as a vacation rental. The usage will be similar to residents in the area

Parks System - We expect most people using the property will be there in the mornings and evenings due to its use as a vacation rental. The usage will be similar to residents in the area

Water System - We expect most people using the property will be there in the mornings and evenings due to its use as a vacation rental. The usage will be similar to residents in the area

Sewer System - We expect most people using the property will be there in the mornings and evenings due to its use as a vacation rental. The usage will be similar to residents in the area

Noise - An accredited, licensed, vacation rental property management company will be managing the property and they have strict rules and vetting processes to avoid attracting/allowing any tenants who are disruptive or have bad reviews form previous rentals in other areas. As the occupancy is expected to be similar to the other properties in the area, no additional or abnormal noise is expected.

Michael



Mayor
Jon Ball

Councilors
Kathy Nuckles
Paige Winfrey
Jim Hubbard
Steve Mitchell

CERTIFICATE OF MAILING

I hereby certify that on December 21, 2023 I provided a copy of the
NOTIFICATION OF ADJACENT USE PROPOSAL APPLICATION NO.
CUP 23-05 by first class mail to the following (list attached):

AND –

REQUEST FOR AGENCY COMMENT (list below)

Tim Stacy
Deputy State Fire Marshal
6536 Old Highway 99N
Roseburg, OR 97470

Travis Crume
Fire District #4
PO Box 1400
Shady Cove, OR 97539

EMAIL:
Thomas Corrigan
City Administrator


Debby Jermain, Planning Technician

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

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

OGG MARK R/OGG SHERRY L
PO BOX 948
SHADY COVE, OR 97539

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

LEMACKS KERRY C
PO BOX 356
SHADY COVE, OR 97539

BEERS CHARLES DUANE (TOD)
PO Box 442
SHADY COVE, OR 97539

LEMACKS KERRY C
PO BOX 356
SHADY COVE, OR 97539

IVES DAVID/PATRICIA
PO BOX 618
SHADY COVE, OR 97539

BIANCO CATHY ANN
PO Box 139
SHADY COVE, OR 97539

VAN DYKE RICHARD G
PO BOX 344
SHADY COVE, OR 97539

CROWL D LYNN
252 WILLIAMS LN
SHADY COVE, OR 97539

DENNISON DEREK
PO BOX 528
SHADY COVE, OR 97539

VANDYKE RICHARD GEORGE
PO BOX 344
SHADY COVE, OR 97539

MICKELSEN KIRK A/ELIZABETH K
PO Box 1147
Shady Cove OR 97539

SALING CHRISTINE E TRUSTEE ET
18863 MORO CIR
PRUNEDALE, CA 93907

THAMES EDITH
PO BOX 997
SHADY COVE, OR 97539

ECPM LLC
PO Box 3378
Central Point OR 97502

Email
Thomas Corrigan

WILKERSON BRIAN/LAURI
PO BOX 68
PROSPECT, OR 97536

RONE LAWERANCE CARL
PO BOX 388
SHADY COVE, OR 97539

CARRICO CINDY GAY/DALTON EUGE
285 MALLORY LN
SHADY COVE, OR 97539

VLIELAND JULIA ANNA
PO BOX 201
SHADY COVE, OR 97539

SILVA KELLY A ET AL
PO Box 542
SHADY COVE, OR 97539

BEERS CHARLES DUANE (TOD)
330 WILLIAMS LN
SHADY COVE, OR 97539

BELLWOOD PROPERTIES INC
PO BOX 39
SHADY COVE, OR 97539

Agencies
Tim Stacy
Deputy State Fire Marshal
6536 Old Hwy 99N
Roseburg, OR 97470

Travis Crume
Fire District # 4
PO Box 1400
Shady Cove OR 97539

**CITY OF SHADY COVE
PLANNING COMMISSION**

NOTIFICATION OF ADJACENT PROPERTY USE PROPOSAL

DESCRIPTION OF PROPERTY: 34-1W-15BB, Tax Lot 4501, located at 242 Williams Ln, Shady Cove, Oregon
PROPOSAL: Conditional Use Permit Application No. CUP 23-05. The request is for a Conditional Use Permit to provide a Short-Term Rental (STR). Zoning is Low Density Residential (R-1-6).
DATE AND TIME OF MEETING: Thursday, January 11, 2024 at 6:00 p.m.
LOCATION: City Hall Council Chamber, 22451 Highway 62 and via Zoom.
RESPONSE DATE: January 3, 2024 OWNER/APPLICANT: Michael Boffing – EEPM LLC

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

The Planning Commission shall make a Type III decision after addressing all of the relevant approval criteria 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."

CITY OF SHADY COVE
PLANNING COMMISSION
REQUEST FOR AGENCY COMMENT

DESCRIPTION OF PROPERTY: 34-1W-15BB, Tax Lot 4501, located at 242 Williams Ln, Shady Cove, Oregon
PROPOSAL: Conditional Use Permit Application No. CUP 23-05. The request is for a Conditional Use Permit to provide a Short-Term Rental (STR). Zoning is Low Density Residential (R-1-6).
DATE AND TIME OF MEETING: Thursday, January 11, 2024 at 6:00 p.m.
LOCATION: City Hall Council Chamber, 22451 Highway 62 and via Zoom.
RESPONSE DATE: January 3, 2024 OWNER/APPLICANT: Michael Boffing – EEPM LLC

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

The Planning Commission shall make a Type III decision after addressing all of the relevant approval criteria 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: _____

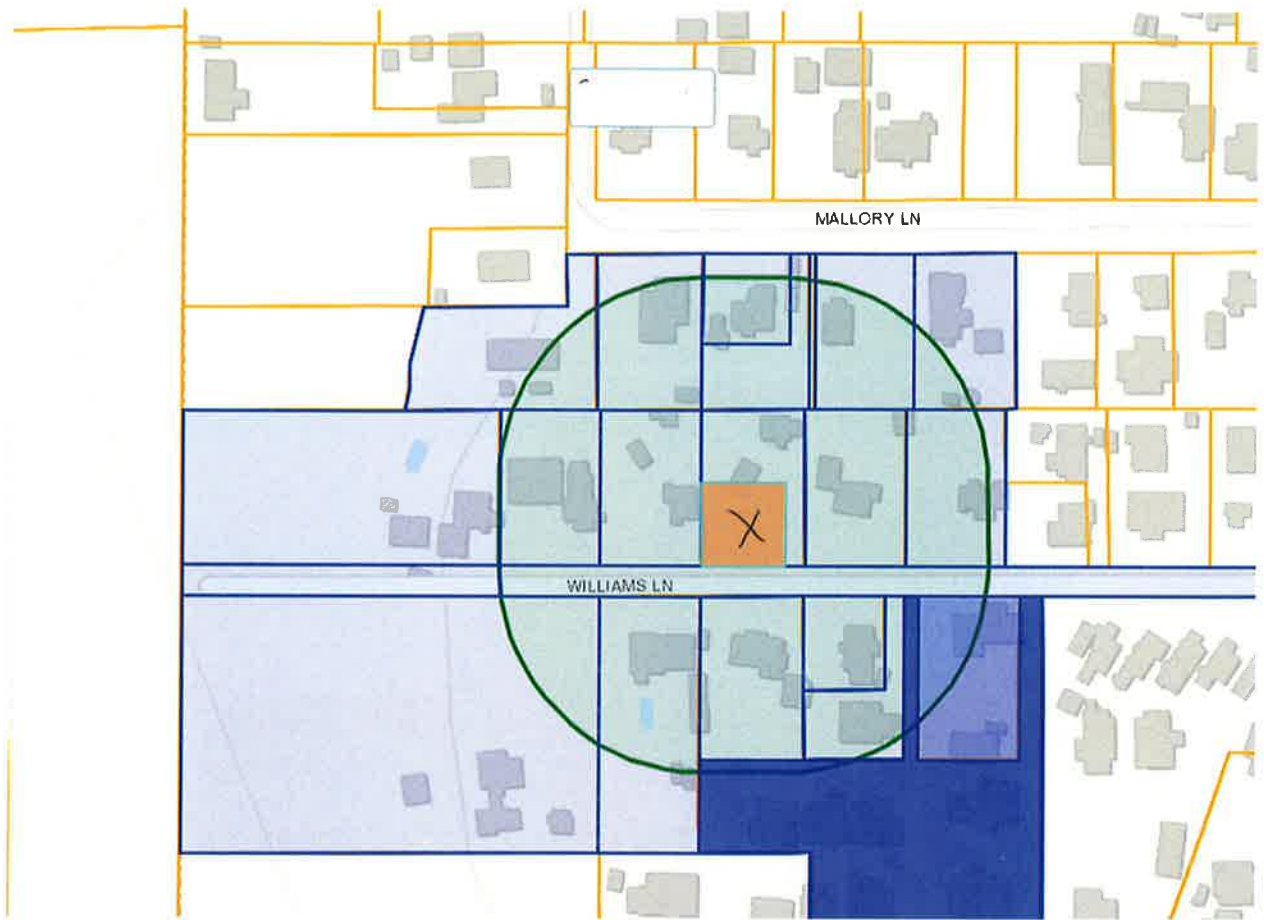
PRINTED NAME(S): _____

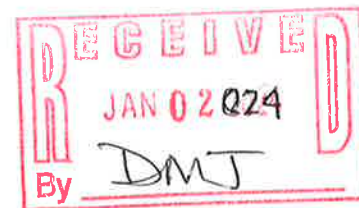
STREET AND MAILING ADDRESS: _____

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."

242 Williams Lane
Shady Cove, OR 97539





Christine Saling
 18863 Moro Circle
 Prunedale, CA 93907
 Christine_saling@sbcglobal.net
 831-663-0544
 December 30, 2023

City of Shady Cove
 Planning Commissioner
 c/o City Administrator
 P.O. Box 1210
 22451 Highway 62
 Shady Cove Oregon 97539

TIME IS OF THE ESSENCE

RE: NOTIFICATION OF ADJACENT PROPERTY USE PROPOSAL
Property: 34-1W-15BB, Tax Lot 4501, 242 Williams Lane Shady Cove Oregon
Conditional Use Permit No. CUP23-05 to provide a Short Term Rental (STR)

To Whom It May Concern:

I am the owner of property at 235 Williams Lane, Shady Cove, Oregon. My family members reside there.

I received this notice on December 27, 2023. I have 7 days (4 working days) to respond? I live out of state. That's a very short timeframe.

I am addressing the plans at 242 Williams Lane Permit Application for Rental Vacation Property. I wish to make it known that I have a problem with this. This proposal will change this quiet, quant residential neighborhood and city.

You have already approved 234 Williams for a Vacation Rental By Owner (VRBO) Now there is a second one? What is going on here? This is another attempt to get around all my previous objections from the previous application at 234 Williams Lane. Now there may be 2 with as many as 12 people a night?

I strongly object to this proposal! Short Term Rentals should not be in a residential neighborhood. This application should not be approved. This affects the entire neighborhood very dramatically, as well as many senior residents. We will no longer have an established neighborhood.

I don't believe that **CRITERIA, STANDARDS AND CONDITIONS OF APPROVAL** can be met.

I have objections to the items listed below:

The short stay vacation property will have quite a bit of activity with continuous changes of persons staying. Is this organization going to be renting rooms out individually? This will add to the traffic with the flow of more vehicles all year round (?) On site management is not mentioned.

I can see that my driveway may be used by the vacation/short term tenants to exit the property at 242 Williams Lane and parking could be an issue. There could be a **fire or health** danger as emergency units may not be able to access neighboring properties. This should be of concern to the entire neighborhood and the community.

I don't think there is adequate water for fire control?

We **DO NOT** have 24/7 police protection. The theft and crime levels may increase. With people in an out during the rental time frame who knows who will be renting? Fire and theft insurance for all of us could go up as result of this change.

Have there been any tests on the "shared well?" I believe the well on 234 and 242 Williams Lane may have been destroyed. (?) That well had struggled to supply enough water.

The "shared well" is located on a separate property. It provides water for 3 houses on Williams Lane. When as many as 6-12 or more individuals are occupying these properties a night, it will put a strain on the water situation. The houses at 234 and 242 are not occupied so testing water pressure, supply or flow of output may not be accurate. There is not sufficient water to meet the needs of the 3 houses. This could be an issue in the entire city if a fire were to break out.

The property mentioned is directly across the street from mine. Williams Lane has a very small road way and my driveway is directly across from the property mentioned. Where is everybody going to park? It will be most likely, in front of my house.

The waste service picks up all trash for this residence on my side of my house as required by garbage service. This will have an effect on my property with up to an additional 6 cans of waste weekly. The cans will sit in front of my property obstructing our view until they are picked up. Who's picking up the cans at 7:00 AM when trash is picked up on trash day? There is no mention of On-site management.

There may be need for off street parking as there are 2 parking spaces and may not be enough. This could affect the residents living on Williams Lane. If sufficient parking is not provided, the residents may find it difficult to travel on the roadway.

I don't think there is enough parking or turn around space without blocking the roadway for an ADA vehicle, if needed.

There may be more traffic congestion and parking would likely be an issue. This would seem to be a **fire or health hazard** as emergency vehicles may not be able to access neighboring properties. **Is there adequate water for fire?** The noise levels will increase, also.

The changes in who is staying may affect the crime rate. This will have an impact on my property and the neighborhood. We have seniors who live here.

The application on Page 3 states it **“has largely native landscaping.”** There is no landscaping. There is a driveway. The landscaping is mostly gray rock and gravel and not at all appealing to the eye.

Therefore there will be dust coming from the mentioned property at times when the yard is used for parking.

Fencing does not appear to be completed. **The fence height is questionable.** It is poorly assembled.


This is a rural roadway. There is a lot of wildlife and many trees. This will change the habitat when activity picks up. There are trees in the neighborhood but only one on this property. We have wildlife that could be impacted by the noise and activity from this rental. We have squirrels, deer, birds, turkeys, just to name a few.

There is a business on my property. This business **isn't even allowed 1 (a single) customer** because it will affect the quiet and livability of the neighbors and the street isn't wide enough to accommodate the “traffic.” **It's directly across the street from 242 .**

A Short Term Rental will affect the quiet and livability of the neighbors. It will affect street traffic, as well. **It would appear that what applies here should apply to this Short Term Rental as well. What makes that right? There is something wrong here!**

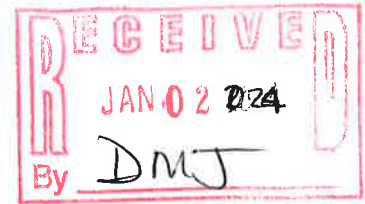
I strongly object to this proposal! I hope the city will continue to research how this may really impact our little quant neighborhood and city. Short Term Rentals do not belong in our community. Please deny this Permit request.

Sincerely,



Christine Saling

Cc: Jelly Roll Saling
PO Box 217
235 ~~234~~ Williams Lane
Shady Cove, Oregon 97573



**** REVIEW AND COMMENT ****

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

REMARKS: SEE ATTACHED LETTER FOR DETAILED LIST OF
ADVERSE EFFECTS

SIGNATURE: [Signature]

PRINTED NAME(S): Rodney Branga

STREET AND MAILING ADDRESS: 225 WILLIAMS LANE SHADY COVE, OREGON

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."

Rodney Bianco
225 Williams Lane
Shady Cove, OR 97539

December 30, 2023

City of Shady Cove Planning Commission
22451 Highway 62
Shady Cove, OR 97539

Planning Commission members,

I am in receipt of your Notification of Adjacent Property Use Proposal regarding the property located at 242 Williams Lane, Shady Cove, Oregon. In particular the request for a Conditional Use Permit to provide a Short-Term Rental. I am opposed to granting said permit.

I moved to my property primarily for the character and peace and quiet of the neighborhood. In the past I have lived next to a house that provided short-term rentals and found the experience to be unpleasant. While not every guest caused problems, enough did, such that the neighborhood experienced an increase in traffic, parking issues, trash, crime, and noise. I do not want the tranquility on Williams Lane ruined by allowing the commercialization of a low-density residential neighborhood.

What I experienced living next to a short-term rental was not unique. Peer reviewed studies, and reports illuminate the negative impact of short-term rentals. Not just in regional cities, but globally. Below are just a few areas that demonstrate the negative effects of short-term rentals.

Increase in Crime

A study from Northeastern University found short term rentals cause an increase in crime. The studies found that it was NOT due to the increase in the number of tourist but rather converting residential housing units into short term rentals. The study by Ke, Obrian, and Heydan concluded that "...conversion of housing units into short-term rentals undermines a neighborhood's social organization, and in turn its natural ability of a neighborhood to counteract and discourage crime, specifically violent crime. "

Shady Cove disbanded its law enforcement about 3 decades ago. It now relies on the Jackson County Sheriff's office. During night time hours there are less deputies available which results in delayed response by deputies. In the case of the aforementioned property, there is no on-site manager to intervene when a guest violates the rules. Additionally, people unknown to the neighbors, coming and going to short-term rentals, reduces the ability of the neighborhood to spot persons looking through the area to commit a crime. This increases the risk of crime to all the neighbors of a short-term rental.

Increase in Noise

Empirical and anecdotal reports show the presence of short-term rentals increase noise in the neighborhood. There are numerous complaints filed with jurisdictions that permit short term rentals in regard to late night noise and short-term rental units becoming "party houses". Even those units that didn't turn into party houses, disturbed the tranquility of the neighborhood. People returning late in the evening having loud, sustained conversation outside, outdoor music and loud conversation in the yard late into the night, are just a few examples.

Quiet time in most California cities is 11 PM weekdays and midnight weekends. Renters coming from California and other cities in Oregon, will not be used to quiet time starting at 9 PM in Shady Cove. That practically ensures there will be violations of the cities quiet time. Additionally, this neighborhood is dominated by senior citizens that go to sleep early and get up early. The collective residents are more sensitive to after-hours noise.

Impact on Motels

The city of Shady Cove has adequate motel rooms to accommodate tourists. The three motels in town have a total of 94 rooms. Additionally, the two RV parks have a total of 16 cabins available for tourists. Multiple studies have shown the detrimental effects of short-term rentals on hotels. Our city's motels are operating on thin margins as it is. Pressure from allowing short term rentals may result in the loss of motel rooms and the subsequent loss of revenue for the city.

In addition to the above mentioned, the proliferation of short-term rentals, pose other problems that affect the cultural aspect of an area, increase rent on available existing rental units, and create a shortage of long-term rentals. For me, I am particularly concerned with the increase in crime, noise, and traffic, specifically related to the Williams Lane property. Some additional facts to consider is it's a one lane street. It has no side walks and no on street parking. Increased traffic on Williams Lane from short term renters poses a safety hazard.

For all of the reasons listed above I oppose the granting of a conditional use permit for Short term rentals at the 242 Williams Lane property. I urge the planning commission to reject the permit application.

Sincerely,



Rodney Bianco

PUBLIC NOTICE



Mayor
Jon Bal

Councillors
Kathy Nuckles
Paige Wintrey
Jim Hubbard
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, January 11, 2024**, 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 Short-Term Rental at **242 Williams Lane**. Said parcel is legally described as 34-1W-15BB, Tax Lot 4501, and is currently zoned as Low Density Residential.

Owner/Applicant: Michael Boffing – EEPM LLC File Number: CUP 23-05

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.

See City website for Zoom link

12/11/23 Through 12/31/23 Planning and Building Activities

YEAR Permit No.	DATE	NAME	BUILDING PERMITS TYPE	ADDRESS	MAP	TAX LOT
23-34	12/11/23	Jason Rowan	Carpont Addition	7506 Rogue River Dr	16DA	1901
23-35	12/27/23	James/Joanne Isaac	Detached Garage	410 Park Drive	16DD	1101
23-36	12/27/23	Jesse/Sharon Benson	New Home	553 Hudspeth Lane	09DA	706
23-37	12/28/23	RVSS	Sewer Mainline Repair	619 Rogue Air Dr	16CA	600
23-38	12/28/23	RVSS	Sewer Mainline Repair	616 Rogue Air Dr	16CA	500
23-39	12/28/23	RVSS	Sewer Mainline Repair	205 Rene Dr	21A	6100

PLANNING APPLICATIONS

Property Action Log	Name	Address	Comments due back	Staff report due back	Section/TL

FLOODPLAIN CLEARANCE FOR PERMIT