

# **JOSEPHINE COUNTY**

**Goals & Policies**

**of the**

**Comprehensive Plan**

**ORDINANCE NO. 81-11**

(October 2005)

**As Amended By Ordinance Nos. 82-37, 83-26, 84-5**

**85-4, 85-12, 85-30, 85-29, 85-37, 86-5, 87-23, 99-5 & 99-8**

**2004-005, 2005-002**

# THE COMPREHENSIVE PLAN FOR JOSEPHINE COUNTY

(October 2005)

## GOALS AND POLICIES

### GOAL I: TO PRESERVE AND MAINTAIN AGRICULTURAL LANDS AND THE RURAL CHARACTER OF JOSEPHINE COUNTY

#### OVERVIEW:

The rate of population increase in Josephine County is such that careful consideration needs to be given to County policies that affect the resource base, economy rate and density of development. In order to preserve the rural character that is being mandated by the State of Oregon, preservation of farmland must be given high priority in the land allocation.

#### POLICIES:

1. Agricultural lands as defined by Statewide Planning Goal #3 shall be preserved for agricultural uses through exclusive farm use zoning pursuant to ORS Chapter 215. In applying the definition of agricultural land, the Board of County Commissioners shall include in exclusive farm use zones other lands which are:
  - A. Commercial farm operations; or
  - B. Lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands, shall be included as agricultural land; and
  - C. Other lands which are suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land use patterns, technological and energy inputs required, or accepted farming practices.
2. The Board of County Commissioners shall coordinate with the private sectors, Federal and State agencies to meet the needs of irrigation for the existing and continued expansion of farming.
3. The Board of County Commissioners shall continue to support agencies involved in developing methods and information pertaining to disease, weed control, erosion, and drainage. Support of these programs will better utilize the existing agricultural land in the County.

4. Josephine County shall provide zoning classifications which will protect and maintain agricultural production for commercial farm areas, semi-commercial farm areas, consumer occupied farm areas and other agricultural areas as defined in Goal #3 and pursuant to ORS Chapter 215. This policy is designed to encourage appropriate large lot agricultural pursuits as well as smaller intensive agricultural uses which will be a continuation of existing commercial agricultural enterprises in an area as evidenced by appropriate standards for dwellings and land divisions.
5. In order to adequately identify the wide range of soil types and potential for agricultural uses in Josephine County, the December 1983 Soil Survey of Josephine County, published by the Soil Conservation Service will be utilized to locate Class I-IV agricultural soils and land allocations will be based on this information. Agricultural soils class lands will be placed in an appropriate zone to preserve the resource.
6. The agricultural plan designation shall be implemented through the application of two agricultural zones. The Exclusive Farm District shall apply to the lands that have historically been used for large farm operations and are characterized by being over 40 acres in size and have irrigation available. The Farm Resource District shall apply to those lands that have agricultural soils and are less than 40 acres in size. This district shall also apply to those lands that do not have irrigation available and are not suitable for a large farm operation.

## **GOAL 2: TO CONSERVE AND DEVELOP THE FOREST LANDS OF JOSEPHINE COUNTY**

### **OVERVIEW:**

Josephine County is a region of vast forest resources with the majority of those resources administered by public agencies. The wood products industry is the major base industry, upon which much of the County's economy depends. In addition, the forests enrich the lives of County residents by providing sources of water supplies, wildlife habitat, scenic beauty, and recreation opportunities. The majority of land in Josephine County is allocated for forest purposes. The capability of forest land, to yield comparable returns on investment for forest management depends upon location, ownership patterns, and site capabilities. Thus, a variety of solutions may be needed to ensure continued production on industrial and non-industrial lands.

### **POLICIES:**

1. Because of the importance of forest lands and uses to Josephine County and the wide range of soil types, management and harvesting techniques, an evaluation system will be developed using soil data from the soil survey of Josephine County prepared by the Soil Conservation Service and management data from the U.S. Forest Service. A comparative rating and evaluation system will be utilized to identify prime forest lands and other forest lands so they may be placed in an appropriate zone to conserve the forest potential

of forest lands in the County. This rating system will be used for all forest land use allocations and shall be known as the Composite Internal Rate of Return (CIRR) system.

2. Because of the economic importance of the timber economy to Josephine County, forest lands as described in Policy 7 shall be conserved through:
  - A. Providing zoning categories suitable for the classification of forest uses.
  - B. Supporting the use of the Oregon Forest Practices Act as it applies to forest lands within Josephine County.
  - C. Encouraging land transfers between private and governmental interests to facilitate more manageable forest units.
  - D. Managing County-owned forest lands for the purpose of providing a supply of commercial timber as well as the development of techniques for commercial and small woodlot management.
  - E. Continuing cooperation with Federal and State forest management agencies to encourage more intensive forest management practices, which will increase the timber supply over time.
3. It is recognized that residences may be accessory and necessary to commercial forest management. The County shall adopt ordinance governing the siting and location of single-family dwellings on Forest Conservation lands. To site a forest dwelling on FC zoned lands, the following objectives must be satisfied:
  - A. Minimize the conflict between residential occupancies and Forest Conservation lands. In the event of a conflict between residential uses and normal accepted forestry management activities, support will be in favor of the resource management practices.
  - B. Ensure that the least productive lands are committed to development purposes rather than lands with greater resource capabilities.
  - C. Ensure that the resource capabilities of the forest environment are protected.
  - D. Substantially restrict development of lands with a 4.00 or higher internal rate of return.
  - E. Ensure that to the maximum extent as is practicable, Forest Commercial lands are managed for softwood forest production.
4. Authorization of a forest dwelling on lands zoned Woodlot Resource is subject to the provisions of the WR zone and conditioned upon a statement of the landowner to implement the forest management program designed for the property in question. The forest management plan shall be designed to satisfy the County's forest management objectives to the maximum extent as is practicable when considering the property's aspect

and soils capabilities. It is the policy of Josephine County to authorize forest dwellings on lands zoned WR with a Composite Internal Rate of Return (CIRR) above 3.49 pursuant to a management plan designed to address the County's forest management objectives which have the following priority:

- A. softwoods
  - B. hardwoods, firewood
  - C. anadromous fishery/watershed protection
  - D. wildlife habitat
5. It shall be the policy of Josephine County to monitor the effectiveness of management plans as a tool for enhancing forest production on under-productive lands and to modify management plan requirements as necessary to ensure their effectiveness.
  6. The CIRR system will be evaluated 2 ½ years from the adoption of this provision to determine its effect on forest management in Josephine County.
  7. Josephine County shall provide zoning classifications which will protect and conserve for forestry uses all rural commercial forest lands, non-commercial forest lands, and any other forest lands as defined in LCDC Goal 4. This policy is designed to encourage economic forest management by individual land owners as a beneficial use. Forest Uses shall be: (1) the production of trees and the processing of forest products; (2) open space, buffers from noise, and visual separation of conflicting uses; (3) watershed protection and wildlife and fisheries habitat; (4) soil protection from wind and water; (5) maintenance of clean air and water; (6) outdoor recreational activities and related support services and wilderness values compatible with these uses; and (7) grazing land for livestock.
  8. The Forest plan designation shall apply to all lands that require Goal 4 protection except for those lands protected under another resource designation where forest uses are not the predominant resource potential.

### **GOAL 3: PROVIDE LAND ALLOCATIONS TO ENCOURAGE A WIDE VARIETY OF SAFE AND AFFORDABLE HOUSING**

#### **OVERVIEW:**

The rate and amount of development in Josephine County has several implications for housing and individual use of land. Costs are rising to an extent that is making it increasingly difficult for all but higher-income people to find, and maintain the housing they need. This is especially true for the elderly living on fixed incomes and for the young married seeking to buy a first home. Inflation of home prices has resulted in one of the most expensive housing markets in the State of Oregon, with owner-occupied stock being almost exclusively limited to single-family dwellings. Housing objectives for many residents of Josephine County also include considerations other than desirable neighborhoods or adequate living areas. Many residents choose to live in

Josephine County because of the opportunity to live in a natural environment with privacy and open space.

**POLICIES:**

1. Land allocations shall be made to provide a wide variety of housing choices to accommodate urban and rural lifestyles. Land selected for rural residential purposes should be carefully evaluated so that lands with the least productive resource capabilities are selected in preference to lands that can be managed for agricultural and forestry purposes. Lands that are shown to be non-resource in capability shall be placed in a rural residential land use classification.
2. A zoning classification (Rural Convenience Center) shall be created in order to provide for the needs of rural residents.
3. Land use allocations will, to the greatest extent possible, accommodate the identified need and public desire for rural residential homesites, while preserving the rural character of the area. Appropriate minimum lot sizes for rural residential areas shall be determined by land limitations, including the following:
  - A. Ability to provide adequate sewage disposal.
  - B. Availability of water supplies for domestic purposes.
  - C. Suitability of the area for development, including proximity of public roads, and the lack of development hazards, such as floodwater inundation, steep slopes, erosive soils, or extreme wildfire hazard.
  - D. The character of the area and the desire of the property owner.
4. Land allocations shall provide for the use of mobile homes as single-family residences where appropriate.
5. The growth pattern of the County shall be encouraged to concentrate within and in close proximity to the urbanizing areas of the County and the Rural Convenience Centers. The development of new public facilities shall consider cost impacts on property owners, and, whenever possible, the least burdensome means of financing shall be selected. Capital facility programming shall be accomplished with the objective of minimizing property taxes.
6. Zoning standards for urbanizing areas shall be consistent with the development standards of adjoining cities within the County and shall be designed to protect the public health, safety, and welfare.
  - A. Zoning standards for rural areas shall be designed to permit residential, commercial, industrial, agricultural, forestry, and other rural land uses. Further, standards shall be developed governing density, setback structures on property and

access, or in the case of a substantial hardship, the temporary placement of an additional housing unit on a single lot.

7. The Board of County Commissioners shall continue to seek representation in the management of the programs on the Rogue River, administered by Federal and State agencies. They shall further protect the public and private interest by assuming primary jurisdiction in the following areas authorized by law:
  - A. the partitioning or subdividing of land;
  - B. the creation of new roads or streets for development purposes;
  - C. the creation of structures within areas subject to flood hazards; and
  - D. the minimum parcel size and minimum setback of structures from property lines.

The authorization of land uses shall be coordinated with the regulations of the Oregon Department of Transportation and the scenic easements acquired by the Bureau of Land Management. Zoning categories shall be created which provide land owners within the scenic areas equivalent rights to those enjoyed by owners of commercial or rural residential lands not located within these identified areas.

#### **GOAL 4: PLAN AND DEVELOP FACILITIES AND SERVICES THAT ARE NEEDED, AND CAN BE AFFORDED, BY THE RESIDENTS OF THE COUNTY**

##### **OVERVIEW:**

One of the functions of local and municipal governments is the provision of public facilities and services. Service levels will vary from rural areas to urban areas, with greater concentrations of development necessitating more supporting services. It must be recognized, however, that many residents of Josephine County cannot afford additional taxes for facility development. Long-term innovative planning providing for the basic needs of the community shall be supported.

##### **POLICIES:**

1. The Board of County Commissioners shall encourage the development of adequate public facilities and services to support the development of private land where needed, and further shall seek to coordinate the development of services and facilities which will assist other governmental bodies. The following matrix identifies what services are appropriate for each zoning district and all land use decisions shall be consistent with such matrix. (Exhibit A attached.)
2. The Board of County Commissioners shall encourage the study of the feasibility and use of alternative forms of ground and surface water supplies, including impoundments on the major streams and their tributaries flowing through or in Josephine County for

multi-purpose use and benefits. The above uses to include municipal, domestic, industrial, agricultural, fishery, low-head hydro, recreation, stream enhancement, soil conservation and any other uses determined to mutually benefit the citizens and environment of the County.

3. Public and community water supply systems shall be considered for areas of the County where existing groundwater supplies have been contaminated or intruded. An inventory shall be maintained of areas of known water quality problems. Development in such areas shall be restricted until potable water supplies can be obtained.
4. It shall be the policy of the Board of County Commissioners to encourage and facilitate the development of a transportation master plan for bridges and roads coordinated with City, State and Federal agencies.
5. The County shall continue to maintain and improve the appropriate airport facilities within Josephine County. Zoning standards shall be established to prevent the development of incompatible uses or hazardous structures within the flight approach zones. Any development and expansion will be in accordance with applicable airport master plans.
6. The Board of County Commissioners shall coordinate the allocation of land uses with the provisions of educational services by the school and college districts.
7. The levels of urban services provided within urban growth boundaries shall be determined by policies mutually adopted by the Board of County Commissioners and the affected City Council.
8. The Board of County Commissioners shall encourage the testing, approval, and use of alternative forms of water supply and sewage disposal. A continuing study will be maintained on future needs for solid waste utilization and disposal.
9. The Board of County Commissioners shall encourage all agencies to coordinate programs to provide a full range of recreational opportunities including the use of public lands for open space.
10. The physically handicapped and transportation disadvantaged shall be considered in the design of transportation facilities and alternative transportation modes.

## **GOAL 5: TO DIVERSIFY, EXPAND AND STABILIZE ECONOMIC OPPORTUNITIES FOR THE BETTERMENT OF THE COUNTY**

### **OVERVIEW:**

The economy of Josephine County is largely dependent on tourism, government, the wood products industry, and commercial services. Substantial income is represented by transfer payments, including retirement payments, social security, and welfare programs. Population trends indicate a higher than State average percentage of retired persons within the population.



The economic base is not growing at the same rate as the population. Unemployment is high and many young people must leave the area to seek employment. The economy is not necessarily weak as a result of this pattern, but is sensitive to national economic trends.

**POLICIES:**

1. Sufficient land shall be allocated to provide for the development of diversified commercial and industrial bases.
2. Josephine County, in cooperation with the Cities, shall seek methods of assuring long-term capital improvement financing which will allow the extension of services to designated commercial and industrial areas so that such lands can be effectively used to stabilize the economic base of the County.
3. County-owned land in the vicinity of the Josephine County Airport and the Interstate 5 freeway shall be developed for industrial use. The County will encourage the participation of property owners of adjacent and appropriately zoned land to facilitate the development of an attractive and economically viable industrial park at this site.
4. Home occupations are recognized as a positive means of providing for small local business. Standards shall be established in the Zoning Ordinance which allow the use of rural residential lands for home occupations.
5. Zoning districts shall be created which encourage a variety of commercial and industrial uses.
6. Provision shall be made for the siting of Resorts to expand tourism in Josephine County. A variety of opportunities shall be made available by allowing resorts approved in conformance with a State Goal 2 exception, a State Goal 8 process or within a committed exception area. A specific Comprehensive Plan designation and zoning district shall be created for resorts approved through the Goal 2 process. Ordinance criteria and siting standards shall be developed for any other resort. All resorts shall be an asset to the County without significantly detracting from its natural setting.

For purposes of siting Destination Resorts, areas zoned as Woodlot Resource and Farm Resource are designated as Secondary Lands.

**GOAL 6: PREVENT LOSS OF LIFE AND PROPERTY DUE TO NATURAL AND MAN-MADE HAZARDS**

**OVERVIEW:**

The past occurrence of catastrophic floods, fires, and earth slides indicates a continuing threat to residents of Josephine County. Mitigation of these natural and man-made threats is a function of public awareness of hazardous areas. Controls and restriction of development in these areas, provision of viable fire and other disaster services, and efforts to reduce hazards shall be encouraged.

## **POLICIES:**

1. Josephine County shall continue to participate in the National Floodplain Insurance Program to provide insurance to owners of properties subject to floodwater inundation. Consistent with the National Floodplain Insurance Program, the Josephine County Board of Commissioners shall continue to review and update the current ordinance regulating the use of land within areas subject to floodwater hazards.
2. The Josephine County Board of Commissioners shall continue to support and encourage the inclusion of properties into existing fire protection districts.
3. The Josephine County Board of Commissioners shall encourage reduction of fuel concentrations and the construction of fire breaks, i.e., the utilizing of fire resistant vegetation, construction of water sources, construction of roads suitable for use by emergency equipment, and design of loop road systems that allow for emergency evacuation of an area in rural developments.
4. The Board of County Commissioners shall maintain an inventory of geologic hazards and shall create ordinances to discourage development in these areas.

## **GOAL 7: PRESERVE VALUABLE LIMITED RESOURCES, UNIQUE NATURAL AREAS AND HISTORIC FEATURES**

### **OVERVIEW**

Inventories of the resources of Josephine County indicate that special features, such as archaeological or historic sites, and limited resources, such as mineral deposits and sensitive wildlife habitat, may be endangered unless protected from the encroachment of incompatible land uses. Because of the importance of these various special resources to the economic, cultural and aesthetic well-being of County residents, comprehensive planning necessitates careful consideration of the trade-offs between land use alternatives.

1. The Board of County Commissioners shall encourage the identification and preservation of archaeological sites, prior to their development in Josephine County. When sites are identified by a qualified archaeologist, Josephine County will evaluate archaeological sites for their significance. If found to be significant, the County will apply the provisions of the Goal 5 rule, as applied in Chapter 14 of the Zoning Ordinance.
2. The Board of County Commissioners shall support the identification of significant natural areas and shall implement measures to evaluate the importance of preserving such sites.
3. The Board of County Commissioners shall support the identification of historic sites in Josephine County and encourage the preservation of historic artifacts and ensure that incompatible uses are not established adjacent to sites identified in the National Register of Historic Sites and places. A historic sites review committee shall be established to determine conflicts with primary historic resources and requests for alteration.

4. Because no conflicts with primary historic resources currently exist, it is the policy of Josephine County to employ a review process pursuant to the historic review provisions of Chapter 14 of the Zoning Ordinance when a request for alteration of a primary historic site is received.
5. Class 1 and 2 streamside vegetation shall be substantially protected. Land use management activities shall take into consideration management of fishery resources in Josephine County.
6. The County shall provide for wildlife protection. When a nest site or rookery is identified and when a significant activity is proposed nearby, there shall be consultation with the Oregon Department of Fish and Wildlife to mitigate impacts. Nearly all 1C sites, as defined by OAR 660-16000(5)(c), are within national Wild and Scenic Rivers or State Scenic Waterways boundaries and conflicting uses will be limited by national and state river management programs. Areas outside the river corridors are not yet clearly identified and will be classified as 1B sites until precise locations are determined, at which time ESEE analyses will be conducted. In sensitive deer habitat areas (those areas outside the impacted area and below 2500 feet elevation), measures shall be implemented to limit the number of residences to 32 per two square miles of habitat area. The review process is included in Chapter 14 of the Zoning Ordinance.
7. Since the County has a wide variety of mineral resources, steps shall be taken to maintain existing inventories, prevent encroachment by incompatible uses, and identify potential processing sites. Land allocations and ordinances extreme importance to residents of Josephine County because of its effect on the quality of life and the economic viability of the region. Pollution control strategies must be designed to reduce the cumulative effects, not of people, but of what people do. Land use allocations must be examined to ensure that development will not exceed the community standards.

## **GOAL 8: POLLUTION SHALL BE CONTROLLED**

### **POLICIES:**

1. The Board of County Commissioners shall monitor and maintain acceptable standards to avoid air, water and noise pollution, (including chemical and thermal pollution and unnecessary sedimentation of existing and future surface and ground water supplies). Ordinances adopted under this policy shall be coordinated with affected agencies and/or programs.
2. The Board of County Commissioners shall investigate and identify potential mass transportation methods when warranted and continue management programs which emphasize the reduction of road-associated dust and other sources of air contamination.
3. The Board of County Commissioners shall seek the improvement of alternative routes around commercial districts within urbanizing areas to reduce congestion.

4. County agencies such as the Planning and Environmental Health Departments shall coordinate activities with State agencies involved in the regulation of air, water and noise pollution to ensure application of State and federal standards. Ordinances shall be adopted which require compliance with State discharge and construction permits for new or industrial land uses.

## **GOAL 9: DEVELOPMENT AND PRESERVATION OF ENERGY**

### **OVERVIEW:**

The use of energy is increasingly becoming a major problem of both urban and rural life. Increased automobile maintenance and fuel costs may restrict or reduce the ability of many County residents to afford rural lifestyles which necessitate great commuting distances. Increased costs for utilities, for the lighting and heating of homes creates increased demands on limited resources. Better energy use may be possible through the encouragement of additional modes of transportation and more efficient home construction techniques, careful siting of construction sites, and use of alternative energy sources and proper winterization and insulation techniques.

### **POLICIES:**

1. The Board of County Commissioners shall encourage energy conservation in the design of residential subdivisions and individual home developments and the optimum utilization of available and efficient heating and power generation techniques.
2. The Board of County Commissioners shall support efforts to increase the use of high-energy fuel woods. Zoning classifications shall be developed which encourage the establishment of small woodlot forestry operations to provide a supply of marketable fuel wood.
3. The Board of County Commissioners shall encourage construction of safety paths with the reconstruction or development of new roads or streets between major shopping centers and recreational and educational facilities.
4. Local utilities and industries shall be encouraged to explore the practicability of utilizing wood waste for co-generation of electric power within the County, and to study low-head hydro-electric generating techniques. The Board of County Commissioners shall facilitate resolution of conflicts between hydropower sites and other uses.
5. The Board of County Commissioners shall encourage the use of winterization and home insulation tax programs and incentives.

## **GOAL 10: TO DEPICT A LAND USE PATTERN TO GUIDE FUTURE USES, TO IMPLEMENT THE DESIRES OF THE COUNTY AND TO MEET THE REQUIREMENTS OF THE STATE OF OREGON**

**OVERVIEW:**

It is in the best interest of the citizens of the County to have a stable land use pattern. A Comprehensive Plan Map is an acceptable method to show existing and desired land use patterns for the Planning Period.

**POLICIES:**

1. The Comprehensive Plan Map shall be used as a guide and shall show the land use in Josephine County. The general land use categories and their implementing zones are as follows:
  - A. Forest (F). The forested lands including the lands for the full range of forest uses. Because of the economic importance of the timber economy to Josephine County, forest lands as described in Goal 2, Policy 7 shall be conserved through the use of two forest zones. Either the FC or WR zone will be applied to forest areas where a majority of the following criteria under either 1 or 2 are applicable:
    - (1) Lands with the following characteristics shall be zoned Forest Commercial (FC-80):
      - (a) parcels of land primarily managed for commercial forestry;
      - (b) parcels generally 40 acres or larger with soils which have a CIRR (Composite Internal Rate of Return) of 4.00 or above;
      - (c) parcels accessed primarily by roads constructed for servicing commercially managed forest lands;
      - (d) parcels with soils which have a CIRR below 4.00 but are surrounded by parcels described in a, b, and c above;
      - (e) government parcels 40 acres or larger and outside impacted wildlife habitat areas.
    - (2) Lands with the following characteristics shall be zoned Woodlot Resource (WR):
      - (a) parcels of land generally not managed, or incapable of being managed, for commercial forestry;
      - (b) parcels generally smaller than 40 acres with a CIRR between 3.5 and 3.9.
      - (c) parcels with a CIRR below 3.5 which, by definition, as described by Goal 2, Policy 7, are forest lands;
      - (d) parcels provided with facilities and roads intended primarily for servicing rural noncommercially managed forest lands;

- (e) parcels with soils which have CIRR of 4.00 or above but are surrounded by parcels described in a-d above.

B. Agricultural (AG). The agricultural lands of the County including large and small scale farm operations. Agriculture lands described in Goal 1, Policy 1 shall be preserved and maintained through the use of two agricultural zones applied as follows:

- (1) Parcels of agricultural land with the following characteristics shall be zoned Exclusive Farm (EF-80):
  - (a) which are in contiguous ownerships of 80 acres or larger and which have soils with Class I through IV agricultural capability or are necessary to permit farming on adjacent or nearby lands. These lands are generally located within flood plains within one mile of the Rogue, Applegate, and Illinois Rivers and their tributaries.
- (2) Parcels of agricultural land with the following characteristics shall be zoned Farm Resource (FR):
  - (a) which are in contiguous ownerships smaller than 40 acres for which a statewide planning goal exception to statewide planning Goal 3 has not been acknowledged; or
  - (b) which are in contiguous ownerships between 40 and 79 acres which are surrounded by lands described in "a" above and lands for which an exception to Goal 3 has been acknowledged.

C. Serpentine (S). Lands that are underlain with Serpentine rock and have very limited resource and development potential. Because of the unusual characteristics associated with Serpentine areas, the County shall create a special zoning category encompassing a majority of lands underlain by Serpentine materials which severely limit farm or forestry uses. This designation shall apply to lands that are underlain predominantly with Brockman, Dubakella, Eightlar, Pearsoll, Perdin, and Takilma variant soils. The zoning category shall be designed to ensure that land development activities in Serpentine lands are consistent with its capabilities.

D. Aggregate Resource (AR). Source areas for aggregate and rock extraction which are generally located in areas prone to flooding. An Aggregate Resource zone shall be adopted which includes those areas that are generally subject to flooding and material deposition and which have been identified as an immediate source of Aggregate material. These areas are unsuitable for farm and forest uses because of the soils and unsuitable for building construction because of the natural hazards.

- E. Residential (R). The areas that are committed to residential use or are determined to be non-resource lands. Rural Residential will include those areas that are committed to non-resource uses, or determined to be non-resource in capability; and used primarily for residential development. The rural character of these areas shall be preserved by appropriate lot sizes to insure that uses do not exceed the physical capability of the land and services shall be provided to the extent necessary to maintain a rural lifestyle.
- F. Commercial (C). Areas designated for rural commercial activities shall be ones that recognize a broad list of uses based upon historic commercial locations and new locations that are attractive and appropriate for the development of such activities. The Rural Land Development Code shall implement standards that assure rural commercial uses are or remain rural in character pursuant to Statewide Goal 14 on urbanization. This designation shall be implemented through the Rural Commercial Zone.
- G. Industrial (I). Lands designated for industrial development shall include a range of uses that recognize resource dependent industrial sites, abandoned or diminished mill sites, and industrial sites that afford effective opportunities for a wide range of general rural industrial activities, such as, industrial institutional uses, sales and/or service, repair, assembly and manufacturing, storage and distribution, and support services. The Rural Land Development Code shall implement standards that assure rural industrial uses are or remain rural in character pursuant to Statewide Goal 14 on urbanization. This designation shall be implemented through the Rural Industrial Zone.
- H. Urban Area (UGB). Areas within the Urban Growth Boundary.
- I. Resort (Res). Area intended for large scale tourist facilities that is self-contained and provides extensive recreational facilities. To qualify for this designation a Goal 2 exception must be approved.
- J. Urban Exception Areas (UEA). Urban Exception Areas are lands with acknowledged exceptions to Statewide Planning Goals 3, 4, 11 and 14. There are two types or classes of "urban" exception lands within Josephine County outside of urban growth boundaries: (1) lands that are physically developed or irrevocably committed to urban levels of development (UEA-C); and (2) urban exception areas for which "reasons" justify allowing new urban development on lands located outside of urban growth boundaries and unincorporated community boundaries (UEA-R).

In general, urban exception areas contain uses or levels of development not typically found in rural Josephine County. The plan policies for UEAs apply to: (1) existing land use developments where a concentration of industrial, commercial, or residential development is built and committed to make the area

no longer "rural"; and (2) valid "reasons" exceptions to Statewide Planning Goals 3, 4, 11 and 14 to allow new urban development.

The first type of urban exception area consists of lands determined to be "built and committed" to urban levels or types of land uses existing on April 17, 1998. In UEA-C areas, it is the policy of the county to recognize and allow modest expansions of existing developments rather than to promote additional new urban development. In UEA-C areas, the county does not encourage new urban development that could more appropriately locate and be served inside urban growth boundaries or certain unincorporated community boundaries. However, development on existing vacant lots will be permitted. Where it can be demonstrated that on site water and sewer systems will not exceed carrying capacity, it is the policy of the county to allow additional uses similar in type and density to those already existing in a UEA-C area. The UEA-C designation may be implemented by industrial, commercial, residential or mixed use zones appropriate for and consistent with the types of uses existing in the particular exception area. These areas will be identified on the comprehensive plan map as UEA-C areas.

The second type of urban exception area consists of lands for which an exception to Goals 3 and 4 has been acknowledged, and where the county has justified a "reasons" exception to Goals 11 and 14 to allow new urban levels or types of land uses. For UEA-R areas, it is the county's policy to recognize existing development and to promote additional urban development for the reasons specified in the exception. It is also the policy of the county to establish UEA-R areas sparingly and primarily for the reason of strategic economic importance to the county (e.g., locating industrial development at the airport in Illinois Valley). This designation is not intended to be applied to lands that would compete with vacant lands within urban growth boundaries or in those unincorporated communities recognized as appropriate for new urban development. Neither is it intended to promote urban land uses that would be out of character with existing rural neighborhoods or diminish the existing quality of life in such neighborhoods. Full urban levels of service may be provided to UEA-R areas where an exception to Goal 11 has been justified. The UEA-R designation may be implemented by an industrial, commercial, or mixed use industrial- commercial zone appropriate for and consistent with the justification used in the goal exception statement. These areas will be identified on the comprehensive plan map as UEA-R areas.

2. The Forest, Agriculture, Serpentine and Aggregate Resource designations shall be considered as natural resource designations.
3. The County shall protect and conserve its natural resources by placing a Comprehensive Plan resource designation on all lands that do not have an exception to State Goals in the form of an urban growth area, committed exception, need exception or are proven to be non-resource area.



4. The Comprehensive Plan resource designation shall afford equal protection for the full range of resources and will show the predominant resource potential for the area. Therefore an area of land may have agriculture uses and a forest plan designation because the area has a predominant forest potential based on the location and physical attributes.

## **GOAL 11: THE COMPREHENSIVE PLAN SHALL BE MAINTAINED, AMENDED, AND UPDATED AS NECESSARY**

### ***OVERVIEW:***

The comprehensive plan contains the general goals and policies, maps, inventories, functional plans and implementing ordinances that are required to guide the future development of Josephine County. As such, the plan is intended to be responsive to changes in the circumstances of the county and the desires of its citizens. Goal 11 shall provide the rules and procedures for maintaining, amending and updating the various components of the plan.

### ***POLICIES:***

1. **PLAN AMENDMENT PROCEDURES.** It is anticipated the comprehensive plan will need to be amended from time to time to address changes in circumstances, to include new or different information, or to revise incorrect or incomplete information contained in previous efforts, subject to the following basic procedures:
  - A. Applications to amend the text or maps of the comprehensive plan may be initiated by the Board, the Planning Commission, the Planning Director, interested agencies or individuals.
  - B. All applications shall be submitted on forms provided by the Planning Director and shall be accompanied by required application fees; however, requests initiated by the Board, the Planning Commission or the Planning Director shall not require fees.
  - C. At a minimum the application shall:
    - [1] Identify the specific policy, inventory, map, plan or ordinance sought to be changed;
    - [2] Explain why the change is being requested (change in circumstances, new or different information, revise incorrect or incomplete information contained in previous efforts, etc.);
    - [3] Include the exact language required to accomplish the proposed change in the text; or, in the case of a map amendment, include a scaled zoning map precisely identifying the area and designations to be changed;
    - [4] Include a list of all state and local goals, together with a written explanation stating why the goals do or do not apply, and if the applicant

believes one or more of the goals apply, how the proposed application is consistent with the requirements of the applicable goal or goals. The Planning Director or Review Body may specify different state and county goals as applicable to the application.

[5] In the event the proposed change relates to an inventory, data base, plan or ordinance, the application shall include the scientific and technical data, reports or other evidence prepared by an expert in that field necessary to support the change. It shall be the function of the review body to determine, based upon substantial evidence in the record, whether the particular training and experience of a witness qualifies the witness to testify as an expert. Specifically:

[a] More detailed soil data may be utilized to define classifications or characteristics of soils contained in the county's data base, provided the data is credible and attested by a certified soil scientist; and

[b] In the case of a change to a Goal 5 inventory, the application shall be accompanied by evidence demonstrating compliance with OAR 660-23, as amended, which may include one or more Economic, Social, Environmental and Energy (ESEE) analyses.

[6] In the event the proposed change relates to a map amendment, the application shall contain detailed evidence and other documentation showing how the request meets the criteria contained in Policy 2, and if applicable, Policy 3, of this Goal.

D. Applications to amend any element of the comprehensive plan shall be reviewed and decided as set forth in this subsection.

[1] REVIEW AUTHORITY OF THE PLANNING COMMISSION. The Planning Commission shall review all applications to amend any element of the comprehensive plan. Planning Commission reviews shall be subject to the following rules:

[a] The Planning Commission shall make the final decision on applications to amend any element of the comprehensive plan unless the applications involve an exception to statewide planning goals or involve lands designated as agricultural or forest lands under a statewide planning goal.

[b] The final decision shall be in the form of written findings that explain the standards and criteria considered relevant to the decision, state the facts relied upon in rendering the decision and explain the justification for the decision based on the applicable

standards and criteria, and shall be accompanied by a recommended ordinance.

- [c] Final decisions of the Planning Commission may be appealed on the record to the Board as provided in Article 33 of the Rural Land Development Code.
- [d] Applications involving exceptions or agricultural or forest lands shall be reviewed by the Planning Commission in a public hearing. At the conclusion of the hearing the Planning Commission shall deliberate and make a recommended decision to the Board.
- [e] All Planning Commission hearings shall conform to the notice and hearing rules as set forth in Chapter 3 of the Rural Land Development Code.
- [f] Final authority of the Planning Commission to act upon plan amendments is for appeal purposes only, and does not include the authority to implement changes by ordinance.

[2] REVIEW AUTHORITY OF THE BOARD. The Board's authority to review actions by the Planning Commission to adopt, amend or repeal any part of the comprehensive plan shall be subject to the following rules:

- [a] Where the Planning Commission makes a recommended decision to the Board pursuant to subsection D[1][d] above, the Board shall conduct a full *de novo* hearing regarding the application. The Board's hearing shall conform to the notice and hearing rules as set forth in Chapter 3 of the Rural Land Development Code, and any other applicable state law or rule.
- [b] This policy shall not prevent or limit the Board's authority to initiate a hearing to review any Planning Commission action regarding the comprehensive plan pursuant to provisions of the Rural Land Development Code.
- [c] The Board shall have sole authority to implement changes to the county's comprehensive plan by ordinance.

2. **MAP AMENDMENT CRITERIA.** Applications to amend a comprehensive plan and/or zone maps shall comply with all of the following criteria and procedures:

- A. Amendments to a plan and zone map shall demonstrate compliance with all applicable statewide and county goals and policies.

- B. Requests involving changes for lands from a resource designation to a non-resource designation shall either comply with statewide exception criteria contained in Oregon Revised Statutes 197.732, and as implemented in Oregon Administrative Rules, Chapter 660, Division 4, or demonstrate the land is non-resource pursuant to the criteria contained in Policy 3 below.
- C. Requests involving changes to the plan and/or zone maps shall demonstrate the land has adequate carrying capacity to support the densities and types of uses allowed by the proposed plan and zone designations. The adequacy of carrying capacity, at a minimum, shall be evaluated using the criteria listed below. The criteria are to be considered together to determine whether the geography of the land is suited to support the kind of development associated with the proposed designations. With the exception of criterion [1] below, the application of any one criterion is not intended to be determinative of carrying capacity alone, unless the Review Body finds the importance of a specific benefit or detriment associated with the criterion overrides the consideration of other criteria. Nevertheless, in order to determine the adequacy of carrying capacity, the analysis must consider and address all of the listed criteria in relationship to one another. Sites may be altered to achieve adequate carrying capacity, but as alterations become more extensive, technical or difficult to perform or maintain, the greater the burden of proof shall be on the applicant to demonstrate compliance with the following criteria:

- [1] The proposed density and types of uses can be supported by the facility, service and other applicable development standards contained in the Rural Land Development Code or contained in other applicable federal, state and local rules and regulations governing such densities and types of uses.
- [2] Other physical characteristics of the land and surrounding area make the land suitable for the proposed density and types of uses, to include consideration of existing or potential hazards (flood, wildfire, erosion), the degree of slopes, the presence of wetlands, geologic formations, mineral deposits and any other similar natural or man-made conditions or circumstances;
- [3] The land in its natural state accommodates the proposed uses and densities, or special alterations or mitigation plans can make the land achieve the carrying capacity described under items [1] and [2] above;
- [4] Development pursuant to the proposed uses or densities will not significantly increase the risk from hazards to the residents of the development, the area or the general public;
- [5] Features of the development will not result in future maintenance costs to the public for the infrastructure needed to serve the development and the area that are atypically higher than expenses for other developments in the

same plan and zone designations (examples of infrastructure include streets, bridges, storm drain facilities, erosion and sediment control facilities, and other similar public infrastructure facilities); and

- [6] Special circumstances exist at or near the site that justify increased risks, expensive or complex mitigation plans, or higher infrastructure costs to the public from the development. This criterion can be used to consider specific community needs that have arisen within the area since the existing zoning was implemented at the site. Examples of circumstances which might support the application of this criterion are changes in demographics; the location or discovery of unique natural resources; changes in infrastructure that are intended to support and encourage the kinds of development associated with the request; the development of rural communities; and any other circumstance that establishes a special need or benefit to the community that justifies increased risks and costs. This criterion shall not be used to modify the requirements of criterion [1] above.

- D. The density and types of uses authorized by the proposed plan and zoning designations are appropriate based on the requirements of subsection [1] or [2] below:

- [1] The change in designations at the location is consistent with the character of the surrounding area. Consistency shall be demonstrated by a detailed review of the relationship between the area covered by the proposed change in designations and the surrounding area, subject to the following rules.

- [a] The detailed review shall describe the similarities or dissimilarities between the area of proposed change and the surrounding area based upon parcel size and ownership patterns,<sup>1</sup> zoning, existing or authorized land uses and structures, public facilities and services, and natural or man-made features.<sup>2</sup>

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<sup>1</sup> Evidence regarding changes in parcel size and ownership patterns shall, at a minimum, consider the circumstances of the parcelization and ownership patterns lawfully existing within the area of study. Review of parcelization patterns shall not only include the number and size of the parcels, but the relationship of the parcels to the total acreage within the study area, together with the potential for additional parcelization pursuant to existing zoning. In order for parcels to be counted in a parcelization analysis, the parcels must be authorized lots or parcels as defined by §11.030.183 of the Rural Land Development Code.

<sup>2</sup> Natural or man-made features may include watercourses, wetlands, watersheds, ridges, valleys, roads, rights-of-way, easements, political or service boundaries and other similar features. The study must identify and explain how these features operate to join or disjoin the area being changed from surrounding lands.

[b] The detailed review shall include a written statement explaining the rationale used to include or exclude areas from study, and be supported by zoning maps, aerial photographs, contour maps, and any other public or private records, statistics or other documents necessary or helpful to establish the character of the area and show how the change will be consistent.

[2] Demonstrate how the introduction of inconsistent density or uses into an area is justified. This demonstration may be based upon changes in the area resulting from rezonings, new residential, commercial, industrial or resource development, the introduction or improvement of public facilities and services, changes in demographics, changes in plan inventories, and other similar circumstances. The application shall show how the proposed change in designations, in the context of the foregoing circumstances, implements applicable state and/or county goals and policies. The more the change introduces inconsistent densities and uses into an area, the greater the burden on the applicant to justify the basis for the change.

E. Requests involving changes to the plan and/or zone maps within established exception areas shall demonstrate the change complies with the criteria contained in Oregon Administrative Rule 660-004-0018 governing plan and zone changes within exception areas.

3. **NON-RESOURCE LAND CRITERIA.** Authorized lots or parcels (but not portions thereof) which have been zoned Woodlot Resource or Farm Resource may be designated as non-resource when the application demonstrates compliance with the following criteria and rules:

A. The land within the lot or parcel is non-farm land because:

[1] The predominant (greater than 50%) soil or soils are rated Class V or above in the *Soil Survey of Josephine County*, as adopted or amended in the plan data base (soils having both an irrigated and non-irrigated class ratings will be rated based on whether irrigation rights are or are not perfected at the time the application is filed); and

[2] The land is otherwise unsuitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land-use patterns, technological and energy inputs required, or accepted farming practices; and

[3] The land is not required to buffer urban growth areas from commercial agricultural operations; and

- [4] The land is not necessary to permit farm practices or forest operations to continue or occur on adjacent or nearby resource zoned lands, subject to the rules and procedures as set forth in subsection C below.

B. The land within the lot or parcel is non-forest land because

- [1] It is not included within the following definition of forest land:

*A lot or parcel is considered forest land when the predominant (more than 50%) soil or soils on the parcel have an internal rate of return of 3.50 or higher (if a single forest-rated soil is present), or composite internal rate of return of 3.50 or higher (if multiple forest-rated soils are present).*

For the purpose of this criterion, any evaluation of the internal rates of return for forest soils shall be made pursuant to the document entitled, *Using The Internal Rate Of Return To Rate Forest Soils For Applications In Land Use Planning (1985)*, by Lawrence F. Brown, as amended; or

- [2] If a determination cannot be made using the internal rate of return system as described in subsection B[1] above, the land is shown to be unsuitable for commercial forest uses based upon a combination of proofs, to include (but not limited to) the site index or cubic foot calculations, the testimony of expert witnesses, information contained in scientific studies or reports from public and private sources, historic market data for the relevant timber economy, and any other substantive testimony or evidence regarding the commercial productivity of the subject land, which taken together demonstrate the land is not protected by Statewide Goal 4; and
- [3] The land is not necessary to permit farm practices or forest operations to continue or occur on adjacent or nearby resource zoned lands, subject to the rules and procedures as set forth in subsection C below.<sup>3</sup>

C. Land is necessary to permit farm practices or forest operations on adjacent or nearby lands when the land within the lot or parcel provides a special land use benefit, the continuance of which is necessary for the adjacent or nearby practice

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<sup>3</sup> Only lands zoned in the Woodlot Resource zone may qualify as non-forest lands (see paragraph 3 above). Lands zoned in the Forest Commercial zone are not eligible for this option. The basis for this distinction lies in the county's ability to ascertain the commercial viability of forest lands based upon the Internal Rate of Return (IRR) system, as it has been applied within the acknowledged plan. The IRR system, in conjunction with the county's further ability to ascertain other locational factors, demonstrates that Woodlot Resource zoned lands have qualified commercial forest value and are generally situated in proximity to other non-commercial forest or non-resource lands. The county is able to make this finding based upon the GIS mapping and analysis contained in the report, *Locational Factors Affecting Woodlot Resource Lands*, by Michael Snider (March 22, 1999). This publication is made a part of the comprehensive plan by this reference.

or operation to continue or occur. The following rules shall apply when evaluating this criterion:

- [1] Land use benefits shall include access, water supplies, wind breaks, impact buffering, the minimization of land use conflicts, the preservation and protection of soil, air, water, watershed, and vegetation amenities; and the retention of normally accepted wildfire fighting strategies for adjacent or nearby commercial forest uses.
- [2] A land use benefit shall be considered necessary for normal farm practices and forest operations when loss of the benefit will interfere with accepted farm practices or forest operations by significantly impeding or significantly increasing the cost of the practices or operations.
- [3] The application shall include a review of the relationship between the lot or parcel under consideration and surrounding farm practices and forest operations. The review shall list and describe existing or potential farm practices and forest operations on adjacent or nearby lands, as well as the general geography and potential land uses on the subject property, and then provide an analysis of how the uses permitted by the proposed non-resource designations may or may not significantly impede or significantly increase the cost of accepted farm practices or forest operations. The review may be based upon data or information from some or all of the following sources: private organizations (commercial timber producers, forestry consultants, woodlot associations, etc.) public agencies that collect and interpret farm practice or forest operation data, such as county offices (Departments of Planning, Assessor and Forestry) state agencies (Departments of Forestry, Agriculture, Revenue and the Oregon State Extension Service), federal agencies (Department of Agriculture/Forest Service, the Bureau of Land Management, the Natural Resources Conservation Service and the Farm Service Agency), and other similar public entities.
- [4] In the event a farm or forest operator within the review area contends in the record that the map changes could significantly impede or increase the cost of specific practices or operations, and this contention is based upon records, data and other information in the operator's possession, but unavailable to participants in the hearing from public sources, the review body is authorized to require the operator to submit the supporting records, data and other information into the record for examination by the review body and other participants.
- [5] A lot or parcel shall not be considered necessary to permit farm practices or forest operations on adjacent or nearby lands if the necessary benefit can be preserved through the imposition of special restrictions or



conditions on the use of the subject property which reasonably assure continuation of the benefit.

[6] As a condition upon the approval of all plan and map changes from resource to non-resource designations, the property owner shall be required to execute and record in the county deed records a *Conflict Preference Covenant*, which recognizes the rights of adjacent and nearby resource land owners to conduct normal farm practices and forest operations. The covenant shall provide that all land use conflicts between non-resource uses on the subject property and adjacent or nearby resource operations will be resolved in favor of accepted farm and forest practices and operations.

- D. The land is not other forested lands that maintain soil, air, water and fish and wildlife resources.
  - E. If the proposed plan designation is Rural Residential, the lot or parcel must be shown to be entirely outside of the critical habitat area (i.e., above 2500' or designated as impacted) on the official 1985 Deer Winter Range map, as adopted or amended.
  - F. When a request for a plan map amendment qualifies because the land is non-resource pursuant to the criteria contained in this policy, the zoning may be changed to one of the following zones only: Limited Development, Serpentine or Rural Residential with a minimum parcel size of 5 acres or larger. All such applications must also demonstrate compliance with the map amendment procedures and criteria as set forth in Policies 1 and 2.
4. **APPLICABILITY OF POLICIES.** The specific procedures and criteria contained in the foregoing policies shall immediately apply to and govern all new applications to amend, maintain or update any of the various components of the comprehensive plan.<sup>4</sup> Any and all conflicting provisions or criteria contained in the Rural Land Development Code (RLDC) are repealed and amended by the adoption of the foregoing policies.
5. **MEANING OF THE TERM "SIGNIFICANT."** For the purposes of implementing the provisions of the foregoing policies, the term "significant" shall mean the proposed change is likely to have considerable influence or effect upon the matter being considered, or that the effect or impacts arising from the change will result in important or weighty consequences or risks. The term is intended to guide the review body in evaluating the effects certain land use activities may have on other land use activities or on other land use considerations made applicable by these policies or other state or local goals, rules or laws. The review body shall judge the use of the term significant based on

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<sup>4</sup> Applicants with applications pending at the time these policies become applicable may elect to apply the rules, procedures and criteria contained in this goal.

what a reasonable person would consider significant given the facts and circumstances being considered.

**GOAL 12: PROCEDURES SHALL BE ESTABLISHED FOR THE PLANNING AND ZONING OF UNINCORPORATED COMMUNITIES AS NEEDED AND DESIRED BY THE RURAL RESIDENTS OF JOSEPHINE COUNTY**

**POLICIES**

1. Unincorporated communities may be established to recognize, promote and protect the social, economic and land use importance of communities within the rural areas of Josephine County.
2. Unincorporated communities shall comply with the requirements of Oregon Administrative Rules, Division 22, *Unincorporated Communities*, and the provisions of this Goal.
3. The process used to establish unincorporated communities shall ensure that residents who may be affected by inclusion within, or exclusion from, community boundaries shall be provided full and open opportunity to participate in all phases of the planning process. The county shall involve all certified local Citizen Advisory Committees that may be affected by the boundary in the planning of citizen involvement.
4. Unincorporated communities shall be implemented by the adoption of individual comprehensive plans, to include some or all of the following as needed:
  - A. The economic, social, environmental and public and private service data bases, inventories and technical studies and reports that catalogue and describe the lands within the boundary and the populations and developments contained therein;
  - B. Such goals and policies as may be needed to describe and guide the implementation and maintenance of the community plan (the goals and policies for each community shall be included as addenda to this Goal at the time they are adopted);
  - C. Findings of fact that document compliance with all state and local requirements for the formation and maintenance of unincorporated communities.
  - D. Functional and financing plans dealing with individual public facilities and services existing or planned within the community boundary;
  - E. Boundary and plan maps that designate lands contained within the community boundary and the general and specific zoning categories (residential, commercial, industrial, resort, resource, etc.) that apply to such lands;
  - F. Intergovernmental agreements involving affected local jurisdictions and/or special districts or other public corporations, commissions, authorities or entities

organized and existing under state statute or county charter with authority or function within the community boundary; and

- G. The zoning classifications and development requirements necessary to implement the community plan through the review and permitting of specific land uses within the community boundary. The implementing zones and development requirements shall be inserted into Chapter 10 (*Unincorporated Communities*) of the Rural Land Development Code.
5. Unincorporated community plans, at a minimum, shall provide for residential, commercial, industrial, institutional, recreational development or opportunities in ways that ensure cumulative development will not exceed the capacity of the area to dispose of sewage or provide water, or that sites will not exceed the capacity of available community water and sewer services.
6. Unincorporated community plans shall allow only those uses which are consistent with the identified function, capacity and level of service of transportation facilities serving the community.

# MERLIN/NORTH VALLEY UNINCORPORATED RURAL COMMUNITY

## GOALS AND POLICIES

### **GOAL 1: STEPS SHALL BE TAKEN TO IMPLEMENT NEEDED COMMUNITY FACILITIES AND SERVICES WHILE ENSURING CUMULATIVE DEVELOPMENT DOES NOT EXCEED THE CARRYING CAPACITY OF THE LAND.**

#### **OVERVIEW:**

The area within the Merlin/North Valley Community (MNVC) is comprised of land that currently supports significant residential, commercial, industrial, institutional and recreational service uses. There is also a major destination resort approved on land within the boundary that calls for the development or extension of community-level sewer and water facilities and services into the area. The existing on and off-site facilities and services needed to support existing and future uses are inadequate. Sewer, water and transportation facilities and services must be developed to support existing and future uses. It is therefore the principal goal of the Merlin/North Valley boundary and plan to provide a framework for the provision of basic public facilities and services, while implementing standards to assure interim development does not exceed the support capacity of the land.

#### **POLICIES:**

1. The county shall encourage the development of needed community sewer and water services within the MNVC by achieving the following:
  - A. The county shall adopt the *Merlin/North Valley Water Master Plan* (April 2001) and the *Merlin/North Valley Wastewater Facilities Plan* (June 2001), prepared by the Dyer Partnership, Engineers and Planners, Inc., as part of the MNVC comprehensive plan documents.
  - B. The county may coordinate through intergovernmental agreement with the city of Grants Pass for the extension of municipal water facilities and services to the MNVC as desirable, and to update and improve the agreement as needed.
  - C. The county, in cooperation with affected landowners, the North Valley General Service District, the Three Rivers School District, the city of Grants Pass, the state of Oregon and any other appropriate entities, shall seek methods of assuring long-term capital improvement financing which will allow the development and extension of sewer and water services to the MNVC consistent with the Dyer water and wastewater plans.

D. The county will provide an opportunity to representatives of the Paradise Ranch Destination Resort project to participate in the formation and development of sewer, water and transportation facilities and services to the MNVC, and to encourage the coordination of community and resort efforts and resources for this purpose.

- (1) The county recognizes the development of community facilities and services requires critical coordination between the development of the Paradise Ranch Resort and MNVC. This is true because the timing and efficiencies in developing systems that capture combined financial and other planning resources, and which effectively serve the interests of both, may be difficult to achieve. Therefore, the county shall encourage and support the reciprocal development of sewage treatment facilities that benefit resort and community uses whenever it is practical to do so.
- (2) The county will work with the city of Grants Pass to assure municipal water services extend to the Paradise Ranch Resort in a way that also benefits the availability of this service to the MNVC.

E. Community sewer and water facilities and services may be extended to existing, new or expanded uses within the MNVC as needed to support these uses, to encourage the further development and extension of such facilities and services within the area, or to resolve health hazards, subject to the following sub-policies:

- (1) The extension of sewer and/or water services shall be provided, to the extent feasible, first to the Paradise Ranch Resort, the North Valley Industrial Park, the ODOT rest stop, the Three Rivers School District schools, and the Josephine County Airport; and
- (2) Services extended pursuant to this policy shall not authorize any changes in allowed uses, zoning, densities or commercial/industrial structure size limits as provided or listed in Rural Land Development Code for the MNVC. Changes in uses, densities or structure size limits must fully address cumulative carrying capacity issues by developing specific findings of fact and goals and policies that support the changes and that are consistent with the Unincorporated Community Rule (OAR 660-022).

2. The county shall ensure that only those uses which are consistent with the identified function, capacity and level of service of transportation facilities shall be allowed. To this end:

A. The county, in conjunction with the Oregon Department of Transportation pursuant to the Oregon Transportation Rule (OAR 660-012), shall create and implement a Master Transportation Plan for Josephine County, to include facilities within the MNVC. This plan, once adopted, shall apply to the MNVC

and govern the function, capacity and level of service of transportation facilities within the community.

B. Until a master transportation plan is adopted pursuant to policy 2(A) above, the Josephine County Roadway and Traffic Management Plan (1983) shall apply to the MNVC and govern the function, capacity and level of service of the transportation facilities within the community.

3. Zoning and development standards shall be applied to the MNVC through the Rural Land Development Code to ensure cumulative development does not result in public health hazards or adverse environmental impacts contrary to state and federal regulations. This policy shall be implemented through specific goals and policies regarding the development of residential, commercial and industrial uses as provided herein. Whenever zoning and development standards within the Rural Land Development Code are hereafter amended, these goals and policies shall also be reviewed and adjusted to assure consistency.

**GOAL 2: SPECIFIC ZONING AND DEVELOPMENT STANDARDS SHALL BE IMPLEMENTED TO ENSURE SAFE RESIDENTIAL, COMMERCIAL AND INDUSTRIAL DEVELOPMENT.**

**OVERVIEW:**

The capacity of the land within the MNVC to further supply adequate groundwater or support on-site subsurface sewage disposal facilities is marginal. Roads serving the area, as well as the Merlin/North Valley I-5 freeway interchange also pose concerns about function and capacity to serve future development. It shall be the county's goal to prevent public health hazards or adverse environmental impacts, or cumulative development that exceeds the carrying capacity of the area.

**POLICIES:**

**Residential**

1. There shall be one residential comprehensive plan designation, called Community Residential. The purpose of this designation is to provide residential densities and development standards that are consistent with the requirements of unincorporated community planning rules; and which safely limit demands on the carrying capacity of residentially zoned lands within the community. This plan designation shall be carried out by zoning and development requirements as follows:

A. There shall be two residential zoning classifications:

(1) Community Residential – 2 Acre. This zone shall be comprised of all lands zoned for Rural Residential – 1 Acre and 2.5 Acre by the Josephine County Comprehensive Plan prior to the establishment of the MNVC, and it shall provide for a minimum parcel size of 2 acres for all new or newly reconfigured lots or parcels; and

- (2) Community Residential – 5 Acre. This zone shall be comprised of all lands zoned for Rural Residential – 5 Acre by the Josephine County Comprehensive Plan prior to the establishment of the MNVC, and it shall provide for a minimum parcel size of 5 acres for all new or newly reconfigured lots or parcels.
- B. For a period of 5 years following the adoption of the MNVC plan, Community Residential lands shall not be rezoned to a higher density unless the plan and policies, supported by additional findings of fact, are amended to support the change by showing adequate cumulative carrying capacity for sewer, water and transportation.
- C. Existing non-conforming residential lots or parcels within the MNVC may be developed consistent with the rules applicable to non-conforming lots or parcels as provided in the Rural Land Development Code, but special development standards shall be implemented to ensure the carrying capacity of these lots or parcels do not exceed the land.
- D. Residential lots or parcels receiving water service from the city of Grants Pass, as a condition of development, shall execute and deliver to the city all documents required by it for the provision of water service.
- E. The approval of new land divisions within the Community Residential zone shall require development standards that ensure basic sewage disposal and water requirements are supported by adequate on-site carrying capacity.

### **Commercial and Industrial**

- 2. There shall be one commercial comprehensive plan designation, called Community Commercial. The purpose of this designation is to provide commercial densities and development standards that are consistent with the requirements of unincorporated community planning rules, and which safely limit demands on the carrying capacity of commercially zoned lands within the community. This plan designation shall be carried out by zoning and development requirements as follows:
  - A. There shall be one Community Commercial zoning classification, called Community Commercial. This zone shall be comprised of all lands zoned for Rural Commercial, Tourist Commercial and Rural Commercial Center by the Josephine County Comprehensive Plan prior to the establishment of the MNVC, and it shall provide for development opportunities that protect the carrying capacity of lands until basic community facilities and services are in place to support fuller development.
  - B. The Community Commercial zone may allow the following uses to occur or continue:

- (1) Uses authorized under statewide Goals 3 and 4;
- (2) Commercial uses existing as of the effective date of the MNVC boundary and plan;
- (3) New, or expanded commercial uses existing after December 5, 1994, that take place within a building or buildings not exceeding 4,000 square feet of floor space; and
- (4) New and expanded commercial uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area, subject to the following:
  - (a) The county shall develop standards for determining when new or expanded commercial uses are intended to serve the community and surrounding area or the travel needs of people passing through the area, and how these restrictions in use shall be applied as the property develops or later changes use. The standards so developed shall be administered through the Rural Land Development Code; and
  - (b) The 4,000 square foot limitation of floor space shall not apply to uses that qualify under this sub-policy.

3. There shall be one industrial comprehensive plan designation, called Community Industrial. The purpose of this designation is to provide industrial densities and development standards that are consistent with the requirements of unincorporated community planning rules, and which safely limit demands on the carrying capacity of commercially zoned lands within the community. This plan designation shall be carried out by zoning and development requirements as follows:

A. There shall be two Community Industrial zones:

- (1) Community Light Industrial. The Community Light Industrial zone shall include all lands previously zoned in the county's Light Industrial zone, and it shall provide for light industrial development opportunities that protect the carrying capacity of lands until basic community facilities and services are in place to support fuller development.
- (2) Community Industrial. The Community Industrial zone shall include all lands previously zoned in the county's Rural Industrial zone, and it shall provide for heavier industrial development opportunities that protect the carrying capacity of lands until basic community facilities and services are in place to support fuller development.

B. The Community Industrial comprehensive plan designation may allow the following uses to occur or continue:



- (1) Uses authorized under statewide Goals 3 and 4; and
  - (2) Expansion of industrial uses existing as of December 5, 1994; and
  - (3) New, or expanded industrial uses existing after December 5, 1994, that take place within a building or buildings not exceeding 10,000 square feet of floor space; and
  - (4) Uses that require proximity to rural resource located on agricultural or forest lands, such as geothermal wells, mineral or aggregate deposits, water reservoirs, natural features or river ports; and
  - (5) New or expanded industrial uses that will not exceed the capacity of water and sewer service available to the site on December 5, 1994, or, if such services are not available to the site, the capacity of the site itself to provide water and absorb sewage.
  - (6) Uses within the North Valley Industrial Park shall not be subject to the 10,000 square foot building size limit. However, all new or expanded uses within the North Valley Industrial Park must be served by water from the city of Grants Pass and by the existing Three Rivers School District's sewer system or by a community sewer system.
4. Existing non-conforming commercial and industrial lots or parcels within the MNVC may be developed consistent with the rules applicable to non-conforming lots or parcels as provided in the Rural Land Development Code, but special development standards shall be implemented to ensure the carrying capacity of these lots or parcels do not exceed the land.
  5. Commercial and industrial lots or parcels receiving water service from the city of Grants Pass, as a condition of development, shall execute and deliver to the city all documents required by it for the provision of water service.
  6. The approval of new land divisions within the Community Industrial zones shall require development standards that assure basic sewer and water requirements are supported by adequate on-site carrying capacity.

**GOAL 3: OTHER COUNTY GOALS AND POLICIES SHALL APPLY WITHIN THE MERLIN/NORTH VALLEY COMMUNITY.**

**OVERVIEW:**

The following Josephine County Goals and Policies shall apply to lands within the Merlin/North Valley Community as appropriate:

**POLICIES:**

- a. Goal 6: Prevent Loss of Life and Property Due to Natural and Man-Made Hazards.
- b. Goal 7: Preserve Valuable Limited Resources, Unique Natural Areas and Historic Features.
- c. Goal 8: Pollution shall be Controlled.
- d. Goal 9: Development and Preservation of Energy.
- e. Goal 11: The Comprehensive Plan shall be Maintained, Amended, and Updated as Necessary (Policies 1, 4 and 5 only).

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