

STAFF REPORT

JOSEPHINE COUNTY COMMUNITY DEVELOPMENT

TO: Josephine County Planning Commission
AGENDA ITEM: Stone CPZC

PREPARED BY: Nora Schwartz, Planner II
DATE: May 31, 2018

GENERAL INFORMATION

Owner/Applicant: Barry and Susan Stone

Representative: Stephanie McBrayer, Land Use Consultant

Requested Action: To amend the Comprehensive Plan designation from Residential to Commercial and to change the zone from Rural Residential (RR-2.5) to Rural Commercial (RC).

Purpose: To allow future commercial development of the property.

Existing Zoning: Rural Residential (RR2.5)

Comprehensive Plan: Residential

Legal Description: 36-06-18.D0 / Tax Lot 901

Location: 7501 Lower River Road

Property Size: 5.00 acres

Existing Land Use: RV park with bath house; convenience market

Zoning History: 1973-81: Suburban Residential (SR-2.5)
1981-85: Rural Residential (RR-2.5)
1986-Current: Rural Residential (RR-2.5)

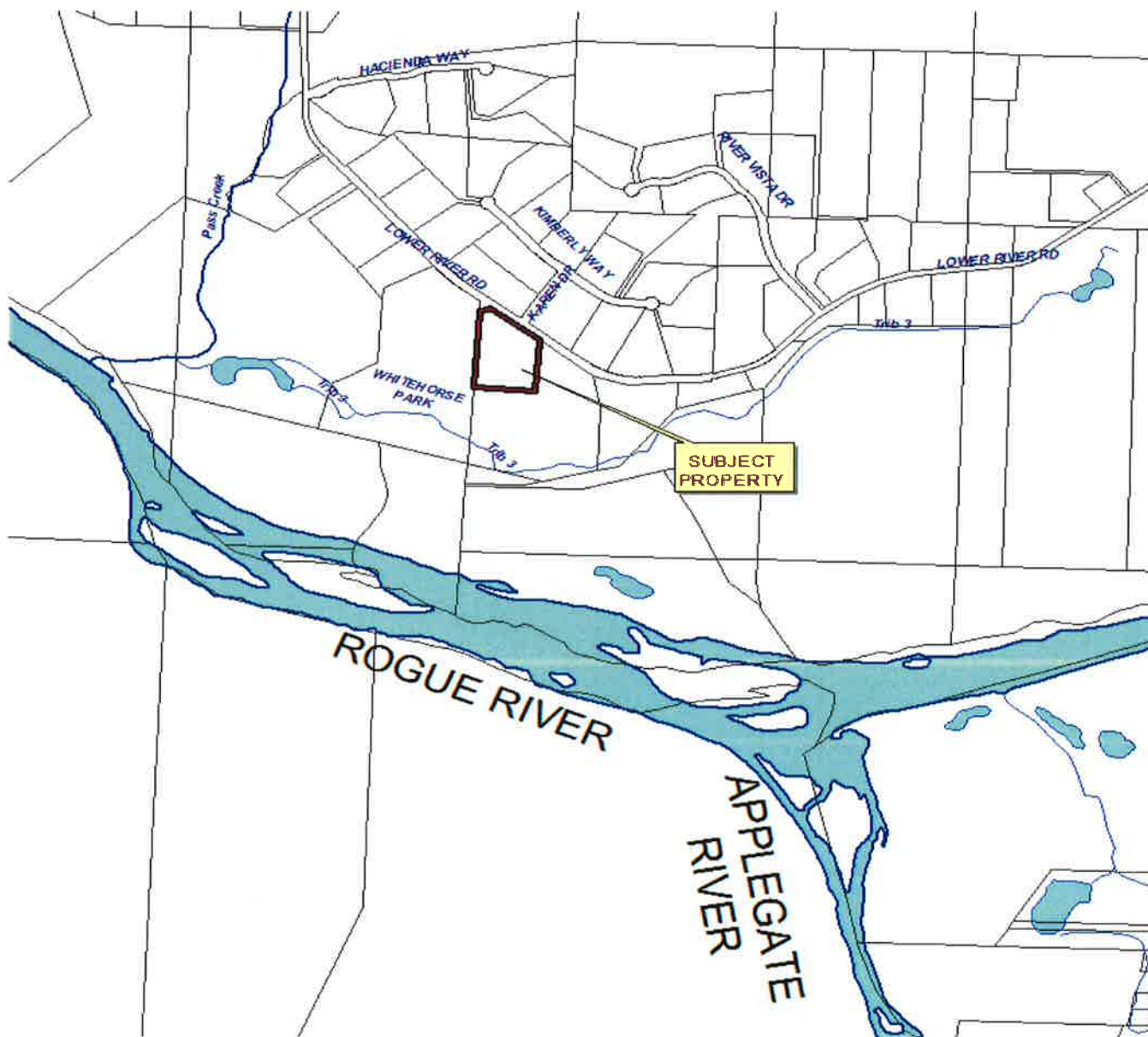
BACKGROUND INFORMATION

County records indicate that this site has operated as a recreational vehicle park for many decades, and is noted in the Planning file as a legal, non-conforming use (*legal* as the use predates the inception of the Rural Land Development Code, and *non-conforming* in that the use would not be allowed in the Rural Residential zone under today's Code). The proposed change would create consistency between the historic and ongoing use of the property, with the opportunity for expansion, under an appropriate zoning designation. The lot itself was created at its present size and shape by Warranty Deed which was recorded on April 2, 1975 (V309 P559) and is a separate, legal lot.

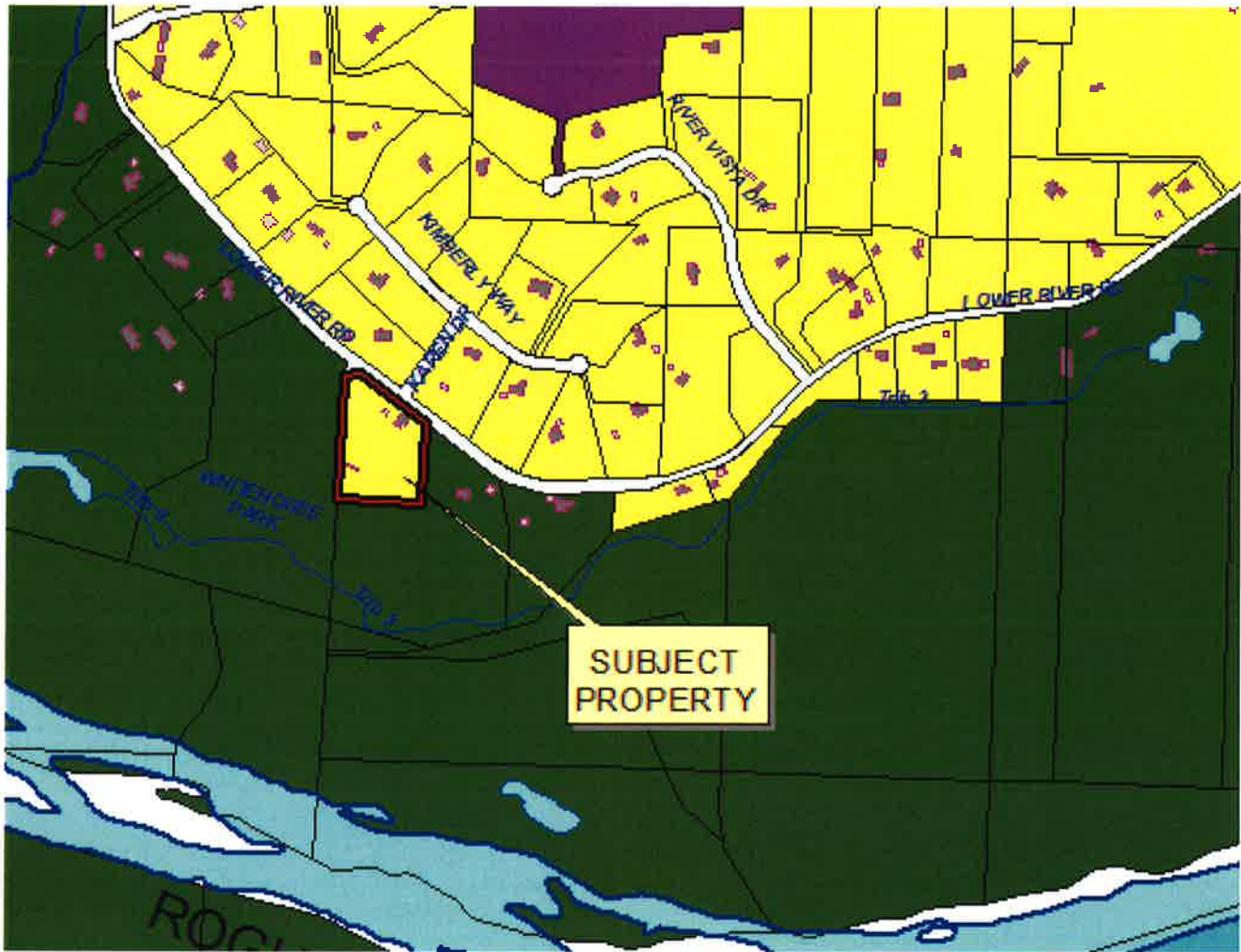
APPLICATION INFORMATION

Stone applied for a preliminary application review for a comprehensive plan amendment and zone change on February 16, 2018. A preliminary application review letter was sent on March 29, 2018 [see **Exhibit A** of this Staff Report]. The application was deemed complete on April 9, 2018. The application materials are presented as **Exhibit B** of this Staff Report. Per ORS 215.427(1) and (6), the 150-day deadline does not apply to final decisions on comprehensive plan amendments. This application does not involve an exception to a statewide planning goal, nor does it pertain to agricultural or forest lands. Therefore, the Planning Commission has the authority to make a final decision on the application.

PROPERTY LOCATION



ZONING OF SURROUNDING AREA



North: Primarily Rural Residential (RR-2.5); Woodlot Resource (WR) 1/3 mile north; private lands

South: Primarily Exclusive Farm (EF); portion Rural Residential (RR-2.5); private lands

East: Exclusive Farm (EF); Rural Residential (RR2.5); private lands

West: Exclusive Farm (EF); private lands

Key:

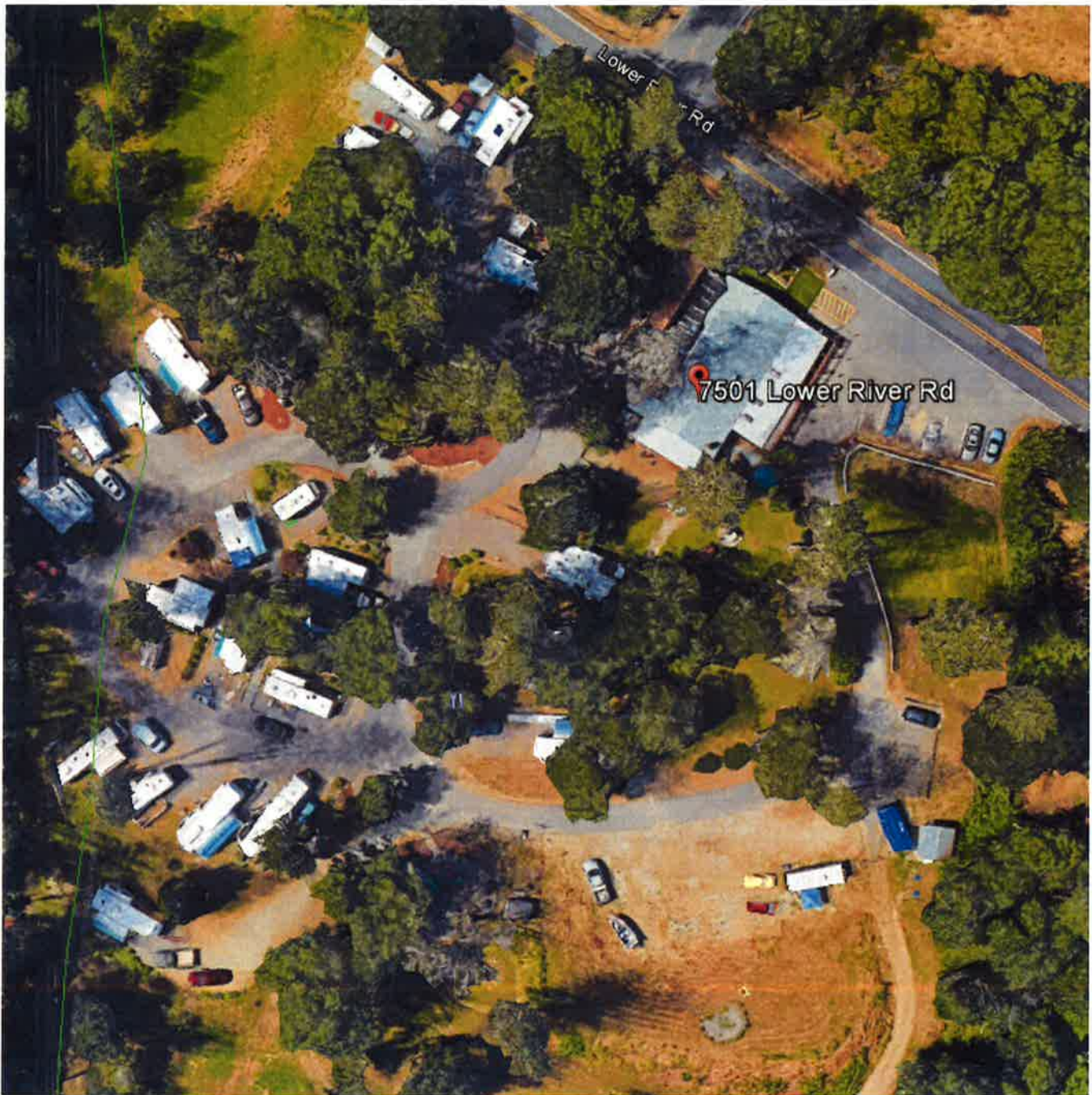
YELLOW – Rural Residential (RR2.5)

GREEN – Exclusive Farm (EF)

PURPLE – Woodlot Resource (WR)

GRAY RECTANGULAR MARKS – Structures (ie, dwellings, accessory buildings)

2017 GOOGLE EARTH PHOTOGRAPH OF THE STONE PROPERTY



Physical Characteristics: The property is flat, directly east of Whitehorse Park, and is developed over much of its acreage by the RV park.

Public Services: The property is covered through a service contract with County Fire and Security for all existing buildings, the patio addition and the expansion of the RV park. The area is protected by the County Sheriff and the Oregon State Police.

Transportation: The property fronts Lower River Road.

Sewage Disposal: Multiple on-site septic systems.

Hazards: None of significant impact. The property does not contain large areas of slope greater than 15 percent, is not impacted by any flood hazard or wetland areas, is not within an airport overlay zone, is not located in a deer winter range, or in an area identified as having a low quantity of water available. The property is sited on granitic soils involving approximately 90 percent of its acreage, although this does not preclude further development.

REVIEW PROCEDURES AND APPLICATION REQUIREMENTS

The following sections may be referenced in your copy of the Josephine County *Rural Land Development Code* (RLDC): REVIEW PROCEDURES–Section 46.020; PLAN AMENDMENT APPLICATION REQUIREMENTS–Section 46.030; and PLAN AMENDMENT REVIEW CRITERIA–Section 46.040.

Section 46.020 - Review Procedures: Applications to amend any element of the comprehensive plan shall be processed using Planning Commission Review Procedures (Article 24) and Board of Commissioners Review Procedures (Article 25). This application shall be reviewed by the Planning Commission in a public hearing and has authority to make a final decision to the Board of County Commissioners (“Board”) in the form of written findings and a recommended ordinance. The Board has the sole authority to implement changes to the county’s comprehensive plan by ordinance.

Section 46.030 – Plan Amendment Application Requirements: Applications to amend the text or maps of the comprehensive plan may be initiated by individuals. All applications shall be submitted on forms provided by the Planning Director and shall be accompanied by required application fees. The application must provide the minimum requirements listed under Section 46.030.C, *RLDC* as it pertains to map amendments.

Staff Comment: The applicant submitted an application form and fee as per requirement listed above. The application contains the applicable materials listed under Section 46.030.C, *RLDC*.

Section 46.040.A – Plan Amendment Review Criteria: Amendments to a plan and zone map shall demonstrate compliance with all applicable statewide and county goals and policies.

Staff Comment: The Josephine County Comprehensive Plan (to include the Rural Land Development Code) has been acknowledged by the State of Oregon under statewide planning goals. As such, this application shall be reviewed per Article 46 of *RLDC*.

Section 46.040.C – Carrying Capacity: Article 11.030 of the *RLDC* defines carrying capacity as “the ability of the land to support the proposed development as determined by an evaluation of suitability for sewage disposal, the adequacy of the domestic groundwater supply (quantity and quality), the presence of adequate off-site roads, the suitability of soil and terrain to support on-site roads, the presence or absence of flood, fire or erosion hazards, and the applicability of other special land use concerns...”

All of the criteria for evaluating the carrying capacity of the subject property must be considered in relationship to each other. The applicant needs to demonstrate that it is feasible to make the land achieve carrying capacity and that the proposal will not result in atypical future maintenance costs to the

public for infrastructure. In this proposal, future maintenance costs to the public might include road and culvert maintenance, storm drainage maintenance, and fire protection. Carrying capacity is addressed in the application narrative (**Exhibit K**) and in other exhibits as noted below.

1. **Septic:** The applicant submitted a DEQ permit dated January 1, 2017 for the existing system and a plan approval from DEQ dated February 6, 2017 for a system expansion (**Exhibit H**). The system is also discussed in **Exhibit K, pages 3, 8 and 9**.

Staff Comment: The system, which was recently upgraded, is adequate to serve the current use of the property.

2. **Water:** The applicant submitted a well report for the on-site well dated February 1, 2018 (**Exhibit M**) indicating a flow rate of 15 gpm.

Staff Comment: The District 14 State Watermaster commented that the applicant's estimated use of 5,000 gallons per day for commercial use is within the ORS 537.545 exemption for a water right. A water quality test will be required as a condition of future development of the property.

3. **Access:** The property currently has access off Lower River Road, a portion of OR 260, which under the jurisdiction of ODOT.

Staff Comment: The ODOT Senior Transportation Planner commented that the existing access is permitted.

4. **Hazards:** The property is flat and well-developed. In addition to **Exhibit K, pages 5 and 6**, the application also includes reference to various permits and approvals (**Exhibits E, G, N, O, P and Q**) which address an analysis of potential hazards, and demonstrate appropriate fire protection of the property.

Staff Comment: As previously stated on page 4 of this report, the property is not impacted by any significant hazards.

Section 46.040.D – Consistency: The application addresses the criterion that a zone change must be consistent with the character of the surrounding area in **Exhibit K, pages 3, 5, 10 and 11** of the application narrative.

Staff Comment: The application provides a detailed response regarding the surrounding area development, as well as to the relationship of numerous RV parks and “country stores” to residential development elsewhere in Josephine County. It appears the zone change will be consistent with other such development within the county, especially in light of the fact that the current commercial use of the property has legally existed for approximately 50 years.

PUBLIC / AGENCY COMMENTS

Agencies notified of this application were the Oregon Department of Environmental Quality (DEQ), Oregon Department of Transportation (ODOT), Oregon Water Resources Department (OWRD), Oregon Department of Fish and Wildlife (ODFW), Oregon Department of Land Conservation and Development (DLCD), County Fire and Security, Rural/Metro Fire Department, Josephine County Building Safety and the Josephine County Assessor's office. Agency comments are attached as **Exhibit C** of this Staff

Report (ODOT, ODFW). The Planning Department received several additional comments as a result of public notice, which are attached as **Exhibit D** of this Staff Report.

STAFF RECOMMENDATION

From staff's review of the application, it appears all of the criteria has been met for a comprehensive plan and zone change from residential use to commercial use of the property.

ACTION (for reference)

At the conclusion of the presentations, the Planning Commission may take any one of the following actions on the request:

1. At the specific request of any participant to present additional evidence, arguments or testimony made prior to closing of the record; take one of the following actions:
 - a. Continue the hearing for at least 7 days to a date, time and place certain to allow participants to present and rebut new evidence and testimony at the continued hearing; or
 - b. Determine to leave the record open for at least 7 days to receive additional written evidence and testimony only, and also set a date, time and place certain for deliberations and final decision; or
2. At the specific request of the applicant, hold the record open for at least 7 days after the record closes for all other participants, to allow the applicant to submit final written arguments only (no new evidence may be submitted or argued), and also set a date, time and place certain for deliberations and final decision; or
3. Apart from any action made pursuant to items 1 and 2 above, the Planning Commission may grant any other continuance, or leave the record open, subject to whatever reasonable guidelines and time limits it deems necessary or helpful to accomplish its fact finding and deliberations; or
4. In the event continuances are not made or the time for continuances has expired and the record is officially closed, the hearing body shall deliberate and make its final decision. The final decision may recommend approval of the request with or without conditions or it may recommend denial of the request. As a part of the deliberations and the motion for decision, the Planning Commission shall briefly state the facts relied upon, the criteria and standards considered, and explain how the decision is justified. If the property is changed from a resource to a non-resource designation, the property owner shall be required to execute and record in the county deed records a *Conflict Preference Covenant* as outlined in section 46.050.C.6, RLDC.

EXHIBITS

PRELIMINARY APPLICATION letter dated March 29, 2018
CP/ZC APPLICATION & NARRATIVE
AGENCY COMMENTS
PUBLIC COMMENTS

Exhibit "A"
Exhibit "B"
Exhibit "C"
Exhibit "D"



Josephine County, Oregon

Community Development – Planning Division
700 NW Dimmick St., Suite C / Grants Pass OR 97526
(541) 474-5421 / Fax (541) 474-5422
E-mail: planning@co.josephine.or.us

March 29, 2018

Barry Stone
P O Box 2305
Grants Pass OR 97528

Re: Pre-Application Comprehensive Plan/Zone Change
Map: 36-06-18.D0 Tax Lot 901
Situs: 750 Lower River Road
Zone Change Proposal: From Rural Residential (RR2.5) to Rural Commercial (RC)

Mr. Stone:

On your behalf, land use consultant Stephanie McBrayer submitted a request for a comprehensive plan and zone change for the above-mentioned property.

The purpose of this pre-application review is to identify the beginning requirements or recommendations regarding your proposal. It is very important to keep in mind this review is limited in scope and must not be considered final. Full application review will include notice to other agencies, adjoining property owners, the Josephine County Rural Planning Commission and the Josephine County Board of Commissioners which may reveal new or different information that can alter the final requirements or recommendations. Therefore, I caution you not to use this pre-application review to support the purchase of property or other kinds of investment, and it does not authorize site improvements. Final approval by the issuance of a development permit is required before any development is authorized.

PROPOSAL

The property is 5.00 acres in size, improved with an RV park and convenience store, and is located in the Rural Residential (RR2.5) zone. Your proposal is to change the Comprehensive Plan designation of the subject property from Residential to Commercial and to change the zone from Rural Residential (RR-2.5) to Rural Commercial (RC).

ORDINANCE REVIEW

Your application must demonstrate compliance with Section 46.040 - Plan Amendment Review Criteria - of the *Josephine County Rural Land Development Code (RLDC)*. The following is a summary of the *RLDC* requirements:

Stone CP/ZC



36-06-18.D0 / 901

Section 46.040.A - Compliance with state and county goals – the application appears to have addressed all applicable state and county goals. No exceptions to state or local land use planning goals are included in, or required by, this request.

Section 46.040.B – Not applicable.

Section 46.040.C – The applicant must demonstrate that land has adequate carrying capacity to support the densities and types of uses allowed by the Rural Commercial zone. Adequate carrying capacity, at a minimum, is evaluated using criteria to determine if the geography of the land is suited to support the proposed development. Although sites can be altered to achieve carrying capacity, the more extensive, technical or difficult the alterations, the greater the burden of proof required to demonstrate compliance.

Carrying Capacity:

1. Soils/Septic: You have previously applied through the Oregon Department of Environmental Quality (DEQ) for a septic system upgrade to accommodate the expansion of the existing RV park; the plans submitted were conditionally approved in a letter from the DEQ dated February 6, 2017. All future septic sites or additional expansion shall be reviewed and approved by DEQ.
2. Water: You submitted a flow report dated February 1, 2018 for the on-site well which indicates a flow of approximately 15 gpm. Staff will require the applicant to submit a water quality test as part of the full application submittal. It appears the property is not located in a water quantity problem area.
3. Access: This site takes access from Lower River Road, which is under the jurisdiction of the Oregon Department of Transportation (ODOT). No requirements were placed upon the application for expansion of the RV park which occurred in 2015 and, as of this date, ODOT has not commented on the proposed zone change.
4. Erosion/Fire: Approximately 90% of the property contains granitic soils and less than 5% of the property has slopes that exceed 15%. A Technical Plan Review for Erosion Control and Storm Drainage was reviewed and approved by the Planning office in July of 2017 related to the expansion of the RV park. The expansion included the addition of 13 new RV sites and a paved access road for traffic circulation. Based on that approval, staff finds no need for further evidence to address erosion control and fire safety at this time. The application also included proof of a current fire protection service contract through County Fire and Security.
5. Deer Habitat: The property is not located within a protected habitat area (Deer Winter Range).
6. Riparian Corridor: This site abuts the floodway fringe of the Rogue River along the south property line; it does not contain any other riparian features.

Section 46.040.D - Consistency with Surrounding Area. The application must clearly indicate the zone change is consistent with the character of a reasonably defined study area around the site by addressing similarities and dissimilarities of parcel sizes, ownership patterns, zoning, existing uses, structures, public facilities, and natural or man-made features as compared to the subject property. After review of your application, staff believes your information is adequate under this provision. As
Stone CP/ZC



36-06-18.D0 / 901

evidenced by existing non-conforming uses previously authorized by the Planning office and contained in your preliminary application materials, the site is currently being used in a commercial capacity, and the proposal is to change the zone to potentially expand on commercial uses.

AGENCY COMMENTS

Staff noticed various agencies with regard to this preliminary application (Josephine County Building Safety, DEQ, ODOT, OWRD, County Fire and Security, Rural/Metro Fire Department, ODFW, DLCD and the County Assessor). One comment was received, from OWRD, indicating no objection to the proposal. ODOT has jurisdiction over Lower River Road; the Planning office anticipates that comments from ODOT are forthcoming.

TO PROCEED

To proceed with the application, please submit a completed application cover sheet and fee of \$4,750.

When these have been provided, we will prepare a staff report and schedule a hearing with the Planning Commission. The application will first be reviewed in a public hearing by the Planning Commission, who will then make a recommendation to the Board of County Commissioners. The Board of County Commissioners will review the application in a separate public hearing and make the final decision. Any appeals of the decision must be made to the Oregon Land Use Board of Appeals within 21 days of the final decision.

PRE-APPLICATION TIMELINE

Per Board Order 2009-008, this pre-application response is valid for one year from the date of this letter. After one year the pre-application response shall expire and a new pre-application review and fee shall be required.

Please contact me if you need further information.

Sincerely,



Nora Schwartz

Planner II

541-474-5417

nschwartz@co.josephine.or.us

e-copy: Mark Stevenson, Josephine County Building Safety
Connie Roach, Josephine County Assessor
David Haight, ODFW
Dan Ethridge, ODFW
Don Morehouse, ODOT
Jake Johnstone, OWRD
Josh Lebombard, DLCD
Terri Easter, DEQ
S. McBrayer, Consultant



EXHIBIT "B"
IS A SEPARATE
PDF FILE



Nora Schwartz

From: JOHNSTONE Jake D * WRD <Jake.D.Johnstone@oregon.gov>
Sent: Wednesday, March 7, 2018 10:32 AM
To: Nora Schwartz
Subject: RE: Stone - Whitehorse RV Park PRELIMINARY APPLICATION - Comp Plan/Zone Change 36-06-18.D0 TL 901

Nora,

Please include ORS 537.545 uses excused from applying for a water right:

- Single or group domestic uses up to 15,000 gal/day
- Irrigating of any lawn or noncommercial garden of 1/2-acre or less
- Single industrial or commercial development up to 5,000 gal/day (commercial exemption not to be used to promote plant growth w/ the intent to sell)

The applicant's water use estimated at just under 5,000 gal/day for the commercial use on this parcel. This would be within the above statute. Any more use would require a water right.

Thanks,
- Jake

Jake D. Johnstone - District 14 Watermaster
Oregon Water Resources Department

700 NW Dimmick St.
Grants Pass, Oregon 97526
(541) 261-2213

Jake.d.johnstone@oregon.gov

[Water Rights Map Tool/WRIS/Well Log Query/](#)
[Does my property have a water right?](#)

From: Nora Schwartz [NSchwartz@co.josephine.or.us]
Sent: Thursday, February 22, 2018 2:43 PM
To: Mark Stevenson; easter.marty@deq.state.or.us; MOREHOUSE Donald; wei.wang@odot.state.or.us; julee.y.scruggs@odot.state.or.us; JOHNSTONE Jake D * WRD; countyfiredept@gmail.com; richard.holloway@ruralmetrofire.com; HAIGHT David R; ETHRIDGE Dan D; LEBOMBARD Josh; ROACH Connie
Subject: Stone - Whitehorse RV Park PRELIMINARY APPLICATION - Comp Plan/Zone Change 36-06-18.D0 TL 901

Attached please find an agency transmittal for a preliminary application review for a Comprehensive Plan and Zone Change (CPZC). The proposal is to change the comprehensive plan designation from Residential to Commercial, and to change the zoning from Rural Residential to Rural Commercial on a 5.00 acre property.

Any comments are appreciated by March 8, 2018.

Thank you,

Nora Schwartz
Planner II
Community Development – Planning Division
541-474-5417



Nora Schwartz

From: MOREHOUSE Donald
Sent: Tuesday, March 27, 2018 2:54 PM
To: 'Nora Schwartz'
Cc: SCRUGGS Julee Y; WANG Wei * Michael
Subject: RE: ASAP please - FW: Stone - Whitehorse RV Park PRELIMINARY APPLICATION - Comp Plan/Zone Change 36-06-18.D0 TL 901

Nora,

I sent this to James last week but I should have sent it to you. The same comments apply from the Technical Plan Review – Erosion Control/Fire Safety Plan that was submitted to our office this past summer. Thanks,

Don Morehouse
Senior Transportation Planner
ODOT Region 3, District 8 (Rogue Valley Tech Center)
Ph: (541) 774-6399
Fax: (541) 774-6349
Donald.Morehouse@odot.state.or.us

From: MOREHOUSE Donald
Sent: Wednesday, July 19, 2017 10:05 AM
To: James Black (JBlack@co.josephine.or.us)
Cc: SCRUGGS Julee Y; WANG Wei * Michael; HARSHMAN Cathaleen A * Cathy
Subject: 7501 Lower River Road (OR 260)

Hi James,

Thank you for sending agency notice of an application for a Technical Plan Review – Erosion Control/Fire Safety Plan located at 7501 Lower River Road (OR 260). 36-6-18-D0, TL 901. Our comment is:

- The existing access point along OR 260 is permitted.

Don Morehouse
Senior Transportation Planner
ODOT Region 3, District 8 (Rogue Valley Tech Center)
Ph: (541) 774-6399
Fax: (541) 774-6349
Donald.Morehouse@odot.state.or.us



WYNNIS GROW
7101 NEW HOPE ROAD
GRANTS PASS, OREGON 97527
weddingsbywyn.com
wynnis@grantspass.com
541-660-6908

Ms. Nora Schwartz
Josephine County Planner
Planning Division
700 NW Dimmick, Suite C
Grants Pass, Oregon 97526

May 23, 2018

Re 37-06-24, Tax Lot 301

Greetings Ms Schwartz:

This letter is in response to the "Notice of Land Use Request" 37-06-24, Tax Lot (TL) 301 location 7350 New Hope Road, Grants Pass, Oregon 97527.

My husband and I greatly object to this request for the following reasons:

- Within ¼ mile of a school
- Within 1/4 mile of Three Rivers School District Office
- Increased road traffic that would be generated if RV Park, hookups, laundry and restroom facilities was granted.
- Upon viewing RV parks in Grants Pass it becomes evident that the derelicts of town scrap together money for trailer and pan handle for space rental and drugs.
- What about septic for 25 RV pads?
- Personal property devaluation

It is evident that such a park in the countryside would be detrimental to the homeowners chosen properties to enjoy country and County living.

Respectfully submitted

Wynnis Grow

Board, Tourism Advisory
Board, SOHRA
Board Grants Pass Chamber of Commerce (Ret.)
Board Wildlife Images (Ret.)



Nora Schwartz

From: pasoqueen@aol.com
Sent: Tuesday, May 22, 2018 10:07 AM
To: Nora Schwartz
Subject: NOTICE OF PUBLIC HEARING #36-06-18-D0 TL#901

What does the change allow the owners to do to the property that they haven't already done?
What does this do the properties around the lot?
Will this change our tax base?
Will we get another notice shortly there after that raises monies we already spend for the county?

Respectfully,
Mari An Wiley, pasoqueen@aol.com



Nora Schwartz

From: Pat Bath <bathfam7@budget.net>
Sent: Monday, May 21, 2018 7:39 PM
To: Nora Schwartz
Subject: Re Planning Dept.

**We live near Whitehorse. We received a Notice of a Public Hearing.
Can you tell us what is planned?
Thank you.
Pat and Larry Bath**

