STAFF REPORT
JOSEPHINE COUNTY COMMUNITY DEVELOPMENT

TO: Josephine County Planning Commission  PREPARED BY: James Black, Deputy Dir.
AGENDA ITEM: Cross CPZC DATE: September 4, 2020

GENERAL INFORMATION

Owner: Diamond Merlin, LLC.

Applicant: Cross Development c/o Josh Allen, VP.

Representatives: Tectonics Design Group c/o Matt Rasmussen, PE; Kerry Rohrmeier, PhD; Scott Wright.

Requested Action: To amend the Comprehensive Plan designation from Residential to Commercial and to change the zone from Community Residential (CR-2) to Community Commercial (CC).

Purpose: To allow future commercial development of the property (retail store).

Existing Zoning: Community Residential (CR - 2).

Comprehensive Plan: Residential.

Legal Description: 35-06-21-BD, Tax Lot 1400.

Location: Josephine Street.

Property Size: 1.54 acres.

Existing Land Use: Vacant.

1981-2004: Rural Residential (RR-1)
2005-Current: Community Residential (CR-2)

BACKGROUND INFORMATION

The property in question is a vacant lot situated between the Merlin Post Office and Merlin Alternative Center (old elementary school). The property fronts on Merlin Road. The applicant would like to utilize the property for a commercial space such as a retail store. Community Residential zones do not allow commercial retail uses. A comprehensive plan and zone change are required to allow commercial uses on this property. The property is in an area of existing commercial uses (i.e. gas station, post office, boat rentals, etc.).
APPLICATION INFORMATION

Cross Development applied for a preliminary application review for a comprehensive plan amendment and zone change on September 30, 2019. A preliminary application review letter was sent on November 22, 2019 [see Exhibit A of this Staff Report]. A CPZC application was submitted on January 6, 2020; after 30-day review from staff, the application was deemed incomplete on February 5, 2020 due to missing information (Exhibit A). After many communications with the applicant/representatives and several months, the application was deemed complete on June 15, 2020. 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
**North:** Community Commercial (CC)

**South:** Community Residential (CR-2)

**East:** Community Residential (CR-2)

**West:** Community Residential (CR-2)

**Key:**

- PINK – Community Commercial (CC)
- BROWN – Community Residential (CR-2)
- GRAY – Community Industrial (CI)
Physical Characteristics: The property is flat, covered in low lying grass. It is directly east of Merlin Post Office; no development has occurred on this lot.

Public Services: Given the property is vacant, no service contract for fire service is indicated in the record. The area is protected by the County Sheriff.

Transportation: The property fronts Merlin Road.

Sewage Disposal: No known septic system is on the lot.

Hazards: The property does not contain slopes greater than 15 percent, is not impacted by any flood hazard or wetland areas, is not located in a deer winter range, or in an area identified as having a low quantity of water available. The property is located on granitic soils, although this does not preclude further development. The property is located within the Airport Overlay zone.
REVIEW PROCEDURES AND APPLICATION REQUIREMENTS

The following sections may be referenced in your copy of the Josephine County Code (JCC): REVIEW PROCEDURES—Section 19.46.020; PLAN AMENDMENT APPLICATION REQUIREMENTS—Section 19.46.030; PLAN AMENDMENT REVIEW CRITERIA—Section 19.46.040; and AMENDING AND UPDATING THE MNVC PLAN—Section 19.101.020.

Section 19.46.020 - Review Procedures: Applications to amend any element of the comprehensive plan shall be processed using Planning Commission Review Procedures (Chapter 19.24) and Board of Commissioners Review Procedures (Chapter 19.25). 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 19.46.030 – 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 19.46.030.C, JCC 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 19.46.030.C, JCC.

Section 19.46.040.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 JCC) has been acknowledged by the State of Oregon under statewide planning goals. As such, this application shall be reviewed per Chapter 19.46 of JCC.

Section 19.46.040.C – Carrying Capacity: Section 11.030 of the JCC 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 B) and in other exhibits as noted below.

1. **Septic**: The applicant addresses septic feasibility in their application materials under Exhibit B.

   Staff Comment: The Planning Commission may have the applicant explain their statements in the record regarding septic availability. DEQ comments (Exhibit C) indicate a denial for an onsite septic system for 2 employees where only a holding tank option would be suitable. The
PC is looking for feasibility of the property to provide septic services for any potential commercial development.

2. **Water**: The applicant submitted a surrounding well report from Clouser Drilling indicating flow ranges between 5-18 gallons per minute in the area. The applicant’s “Statement of Intended Water Use” form indicates a proposed use at 10 gallons per minute; 14,400 gallons per day (Exhibit B).

*Staff Comment*: A water quantity and quality test will be required as a condition of any future development of the property. A finding for the feasibility of water on-site for future commercial development is required by the PC.

3. **Access**: The property has no permitted access off any road at this time.

*Staff Comment*: See Jo. Co. Public Works comments in the record (Exhibit C). It appears Almond Road is the feasible access point via Josephine Street. There may be an option for a shared access off Merlin Road.

4. **Hazards**: The property contains granitic soils per County records. The property is located in the Airport Overlay zone of the Grants Pass Airport in Merlin.

*Staff Comment*: Any future development of the property will require an engineered erosion control and drainage plan. The development of the property will be subject to Ch. 19.69.D – Airport Overlays.

**Section 19.46.040.D – Consistency**: The applicant must address the criterion that a zone change must be consistent with the character of the surrounding area. This is reiterated under Section 19.101.020.H, JCC.


**Section 19.101.020 – Amending and updating the MNVC Plan**: Applications to amend any element of the MNVC plan shall comply with the requirements of JCC 19.46.020 (Review procedure) and 19.46.030 (Plan amendment application requirements). In addition, all of the following plan amendment review criteria shall apply:

A. Applications to amend the text, maps or inventories of the MNVC plan shall demonstrate compliance with the requirements of OAR Chapter 660, Division 22 (Unincorporated Communities);

*Staff Comment*: Under OAR 660-022-0030(4) County plans and land use regulations may authorize only the following new commercial uses in unincorporated communities: (a) Uses authorized under Goals 3 and 4 (Agricultural & Forest Lands); (b) Small-scale, low impact uses; (c) Uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area. The applicant explains this proposed commercial use is authorized under items “b” and “c” herein (Exhibit B).

B. Requests involving changes for lands from a resource designation to a nonresource designation shall either comply with statewide exception criteria contained in ORS 197.732, and as implemented in OAR
Chapter 660, Division 4, or demonstrate the land is nonresource pursuant to the criteria contained in JCC 19.46.050;

**Staff Comment:** This Section does not apply, the property it NOT resource land.

C. Plan or map amendments that add or modify uses allowed within the MNVC shall demonstrate the uses can be supported by adequate on-site subsurface sewage disposal, groundwater supplies, or that sewer and water services will be provided consistent with the Dyer facility plans;

**Staff Comment:** The applicant has provided evidence regarding ground water supplies and on-site sewage disposal. See Section 19.46.040.C – Carrying Capacity above.

D. Plan or map amendments that increase the density of residential development or increase small-scale, low-impact commercial or industrial size limits shall occur only when sewer and water services consistent with the Dyer facility plans are provided;

**Staff Comment:** The “size limits” for small-scale low-impact commercial buildings is codified under property development standards under Section 19.101B.040.B.4, JCC. New buildings are limited to 4,000 square feet unless an exception can be made. This application is not changing "size limits" in Community Commercial (CC) zones; therefore, this section does not apply.

E. New uses or modified uses and densities described in subsections (C) and (D) of this section shall be consistent with the identified function, capacity and level of service of transportation facilities serving the MNVC pursuant to OAR 660-012-0060(1)(a) through (c);

**Staff Comment:** This section is referencing the Oregon transportation planning rule (TPR). Typically, staff forwards the proposed application to ODOT and County Public Works for review. ODOT has indicated the zone change would not significantly affect an existing or planned transportation facility of the state (Exhibit C). County Public Works comments are attached to this report under Exhibit C. After ODOT and PW review, no request for a formal traffic study was required from either agency.

F. The 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, pollution), the degree of slopes, the presence of wetlands, geologic formations, mineral deposits and any other natural or manmade conditions or circumstances;

**Staff Comment:** Staff finds the potential for erosion issues given the granitic soil type on the property. Any future development would be required to provide an erosion control and drainage plan.

G. The land in its natural state accommodates the proposed uses and densities, or special alterations or mitigation plans can reasonably make the land achieve the requirements for basic sewage disposal, groundwater supply, and the other physical considerations described in subsection (F) of this section;

**Staff Comment:** The JCC requires any new development in a commercial zone to go through a SITE PLAN REVIEW process to mitigate any issues prior to development of the property. A full Site Plan Review application includes public notice.

H. The density and types of uses authorized by the proposed plan and zoning designations are appropriate based on the requirements of subsection (H)(1) or (2) of this section:
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, zoning, existing or authorized land uses and structures, public facilities and services, and natural or manmade features. In addition:

   [1] 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 JCC 19.11.140.

   [2] Natural or manmade 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. [2005 RLDC § 101.020.]

_Staff Comment_: The applicant provided information to address the “consistency” test under Exhibit B of this report. Staff recommends the applicant clarify if they are making a finding for H(1) or H(2) of this section and show clear evidence of such finding.

**PUBLIC / AGENCY COMMENTS**

_Section 19.32.030 - Mailed Notice_: Notice Prior to Decision. All quasi-judicial land use procedures shall include notice of the proposed action by first class mail at least 20 days prior to hearings before the Planning Commission.
Section 19.32.040 Published Notice: Notice by publication shall be given for any quasi-judicial land use application that proposes to change the zone or plan maps for specific properties. Published notice shall also be given for any legislative land use action that proposes to amend any element of the County’s comprehensive plan (maps, databases, goals and policies, land use regulations, etc.). In all such cases, 10 days’ advance notice of the hearing shall be published in a newspaper of general circulation in the County or, in the case the plan as it is to be heard concerns only part of the County, it is published in the territory so concerned. [2005 RLDC § 32.040.]

Staff Comment: Staff mailed a public notice on August 19, 2020 (20 days prior to the hearing date) to all owners per Assessor roles within 1500 feet of the subject property. Staff published a notice in the Daily Courier on September 4, 2020 (10 days prior to hearing). See Exhibit D for copies of notices.

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 Land Conservation and Development (DLCD), County Fire and Security, Rural/Metro Fire Department, Oregon State Fire Marshal, Josephine County Building Safety, Josephine County Public Works, Three Rivers Soil & Water Conservation District, RVCOG, Josephine County Assessor’s Office, and Josephine County Legal Counsel.

Staff Comment: Agency comments received are attached as Exhibit C of this Staff Report (ODOT, Jo. Co. Public Works, OWRD, DEQ, and ODFW). The Planning Division received no written comments as a result of public notice to properties within 1500 feet of the subject property.

STAFF RECOMMENDATION

From staff’s review of the application, it appears all the criteria has been addressed; however, more explanation/clarification is required from the applicant on several issues. If the applicant’s testimony and evidence address these issues, the Planning Commission may make a more informed decision. Staff recommends that the PC review Section 19.101B.020, permitted uses in Community Commercial zones, as reference to the types of uses the proposed zone change would allow on this property. Staff reminds the PC that this is a final decision for a Comprehensive Plan and Zone Change; no conditions of approval can be used. The decision must rely wholly on the merits of the application in the record.

If the Planning Commission approves the application, staff recommends the applicant prepare finding of fact and decision and submit them to the Planning Division no later than 30 days from last hearing date.

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 approve the request, or it may deny 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.

EXHIBITS

PRELIMINARY APPLICATION/COMPLETENESS REVIEW
CP/ZC APPLICATION & APPLICANT’S NARRATIVE
AGENCY COMMENTS
PUBLIC NOTICE

Exhibit “A”
Exhibit “B”
Exhibit “C”
Exhibit “D”
EXHIBIT "A"

PRELIMINARY APPLICATION/COMPLETENESS REVIEW
June 5, 2020

John Batzer, Member  
Diamond Merlin LLC  
P O Box 4460  
Medford OR 97502

Re: Comprehensive Plan/Zone Change  
Map: 35-06-21-BD Tax Lot 1400  
Situs: Josephine Street

As required by Oregon State statute, we are notifying you to confirm that your materials in support of the application referenced above has been reviewed by staff and deemed technically COMPLETE. No action is required on your part; staff will continue to review the application under the regulations of the Josephine County Code (JCC), Oregon State statutes and any other applicable regulations. A decision will be made within the timeline stipulated in ORS 215.427.

If you have any questions about your application or the review process, please call me.

Sincerely,

[Signature]

Nora Schwartz  
Associate Planner  
541-474-5417

cc: Josephine County Public Works – E. Heesacker  
Josephine County Building Safety – M. Stevenson, F. Wharregard  
Josephine County Assessor – C. Roach  
ODFW – D. Van Dyke  
ODOT – M. Horowitz  
OWRD – S. Ceciliani  
DLCD – J. Lebombard  
DEQ – T. Easter  
Tectonics Design Group – S. Wright  
Cross Development – J. Allen

Exhibit A - 1
John Batzer, Member  
Diamond Merlin LLC  
P O Box 4460  
Medford OR 97502  

Re: Comprehensive Plan/Zone Change  
Map: 35-06-21-BD Tax Lot 1400  
Situs: Josephine Street  

This letter is to confirm that your materials in support of an application for a comprehensive plan/zone change has been reviewed by staff and deemed INCOMPLETE.

Per the pre-application letter dated November 22, 2019 the following items are still pending because they have not been provided or have only partially been addressed:

1) Josephine County Code (JCC) Section 19.46.030.C.4 – Not provided; a list of each state and local goal, with accompanying narrative by goal, is required.

2) JCC Section 19.46.040.C – Incomplete; the application appears to reference a new well and a new septic system on this parcel; a map showing location and written documentation of each is required. DEQ has indicated that a recent septic site evaluation was denied, but that a holding tank option may be available. If there is no new well, then a well log map showing locations of surrounding wells and quantities of each must be provided. Regarding access, the application did not acknowledge or comment on the remarks made by Josephine County Public Works. With respect to erosion/fire safety, the application did not include a fire safety plan.

3) JCC Section 19.101.020.A – Incomplete; must demonstrate compliance with OAR 660-022 – can be addressed by fulfilling items 5) and 6) below.

4) JCC Section 19.101.020.D – Not provided; can be addressed by fulfilling item 5) below (this application DOES propose to exceed the small-scale, low-impact size limit).

5) OAR 660-022-0030(4)(b) & (c) and JCC Section 19.101B.040.B.4 (small-scale, low-impact uses and uses intended to serve the community and surrounding rural area or the needs of the travelling public) – Not provided.

NOTE: Per OAR 660-022-0030(10), a small-scale, low-impact commercial use is one which takes place in an urban unincorporated community in a building or buildings not exceeding 8,000 square feet of floor space, or in any other type of unincorporated community in a building or buildings not exceeding 4,000 square feet of floor space.

Exhibit A - 2
6) OAR 660-022-0030(6) (impact on agricultural or forestry uses) – Not provided; at a minimum, the application shall indicate whether there are or are not any agricultural or forestry uses in the vicinity, and the approximate distances in feet or miles to the closest such uses.

Once the requested items are received, we will proceed with review of the application based upon the materials provided.

The purpose of this letter is to notify you that pursuant to ORS 215.427, the above requested information must be submitted by **August 3, 2020** (180 days) by one of the following options: (1) providing all the information to our office; (2) submit part of the information with written notice from the applicant stating no other information will be provided; or (3) submit written notice from applicant stating none of the missing information will be provided.

**NOTE: If you choose option 2 or 3 above, there is an increased risk the application will be denied due to lack of adequate information.**

If we do not receive one of the three options above by **August 3, 2020** the application will be rendered void on the 181st day (**August 4, 2020**). State law does not provide time extensions to this rule.

In the event the application is deemed complete, the Director will schedule a hearing with the Rural Planning Commission to consider the proposal. The final approval will be in the form of an Ordinance which must be signed by the Josephine County Board of Commissioners; the zone change takes effect 90 days after the Ordinance is signed.

Please contact me if you have any questions.

Sincerely,

Nora Schwartz, Associate Planner
541-474-5417
nschwartz@josephinecounty.gov

e-copy: Josephine County Public Works – E. Heesacker
Josephine County Building Safety – M. Stevenson, F. Wharregard
Josephine County Assessor – C. Roach
ODFW – D. Van Dyke
ODOT – M. Horowitz
OWRD – S. Ceciliani
DLCD – J. Lebombarb
DEQ – T. Easter
Tectonics Design Group – S. Wright
Cross Development – J. Allen
PLANNING APPLICATION FORM

Property Address:
Josephine St, Merlin OR 97532

Assessor's Map & Tax Lot:
3506-21BD-0014-0000

Tax Lot(s) ____________________________

Zoning: current CR2, proposed CC

Size of Project: (# of Units, Lots, Dimensions, Sq. Ft., Etc.)
Undeveloped 1.54-acre parcel to be rezoned

Application/Permit Type: (Please Check All Applicable)
☐ Address Assignment
  ☐ New Address
  ☐ Change of Address
  ☐ Additional Address
☐ Annual Compliance Certificate (See Form A)
☐ Appeal (See Sec.19.33.040)
☐ Comp Plan/Zone Map Amendment (See Sec.19.46.030)
☐ Conditional Use Application (Chapter. 19.45)
☐ Determination of Nonconforming Use (See Sec.19.13.060)
  ☐ Marijuana Prod. Site on RR (Attach License and Premise Sketch)
  ☐ Alteration/Expansion of Nonconforming Use/Structure
    (See Div. 19.13.050)
☐ Final Plat (See Sec.19.56.030)
☐ Mass Gathering (See Sec. 19.43.B – Use Mass Gathering Form)
☐ Partition (See Sec.19.52.040)
☐ Planned Unit Development (See Sec.19.55.030)
☐ Pre-Application (See Chapter. 19.21)
☐ Property Line Adjustment or Vacation (See Sec.19.54.040)
☐ Replat (See Sec.19.53.040)
☐ Riparian Landscape Plan (Attach Plan or Use Form B)
☐ Site Plan Review (See Chapter 19.42)
☐ Subdivision (See Sec.19.51.040)
☐ Text Amendment (See Sec.19.46.030)
☐ Variance (See Chapter.19.44)

☐ Conditional Use Permit (Chapter. 19.92)
☐ Development Permit (See Sec.19.41.020)
☐ Temporary Dwelling (See Chapter. 19.43)
  ☐ Detached Living Space
  ☐ Medical Hardship
☐ Other: ____________________________

Attachments:
☐ (2) Folded Maps/Site/Tentative Plan to Scale
☐ (1) 8 1/2x 11" Site/Tentative/Plot Plan
☐ Written Narrative/Response to Criteria
☐ Power of Attorney
☐ Statement of Understanding

Statement of Intended Water Use
☐ Floor Plan/Elevations
☐ Access Permit
☐ Proof of Fire Protection
☐ Erosion Control Plan/Fire Safety Plan
Other: ____________________________

Description of Request/Reason for Appeal
(Include name of project and proposed uses):
Rezone request to support future nonresidential development

Property Owner: Diamond Merlin LLC
Address: PO Box 4460 Medford, OR 97501

Phone: ____________________________
Email: ____________________________

Applicant: Josh Allen, Cross Development
Address: 4336 Marsh Rd, Carrollton, TX 75010
Phone: 765-215-1444
Email: josh@crossdevelopment.net

Authorized Representative/ Surveyor or Engineer:
(If Different From Applicant) (If Applicable)
Scott Wright, Tectonics Design Group
Address: 730 Sandhill Rd, Reno NV 89521
Phone: 530-906-0348
Email: scott@tdg-inc.com

CERTIFICATION: I hereby certify that the information on this application is correct and that I own the property or the owner has executed a Power of Attorney authorizing me to pursue this application (attached).

(Signature of Owner or Attorney-in-Fact) ____________________________
(Date) ____________________________

(Signature of Owner or Attorney-in-Fact) ____________________________
(Date) ____________________________

(For Office Use)

Fees Paid: $4,750.00
Initals: ____________________________

Exhibit A
APPLICANT'S STATEMENT OF UNDERSTANDING

I, John Batzer, Member of Diamond Merlin LLC, have filed an application with the Community Development - Planning Division to be reviewed and processed according to state and county requirements. My signature below affirms I have discussed my application with planning staff, and that I acknowledge the following disclosures:

1. I understand that any representations, conclusions or opinions expressed by staff in the application review of this request do not constitute final authority or approval, and that I am not entitled to rely upon any such expressions in lieu of formal approval of my request.

2. I understand I may ask questions and receive input from the planning staff, but acknowledge that I am ultimately responsible for all information or documentation submitted with this application. I further understand the Planning Staff cannot legally bind the county to any fact or circumstance, which conflicts with state or local laws, and in the event a conflict occurs, the statement or agreement is void.

3. I understand it is my responsibility to show my request meets code requirements, and I must provide all of the required documentation or information necessary to justify a permit. The standards for approving or denying my request have been furnished to me as part of this application.

4. I understand the planning staff is entitled to ask for additional information or documentation any time after the submission of this application if it is determined such information is required for review and approval.

5. I understand the processing of my application may require a site visit, which may include officials from other agencies, and photographs are commonly taken. Advance notice of the visit will be provided when the site is also a personal residence.

Date: December 19 2019

DIAMOND MERLIN LLC

OWNER (Owner signatures) 

OWNER (Owner signatures)

*If the applicant is someone other than the owner, a power of attorney must be on file from the owners authorizing the application

RECEIVED

03/16/2020

Exhibit A#N5

Revised 01/19
STATEMENT OF INTENDED WATER USE

Name: Josh Allen, Cross Development
Address: 4336 Marsh Ridge Rd
        Carrollton, TX 75010
Phone: 765-215-1444

Date: 12-17-2019

LEGAL:
TWN_35S__, RNG_6W__, SEC_21__, QQ___
Tax Lot 350621BD00140000

LAND USE PROPOSAL

☐ Property Line Adjustment
☐ Land Partition (# of Lots____)
☐ Subdivision (# of Lots____)
☐ Planned Unit Development

☐ Home Occupation
☐ Administrative Permit
☐ Conditional Use Permit
☐ Comp Plan & Zone Change

Current Zoning: CR2 Proposed CC

Are new lots being created ☐ Yes ☒ No
Will any lots be less than 1 acre in size? ☐ Yes ☒ No

DESCRIPTION OF WATER USE

(Describe the Use)

☐ How many residential units will use water (# of units, single or multi-family)? ___________
  none, this request is for nonresidential development

☐ Will water be used to irrigate (lawn, garden, shrubs, fields)? ☐ yes, ___________
  Total # of Acres Irrigated per Development__________

☐ Will water be used for livestock (kind, #)? ___________
  no

☐ Will water be used for one of the following:
  ☐ Commercial (office, retail, motel) ☐ Industrial (manufacturing, heavy repair)
  ☐ Institutional (school, church) ☐ Recreation (park, campground, pond)
  ☐ Other: ___________ # partial hookup sites ______ # full hookups ______

If so, please describe the use in detail:

Future commercial development will include a building, landscaping, and paving for circulation and parking

RECEIVED

[Stamp]

Exhibit A - 6
<table>
<thead>
<tr>
<th>SOURCE OF WATER (Check All That Apply)</th>
<th>QUANTITY TO BE USED (Estimate)</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Surface Water Source (spring, stream, irrigation district):</td>
<td></td>
</tr>
<tr>
<td></td>
<td>10 Gallons Per Minute</td>
</tr>
<tr>
<td></td>
<td>14,400 Gallons Per Day</td>
</tr>
<tr>
<td>□ Reservoir or Pond:</td>
<td></td>
</tr>
<tr>
<td>□ Ground Water:</td>
<td></td>
</tr>
<tr>
<td>□ Individual Well(s)</td>
<td>.0228 Cubic Feet Per Second</td>
</tr>
<tr>
<td>□ Shared Well(s)</td>
<td></td>
</tr>
<tr>
<td>□ Community Well(s) (Indicate the # of wells: [ ] )</td>
<td></td>
</tr>
<tr>
<td>□ Sump</td>
<td>.04 Acre Feet</td>
</tr>
<tr>
<td>□ Municipal Supply</td>
<td></td>
</tr>
<tr>
<td>□ Water Rights</td>
<td></td>
</tr>
<tr>
<td>□ Yes (Certificate/Permit # [ ] )</td>
<td></td>
</tr>
<tr>
<td>□ No</td>
<td></td>
</tr>
<tr>
<td>□ Do Not Know</td>
<td></td>
</tr>
</tbody>
</table>

Remarks:

*****ATTACH MAP SHOWING LOCATION OF EXISTING AND PROPOSED WELLS*****

X Diamond Member LLC  
Signature of Applicant

-- OFFICIAL USE ONLY --

Water Right Required □ Yes □ No
Water Hazard Overlay Zone? □ Yes □ No  Comment: _______________________________

Other Remarks: _______________________________

PUMP TEST REQUIRED? □ Yes □ No
□ Major □ Minor □ Other _______________________________

Date: _______________________________, 20__

RECEIVED: Reviewed By _______________________________

Exhibit A - 7 PLANNING
REQUEST FOR FINAL ZONE CHANGE IN MERLIN, OREGON

APPLICATION TO JOSEPHINE COUNTY

FOR

CROSS DEVELOPMENT
4336 MARSH RIDGE RD
CARROLLTON, TX 75010

DECEMBER 17, 2019

TECTONICS DESIGN GROUP

Exhibit A - 8

RECEIVED
JAN 6 2019
JO CO-PLANNING
December 17, 2019

Josephine County
Planning Department
700 NW Dimmick Street, Suite C
Grants Pass, OR 97526

RE: Final Zone Map Amendment Request in Merlin

To Whom It May Concern:

I am pleased to submit this application for Pre-application Review and a Zone Map Amendment on behalf of Cross Development to support a request to change from Community Residential – 2 acres (CR2) to Community Commercial (CC) on a vacant parcel on Josephine Street in Merlin, Josephine County, Oregon (APN 350621BD0014000). The following findings demonstrate that the rezoning is in compliance with the following criteria as stated in the Josephine County Title 19 Rural Land Development Code:

Section 19.46.030. C4 and C6;

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.

State and local goals

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 Section 46.050 of this Article.

See Section 19.46.050 of this document for Non-Resource Land Criteria findings.

Section 19.46.040. C

1. The proposed density and types of uses can be supported by the facility, service and other applicable development standards contained in this title or contained in other applicable federal, state and local rules and regulations governing such densities and types of uses;

RECEIVED
Jan 0 6 2020
Exhibit A - 9
OCO PLANNING
Any future development at this site will be required to comply with all local, state, and federal government regulations. Rezoning from Community Residential to Community Commercial will allow for a greater selection of nonresidential uses to be constructed on this vacant parcel – all of which will still be subject to Josephine County Ordinances thus regulating limits on use type and development density. Community Commercial can be built out as a larger single building than what is typically constructed for a single-family residence, but the current Community Residential zoning actually permits far greater densities and intensities of development with RV parks and schools following approval of a conditional use permit.

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 manmade conditions or circumstances;

This site is generally flat and not located within a flood zone or any delineated wetlands. It is environmentally suitable for future nonresidential development and is one of a handful of parcels at the eastern gateway of Merlin (which fronts Merlin Road - a main street) that has yet to be developed. The site is L-shaped and also fronts right-of-way at the rear, southern boundary which provides very good manmade traffic circulation and emergency access opportunities.

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;

The land is currently in a natural state but surrounded by existing development on neighboring parcels. The site is easily accessed from existing roadways and a new onsite well can support 14,400 gallons per day of water and a new onsite septic system can support a 1,000-gallon tank. This infrastructure is adequate to meet the needs of nonresidential development at this site.

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;

Commercial zoning will allow for nonresidential development, and therefore no additional residents at the site. Future development will not increase risks or hazards to neighboring residents to the south and future commercial uses (retail for example) are complementary given the situation of this parcel between the US Post Office to the west, the Merlin Alternative Center, a public high school, to the east, and the Shell gasoline station and welding business to the north.
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

Future development can occur entirely within the existing parcel boundaries and be constructed through private development funding so no additional infrastructure or maintenance costs to the public are anticipated, especially since this is a request for change in zoning and not yet a request for new development.

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.

As stated previously, no increased risks or costs to the public are anticipated with the request for a change in zoning from Community Residential to Community Commercial.

Section 19.46.050.

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

The size of the lot and surrounding urban uses do not allow for ideal farm land at this location. Surrounding commercial and residential do not allow for typical farming practices, as well as location to roads and intersections. There also are not any current farming practices occurring onsite, thus not stopping any current farming practices on this parcel.

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

As stated above the land is in an urbanized environment close to other commercial uses and there are no farming or foresting practices currently in practice or proposed for this site.

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 or operation to continue or occur.

See above for details of farm and forest practices. The current zone of Community Residential could allow for a greater density than what can be proposed for Community Commercial, thus impacting land use benefits on the site.

D. The land is not other forested lands that maintain soil, air, water and fish and wildlife resources.

See above.
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.

Proposed designation is not Rural Residential.

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.

Not qualified.

G. For the purposes of implementing the provisions of the foregoing rules, 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 what a reasonable person would consider significant given the facts and circumstances being considered.

See above for land use activities on site.

Section 19.101.020

A. Applications to amend the text, maps or inventories of the MNVC plan shall demonstrate compliance with the requirements of OAR 660-022 (Unincorporated Communities);

All of the findings in OAR 660-022 (Unincorporated communities) can be met in that the request is consistent with surrounding uses and uses allowed in the OAR 660-022 designations. The intended use within the proposed so will benefit the community and align with small-scale, low impact commercial projects desired.

D. Plan or map amendments that increase the density of residential development or increases small-scale, low-impact commercial or industrial size limits shall occur only when sewer and water services consistent with the Dyer facility plans are provided;

No increase in density shall occur with this change in zone.

H. 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:

The character of the surrounding area is being conformed to in that there are a wide array of commercial business surrounding the current site. There are no proposed uses for that could occur in the proposed zone that are not already occurring in the area

Exhibit A – 12
In summary, the change in zoning is consistent with the nonresidential uses already in the immediate vicinity and also with the adjacent Community Commercial zoning to the north. We believe the economic development potential to Merlin Rd improves greatly with this proposed change. Attached with this application are a zoning figure and surrounding land use photos that support our request.

I appreciate your time reviewing this application and the supporting documents. Please feel free to contact me with any questions at (530) 906-0348 or by email at scott@tdg-inc.com.

Sincerely,

Scott Wright
Tectonics Design Group
730 Sandhill Road, Suite 250
Reno, NV, 89521
Site Vicinity & Land Uses

Image 1 (left) aerial Vicinity Map.

Image 2 (below) Merlin Alternative Center immediately adjacent to the east.

Image 3 (center left) US Post Office is immediately adjacent to the west.

Image 4 (bottom left) Welding Co. and Shell are North across Merlin Rd.

Image 5 (bottom right) a home is across the unpaved ROW to the south.
November 22, 2019

John Batzer, Member
Diamond Merlin LLC
P O Box 4460
Medford OR 97502

Re: Pre-Application Review – Comprehensive Plan/Zone Change
Map: 35-06-21.BD Tax Lot 1400
Situs: “0” Josephine Street
Zone: Community Residential (CR2)

Mr. Batzer:

We have completed a preliminary review of the request for a comprehensive plan and zone change for the above-mentioned property, submitted on your behalf by Tectonics Design Group.

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 neighbors and other agencies and a public hearing before the Josephine County Rural Planning Commission, which will issue a decision.

Be advised that during the application process new or different information may be revealed which can alter the final recommendations or requirements. 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 subject property is 1.54 acres in size, zoned Community Residential (CR2) and vacant. The proposal is to change the Comprehensive Plan designation of the subject property from Residential to Commercial and the zone from CR2 to Community Commercial (CC).
ORDINANCE REVIEW

Your application must demonstrate compliance with numerous sections of the Josephine County Code (JCC) as well as specific Oregon Administrative Rules (OAR). The following is a summary of these requirements; be advised additional requirements may apply that are not included in this review, although every effort has been made to make this preliminary review as comprehensive as possible.

Section 19.46.020 – Review procedure

The Planning Commission shall make the final decision on this application as it does not involve an exception to statewide planning goals or involve lands designated as agricultural or forest lands under a statewide planning goal. 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. A hearing shall then be scheduled before the Board of County Commissioners, which has sole authority to implement changes to the County’s comprehensive plan by ordinance.

Section 19.46.030 – Plan amendment application requirements

The preliminary application has addressed many of the requirements in this Section. Item C.1 has been satisfied by identification of the current and proposed zoning designations. Item C.2 has been addressed by indicating that the requested change will be consistent with, and allow greater options for, the non-residential uses already permitted in the immediate vicinity on other residually-zoned lands. Item C.3 has been satisfied by a vicinity map showing the current and proposed zoning of the area and the specific parcel. Item C.5 is not applicable to this application. The full application must address items C.4 and C.6 of this section.

Section 19.46.040 – Plan amendment review criteria

Item A will be addressed in response to Section 19.46.030.C.4. In general, the application will comply by following the outlined review process to pursue a comprehensive plan/zone change.

Item B is not applicable as the subject parcel is not currently designated as a resource zone.

Certain aspects of Item C have been addressed in the preliminary application narrative. Additional information is required to demonstrate adequate carrying capacity. Regarding soils/septic, we recommend that you provide a statement/information from a registered sanitarian or soil scientist to address the ability of the soils to carry an adequate septic system. All future septic sites shall be reviewed and approved by DEQ. An adequate water supply must be shown by submitting a well log map showing location of surrounding wells and quantity of each. In terms of access, the applicant shall review the requirements of Josephine County Public Works (attached). In addition, the entire property contains granitic soils, but there is no slope that exceeds 15 percent; to address erosion/fire safety, the full application must provide a fire safety plan in general terms from Chapter 19.76. The property is noted as not being located within a protected deer habitat area, and there are no riparian...
issues on or near the property to be addressed. The property is not located in an area with known water quantity problems.

Item D includes the requirements for responding to OAR 660-012-0060; this item will be satisfied as part of the response to that OAR as required by Section 19.101.020.

Item E is relevant to established exception areas; these are areas not deemed as resource land (for example, properties zoned as Rural Residential, Rural Commercial, Community Residential, Community Commercial, etc.); therefore, this item does not apply.

Section 19.46.050 – Nonresource land criteria

This section does not apply as the request for rezoning does not involve a resource designation.

Section 19.101.020 – Amending and updating the MNVC plan

A full application must address item A, which requires a demonstration of compliance with the requirements of OAR 660, Division 22 (Unincorporated Communities). With respect specifically to OAR 660-022-0030, a response to subsection (4)(b) and (c) are paralleled by JCC Section 19.101B.040.B.4; subsection (7) is equivalent to JCC Section 19.101.020.E; and subsection (8) will be satisfied in the response to JCC Section 19.101.020.C and D. Regarding OAR 660-012-0060, this section is not applicable; the Oregon Department of Transportation (ODOT) has indicated the proposal will have no significant impact on the existing transportation facility. Josephine County Public Works comments were limited to a requirement for a specific access point.

Item B does not apply as the request for rezoning does not involve a resource designation.

Item C does not apply as the request do not involve adding new uses or modifying allowed uses within the MNVC.

Item D is relevant and must be addressed as the applicant has indicated the proposed use is for a retail operation whose planned building exceeds the allowed square footage; however, this can be satisfied by addressing Section 101.250.B.4 of the JCC.

Item E has been satisfied; a response from Josephine County Public Works indicates that department has no issues specifically related to the existing transportation facility (those comments are attached). In addition, a response from the Oregon Department of Transportation (ODOT) indicates that the proposal will not significantly affect operations of their facilities due to the subject property's distance from Interstate 5.

Item F has been satisfied as this requirement parallels the required response for JCC Section 19.46.040.C.2, which has been addressed by the applicant.

Item G has been satisfied as this requirement parallels the required response for JCC Section 19.46.040.C.3, which has been addressed by the applicant.
Item H has been partially addressed in the pre-application narrative. Additional information is required as detailed in this section.

ISSUE

JCC Section 19.101B.040.B – Property development standards

The addressing of this code section is typically reserved until application is made for development of a parcel. However, as the intent to place a commercial building of approximately 9,100 square feet in size has been expressed by the applicant, it would be prudent to address the requirement of subsection (4) below in the full application for the comprehensive plan/zone change:

4. Building size, accessory heights, setbacks and yard dimensions shall conform to the provisions of Chapter 19.72 JCC, except:
   a. Maximum building size for new commercial structures shall be 4,000 square feet, except where uses are intended to serve the community and surrounding rural area or the travel needs of people passing through the area. Uses are intended to serve local needs when the uses are designed to capture local markets for basic retail goods or services, or to serve travelers. Examples include a bank, community center, church, medical facility, public safety station, recreational equipment rental, guide or adventure service, park or entertainment facility, restaurant, grocery or video store, service station, repair shop, warehouse, recreational vehicle park, campground, etc.
   [1] The request shall require full site plan review procedures, to include quasi-judicial notice, review and appeal procedures; and
   [2] The written land use decision approving the exception to the 4,000-square-foot size limit shall contain findings of fact and conclusions that show how the use is intended to serve the community and surrounding rural area or the needs of travelers.

AGENCY COMMENTS

1. Oregon Department of Transportation (ODOT): The proposed rezone of the ~2.00 acre parcel is several miles from Interstate 5, and will not significantly affect operations of ODOT facilities; as such, no comments on the proposal. Submitted by Micah Horowitz, Development Review Planner at 541-774-6331.

2. Josephine County Public Works: Comments are attached; submitted by Eric Heesacker, Transportation Planner at 541-474-5460.

3. Oregon Department of Fish and Wildlife: No concerns; submitted by Laura Street, Assistant District Fisheries Biologist at 541-826-8774.

TO PROCEED

To ensure that you submit a complete application, we recommend that you assemble and identify your materials as outlined in Section 19.46.030 – Plan Amendment Application Requirements. In order to proceed with the application, please address the following as discussed in this preliminary review response:

Exhibit A - 19
1. Section 19.46.030.C.4 and C.6 (Plan Amendment Application Requirements)
2. Section 19.46.040.C (Plan Amendment Review Criteria)
3. Section 19.46.050 (Nonresource Land Criteria)
5. Section 19.101B.040.B (Property Development Standards)
6. OAR 660-022 (Unincorporated Communities)
7. The full application fee for a CP/ZC without an exception to statewide planning goals ($4,750)

When these have been provided, there is a statutory 30-day review period to determine whether the application is technically complete or technically incomplete. If the application is deemed technically complete, we will prepare a staff report and schedule a hearing with the Planning Commission. The Planning Commission shall make the final decision on this application, which shall be in the form of written findings and shall be accompanied by a recommended ordinance. A hearing shall then be scheduled before the Board of County Commissioners, which has sole authority to implement changes to the County’s comprehensive plan by ordinance. Final actions of the Planning Commission may be appealed to the Board within 10 days from the date notice of the decision is mailed to the participants as set forth in JCC Chapter 19.33.

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
Associate Planner
nschwartz@josephinecounty.gov

encls: Public Works comments dated October 21, 2019
e-copy: Josephine County Public Works – E. Heesacker
Josephine County Building Safety – M. Stevenson, F. Wharregard
Josephine County Assessor – C. Roach
ODFW – L. Street
ODOT – M. Horowitz
OWRD – S. Ceciliani
DLCD – J. Lebombard
DEQ – T. Easter
Tectonics Design Group – K. Rohrmeier
Cross Development – J. Allen
EXHIBIT "B"

CP/ZC APPLICATION & APPLICANT'S NARRATIVE
May 20, 2020

Josephine County Planning Dept  
700 NW Dimmick Street, Suite C  
Grants Pass, OR 97526

RE: Merlin Rezone 35-06-21-BD TL 1400

Dear Nora,

Thank you for your feedback on the Cross Development Merlin rezone application (Case 35-06-21-BD-TL-1400). The attached figures along with the explanations below should the project up to technically complete status. This will allow for us to move forward to Planning Commission.

- Enclosed is the Oregon Water Resources Department map with a distance measurement to the project site. The third page is a letter from our well driller showing a summary of wells drilled in the area and the average flow rates range from 5-18 GPM. At these rates it will be no issue drilling a well on our site that provides adequate flow for our project.
- For fire safety planning, please find the attached site plan that includes the building with associated off-street parking, ingress and egress, and the circulation pattern (driveway).
- Regarding OAR 660-022-0030(6) which states, “County plans and land use regulations shall ensure that new or expanded uses authorized within unincorporated communities do not adversely affect agricultural or forestry uses.” A survey of aerial photographs of unincorporated Merlin and its surrounding lands reveal no agricultural or forestry land uses in the general vicinity currently. An image of Merlin with the its main street frontage are identified and provided as justification.

Sincerely,
Tectonics Design Group, Inc.

Matthew K. Rasmussen, P.E., LEED AP

Exhibit B - 1
Josh Allen SVP  
Cross Development LLC  
9461 Kenwood Rd  
Cincinnati, OH 45242  

05/19/2020  

Josh,

The potential for groundwater on proposed site located on the corner of Josephine St and Merlin Rd in Merlin, Oregon - property map T35S R6W Sec 21 SW ¼ NW ¼ TL 1400 is good. The geology in this area is Igneous rock (Granite.) These formations provide the ability to transmit groundwater effectively when fractures are encountered. This area has some productive wells. Flow Rates range from 5-18 GPM when drilled and the depths of the wells are generally 65’-200’ deep.

_This Chart gives some examples of wells drilled in the area_

<table>
<thead>
<tr>
<th>Property</th>
<th>Yield-GPM</th>
<th>Depth of Well</th>
<th>Formation</th>
</tr>
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<tbody>
<tr>
<td>TL 1800 Almond St</td>
<td>18</td>
<td>92’</td>
<td>Grey Granite Fractured</td>
</tr>
<tr>
<td>TL 2100 Josephine St</td>
<td>8</td>
<td>65’</td>
<td>Grey Decomposed Granite</td>
</tr>
<tr>
<td>TL 3100 409 Acorn St</td>
<td>20</td>
<td>125’</td>
<td>Grey Granite</td>
</tr>
<tr>
<td>TL 2000 395 Almond St</td>
<td>25</td>
<td>102’</td>
<td>Grey Granite</td>
</tr>
<tr>
<td>TL 1700 Almond St</td>
<td>10</td>
<td>160’</td>
<td>Grey Granite</td>
</tr>
</tbody>
</table>

These well records indicate the production of a well when drilled via the well report and an air test.

Regards

_Kevin Gill_

Kevin Gill

Exhibit B - 3
Vicinity Map (No Agriculture or Forestry)
December 17, 2019

Josephine County
Planning Department
700 NW Dimmick Street, Suite C
Grants Pass, OR 97526

RE: Zone Map Amendment Request in Merlin

To Whom It May Concern:

I am pleased to submit this second application for this project site for the Final Zone Map Amendment on behalf of Cross Development to support a request to change from Community Residential – 2 acres (CR2) to Community Commercial (CC) on a vacant parcel on Josephine Street in Merlin, Josephine County, Oregon (APN 350621BD0014000). The following findings demonstrate that the rezoning is in compliance with the following criteria as stated in the Josephine County Title 19 Rural Land Development Code:

1. The proposed density and types of uses can be supported by the facility, service and other applicable development standards contained in this title or contained in other applicable federal, state and local rules and regulations governing such densities and types of uses;

   Any future development at this site will be required to comply with all local, state, and federal government regulations. Rezoning from Community Residential to Community Commercial will allow for a greater selection of nonresidential uses to be constructed on this vacant parcel – all of which will still be subject to Josephine County Ordinances thus regulating limits on use type and development density. Community Commercial can be built out as a larger single building than what is typically constructed for a single-family residence, but the current Community Residential zoning actually permits far greater densities and intensities of development with RV parks and schools following approval of a conditional use permit.

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 manmade conditions or circumstances;

   This site is generally flat and not located within a flood zone or any delineated wetlands. It is environmentally suitable for future nonresidential development and is one of a handful of parcels at the eastern gateway of Merlin (which fronts Merlin Road –
a main street) that has yet to be developed. The site is L-shaped and also fronts right-of-way at the rear; southern boundary which provides very good manmade traffic circulation and emergency access opportunities.

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;**

The land is currently in a natural state but surrounded by existing development on neighboring parcels. The site is easily accessed from existing roadways and a new onsite well can support 14,400 gallons per day of water and a new onsite septic system can support a 1,000-gallon tank. This infrastructure is adequate to meet the needs of nonresidential development at this site.

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;**

Commercial zoning will allow for nonresidential development, and therefore no additional residents at the site. Future development will not increase risks or hazards to neighboring residents to the south and future commercial uses (retail for example) are complementary given the situation of this parcel between the US Post Office to the west, the Merlin Alternative Center, a public high school, to the east, and the Shell gasoline station and welding business to the north.

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**

Future development can occur entirely within the existing parcel boundaries and be constructed through private development funding so no additional infrastructure or maintenance costs to the public are anticipated, especially since this is a request for change in zoning and not yet a request for new development.

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.**

As stated previously, no increased risks or costs to the public are anticipated with the request for a change in zoning from Community Residential to Community Commercial.

In summary, the change in zoning is consistent with the nonresidential uses already in the immediate vicinity and also with the adjacent Community Commercial zoning to the north. We believe the economic development potential to Merlin Rd improves greatly with this proposed change. Attached with this application are a zoning figure and surrounding land use photos that support our request. Your time spent reviewing this application package is
appreciated. Feel free to contact me with any questions at (510) 993-4034 or by email at kerry@tdg-inc.com.

Sincerely,

Kerry Rohrmeier, PhD AICP
Senior Planner
Site Vicinity & Land Uses

Image 1 (left) aerial Vicinity Map.
Image 2 (below) Merlin Alternative Center immediately adjacent to the east.
Image 3 (center left) US Post Office is immediately adjacent to the west.
Image 4 (bottom left) Welding Co. and Shell are North across Merlin Rd.
Image 5 (bottom right) a home is across the unpaved ROW to the south.
PLANNING APPLICATION FORM

Property Address:
Josephine Street, Merlin, OR 97532

Assessor’s Map & Tax Lot:
3506-21BD-0014-0000 Tax Lot(s)

Zoning: Current CC Proposed CC

Size of Project: (# of Units, Lots, Dimensions, Sq. Ft., Etc.)
Undeveloped 1.54-acre parcel to be rezoned for commercial development

Application/Permit Type: (Please Check All Applicable)
☐ Address Assignment
  ☐ New Address
  ☐ Change of Address
  ☐ Additional Address
☐ Annual Compliance Certificate (See Form A)
☐ Appeal (See Sec. 19.33.040)
☐ Comp Plan/Zone Map Amendment (See Sec. 19.46.030)
☐ Conditional Use Application (Chapter. 19.45)
☐ Determination of Nonconforming Use (See Sec. 19.13.060)
  ☐ Marijuana Prod. Site on RR (Attach License and Premise Sketch)
  ☐ Alteration/Expansion of Nonconforming Use/Structure (See Div. 19.13.050)
☐ Final Plat (See Sec. 19.56.030)
☐ Mass Gathering (See Sec. 19.43.B - Use Mass Gathering Form)
☐ Partition (See Sec.19.52.040)
☐ Planned Unit Development (See Sec. 19.55.030)
☐ Pre-Application (See Chapter. 19.21)
☐ Property Line Adjustment or Vacation (See Sec.19.54.040)
☐ Replat (See Sec.19.53.040)
☐ Riparian Landscape Plan (Attach Plan or Use Form B)
☐ Site Plan Review (See Chapter 19.42)
☐ Subdivision (See Sec.19.51.040)
☐ Text Amendment (See Sec.19.46.030)
☐ Variance (See Chapter.19.44)

☐ Conditional Use Permit (Chapter. 19.92)
☐ Development Permit (See Sec.19.41.020)
☐ Temporary Dwelling (See Chapter. 19.43)
  ☐ Detached Living Space
  ☐ Medical Hardship
☐ Other:

Attachments:
☐ (2) Folded Maps/Site/Tentative Plan to Scale
☐ (1) 8 1/2x 11” Site/Tentative/Plot Plan
☐ Written Narrative/Response to Criteria
☐ Power of Attorney
☐ Statement of Understanding

Revised 4/16/19

Fees Paid: ______ initials:

Exhibit B - 10
STATEMENT OF INTENDED WATER USE

Name: Josh Allen, Cross Development
Address: 4336 Marsh Ridge Rd
         Carrollton, TX 75010
Phone: 765-215-1444
Date: 12-17-2019

LEGAL:
TWN_35S, RNG_6W, SEC_21, QQ
Tax Lot 350621BD00140000

LAND USE PROPOSAL
- Property Line Adjustment
- Land Partition (# of Lots)
- Subdivision (# of Lots)
- Planned Unit Development

Home Occupation
- Administrative Permit
- Conditional Use Permit
X Comp Plan & Zone Change

Current Zoning: CR2 Proposed CC
Are new lots being created? Yes No
Will any lots be less than 1 acre in size? Yes No

DESCRIPTION OF WATER USE

(Describe the Use)

☑ How many residential units will use water (# of units, single or multi-family)?
   None, this request is for nonresidential development

☑ Will water be used to irrigate (lawn, garden, shrubs, fields)? Yes
   Total # of Acres Irrigated per Development

☐ Will water be used for livestock (kind, #)?
   No

☐ Will water be used for one of the following:
   ☑ Commercial (office, retail, motel)
   ☐ Industrial (manufacturing, heavy repair)
   ☐ Institutional (school, church)
   ☐ Recreation (park, campground, pond)
   ☐ Other: # partial hookup sites # full hookups

If so, please describe the use in detail:

Future commercial development will include a building, landscaping, and paving for circulation and parking

Exhibit B - 11
Applicant's Statement of Understanding

1. John Batey, a member of Diamond Helon LLC, has filed an application with the Community Development – Planning Division to be reviewed and processed according to state and county requirements. My signature below affirms I have discussed my application with planning staff, and that I acknowledge the following disclosures:

1. I understand that any representations, conclusions or opinions expressed by staff in the application review of this request do not constitute final authority or approval, and that I am not entitled to rely upon any such expressions in lieu of formal approval of my request.

2. I understand I may ask questions and receive input from the planning staff, but acknowledge that I am ultimately responsible for all information or documentation submitted with this application. I further understand the Planning Staff cannot legally bind the county to any fact or circumstance, which conflicts with state or local laws, and in the event a conflict occurs, the statement or agreement is void.

3. I understand it is my responsibility to show my request meets code requirements, and I must provide all of the required documentation or information necessary to justify a permit. The standards for approving or denying my request have been furnished to me as part of this application.

4. I understand the planning staff is entitled to ask for additional information or documentation any time after the submission of this application if it is determined such information is required for review and approval.

5. I understand the processing of my application may require a site visit, which may include officials from other agencies, and photographs are commonly taken. Advance notice of the visit will be provided when the site is also a personal residence.

Date: September 25, 2019

[Signatures]

*If the applicant is someone other than the owner, a power of attorney must be on file from the owners authorizing the application
February 14, 2019

Josephine County
Planning Department
700 NW Dimnick Street, Suite C
Grants Pass, OR 97526

RE: Final Zone Map Amendment Request in Merlin

To Whom It May Concern:

I am pleased to submit this application for Pre-application Review and a Zone Map Amendment on behalf of Cross Development to support a request to change from Community Residential – 2 acres (CR2) to Community Commercial (CC) on a vacant parcel on Josephine Street in Merlin, Josephine County, Oregon (APN 350621BDD0014000). The following findings demonstrate that the rezoning is in compliance with the following criteria as stated in the Josephine County Title 19 Rural Land Development Code:

Section 19.46.030. C4 and C6;

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.

Josephine County Goals

Goal 1: To preserve and maintain agricultural lands and the rural character of Josephine County.

There will be no major effects to agricultural land of the area due to the small nature of the parcel itself, as well as the limited uses within Community Commercial.

Goal 2: To conserve and develop the forest lands of Josephine County.

This Goal does not apply to the nature of this Zone Change.

Goal 3: Provide land allocations to encourage a wide variety of safe and affordable housing.

This Goal does not apply to the nature of this Zone Change.

Goal 4: Plan and develop facilities and services that are needed, and can be afforded, by the residents of the County.

Exhibit B – 13
A change to Community Commercial zone direct provides facilities and services to the community more than a residential-zoned property would be able to provide.

Goal 5: To diversify, expand and stabilize economic opportunities for the betterment of the County.

This change in zone would provide a wider arrangement of economic opportunities for the County through jobs and ability to provide goods to rural communities.

Goal 6: Prevent Loss of Life and Property Due to Natural Man-Made Hazards.

This Goal does not apply to the nature of this Zone Change.

Goal 7: Preserve Valuable Limited Resources, Unique Natural Areas and Historic Features.

This Goal does not apply to the nature of this Zone Change.

Goal 8: Pollution shall be Controlled.

This Goal does not apply to the nature of this Zone Change.


This Goal does not apply to the nature of this Zone Change.

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.

All requirements of the State of Oregon and County land use desires will be met.

Goal 11: The Comprehensive Plan shall be Maintained, Amended, and Updated as Necessary (policies 1, 4 and 5 only)

This Goal does not apply to the nature of this Zone Change.

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.

The Merlin/North Valley goals of the community are found below.

Merlin/North Valley 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.

An addition of Community Commercial to a rural community is valuable in many ways, names provided services and goods to the surrounding areas.

Exhibit B - 14
Goal 2: Specific Zoning and development standards shall be implemented to ensure safe residential, commercial and industrial development.

This Goal does not apply to the nature of this Zone Change; however all development standards will be met for all projects put forth on the land.

Goal 3: Other County goals and policies shall apply within the Merlin/North Valley Community.

See all other specified goals above.

Oregon’s Statewide Land Use Planning Goals

Goal 1 Citizen Involvement

Citizens of Josephine County will be involved in this project as this Zone Change is a public hearing.

Goal 2 Land Use Planning

This Zone Change is within the realm of the Comprehensive Plan of the County in the proposal of the Community Commercial zone.

Goal 3 Agricultural Lands

There will be no major effects to agricultural land of the area due to the small nature of the parcel itself, as well as the limited uses within Community Commercial.

Goal 4 Forest Lands

This Goal does not apply to the nature of this Zone Change

Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces

This Goal does not apply to the nature of this Zone Change

Goal 6 Air, Water and Land Resources Quality

This Goal does not apply to the nature of this Zone Change; however all natural resources are to be recognized during any development that occurs on this site.

Goal 7 Areas Subject to Natural Hazards

This Goal does not apply to the nature of this Zone Change

Goal 8 Recreational Needs

This Goal does not apply to the nature of this Zone Change

Exhibit B - 15
Goal 9 Economic Development

This change in zone would provide a wider arrangement of economic opportunities for the County through jobs and ability to provide goods to rural communities.

Goal 10 Housing

Due to the size of the parcel and low-density designation of residential that it is currently designated, this Goal does not apply to the nature of this Zone Change.

Goal 11 Public Facilities and Services

This Goal does not apply to the nature of this Zone Change.

Goal 12 Transportation

This Goal does not apply to the nature of this Zone Change.

Goal 13 Energy Conservation

This Goal does not apply to the nature of this Zone Change.

Goal 14 Urbanization

This Goal does not apply to the nature of this Zone Change.

Goal 15 Willamette River Greenway

This Goal does not apply to the nature of this Zone Change.

Goal 16 Estuarine Resources

This Goal does not apply to the nature of this Zone Change.

Goal 17 Coastal Shorelands

This Goal does not apply to the nature of this Zone Change.

Goal 18 Beaches and Dunes

This Goal does not apply to the nature of this Zone Change.

Goal 19 Ocean Resources

This Goal does not apply to the nature of this Zone Change.

Exhibit B - 16
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 Section 46.050 of this Article.

See Section 19.46.050 of this document for Non-Resource Land Criteria findings.

Section 19.46.040, C

1. The proposed density and types of uses can be supported by the facility, service and other applicable development standards contained in this title or contained in other applicable federal, state and local rules and regulations governing such densities and types of uses;

Any future development at this site will be required to comply with all local, state, and federal government regulations. Rezoning from Community Residential to Community Commercial will allow for a greater selection of nonresidential uses to be constructed on this vacant parcel – all of which will still be subject to Josephine County Ordinances thus regulating limits on use type and development density. Community Commercial can be built out as a larger single building than what is typically constructed for a single-family residence, but the current Community Residential zoning actually permits far greater densities and intensities of development with RV parks and schools following approval of a conditional use permit.

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 manmade conditions or circumstances;

This site is generally flat and not located within a flood zone or any delineated wetlands. It is environmentally suitable for future nonresidential development and is one of a handful of parcels at the eastern gateway of Merlin (which fronts Merlin Road - a main street) that has yet to be developed. The site is L-shaped and also fronts right-of-way at the rear, southern boundary which provides very good manmade traffic circulation and emergency access opportunities. Upon agreement for any Conditions of Approval, and with the submittal of a Site Plan Review, a fire safety plan will be submitted and follow proper DEQ permitting at the appropriate time.

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;

The land is currently in a natural state but surrounded by existing development on neighboring parcels. The site is easily accessed from existing roadways and a new onsite well can support 14,400 gallons per day of water and there is space on the southern portion of the property to support different options for a new onsite septic system per DEQ permit approval. Well and septic information has been provided to the DEQ. This infrastructure is adequate to meet the needs of nonresidential development at this site. Per the remarks by Josephine County Public Works, access along Merlin Road would not be objected to if agreed upon by the neighboring properties. Should neighboring property and the developer of this site come to an agreement, a document will be provided during the Site Plan Review process. Any other options put forth on Merlin Road will be subject to review and will follow all local and state codes.
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;

Commercial zoning will allow for nonresidential development, and therefore no additional residents at the site. Future development will not increase risks or hazards to neighboring residents to the south and future commercial uses (retail for example) are complementary given the situation of this parcel between the US Post Office to the west, the Merlin Alternative Center, a public high school, to the east, and the Shell gasoline station and welding business to the north.

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

Future development can occur entirely within the existing parcel boundaries and be constructed through private development funding so no additional infrastructure or maintenance costs to the public are anticipated, especially since this is a request for change in zoning and not yet a request for new development.

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.

As stated previously, no increased risks or costs to the public are anticipated with the request for a change in zoning from Community Residential to Community Commercial.

Section 19.46.050.

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

The size of the lot and surrounding urban uses do not allow for ideal farm land at this location. Surrounding commercial and residential do not allow for typical farming practices, as well as location to roads and intersections. There also are not any current farming practices occurring onsite, thus not stopping any current farming practices on this parcel.

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

As stated above the land is in an urbanized environment close to other commercial uses and there are no farming or foresting practices currently in practice or proposed for this site.

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 or operation to continue or occur.
See above for details of farm and forest practices. The current zone of Community Residential could allow for a greater density than what can be proposed for Community Commercial, thus impacting land use benefits on the site.

D. The land is not other forested lands that maintain soil, air, water and fish and wildlife resources.

See above.

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.

Proposed designation is not Rural Residential.

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.

Not qualified.

G. For the purposes of implementing the provisions of the foregoing rules, 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 what a reasonable person would consider significant given the facts and circumstances being considered.

See above for land use activities on site.

Section 19.101.020

A. Applications to amend the text, maps or inventories of the MNVC plan shall demonstrate compliance with the requirements of OAR 660-022 (Unincorporated Communities);

MNVC plan findings are found above, and relative findings to OAR 660-022 (Unincorporated communities) can be seen below. The intended use within this proposal have significant benefits directly related to the desires of the goals related to the want of uses to provide goods and services to the community.

D. Plan or map amendments that increase the density of residential development or increases small-scale, low-impact commercial or industrial size limits shall occur only when sewer and water services consistent with the Dyer facilities are provided.
No increase in density of residential shall occur with this change in zone. This specific change in zone to Community Commercial allows for “uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area” as specified in OAR 660-022-0030(4)(c). Any intended building proposal over the “small-scale, low impact uses” as specified in OAR 660-022-0030(4)(c), and defined in OAR 660-022-0030(10), shall be interpreted as not significant enough of a surpassing of limits in that it would warrant dismissal due to size as stated in JCC Section 19.101B.040.B.4.

H. 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:

The character of the surrounding area is being conformed to in that there are a wide array of commercial business surrounding the current site. There are no proposed uses for that could occur in the proposed zone that are not already occurring in the area

OAR 660-022-0030(4)(b) & (c) and JCC Section 19.101B.040.B.4

OAR 660-022-0030(4)(b) & (c) findings can be found above. JCC Section 19.101B.040.B.4 warrants a use for Community Commercial above 4000 square feet if the use is “intended to serve the community and surrounding rural area or the travel needs of people passing through the area”. The nature of stores being able to provide those intended services to the community are going to be slightly, but not greatly, beyond the 4000 square foot limit. The proposed use after this Zone Change fall directly in line with the examples shown in JCC Section 19.101B.040.B.4(a).

In summary, the change in zoning is consistent with the nonresidential uses already in the immediate vicinity and also with the adjacent Community Commercial zoning to the north. We believe the economic development potential to Merlin Rd improves greatly with this proposed change. Attached with this application are a zoning figure and surrounding land use photos that support our request.

I appreciate your time reviewing this application and the supporting documents. Please feel free to contact me with any questions at (530) 906-0348 or by email at scott@tdg-inc.com.

Sincerely,

Scott Wright
Tectonics Design Group
730 Sandhill Road, Suite 250
Reno, NV, 89521
EXHIBIT "C"

AGENCY COMMENTS
Hi Nora,

I have no comments on this agency transmittal.

Cheers,

Laura Street
Assistant District Fisheries Biologist
Rogue Watershed District
1495 E Gregory Road
Central Point, OR 97502
541-826-8774 x 224

---

Please see attached; any comments are appreciated by October 21, 2019.

Thank you,

Nora Schwartz
Associate Planner
541-474-5417
THE PLANNING OFFICE IS OPEN TO THE PUBLIC:
8am – noon and 1pm – 3pm
Monday through Friday
Hi there Nora,

Public Works comment on this request is limited to the following:

Access to the subject parcel may be limited to Almond Road due to access spacing requirements for Merlin Road. The applicant has mentioned acquiring shared access to Merlin Road with the adjacent parcels to the east and west and Public Works would not object to that.

Please get back to me with any questions.

Eric Heesacker: Transportation Planner
Josephine County: Dept. of Public Works
201 River Heights Way
Grants Pass, OR 97527
541-474-5460 ext 4407
FAX: 541-474-5468
New email: eheesacker@josephinecounty.gov (10/21/19)
Hi Nora,

The proposed 2-ac rezoning is several miles from the I-5, and will not significantly affect operations of our facilities. As such, we do not have any comments on this proposal. Thanks for keeping us in the loop!

Best regards,
Micah

Micah Horowitz, AICP
Development Review Planner
ODOT Southwestern Region
100 Antelope Rd.
White City, OR 97503
541.774.6331

Hi Nora,

Many thanks, Micah; I’ll look forward to it.

Nora

Hi Nora,

Exhibit C-3
Thanks Nora,

To confirm, this is a ways from ODOT facilities and we do not expect significant impacts associated with this proposal.

Best regards,
Micah

Micah Horowitz, AICP  
ODOT Region 3 | Senior Transportation Planner  
100 Antelope Road, White City, OR 97503  
p: 541.774.6331 | c: 541.603.8431  
e: micah.horowitz@odot.state.or.us

---

Please see attached; if you have any comments, please submit them to me no later than January 24.

Thank you,

Nora Schwartz, Associate Planner  
541-474-5417  
THE PLANNING OFFICE IS  
OPEN TO THE PUBLIC:  
8am – noon and 1pm – 3pm
There is only a denied site evaluation on this property. It looks like they will be able to put in a holding tank though and that is what the attached site evaluation is for. It was just done recently (1/17/2020) and that was why it wasn’t in electronic records yet. If you need anything else, please let me know.

Terri Easter  
Medford DEQ  
221 Stewart Ave., Suite 201  
Medford, OR 97501  
541-776-6214

Hi Terri,

The application I am reviewing claims there is a new septic system at this location (it doesn’t have a street number, it’s just “Josephine Street”) and I can’t find anything on the electronic database. Can you help me determine if there is one?

Nora Schwartz, Associate Planner  
541-474-5417  
THE PLANNING OFFICE IS OPEN TO THE PUBLIC:  
8am – noon and 1pm – 3pm  
Monday through Friday
Commercial Septic Site Evaluation

248-19-000684-EVAL

Date evaluation denied: 01/17/2020
Application status: Denied
Work description: Onsite Septic System for 2 employees

Applicant: Bill Galli
Address: 612 NW Third Street
         Grants Pass OR 97526
Phone: 5419551611
Email: bgalli@galligroup.com

Owner: DIAMOND MERLIN LLC
Property address: 0 Josephine St, Merlin, OR 97532

Parcel: 3506218D01400 - Primary
Township: 35S
Range: 6W
Section: 21

Lot size: 1.54 Water supply: Well
Zoning: N/A City/County/UGB: N/A
Directions to Property: From Interstate 5, head west on Merlin Galice Road for 7.9 miles, destination is on the south side of Merlin Galice Road.
(East of the Post Office)

Proposed use of structure: Retail Space with Employee Restroom, 2 employees per shift
Category of construction: Commercial

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Conditions of denial:
1. Based on site observations in the area of interest there does not appear to be enough usable area for primary and replacement drainfields.
2. The area is limited due to existing and proposed water well encroachment.
3. The seasonally elevated groundwater table was observed at 14" below current grade in test pit 3 and 36" in test pit 1 at the time of inspection.
4. Fill soil deposits in the area of interest observed in test pit 3.
5. Convex slope position in area of test pits 1 and 2.

Based on the aforementioned site constraints and projected daily flows under 250 gallons/day a holding tank proposal appears to be the most viable option for the proposed use and site conditions.

CALL BEFORE YOU DIG...IT'S THE LAW

ATTENTION Oregon law requires you to follow rules adopted by the Oregon Utility Notification Center. These rules are set forth by Oregon Administrative Rules. You may obtain copies of the rules by calling the center. (Note: The telephone number for the Oregon Utility Notification Center is 1-800-332-2344.)
If you disagree with the decision of this report, you may apply for a site evaluation report review. The application for a site evaluation report review must be submitted to DEQ in writing within 60 days after the site evaluation report issue date and must include the site evaluation review fee in OAR 340-071-0140 Table 9A. A senior DEQ staff person will be assigned the site evaluation report review application.

You may apply for a variance to the onsite wastewater treatment system rules. The variance application must include a copy of the site evaluation report, plans and specifications for the proposed system, specify the rule(s) to which a variance is being requested, demonstrate the variance is warranted, and include the variance fee in OAR 340-071-140 Table 9C. A variance may only be granted if the variance officer determines that strict compliance with a rule is inappropriate or special physical conditions render strict compliance unreasonable, burdensome or impractical. A senior DEQ variance officer will be assigned the variance application.

Greg Alton
Regional Onsite Wastewater Specialist
From: Nora Schwartz  
Sent: Friday, February 7, 2020 9:53 AM  
To: 'CECILIANI Scott C * WRD'  
Subject: 35-06-21-BD tax lot 1400 - purported new well

Thanks, Scott – very helpful.

Nora

From: CECILIANI Scott C * WRD <Scott.C.Cecilianioregon.gov>  
Sent: Friday, February 7, 2020 9:08 AM  
To: Nora Schwartz <NSchwartz@co.josephine.or.us>  
Subject: Re: New well?

Nora,

I was unable to locate any documentation filed by a driller indicating the intent to drill at 35-06-21-BD tax lot 1400.

The landowner could go through the Well Identification Label Program in order to register the water supply well. By going through the program, the landowner will receive an identification tag for the well and a well information report will be created and entered into the online database.

The Well Identification Label Program began 1996, requiring that all wells drilled, altered, deepened, or converted have a well ID label attached to the well head by the well constructor. Most wells constructed prior to 1996 have yet to be assigned a well ID label number.

Please contact me with any questions.

Thanks,

Scott Carlo Ceciliani, GIT  
Watermaster, District 14  
700 NW Dimmick St.  
Grants Pass, OR 97526  
Cell: (541) 261-2213

Exhibit C - 10
NOTICE OF PUBLIC HEARING
Josephine County Planning Commission

The Josephine County Planning Commission will conduct a public hearing on the land use request described below. This hearing will be fully open to the public and anyone interested in testifying or submitting other kinds of evidence may do so. The hearing procedures are governed by Chapter 19.31, Public Hearings, of the Josephine County Code (JCC). Anyone interested in participating in the hearing should examine or purchase a copy of Chapter 19.31 at the Planning Division (the basic hearing format is described below). Twenty-one (21) days prior to the hearing, a copy of the application, all documents and evidence relied upon by the applicant and the applicable criteria for a decision may be inspected at the Planning Division upon request & please call 541-474-5421 for an appointment. You may also talk to the planner listed below. Copies may be purchased. If a staff report is published, it will be available for inspection without cost at least 7 days before the hearing. Copies of the staff report may also be purchased. Consistent with the Josephine County Code (JCC), comments and other pertinent information regarding the application are due no later than 5PM. 15 days from the date of this notice to be considered in the review by Planning Staff.

REQUEST AND HEARING INFORMATION

OWNER/APPLICANT: Cross Development
LOCATION: Josephine Street
LEGAL: 35-06-21-08, TL (Tax Lot) 1400
ZONE: Community Residential (CR-2)
REQUEST: Request for approval to change the Comprehensive Plan designation on the subject property from Residential to Commercial and the zone from Community Residential (CR-2) to Community Commercial (CC)

CRITERIA:
The criteria (listed by citation and caption only) applicable to the request: Josephine County Code: Chapter 19.46 ~ Amending and Updating the Comprehensive Plan (to include Section 19.46.040 ~ Plan Amendment Review Criteria). Section 19.101.020 ~ Amending and updating the MNVC Plan. Josephine County Goals & Policies: Goal 5 ~ To Diversify, Expand and Stabilize Economic Opportunities for the betterment of the County. Goal 11 ~ The Comprehensive Plan shall be maintained, Amended, and updated as necessary. Merlin/North Valley Unincorporated Rural Community Goals #1-3. Statewide Goals, Statutes, Rules: Goal 2 ~ Land Use Planning.

Date & Time: MONDAY, SEPTEMBER 14, 2020 ~ 6:00 P.M.

HEARING:
The hearing will be conducted according to Chapter 19.31, Public Hearings, of the Josephine County Code (JCC). The hearing will use the following format: [1] the Chair will explain the hearing procedures; [2] a planner will summarize the request, identify the applicable criteria and explain the issues; [3] the applicant will make a presentation; [4] others in favor may speak; [5] opponents may speak; [6] the applicant may offer rebuttal; [7] opponents, if allowed, may offer rebuttal; [8] if requested by the Commission, the planner will summarize the request, criteria, and evidence. [9] the Commission may question participants and/or involved county staff (participants may question staff with the Commission’s permission); [10] the Commission will close the hearing for deliberation and decision.

CONTACT PERSON: The planner handling the file is James Black (541) 474-5418; Email: jblack@josephinecounty.gov

APPEAL ISSUES: Failure to raise an issue at the hearing, in person or in writing, or failure to provide statements or evidence sufficient to afford the Commission to respond to the issue, precludes a later appeal on that issue. This makes it important to clearly and accurately state your issue when you testify at the hearing.

NOTICE: If you are a mortgagee, lienholder, vendor or seller, state law requires that you promptly forward this notice to the purchaser of the property. (ORS 215.513).
TO: Assessor's Office  Water Resources ~ Scott Ceciliani
Building Safety ~ Stevenson  Two Rivers SWCD
Legal ~ Ogu  County Fire
Public Works ~ Heesaker  Rural Metro
State Fire Marshall ~ Shaw  ODOT
DEQ~ Easter  RVCOG - MRMPO
DLCD/Josh Lebombard
DLCD/Salem

DATE: August 19, 2020

RE: Cross Development ~ CP/ZC

OWNER/APPLICANT: Cross Development
LOCATION: Josephine Street
LEGAL: 35-06-21-BD, TL (Tax Lot) 1400
ZONE: Community Residential (CR-2)
REQUEST: Request for approval to change the Comprehensive Plan designation on the subject property from Residential to Commercial and the zone from Community Residential (CR-2) to Community Commercial (CC)

CRITERIA: The criteria (listed by citation and caption only) applicable to the request: Josephine County Code: Chapter 19.46 ~ Amending and Updating the Comprehensive Plan (to include Section 19.46.040 ~ Plan Amendment Review Criteria). Section 19.101.020 ~ Amending and updating the MNVC Plan. Josephine County Goals & Policies: Goal 5 ~ To Diversify, Expand and Stabilize Economic Opportunities for the betterment of the County. Goal 11 ~ The Comprehensive Plan shall be maintained, Amended, and updated as necessary. Merlin/North Valley Unincorporated Rural Community Goals #1-3. Statewide Goals, Statute, Rules: Goal 2 ~ Land Use Planning; Goal 9 ~ Economic Development; OAR ~ 660-012-0060 ~ Plan and Land Use Amendments; OAR 660-022-0030 ~ Planning and Zoning Unincorporated Communities. Link to the Josephine County Code: https://www.codepublishing.com/OR/JosephineCounty/

You are invited to a Zoom webinar.
When: Sep 14, 2020 06:00 PM Pacific Time (US and Canada)
Topic: Rural Planning Commission Land Use Hearing Cross Dev Zone Change

Register in advance for this webinar:
https://us02web.zoom.us/webinar/register/WN_1HnuXPZYQoe17E2giYbOwQ

After registering, you will receive a confirmation email containing information about joining the webinar.

If you have comments or concerns, please respond to James Black on or before

September 2 2020

The Planning Commission will hear this Land Use Application on September 14, 2020.
NOTICE OF PUBLIC HEARING

This is to give notice that on Monday, September 14, 2020 at 6:00 p.m., via zoom meeting, the Josephine County Planning Commission, in accordance with the Land Use Hearing Rules, will conduct a public hearing on the following items:

Request for approval to change the Comprehensive Plan designation on the subject property from Residential to Commercial and the zone from Community Residential (CR-2) to Community Commercial (CC)

You are invited to a Zoom webinar.
When: Sep 14, 2020 06:00 PM Pacific Time (US and Canada)
Topic: Rural Planning Commission Land Use Hearing Cross Dev Zone Change

Register in advance for this webinar:
https://us02web.zoom.us/webinar/register/WN_1HnuXPZYQoe17E2giYbOwQ

After registering, you will receive a confirmation email containing information about joining the webinar.

Possible actions include recommendation to the Board of County Commissioners

PLEASE PUBLISH ONCE: September 4 2020

Dated: August 31, 2020

SEND BILL TO:
Planning Department
Attn: Melissa K. Older
700 NW Dimmick Suite C
Grants Pass, OR 97526
541 474-5423
molder@co.josephine.or.us

Exhibit D - 3