STAFF REPORT
JOSEPHINE COUNTY COMMUNITY DEVELOPMENT

TO: Board of County Commissioners
AGENDA ITEM: Appeal of Director’s Decision
PREPARED BY: Planning Staff
DATE: March 6, 2020

APPEAL INFORMATION

Appellant: Paul Scott, PO Box 689, Murphy, OR 97533
Owner/Original Applicant: Majestic Destinations LLC, Patrick Bernard, 7350 New Hope Rd, Grants Pass, OR 97527
Applicant’s Representative: Ben Freudenberg, Attorney at Law, 600 NW 5th Street, Grants Pass, OR 97526
Statement of Appeal: Appellant objects to the Director’s decision to approve a Conditional Use Permit (CUP) for a private Recreational Vehicle (RV) Campground on the subject property. See Appellant’s appeal application attached as Exhibit A.

Legal: 37-06-24-00, TL 301
Location: 7346 New Hope Road, Grants Pass, OR 97527
Zone: Exclusive Farm (EF)
150 Day Time Limit: April 25, 2020 (includes 30-day and additional 90-day extensions)

APPEAL BACKGROUND

A Conditional Use Permit application was submitted for a Private Recreational Vehicle Campground on June 26, 2019. (Exhibit B). The application was originally deemed incomplete on July 26, 2019. The applicant submitted the required materials and the application was deemed complete on July 30, 2019.

Section 19.64.040.T of the Josephine County Code (JCC) allows for “Private Parks, playgrounds, hunting and fishing preserves, campgrounds, and transitional house camps”. The application is subject to the Conditional Use Permit standards and criteria listed under Section 19.45.030; Requirements for Private Parks and campground in farm zones under Section 19.64.040.T; Section 19.64.060 – General requirements for conditional uses and new dwellings in farm zones; Section 19.98.020 – Siting Standards; and Section 19.98.040 – Utilities and services for recreational development. The Director’s decision, dated November 6, 2019, approved the conditional use permit with conditions on the basis of the applications meeting the standards and criteria noted above (Exhibit C). Mr. Scott filed an appeal of the Director’s decision on November 25, 2019, objecting to the decision of approval (Exhibit A).
APPLICATION EVENT HISTORY

January 3, 2019  Director’s Decision to approve a Property Line Adjustment (Exhibit D).

April 12, 2019  Partition Plat No. 2019-13 recorded with the Josephine County Clerk (Exhibit E).

April 25, 2019  Pre-application for Conditional Use Permit was submitted by Patrick Bernard for an RV Park. (Exhibit F).

May 17, 2019  Pre-application letter was completed and mailed to Patrick Bernard (Exhibit G).

June 26, 2019  Application for Conditional Use Permit was submitted by Patrick Bernard (Exhibit B).

July 26, 2019  Incomplete letter sent to applicant requesting more information (Exhibit H).

July 30, 2019  Application deemed complete (Exhibit I).

August 12, 2019  Request for 30-day time extension to 150-day rule under ORS 215.427 by applicant. (Exhibit J)

August 29, 2019  Applicant submitted an additional narrative and revised site plan map (Exhibit K).

September 5, 2019  Notice of Land Use Request mailed (Exhibit L).

September 20, 2019  End of public comment period.

November 6, 2019  Conditional Use Permit application was approved with conditions by the Director (Exhibit C).

November 12, 2019  Notice of Decision mailed; appeal deadline November 25, 2019 (Exhibit M).

November 25, 2019  Staff received application to appeal the Director’s decision from Paul Scott (Exhibit A).


December 13, 2019  Request for 90-day time extension to 150-day rule under ORS 215.427 and request to reschedule hearing to March 16, 2020 by applicant. (Exhibit O)

December 19, 2019  Updated courtesy letter mailed to appellant, applicant and engineer (Scott, Bernard, Higday). Hearing date moved to March 16, 2020 (Exhibit P).

February 18, 2020  Notice of De Novo Evidentiary Appeal Hearing mailed. (Exhibit Q)
February 25, 2020  Additional materials received from appellant (Scott) to include in the record (Exhibit R).

February 28, 2020  Additional materials received from applicant’s attorney (Freudenberg) to include in the record (Exhibit S).

March 4, 2020  End of public comment period for incorporation into BCC staff report.

REVIEW

The Board of County Commissioners (hereafter BCC) must determine if the application complies with the standards and criteria listed below in order to allow the private recreational vehicle (RV) campground to proceed. In addition, the BCC must consider significant impacts to surrounding properties and decide if those impacts: (1) are mitigated by the applicant, (2) can be mitigated by conditions, or (3) are unable to be mitigated.

During the Director’s review of the application, staff received multiple comments both in favor and against the proposal. It is evident that the proposal is controversial and that relations among some of the neighbors and the applicant Mr. Bernard have been difficult at times. Planning believes there are an equal number of people that are supportive and in favor of the proposal, as there are that are against the proposal. The Director and staff drafted a decision that addressed the applicable standards and criteria related to the proposal. Ultimately, the Director and staff determined the application could proceed with the conditions of approval (Exhibit C, Section 5 pages 10-14). The Director and staff feel that the proposed conditions of approval would adequately mitigate any potential adverse impact created by the proposed private RV campground. The Director and staff feel the decision with conditions creates a balance to allow the economic opportunity for the applicant and surrounding businesses within the valley, as well as allow property owners within the area the ability to continue the quality of use existent on their properties.

Given this hearing is de novo (new), the Board now has the task to decide if the application meets the standards and criteria. The Board may agree, disagree, or alter the findings as needed after receiving testimony during the hearing. The Board may change, add, and delete any conditions listed in the decision if the application is approved. If the application is denied, the Board must make clear findings as such. Staff received no additional written comments from the public during the notice period (by 5pm on Wednesday, March 4, 2020). Staff did receive additional materials for inclusion in the record from the appellant Mr. Scott (Exhibit R), and the applicant’s attorney Mr. Freudenberg (Exhibit S).

The appellant’s application (Exhibit A) and additional materials (Exhibit R) challenges the Director’s findings as well as multiple points regarding the application and process. The Board shall review the additional materials as well the original decision and determine if the Standards and Criteria listed below have been satisfied or can be adequately satisfied through conditions of approval.

Staff would like to include the following definitions for reference:

Section 19.11.120, JCC “Significant (Adverse) Impact” means a criterion used to determine whether proposed land use activities will inappropriately affect the use or quality of other properties or public facilities. Impacts are significant when they cause serious adverse effects to,
or conflict with other properties, which cannot be reasonably mitigated through the imposition of conditions of development or operation. The Review Body shall judge the significance of impacts based on what a reasonable person would consider serious given the facts and circumstances of the application.

Section 19.11.030, JCC "Adequately Mitigated" means the term used to describe when a permit approval eliminates or lessens adverse impacts resulting from authorized land use activities through the imposition of conditions of operation or development, so that the activities no longer result in significant adverse impacts regarding the use or quality of other properties or public facilities.

NOTE: If the Board approves the Conditional Use Permit application, staff provides conditions of approval for consideration in Exhibit O.

STANDARDS & CRITERIA (for reference)

Section 19.45.030 JCC - Conditional Use Permit

A. Standards.

1. Development standards contained within this code and all other applicable master plans, rules, resolutions, ordinances, codes, technical manuals and policies of the County or the state or federal governments;

2. The Josephine County Transportation System Plan, including the Official Street Map;

3. Standards for construction of required infrastructure and public facilities; and


B. Criteria.

1. All criteria made applicable by the provisions of Chapter 19.69 JCC (Overlays), Division VII (General Development Standards), Division VIII (Public Facility Standards), and Division IX (Special Use Standards);

2. The location, size, design and operating characteristics of the proposed use will not result in significant impacts on the neighborhood ("Significant (Adverse) Impact" is defined in JCC 19.11.210);

3. The use will not exceed the carrying capacity of the land as defined in JCC 19.11.050;

4. Existing and proposed infrastructure and public facilities are adequate to serve the proposed development. Pursuant to a requirement contained in the County’s transportation systems plan, or any other official document containing County road standards, the Review Body may control the location and number of vehicular access points, establish new streets, increase right-of-way and road width, require curbs, sidewalks and traffic circulation features;
5. The development is designed so that it coordinates efficiently with surrounding development patterns and existing and planned utilities, facilities and streets in the vicinity;

6. Any development that includes lands that are subject to flooding, wildfire, or erosion hazards shall present a plan or plans that satisfy the requirements of Chapter 19.69A JCC (Flood Hazard Overlay), Chapter 19.76 JCC (Wildfire and Emergency Safety Standards), and Chapter 19.83 (Erosion Control and Storm Drain Facilities). The approved provisions of the mitigation plan or plans shall become conditions of development for the site. [Amended by Planning Director, 10-28-16; 2005 RLDC § 42.050.]

Section 19.64.040.T JCC – Requirements for Private Parks and campgrounds in Farm zones

1. New developments shall not be authorized on property which is high-value farmland as defined in JCC 19.11.100, but existing facilities may be maintained, enhanced or expanded subject to other requirements of law;

2. Private campgrounds may provide yurts for overnight camping, but no more than one-third or a maximum of 10 campsites, whichever is less, may include a yurt; the yurt shall be located on the ground or on a wood floor with no permanent foundation; and, for this rule, “yurt” means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appliance;

3. Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is taken pursuant to OAR Chapter 660, Division 004;

4. A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes, and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground;

5. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites;

6. Campgrounds and transitional housing camps authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations, and overnight temporary use in the same campground by a camper or camper’s vehicle shall not exceed a total of 30 days during any consecutive six-month period;

7. Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hookups shall not be provided to individual camp sites except that electrical service may be provided to yurts;
8. Transitional housing camps are further regulated by JCC 19.99A.020.A

Section 19.64.060 – General requirements for conditional uses and new dwellings
In addition to the standards and criteria for conditional uses contained in Chapter 19.45 JCC, all conditional uses in farm zones shall be reviewed against the following additional requirements:

A. The use or activities associated with the use will not force a significant change in or significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use;

B. As a condition of approval of the use, the landowner for the dwelling shall sign and record in the County deed records a document binding the landowner, and the landowner’s successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

Section 19.98.020 – Siting Standards
Campgrounds, recreational vehicle parks, lodges, and retreat centers shall demonstrate that the development meets all of the following special siting requirements:

A. The development shall not be located within or adjacent to any area identified in the comprehensive plan for Josephine County as a natural area or potential research natural area where the development would result in damage or overuse of the natural area;

B. The development shall not be located in or adjacent to an area of known valuable mineral deposits where the development would restrict development of the mineral resource, unless the area has been withdrawn from mineral entry;

C. The development site is not suited for continued resource management, and that the proposed development is compatible with adjacent resource uses;

D. The development meets the public recreation needs and tourism needs identified by the Josephine County comprehensive plan;

E. The development abuts a maintained state or County road. The proposal may abut a federal road where the applicant has proof of a long-term access agreement for the proposed use from the appropriate federal agency;

F. Camping stays in an approved campgrounds and transient camps cannot exceed 30 days in any consecutive six-month period.

Section 19.98.040 – Utilities and services for recreational developments

A. Campgrounds involving overnight use shall be developed as “dry camps”, or shall include a water system meeting state water quality standards:
   1. If groundwater is to be used as a source of supply, withdrawal for the campground shall not result in a depletion of groundwater storage, interfere with springs, or result in a cone of depression which interferes with previously existing agricultural or residential wells.
B. The proposed recreational development shall meet all state and local building, health, sanitary, and environmental health standards and shall be licensed as appropriate.

HEARING FORMAT

The appeal is subject to the rules and procedures found in Chapter 19.33 of the Josephine County Code (JCC). All appeals of a Director's decision shall be heard by the Board as a de novo hearing (a fully, open evidentiary hearing). The Board may affirm, reverse or modify a decision on appeal or send the decision back to the Director for additional consideration or action.

The order of procedure for new hearings requires the appeal applicant (appellant) to go first and present the application. The following is a general outline of the order of procedure:

1. Planning Staff Report
2. Appellant's Case (Scott)
3. Public Testimony against
4. Owner/Applicant's Case (Bernard/Freudenberg)
5. Public Testimony in favor
6. Rebuttal by Appellant (Scott)
7. Surrebuttal by Owner/Applicant (Bernard/Frudenberg)- (discretionary)
8. Additional Evidence or Testimony
9. Summation by Appellant (Scott)
10. Summation by Owner/Applicant (Bernard/Freudenberg)
11. Questions by Board to parties and/or staff
12. Close of Public Hearing
13. Deliberations

A more detailed description of the order of procedure for public hearings is contained in Section 19.31.120 JCC.

ATTACHMENTS

APPEAL APPLICATION (Scott/November 25, 2019) ...................................................... Exhibit "A"

APPLICATION FOR CONDITIONAL USE PERMIT (Bernard/June 26, 2019) ................. Exhibit "B"
DIRECTOR'S DECISION – CONDITIONAL USE PERMIT (CDD - Stevenson/November 6, 2019) ................................................................. Exhibit "C"

DIRECTOR'S DECISION – PROPERTY LINE ADJUSTMENT (CDD – Stevenson/January 3, 2019) .......................................................... Exhibit "D"

PARTITION PLAT NO. 2019-13 (April 12, 2019) ......................................................... Exhibit "E"

PRE-APPLICATION FOR CONDITIONAL USE PERMIT (Bernard/April 25, 2019) .... Exhibit "F"

PRE-APPLICATION LETTER (May 17, 2019) .................................................................. Exhibit "G"

INCOMPLETE LETTER (July 26, 2019) ................................................................. Exhibit "H"

TECHNICALLY COMPLETE LETTER (July 30, 2019) .................................................. Exhibit "I"

REQUEST FOR 30-DAY EXTENSION (Bernard/August 12, 2019) ................................ Exhibit "J"

ADDITIONAL NARRATIVE/REVISED SITE PLAN (Bernard/August 29, 2019) .......... Exhibit "K"

NOTICE OF LAND USE REQUEST MAILED (September 5, 2019) ................................ Exhibit "L"

NOTICE OF CDD LAND USE DECISION W/O HEARING (November 12, 2019) .... Exhibit "M"

COURTESY LETTERS MAILED (December 3, 2019) ...................................................... Exhibit "N"

REQUEST FOR 90-DAY TIME EXTENSION (Bernard/December 13, 2019) .............. Exhibit "O"

UPDATED COURTESY LETTER MAILED (December 19, 2019) .................................. Exhibit "P"

NOTICE OF DE NOVO EVIDENTIARY HEARING (February 18, 2020) .................. Exhibit "Q"

APPELLANT'S ADDITIONAL MATERIALS/DVD (Scott/February 25, 2020) .............. Exhibit "R"

APPLICANT'S ADDITIONAL MATERIALS (Freudenberg/February 28, 2020) ............. Exhibit "S"

RECOMMENDED CONDITIONS OF APPROVAL (Planning Staff) ......................... Exhibit "T"

ZONING, AERIAL (2018), FLOOD MAPS (Planning Staff) ........................................ Exhibit "U"

LUBA CASE NO 2011-001 .................................................................................. Exhibit "V"
Exhibit "A"

APPEAL APPLICATION (Scott/November 25, 2019)
PLANNING APPLICATION FORM

Property Address: 7346 New Hope Rd., Grants Pass, OR 97527

Assessor’s Map & Tax Lot:
37 - 06 - 24 - Tax Lot(s) 301

- - - - - - Tax Lot(s)

Zoning: Exclusive Farm (EF)

Size of Project: (# of Units, Lots, Dimensions, Sq. Ft., Etc.)

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):
See Exhibit A, attached.

Property Owner: Majestic Destinations LLC/Patrick Bernard
Address: 7350 New Hope Road, Grants Pass, OR 97527

Phone: 
Email:

Applicant: [Appellant] Paul G. Scott
Address: PO Box 689 Murphy, OR 97533
Phone: 336-209-6199
Email: pgss@msn.com

Authorized Representative/ Surveyor or Engineer:
(If Different From Applicant) (If Applicable)

Address:
Phone:
Email:

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)

RECEIVED
JOCC-PLANNING
Fees Paid: $850
Initials: KU

Exhibit A - 2
Appellants submit that at least the following are grounds for appeal and reversal of the decision of the planning director. Appellants reserve the right to address any other relevant criteria or evidentiary issues in the public hearings process:

1) The application is for a “Recreational Vehicle Campground.” Neither the local development code nor state law provides for this use within the EFU zone. Rather, only “campgrounds” are permitted in the EFU zone. The code recognizes these as distinct, as recreational vehicle parks are more intense, urban activities than “campgrounds.” For example, here the application seeks to associate the RV Park with amenities available at the adjacent golf course. In Linn County Farm Bureau v. Linn County, 61 OR LUBA 323, LUBA held that a recreational vehicle park associated with urban-level amenities like those which exist here would require an exception to Statewide Land Use Planning Goal 3. A recreational vehicle park should not be permitted to circumvent this requirement where, as here, the property owner has engaged in piecemeal development. Moreover, it is believed the existing configuration of lot lines resulted from the property owner’s deliberate effort to create a parcel with inferior soils in order to meet the restrictions in JCC 19.11.100. This is an attempt to circumvent the spirit of an agricultural area and is not a good precedent for the Applegate Valley. In the absence of an exception to Goal 3, this application must be denied.

2) Notice to only property owners within 750 feet of the property has excluded many landowners who will be impacted from the proposed permit in this area of primarily farm and woodlot resources lots. This is inconsistent with local and statewide land use planning goals encouraging citizen involvement.

3) Adverse impacts, including litter, noise, visual impacts, trespassing and other conflicts with existing uses of adjacent, nearby private property have not been adequately addressed or mitigated by proposed conditions.

4) Residential density (25 vehicles averaging 3 people each) will result in burdens on local resources for both this first phase of the RV Park as well as inevitable expansion. It appears the property is presently suitable for as many as an additional 25 spaces for an additional phase of the park. The result could mean 150 people occupying one-half acre of existing farmland. This is not compatible with surrounding land uses, both agricultural and rural residential. Affects will include depletion of water and increased likelihood of contaminant runoff towards or into the Applegate River floodplain.

5) Adverse impacts of noise emanating from the development along this section of the Applegate River Valley have not been adequately addressed or mitigated. As any neighbor will testify, the local topography causes sound to echo and carry well throughout the valley. Intense concentrations of recreational vehicles, automobiles, park residents and pets will cause sound pollution up and down the valley in a fashion which the application nowhere addresses.

Exhibit A - 3
6) Values of surrounding property will be adversely impacted with this development. Many property owners overlook the Applegate Golf Course. A recreational vehicle development of 25 to 50 RV’s will adversely impact the area’s bucolic nature, to the detriment of nearby private property owners.

7) The proposed RV park will result in additional, unmitigated traffic burdens on New Hope Road. Traffic from the RV park will significantly impact school traffic on this two-lane road. Madrona Elementary, Lincoln Savage Middle School, and New Hope Christian School are all nearby and rely on New Hope Road. The entrance to the RV park is near a blind corner in each direction and a double-yellow “no passing” zone. Entering and existing recreational vehicles as well as the associated auto traffic will conflict with this existing traffic. Gravel truck traffic has also increased substantially on this road since the sale of Copeland’s gravel yard. This additional burden has not been adequately addressed or mitigated by conditions.

8) The applicant must establish with substantial evidence that suitable infrastructure exists or can be made available including water, sewer and electrical. The applicant must establish that this infrastructure is possible within this area adjacent to the floodway. The applicant has not, to the best of appellants’ understanding. The applicant must establish with substantial evidence the location of the existing floodway and floodway fringe in order to meet its burden of proof.

9) The director’s decision does not reflect what the required wildfire mitigation plan will include and it is impossible to determine its sufficiency. The applicant must establish that it can comply with JCC 19.76.020.B.

10) The applicant has not addressed existing conflicts with adjacent landowners. Currently, the ninth tee to the existing golf course encroaches onto the property of Jim Berg and the existing access and service road encroaches onto the property of Sharon Fisher. The golf course has a recurring history of trespassing onto the Berg property with the depositing of trash. The applicant has not addressed these existing land use conflicts and the adverse impacts that this new, proposed development will surely exacerbate.

11) The proposal does nothing to protect natural amenities pursuant to JCC 19.64.040.T.5. The park is designed to simply be placed in a fashion so as to be partially obscured by existing vegetation. This is insufficient. Unlike a “campground,” the development of a recreational vehicle park at this location is inconsistent with all natural features and amenities of the site.

12) JCC 19.64.040.T.6 prohibits “campgrounds” from including intensive development activities. Here, those intensive activities already exist in the form of the golf course and clubhouse. Placing a recreational vehicle park next to existing, intensive development is inconsistent with this restriction.

Exhibit A - 4
13) The proposed location of the RV park location will result in RV’s being located in a hazardous area. Presently the golf course has a driving range which would be to the west side of the proposed RV park and a golf course to the east side of the RV park. The short distance of the golfing activities from the RV park will result in significant property damage and personal injury.

14) The proposed RV park septic system and septic repair system do not appear to be located on the tax lot 301, but rather on the adjoining golf course property via an easement. The easement does not constitute common ownership and therefore cannot be considered for location of the septic systems.

15) The applicant otherwise does not meet its burden of proving compliance with approval criteria with substantial evidence. The applicant has not established that the conditions of approval can be satisfied so as to comply with applicable criteria.
13) The proposed location of the RV park location will result in RV's being located in a hazardous area. Presently the golf course has a driving range which would be to the west side of the proposed RV park, and a golf course to the east side of the RV park. The short distance of the golfing activities from the RV Park will result in significant property damage and personal injury.

14) The proposed RV park septic system and septic repair system do not appear to be located on the tax lot 301, but rather on the adjoining golf course property via an easement. The easement does not constitute common ownership and therefore cannot be considered for location of the septic systems.

15) The applicant otherwise does not meet its burden of proving compliance with approval criteria with substantial evidence. The applicant has not established that the conditions of approval can be satisfied so as to comply with applicable criteria.

Attached: Please find a list of over 45 individuals in the immediate community area opposed to proposed RV Park. The names on this list have all signed in opposition to the RV Park at Majestic Destinations 7350 New Hope Rd. The circulating list containing signatures and addresses is ongoing and will be presented at the appeals hearing.
Applegate community members that have signed opposing RV Park

Paul Scott 1690 Southside Rd. G.P. 97527
Allie Scott 1690 Southside Rd G.P. 97527
Mark Gattey 1720 Southside Rd G.P. 97527
Jim Berg 2018 Southside Rd G.P. 97527
Debbie Grady 8450 New Hope Rd G.P. 97527
John Westfall 8450 New Hope Rd G.P. 97527
Tyler Chenault 8404 New Hope Rd G.P. 97527
Keli St Germain 8404 New Hope Rd G.P. 97527
Michael Wood 8404 New Hope Rd. G.P. 97527
Catherine Wood 8404 New Hope Rd G.P. 97527
Andrea Applegate 7980 New Hope Rd G.P. 97527
Naomi Daily 944 Southside Rd G.P. 97527
Joseph Crow 6546 New Hope Rd G.P. 97527
Annabelle DiFalco 8122 New Hope Rd G.P. 97527
Wayne Kuwahara 3150 Southside Rd G.P. 97527
Phyllis Rae 6802 New Hope Rd G.P. 97527
Karin Strickland 1555 Southside Rd, G.P. 97527
Corina Strickland 1555 Southside Rd, G.P. 97527
Joseph Crow, 6546 New Hope Rd, G.P. 97527
Nancy Meer 2030 Southside Rd., G.P. 97527
Donald Stockwell, 1531 Southside Rd. G.P. 97527
Donald Elbert, 1787 Southside Rd. G.P. 97527
Shawn Daily, 944 Southside Rd. G.P. 97527
Dennis Skelton, 1884 Murphy Creek Rd., Grants Pass 97527
Bonnie Jones, PO Box 295 Murphy, OR 97533
Rose Clearwaters, 838 Southside Rd, G.P. 97527
Storme King, 4470 Williams Hwy, Grants Pass OR 97527
Michael Gray, 2312 Damon Ct. Grants Pass OR 97527
JT Santa Maria, 220 Burton Dr, Grants Pass OR 97527
Hannah Clipp, PO Box 2246, Cave Junction, OR 97523
Danielle Hamblin, 907 SE 8th St Apt B, G.P 97526
Sabine Gattey, 1720 Southside Rd, G.P. 97527
Beth Elbert, 1787 Southside Rd., G.P. 97527
Jim Sweeney, 8400 New Hope Rd, G.P. 97527
Michael Meer, 2030 Southside Rd. G.P. 97527
Valerie Hayes 8326 New Hope Rd. G.P. 97527
Dave Wright, 8140 New Hope Rd. G.P. 97527
Janet Wright, 8140 New Hope Rd. G.P. 97527

Exhibit A - 7
James Narmore, 6825 N. Applegate Rd., G.P. 97527
Jill Gleysteen 6825 N. Applegate Rd, G.P. 97527
Gina Lovmark, 7028 New Hope Rd, Grants Pass, OR 97527
Earlene Stanlake, 3860 New Hope Rd., Grants Pass, OR 97527
Chuck Morse, 2900 Southside Rd, G.P. 97527
Shirley Morse, 2900 Southside Rd, G.P. 97527
Linda Morse 2900 Southside Rd, G.P. 97527
C.J. Ferrante, 1927 Southside Rd., GP 97527
Robert Morse 2900 Southside Rd, G.P. 97527
Frank Arbour, PO Box 717 Murphy, OR 97533
Exhibit "B"

APPLICATION FOR CONDITIONAL USE PERMIT
(Bernard/June 26, 2019)
PLANNING APPLICATION FORM

Property Address: 7346 New Hope Rd
Gaines Pass, OR 97527

Assessor's Map & Tax Lot:
37-06-24-00 Tax Lot(s) 301
37-06-24-00 Tax Lot(s)

Zoning:
EF

Size of Project: (# of Units, Lots, Dimensions, Sq. Ft., Etc.)
19,08

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. 19.43.040 - 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:
1) 8.5 x 11” Site/Tentative/Plot Plan
2) Folded Maps/Site/Tentative Plan to Scale
Written Narrative/Response to Criteria
Power of Attorney
Statement of Understanding

Read 4/16/19

Statement of Intended Water Use
Floor Plan/Elevations
Access Permit
Proof of Fire Protection
Erosion Control Plan/Fire Safety Plan
Other: Conditional Use For Every Place

Description of Request/Reason for Appeal
(Include name of project and proposed uses):

Property Owner: MASTIC DESTINATIONS LLC
Address: 7346 New Hope Rd
Gaines Pass, OR 97527
Phone: 541-355-9735
Email: PMT@METAL-TUX.COM

Applicant:
Address:
Phone:
Email:

Authorized Representative/ Surveyor or Engineer:
(If Different From Applicant) (If Applicable)
Address: Same
Phone: Same
Email: Same

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

(For Office Use)

RECEIVED

JOCO PLANNING

Fees Paid: $1,700.00 Initials: MS

Exhibit B-2
PARTITION PLAT NO. 2019-13
PROPERTY LINE ADJUSTMENT
JOSEPHINE COUNTY, OREGON

LEGAL DESCRIPTION:

PARCEL 1
13.00 ACRES
(2.08 ACRES - VARIOUS LOTS)
(10.92 ACRES - VARIOUS LOTS)

PARCEL 2
9.00 ACRES
(2.08 ACRES - VARIOUS LOTS)
(6.92 ACRES - VARIOUS LOTS)

LEGAL REFERENCE:

VOLUME 1, PAGE 102
VOLUME 2, PAGE 102

PROPRIETOR:

JOSEPHINE COUNTY, OREGON

PLANNING DEPARTMENT

EXHIBIT B - 4
Response Page

Department of State Lands (DSL) WN#: WN2019-0268

Responsible Jurisdiction

Staff Contact
Nora Schwartz

Jurisdiction Type
County

Municipality
Josephine

Local case file #
37-06-24.00 TL 301

County
Josephine

Activity Location

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<th>Tax Lot(s)</th>
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<td>06W</td>
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<td>301</td>
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Street Address
7350 New Hope Rd
Address Line 2
City
Grants Pass
State / Province / Region
OR
County
Josephine

Latitude
42.34070

Longitude
-123.353885

Wetland/Waterway/Other Water Features

☒ There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.

☒ The National Wetlands Inventory shows wetland, waterway or other water features on the property

☒ The property includes or is adjacent to designated Essential Salmonid Habitat.

Your Activity

☒ A state permit will not be required for the proposed project because, based on the submitted site plan, the project avoids impacts to jurisdictional wetlands, waterways, or other waters.
Applicable Oregon Removal-Fill Permit Requirement(s)

☐ A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.

Closing Information

Additional Comments
Based on the site plan provided, the location of the proposed RV Park appears to avoid impacts to jurisdictional wetlands and waters.

This is a preliminary jurisdictional determination and is advisory only.

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: http://www.oregon.gov/dsi/ww/pages/wwstaff.aspx
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: https://www.oregon.gov/dsi/WW/Documents/Removal-FillFees.pdf

Response Date
6/13/2019

Response by: Peter Ryan

Response Phone: 503-986-5232
This form is to be completed by planning department staff for mapped wetlands and waterways.

**Responsible Jurisdiction**

City of  
County of

**Municipality**

Josephine

**Date**

5/17/2019

**Staff Contact**

**First Name**

Nora

**Last Name**

Schwartz

**Phone**

541.474.5417

**Email**

nschwartz@co.josephine.or.us

**Applicant**

**First Name**

Patrick

**Last Name**

Bernard

**Mailing Address**

Street Address

7350 New Hope Rd

Address Line 1

City

Grants Pass

State

OR

Postal Code

97527

Country

USA

**Phone**

**Email**

Is the Property Owner name and address the same as the Applicant?*

No  Yes

**Activity Location**

**Township**

37S

**Range**

06W

**Section**

24

---

Exhibit B -8
Quarter-quarter Section (?)

Tax Lot(s)*
301

You can enter multiple tax lot numbers within this field, i.e. 100, 300 300,

etc.

To add additional tax map and lot information, please click the "add" button below.

Address
Street Address
7350 New Hope Rd
Address Line 2
City
Grants Pass
Postal / Zip Code
97527
State
OR
Country

County*
Josephine

Adjacent Waterbody
Applegate R

Proposed Activity

Local Case File #*
37-06-24.00 TL 301

Zoning
Exclusive Farm

Proposed
☐ Building Permit (new structures)
☐ Grading Permit
☒ Site Plan Approval
☐ Other (please describe)

Conditional use Permit
☐ Planned Unit Development
☐ Subdivision

Project *
New RV Park. Please note this application was previously submitted but subsequently
withdrawn by the applicant. This is a new submittal and coincides with a recent lot line
adjustment. The tax lot has recently also been issued a new address which is not yet in
our system (7346 New Hope Rd).

Required attachments with site marked: Tax map and site plan(s). (?)
Site Plan Map.pdf 154.2KB
Tax Map.pdf 95.73KB

Additional Attachments
Address Assignment.pdf 262.53KB
PP 2019-13.pdf 209.09KB

Date
5/17/2019

RECEIVED
Jun 26 2019

Exhibit B -9
Nora Schwartz

From: Nora Schwartz  
Sent: Thursday, April 25, 2019 5:14 PM  
To: 'pat@metal-air.com'; Connie Roach; Gabe Snodgrass; Audra Wonsyld; Melissa Martin; Eric Heesacker; '97208amsporlandor@usps.gov'; 'derek.billick@centurylink.com'; 'omaha.amc@centurylink.com'; 'mhaack@grantspassoregon.gov'; 'Hanner, Chris'; 'Joseph Hyatt'; 'ljohnson@grantspassoregon.gov'; 'countyfiredpt@gmail.com'; 'Holloway, Richard'; Sheppard, Ted B - Grants Pass, OR; 'Foster, Mollie - Grants Pass, OR'  
Subject: Address Change - from 7350 New Hope Rd to 7346 New Hope Rd (3706240000301)  
Attachments: Address Change - 3706240000301.pdf

Please see attached.

Nora Schwartz  
Associate Planner  
Community Development – Planning Division  
541-474-5417
## ADDRESS ASSIGNMENT

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<th>Owner / Applicant (must have POA)</th>
<th>PacificCorp (Hanner)</th>
<th>Diana Clifton (BLM)</th>
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<td>USPS Cave Junction (Krueger / Weir)</td>
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<td>Bldg Safety (Worsyld / Martin)</td>
<td>GP Dept of Public Safety (Johnson)</td>
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<td>County Fire &amp; Security (Trader)</td>
<td>USPS Merlin (Ross)</td>
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<td>USPS Murphy (Deneau)</td>
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<td>USPS Rogue River (Leop)</td>
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<td>911 (Hauk)</td>
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</table>

**DATE:** April 25, 2019  
**FROM:** Nora Schwartz (541) 474-5417  nschwartz@co.josephine.or.us

### Legal
- **37-06-24.00 Tax Lot 301**

### Existing Address
- 7350 New Hope Road

### New Address
- 7346 New Hope Road, Grants Pass OR 97527

### NOTES
- Tax lots 102 and 301 currently have the same street address. The property line between these two lots was recently adjusted by Partition Plat 2019-13 (a copy is attached for reference). Also attached is the map showing the address assignment.

In addition, the owners of this tax lot have changed the name of the LLC from “Resorts Unlimited LLC” to “Majestic Destinations LLC.” A business entity data sheet from the Oregon Secretary of State’s office is attached for reference. The name change only affects tax lot 301.

---

**RECEIVED**  
**JUN 26 2019**  
**JOCO - PLANNING**

Exhibit B -11
### Business Name Search

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**Entity Name**: MAJESTIC DESTINATIONS LLC

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Please click [here](http://egov.sos.state.or.us/byplc/web_name_srch.inq.show_dell?p_be_rsm=1998813&p_src=BR%20INO&p_print=FALSE) for general information about registered agents and service of process.

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Please **read** before ordering Copies.

### Summary History

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For comments or suggestions regarding the operation of this site, please contact: corporation.division@state.or.us
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<td>OR</td>
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6/26/2019

*OCO - PLANNING*

**Exhibit B -16**
* -- Property Data Selection Menu --

Prop ID : R325338 (Real Estate)
Map Tax Lot: 37-06-24-00-000301-00
Legal : ACRES 19.08, POTENTIAL ADD'L TAX LIAB

Owner: MAJESTIC DESTINATIONS LLC
(146010) 7350 NEW HOPE RD
GRANTS PASS, OR 97527

Situs : 7350 NEW HOPE RD
GRANTS PASS, OR 97527

Name(s) : AKA:RESORTS UNLIMITED LLC

Area : 05
Sale Info:
Deed Type : NCR
Instrument: 19-UD-119

2018 Roll Values
RMV Land Non-LSU $ 413,070 (+)
RMV Land LSU $ 54,760 (+)
RMV Improvements $ 283,080 (+)
RMV Total $ 750,910 (=)
Land LSU $ 36,020

2018 Tax Status * No Taxes Due *
Total Exemptions $ 0

Current Levied Taxes : 4,190.85
Special Assessments : 87.51

M5 Net Value $ 732,170
M50 Assd Value $ 620,520

(AD) Alt Disp
(0)wnership
(Y) primary
(H)istory
(L)and/Impr
(W) Spec Assmt
(G)en Appr
(.) More

Enter Option from Above or <RET> to Exit:

RECEIVED
06/26/2019

Exhibit B -17
Exhibit "C"

DIRECTOR’S DECISION – CONDITIONAL USE PERMIT
(CDD - Stevenson/November 6, 2019)
SECTION 1. APPLICATION INFORMATION

1.1 Ownership: Majestic Destinations LLC – Grants Pass, OR

1.2 Applicant: Patrick Bernard – Grants Pass, OR

1.3 Location: 3746 New Hope Road, Grants Pass, OR 97527
   Map No. 37-06-24-00, TL 301

1.5 Zoning: Exclusive Farm (EF)

1.6 Description of Request: Conditional Use Permit for the placement of a Private Recreational Vehicle (RV) Campground in the Exclusive Farm (EF) zone. Development includes 25 RV spaces with water and electric to sites and a centralized wastewater dump station for temporary overnight use. The site plan map is attached as Exhibit A.

1.7 Noticing Information: Pre-decision notice of the proposed Private RV Campground in conformance with the requirements of ORS 197.763 and Chapter 19.32 of the Josephine County Code (JCC) was mailed on September 5, 2019. The notice list is attached as Exhibit B. Staff received comments from the following persons within the 15-day comment period ending September 20, 2019: Laura Street, ODFW; Jim Brumbach, Andrea Applegate, Frank Thornquest, Rose Clearwaters, Wynnis Grow, James Berg, Charlie Simons, Don Stalkwell, Paul & Allie Scott, Mark Gattey, and Sharon Fisher. Staff provided a copy of the public comments that were received to the applicant on September 26, 2019 and allowed him until October 4, 2019 to provide a response to comments into the record. Additional comments with requested conditions of approval were submitted from the neighbors on October 4, 2019 after an informal meeting between neighbors and applicant to address their concerns. Staff received a response to comments from the applicant on October 4, 2019. Staff received multiple comments from Paul Scott after the public comment period deadline (October 8, October 15, and October 28, 2019).

1.8 Decision: APPROVED WITH CONDITIONS

SECTION 2. EVIDENCE

2.1 The evidence received both in favor of the request and in opposition is contained in the Director’s file, along with all other documentation and evidence received and reviewed as part of this action. Other documentation may include aerial photographs, zoning maps, soil books, water studies, resource maps and inventories, facility plans, reports or comments from other agencies and other like materials. These materials, in addition to the Director’s file, are made a part of these findings by reference.

SECTION 3. CAC NOTIFICATION AND RESPONSE

3.1 The property involved in this request is not located within the boundaries of an active Citizens Advisory Committee (CAC).

Majestic Destinations LLC (7346 New Hope Road) – CUP/Private RV Campground

Exhibit C -2
SECTION 4. APPLICABLE REVIEW STANDARDS AND CRITERIA AND FINDINGS OF FACT

4.1 Section 19.45.030.A – Review Standards:

1. The development shall comply with standards contained within this title and all other applicable master plans, rules, resolutions, ordinances, codes, technical manuals and policies of the County or the state or federal governments;

   **Staff Finding:** The applicant has submitted a Conditional Use Permit application in compliance with the provisions of the JCC and all other applicable plans, rules, resolutions, ordinances, codes, technical manuals and policies of the county, state, and federal governments. The property is zoned Exclusive Farm (EF). The EF zone allows for the placement of a Private RV Campground under Section 19.64.040.T of the JCC as a Conditional Use. The application is subject to Chapter 19.45 – Conditional Use Permit, Section 19.64.040.T – requirements for Private Parks & Campgrounds in the EF zone, and Chapter 19.98 – Camping, Campgrounds, RV Parks, Lodges and Retreat Centers. Final authorization is obtained by the issuance of a Development Permit under Chapter 19.41 of the JCC.

2. The development shall comply with the Josephine County Transportation System Plan, including the official street map;

   **Staff Finding:** The applicant has submitted a traffic analysis prepared by Southern Oregon Transportation Engineering, LLC. Access to the development will be directly off of New Hope road through a shared approach with existing easement. The approach will be shared between the RV campground and the Applegate Golf Course on the neighboring Tax Lot 102. New Hope Road is classified as a major collector and is county maintained. Public Works Department has accepted the applicant’s traffic study. As such, the development complies with the Josephine County Transportation System Plan, including the official street map. The applicant is required to obtain an approved commercial road approach permit from the Public Works Department. (See Public Works Comments attached as Exhibit C.)

3. The development shall comply with the standards for construction of required infrastructure and public facilities; and

   **Staff Finding:** A portion of the subject property is being utilized as an existing golf course. The Conditional Use Permit for the proposed development does not require the addition or expansion of existing infrastructure or public facilities beyond what the applicant has proposed. The development will not require any improvements to the existing right-of-way (New Hope Road). The property will be served by a new septic system for the centralized dump station.

4. Development shall comply with the access standards contained in JCC 19.11.030.

   **Staff Finding:** The access standards contained in JCC 19.11.030 have been met. The property obtains access directly off New Hope Road through a shared approach and easement with the neighboring Tax Lot 102. As noted above, the
Public Works Department will require the applicant to obtain a commercial road approach permit for the property.

4.2 Section 19.45.030.B – Review Criteria:

1. All criteria made applicable by the provisions of Chapter 19.69 JCC (Overlays), Division VII of this title (General Development Standards), Division VIII of this title (Public Facility Standards), and Division IX of this title (Special Use Standards).

   **Staff Finding:** Per the proposed site plan, the Director finds this criterion is satisfied with conditions. The property contains lands that are subject to flooding. As proposed, the area to be developed is located outside of the Floodway and is in the Floodway Fringe. Flood requirements are addressed under section "6" below. The property does not contain Airport Overlay, Wild & Scenic Rivers, or Deer Winter Range Overlay under Chapter 19.69 of the JCC. The Conditional Use Permit is subject to the setback requirements of Chapter 19.72, to include riparian corridor setback requirements; no development will occur within the riparian corridor of the canals, pond, or Applegate River. As conditioned below, the Conditional Use Permit is subject to Chapter 19.73 – Fences Walls and Screens, Chapter 19.74 – Signs, and Chapter 19.75 – Off-street parking. The Conditional Use Permit is subject to applicable Wildfire and Emergency Safety Standards under Chapter 19.76 of the JCC. As conditioned below, the applicant must adhere to the lighting standards found in Section 19.77.010. No public road improvements are required per Division VIII – Public Facility Standards. A portion of the subject property is located in the steep slope area with slopes greater than 15%; no development is proposed in this slope hazard area. However, granitic soils are present on the development site. The applicant has prepared an erosion and sediment control plan (**Exhibit D**); all development must adhere to this plan. As conditioned below, the applicant must complete a major pump test as required by Section 19.84.020.D and a water quality test as required by Section 19.84.070.A. The Conditional Use Permit is subject to the standards and requirements found in Chapter 19.98 – Camping, Campgrounds, RV Parks, Lodges and Retreat Centers. These requirements are addressed under Section “4.5” below.

2. The location, size, design, and operating characteristics of the proposed use will not result in significant impacts on the neighborhood ("Significant (Adverse) Impact" is defined in JCC 19.11.210);

   **Staff Finding:** Planning staff received multiple comments both in favor and against the proposed development. Comments in favor listed valuable addition to economy and tourism, provides alternative lodging accommodations for tourists, benefit to other local businesses, limited traffic, not a large consumption of land, and stated it will not have a negative impact for neighbors. Comments in opposition to this application include traffic and congestion, flooding, over-use of water resources and exceedance of carrying capacity, noise, riparian & wetland considerations and trespassing. The applicant has submitted a traffic analysis prepared by Southern Oregon Transpiration Engineering LLC stating no adverse impacts or safety concerns will result from the proposed development. The traffic study has been reviewed and accepted by Public Works. The Director finds there are no significant impacts related to traffic concerns. The proposed development is located in the Floodway Fringe. As conditioned below, the development will be required to meet all provisions for development within the floodway fringe.
requirements are further addressed under Section “6” below. The applicant will be required to comply with all DEQ requirements such as NPDES permits and septic approvals. As conditioned below, the applicant will be required to complete a major pump test and water quality test prior to the issuance of a development permit. Per the applicant’s response to comments, the amount of irrigated lands will be reduced as a result of the proposed development. The applicant will be required to adhere to riparian corridor setback requirements; no development will occur within the riparian corridor of the canals, pond, or Applegate River. Additionally, the Department of State Lands has issued a determination that there are no jurisdictional wetlands or other waters of the state within the area of proposed development. Lastly, the applicant has proposed conditions of approval to mitigate the potential concerns regarding trespassing and neighbor liability. The applicant has proposed to install a fence to stop guests from the RV campground to enter onto adjacent properties. The applicant also proposes strict rules with written and executed documents, contracts and waivers regarding liabilities, property boundaries, safety, cleanliness, noise, etc. Neighbors submitted additional comments into the record regarding their satisfaction with these proposed conditions. The applicant shall also post and maintain “No Trespassing” signs to inform the public of the private property boundaries. The no trespassing signs along the riparian area boundary shall have additional information to prevent trespass on private property along Applegate River. The Director has determined that these conditions of approval will mitigate any potential adverse impact, and finds that the overall development will not result in significant impacts on the neighborhood. Note: As conditioned below, a fence in the floodplain must adhere to all requirements found in Section 19.69A of the JCC.

3. The use will not exceed the carrying capacity of the land as defined in JCC 19.11.030;

Staff Finding: The Director finds that the use will not exceed the carrying capacity of the land.

Septic: The applicant has proposed a centralized wastewater dump station with drain field. The Director finds this is a low intensity use compared to individual sewer hookups for each site. As conditioned below, the applicant is required to submit an approval from DEQ for subsurface septic system, prior to the issuance of a Development Permit.

Water: The applicant proposes to drill a new well to serve as potable water for the development. The applicant has supplied documentation showing several wells in the area all producing more than 20 gpm as well as a letter from Applegate Well Drilling, stating he does not believe there will be any problem drilling a new well to provide water service to the 25 spaces. Per Section 19.84.020.D, new construction of RV parks shall successfully complete a major pump test (over three units proposed) as a condition of approval and prior to the issuance of a Development Permit. As conditioned below, the applicant is also required to complete a water quality test as required by Section 19.84.070.A. The applicant shall submit an approval by the Oregon Health Division – Drinking Water Program for the use of the well.
Access: As discussed above, the development is located off an existing county maintained road (New Hope Road). Prior to the issuance of a Development Permit, the applicant shall obtain a Commercial Access Permit from Public Works. See Public Works Comments attached as Exhibit C.

Flood: A portion of the property contains the Floodway and Floodway Fringe of the Applegate River. Per the site plan, no development is proposed within the Floodway. The applicant will be required to submit base flood elevation information for the proposed development and will be required to meet all development permit requirements and property development standards found in Chapter 19.69A of the JCC.

Fire: As required by Section 19.76.020.B, the applicant is required to develop wildfire mitigation plans that assure safety of the development. Driveways shall be designed to ensure adequate ability for ingress and egress for emergency vehicles and must meet the requirements found in Section 19.76.040. The applicant shall provide direction signs to the proposed sites near the entrance of the property. The applicant shall understand and adhere to all federal, state, and local regulations in regards to the operation of the private RV campground to include fire and life safety. Prior to the issuance of a development permit, the applicant shall submit a wildfire mitigation plan demonstrating the adherence to the requirements in Chapter 19.76 including proof of fire protection service.

Stream/Wetland: The applicant will be required to adhere to the riparian corridor setback requirements. No development will occur within 25 feet of the pond and streams/canals on property (Class 2 streams). No development will occur within 50 feet of the Applegate River (Class 1 stream). Additionally, the Department of State Lands has issued a determination that there are no jurisdictional wetlands or other waters of the state within the area of proposed development. Per the Site Plan Map, the development will not violate required riparian corridor setbacks.

4. Existing and proposed infrastructure and public facilities are adequate to serve the proposed development. Pursuant to a requirement contained in the County’s transportation systems Plan, or any other official document containing County road standards, the Review Body may control the location and number of vehicular access points, establish new streets, increase right-of-way and road width, require curbs, sidewalks and traffic circulation features.

Staff Finding: The County Public Works department has reviewed the application along with the Traffic Analysis prepared for the applicant by Southern Oregon Transpiration Engineering LLC. Public Works has accepted the traffic analysis and finds the existing infrastructure (i.e. roads) is adequate to serve the proposed use.

5. The development is designed so that it coordinates efficiently with surrounding development patterns and existing and planned utilities, facilities and streets in the vicinity;

Staff Finding: Per the applicant, the proposed development is almost entirely screened from view of neighboring properties through natural vegetation. The proposed private RV campground is directly adjacent to the Applegate Golf Course and fits cohesively alongside this use. The addition of the RV Majestic Destinations LLC (7346 New Hope Road) – CUP/Private RV Campground Exhibit C -6
campground brings new options for short-term lodging into an area of local farms and wineries. The development is designed so that it coordinates efficiently with surrounding development patterns and existing and planned utilities, facilities and streets in the vicinity.

6. Any development that includes lands that are subject to flooding, wildfire, or erosion hazards shall present a plan or plans that satisfy the requirements of Chapter 19.69A JCC (Flood Hazard Overlay), Chapter 19.76 JCC (Wildfire and Emergency Safety Standards), and Chapter 19.83 JCC (Erosion Control & Storm Drain Facilities). The approved provisions of the mitigation plan or plans shall become conditions of development for the site.

Staff Finding: The development includes lands that are located in a flood hazard area. The applicant has provided plans that delineate the approximate location of the floodway and floodway fringe. Per the Site Plan Map, a portion of the development will be located in the floodway fringe. The applicant will be required to submit base flood elevation information for the proposed development, and will be required to meet all development permit requirements and property development standards found in Chapter 19.69A of the JCC. The property is located within a high fire hazard area. As conditioned below, the applicant shall submit a wildfire mitigation plan to address Chapter 19.76 – Wildfires and Emergency Safety Standards. The applicant shall meet all requirements for development as outlined in this Section. Per current vegetation mitigation standards, the applicant would be required to maintain a 50-foot primary fire safety zone around the development. Access driveways are required to be maintained with an all-weather surface (gravel) capable of supporting 50,000 pounds. Prior to the issuance of a development permit, the applicant shall submit proof of fire protection accompanied by a statement from the fire service provider that the development meets fire and life safety standards. A portion of the subject property is located in the steep slope area with slopes greater than 15%; no development is proposed in the slope hazard area. However, granitic soils are present on the development site. The applicant has prepared an erosion and sediment control plan (Exhibit D); all development must adhere to this plan as conditioned below.

4.3 Section 19.64.040 T – Requirements for Private Parks and campgrounds in the Exclusive Farm Zone:

1. New developments shall not be authorized on property which is high-value farmland as defined in JCC 19.11.100, but existing facilities may be maintained, enhanced or expanded subject to other requirements of law;

Staff Finding: Per the Natural Resources Conservation Service (NRCS) soils survey, less than 30% of soils on the subject parcel are considered high-value farmland (Class II soils). Roughly 10% of the property is considered Class IV soils, which are soils with severe limitations and are not considered high-value farmland. The remaining roughly 60% of the subject parcel are considered “not prime farmland” (Class 7, 8 or water). Therefore, staff finds this property is not considered high-value farmland and therefore this criterion has been satisfied.

2. Private campgrounds may provide yurts for overnight camping, but no more than one-third or a maximum of 10 campsites, whichever is less, may include a yurt; the yurt shall be located on the ground or on a wood floor with no permanent

Majestic Destinations LLC (7346 New Hope Road) – CUP/Private RV Campground

Exhibit C -7
foundation; and, for this rule "yurt" means a round, dome shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appliance;

Staff Finding: No yurts are proposed with this development, therefore this requirement does not apply.

3. Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is taken pursuant to OAR Chapter 660, Division 004;

Staff Finding: The parcel is located more than three miles outside of an urban growth boundary, no exception is required.

4. A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes, and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground;

Staff Finding: The private RV campground has access to the Applegate River and the Applegate Golf Course through the neighboring Tax Lot 102 for recreational use by the occupants.

5. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites;

Staff Finding: Per the applicant's narrative, the private RV campground will be screened from view on the west by an existing row of trees and shrubs, on the north by trees and existing structures, on the south by the Applegate River, and the golf course to the east. The applicant proposes to use gravel for the driveway and RV spaces, and plant trees and shrubs between spaces when practical.

6. Campgrounds and transitional housing camps authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations, and overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six-month period.

Staff Finding: The proposal does not include any intensively developed recreational uses. As a condition of approval, the applicant is required to abide by the requirement that no camper or camper's vehicle shall exceed a total of 30 days stay during any consecutive six-month period. The applicant shall keep adequate records to show compliance with this requirement. Failure to comply shall result in the revocation of the Conditional Use Permit.

7. Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hookups shall not be provided to individual camp sites except that electrical service may be provided to yurts;
**Staff Finding:** The campsites will be occupied by recreational vehicle. Full hook-ups are not being proposed. Staff finds the intent of this requirement is to prevent an intensive use on land that would otherwise be used for farming. Considering that the majority of the soil is not suitable for farm use, the applicant has proposed water and electric hookups to sites. RV’s are a less intensive use than yurt structures, which are allowed electrical hookups. Per the applicant’s narrative, LUBA case No. 2011-001 affirms that an RV campsite on farm-zoned property may have individual electric and water hookups on the basis that electricity and water systems can easily be converted back into farmland. Therefore, the Director finds that the intent of this provision is met and this criterion is satisfied.

8. Transitional housing camps are further regulated by JCC 19.99A.020.A

**Staff Findings:** The applicant is not proposing a transitional housing camp, therefore this requirement does not apply.

4.4 **Section 19.64.060 – General requirements for conditional uses and new dwellings:**
In addition to the standards and criteria for conditional uses contained in Chapter 19.45 JCC, all conditional uses in farm zones shall be reviewed against the following additional requirements:

A. The use or activities associated with the use will not force a significant change in or significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use;

**Staff Finding:** Per the applicant’s narrative, the use will not force a significant change or significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

B. As a condition of approval of the use, the landowner for the dwelling shall sign and record in the County deed records a document binding the landowner, and the landowner’s successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

**Staff Finding:** Prior to the issuance of a Development Permit, the owner of the property will be required to submit a copy of a signed, notarized, and recorded waiver of remonstrance as conditioned herein.

4.5 **Section 19.98.020 – Siting Standards:**
Campgrounds, recreational vehicle parks, lodges, and retreat centers shall demonstrate that the development meets all of the following special siting requirements:

A. The development shall not be located within or adjacent to any area identified in the comprehensive plan for Josephine County as a natural area or potential research natural area where the development would result in damage or overuse of the natural area;

**Staff Finding:** The Director finds this standard to be satisfied. Goal 7 of the Josephine County Comprehensive Plan is to preserve valuable limited resource, unique natural areas and historic features. There are no known significant archaeological sites, historic resources, nest site or rookeries. The applicant will
be required to abide by riparian setback limitations. Mineral resources natural areas are addressed in Section 19.98.020.B below.

B. The development shall not be located in or adjacent to an area of known valuable mineral deposits where the development would restrict development of the mineral resource, unless the area has been withdrawn from mineral entry;

Staff Finding: The property is adjacent to the Mahanna Quarry (37-06-24-00, TL 100, 103 and 104 which is an active mine. This development will not restrict continued operations at the Mahanna Quarry. To avoid any future restrictions on the quarry as a result of this development, the owner of the property will be required to submit a copy of a signed, notarized, and recorded waiver of remonstrance as conditioned herein. The waiver of remonstrance shall bind the landowner, and the landowner's successors in interest, waiving their right to legally remonstrate or oppose lawfully conducted aggregate operations at the significant site. Therefore, this development will not restrict the development of the mineral resource.

C. The development site is not suited for continued resource management, and that the proposed development is compatible with adjacent resource uses;

Staff Finding: While the property is zoned Exclusive Farm (EF), the subject property is not comprised of high-value farm soils and is therefore not suitable for resource management. Staff finds the proposed use is compatible with adjacent uses and will not cause a more significant impact with adjacent resource uses than the existing use of the site (golf course driving range).

D. The development meets the public recreation needs and tourism needs identified by the Josephine County comprehensive plan;

Staff Finding: The development meets public recreation needs and tourism needs identified by the Josephine County Comprehensive Plan. The proposed private RV campground is located adjacent to the Applegate Golf Course and Applegate River. It provides opportunities for economic development and expanded tourism within Josephine County.

E. The development abuts a maintained state or County road. The proposal may abut a federal road where the applicant has proof of a long-term access agreement for the proposed use from the appropriate federal agency;

Staff Finding: The proposed development abuts New Hope Road which is a county maintained road.

F. Camping stays in an approved campgrounds and transient camps cannot exceed 30 days in any consecutive six-month period.

Staff Finding: As a condition of approval, the applicant is required to abide by this standard; no stay shall exceed a total of 30 days stay during any consecutive six-month period. The applicant shall keep adequate records to show compliance with this requirement. Failure to comply shall result in the revocation of the Conditional Use Permit.
4.6 Section 19.98.040 – Utilities and services for recreational developments:

A. Campgrounds involving overnight use shall be developed as “dry camps”, or shall include a water system meeting state water quality standards:

1. If groundwater is to be used as a source of supply, withdrawal for the campground shall not result in a depletion of groundwater storage, interfere with springs, or result in a cone of depression which interferes with previously existing agricultural or residential wells.

*Staff Finding:* The applicant has proposed to drill a new well to serve as potable water for the development. As conditioned below, prior to the issuance of a development permit the applicant is required to successfully complete a major pump test as required by Section 19.84.020.D. Additionally, the applicant is required to complete a water quality test as required by Section 19.84.070.A. The applicant shall submit an approval by the Oregon Health Division – Drinking Water Program for the use of the well.

B. The proposed recreational development shall meet all state and local building, health, sanitary, and environmental health standards and shall be licensed as appropriate.

*Staff Finding:* The proposed recreational development will meet all state and local building, health, sanitary, and environmental health standards and shall be licensed as appropriate. As conditioned below, the applicant shall acquire the appropriate authorizations, permits and inspections from outside agencies as applicable to the development.

SECTION 5. DECISION AND CONDITIONS OF APPROVAL

5.1 Based on the evidence and the findings of fact entered herein, the Director approves the request for the Conditional Use Permit – Private Recreational Vehicle Campground as described in Paragraph 1.6. This approval is subject to performance of the following conditions:

1. The Private RV Campground plan shall be approved by the Josephine County Building Safety Department. The approved Site Plan (Exhibit “A”) and specifications for the campground shall be submitted to the Building Safety Department for review prior to beginning of construction. RV campground shall comply with all applicable local, state, and federal laws as required by the Building Safety Department.

2. Prior to the issuance of a Development Permit, the applicant shall install a fence to prevent trespassing onto neighboring properties. All fences, walls, and screens are subject to the requirements found in Chapter 19.73 JCC. The proposed fence appears to be located within the Floodway and Floodway Fringe. The applicant will be required to submit an application for a Tech Plan Review for Flood Study and No-Rise Analysis for any development located within a Floodway. Final Authorization for the fence is obtained by the issuance of a Development Permit. (Section 19.69A.060 and Chapter 19.41 JCC).
3. Prior to the issuance of the Development Permit, the applicant shall submit base flood elevation information regarding the development to ensure the following requirements are met:

A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. (Section 19.69A.090.A.2.a JCC).

B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage. (Section 19.69A.090.A.2.b JCC).

C. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated so as to prevent water from entering or accumulating within the components during conditions of flooding. (Section 19.69A.090.A.2.c JCC).

D. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system; (Section 19.69A.090.A.3.a JCC).

E. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and (Section 19.69A.090.A.3.b JCC).

F. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. (Section 19.69A.090.A.3.c JCC).

G. Recreation Vehicles placed within flood hazard areas are required to be fully licensed and ready for highway use, on its wheels or jacking system, be attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions. (Section 19.69A.090.B.4.b JCC).

4. The following items shall be completed prior to the issuance of a Development Permit authorizing the development of a Private Recreational Vehicle Campground:

A. The applicant shall submit proof of a DEQ approved subsurface septic system. (Section 19.45.030.B.3 JCC)

B. The applicant shall submit proof of successfully completing a major pump test for the existing well on the property by the Water Resources Department. Applicant shall submit an approval by the Oregon Health Division- Drinking Water Program for the use of the well. (Section 19.45.030.B.3, 19.84.020.D & 19.98.040.A.1 JCC)

C. The applicant shall submit proof of an approved commercial Access Permit from the Public Works Department. The approach shall meet the requirements as identified by the Public Works department. (Section 19.45.030.B.3 JCC & Public Works Comments)
D. The applicant shall submit a wildfire mitigation plan demonstrating adherence to the requirements in Chapter 19.76 JCC, including proof of fire protection. The wildfire mitigation plan shall be accompanied by a statement from the fire service provider that the development meets fire and life safety standards and provides adequate directional signage and emergency vehicle access to the development.

F. Provide documentation of compliance from the Oregon Department of Environmental Quality (DEQ) to ensure the requirements of the National Pollutant Discharge System (NPDES) have been complied with. (Section 19.45.030.A.1 JCC)

5. Prior to the issuance of a Development Permit, the owner of the property will be required to submit to the Planning office a copy of a signed, notarized, and recorded "Waiver of Remonstrance regarding Farm Uses". This is a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937. (Section 19.64.060.B, JCC)

6. Prior to the issuance of a Development Permit, the owner of the property will be required to submit to the Planning office a copy of a signed, notarized, and recorded "Waiver of Remonstrance regarding Aggregate Sites". This is a document binding the landowner, and the landowner's successors in interest, waiving their right to legally remonstrate or oppose lawfully conducted aggregate operations at the significant site. (Section 19.98.020.B, JCC)

7. The proposed recreational development shall meet all state and local building, health, sanitary and environmental health standards and shall maintain all required licenses. (Section 19.98.040.B JCC)

8. The applicant shall apply for a Development Permit for all proposed signs for the development. Signs shall meet the standards listed in Section 19.74.020.B, K, & L JCC. The following general provisions shall also apply:

A. Sign(s) shall not be erected or placed in such a manner so that by reason of the position, shape, or color interfere with, obstruct the view of, or be confused with any authorized traffic sign including "Stop", "Look", "Caution", "Warning" or any other phrase, word, or symbol, in such a manner as to interfere with, mislead, or confuse traffic. (Section 19.74.030.C, JCC)

B. Sign(s) shall be maintained in a neat, clean, and attractive condition. (Section 19.74.030.D, JCC)

C. Signs shall be removed within 6 months after the business, product, or service is abandoned or no longer in use. (Section 19.74.030.E, JCC)

D. Signs cannot be located within a county, state, or federal right-of-way. (Section 19.74.030.F, JCC)

9. All structures shall meet setback requirements from property lines: 30 feet from all property lines and at least 50 feet from Class I stream (Applegate River) and
at least 25 feet from Class II streams (ponds, canals, creeks, etc.) (Section 19.72.020.A and 19.72.040.B)

10. Any future development within the riparian setback of Louse Creek (50 feet) will be subject to Section 19.72.040.B.2 – Riparian Corridor Development and require an application for review and approval. Any development includes projects such as fill and/or excavation, placement of structures, construction of impervious surfaces, and removal of vegetation. (Section 19.72.040.B JCC)

11. No foreign and/or waste material produced from the RV Park is to enter into waters of the state. All waste needs to be captured in a manner that does not allow substances from entering into Louse Creek. (Section 19.45.030.B.2 JCC)

12. No trespassing signs are to be posted to inform the public of the private property boundaries. The no trespassing signs along the riparian area boundary shall have additional information to prevent trespass on private property along Applegate River. (Section 19.45.030.B.2 JCC)

13. All parking shall be on-site, not within the public right-of-way. (Section 19.75.020 JCC)

14. All public and private parking areas and parking spaces shall be designed and laid out to conform to the minimum standards as set forth in Section 19.75.040 of the JCC. (Section 19.75.040.A)

15. All private service roads shall be constructed so that no backward movement or other maneuvering of a vehicle into New Hope Road will be required. Private service roads shall be designed and constructed to facilitate the flow of traffic, provide maximum safety in traffic ingress and egress, and ensure the maximum safety of pedestrians and vehicular traffic on the site. (Section 19.75.040.B JCC)

16. Truck or recreational vehicle parking spaces shall be designed to adequately accommodate the proposed use. (Section 19.75.040.D.1 JCC)

17. Private parking areas shall be improved according to the following: (1) if parking area is not paved it shall be rocked or shale, (2) parking area shall be graded so as not to drain water onto any abutting public or private property without express permission of the property owner, and (3) all parking areas shall provide a substantial bumper which will prevent cars from encroachment on abutting private or public property, (4) parking areas, including private roads, which do not abut commercial or industrial zone properties shall be enclosed along interior property lines by a fence not less than 4 feet and not more than 6 feet in height. (Section 19.75.060.A-D JCC)

18. All exterior lighting, including light emitted from security systems, shall be shielded or use a hood and lens that cast light downward so as to ensure no light is cast onto adjacent properties nor upward into the night sky. If the lighting mechanism does not utilize a hood or lens, lighting fixtures shall be fully shielded in such a manner that all light emitted directly by the lamp or diffusing element, or indirectly by reflection or refraction, is projected below the horizontal plane through the lowest light-emitting part. (Section 19.77.010 JCC)
19. The applicant must adhere to the submitted Erosion and Sediment Control Plan so as to minimize the harmful effects of storm water runoff and the resultant inundation and erosion from projects, and to protect neighboring downstream and downslope properties from erosion and sediment impacts. (Chapter 19.83)  
20. Areas used for the storage of waste and/or recycling materials (trash receptacles) and buildings used to house these materials shall be setback 30 feet from all property lines. (Section 19.86.030.A.3 JCC)  
21. The recreational vehicle campground shall not allow permanent residency of the RV spaces. Overnight temporary use in the same campground by a camper or camper’s vehicle shall not exceed a total of 30 days during any consecutive six-month period. (Section 19.64.040.T.6 JCC). The owner of the RV campground shall maintain adequate records to show compliance with this requirement.  
22. There shall be a manager/park host on site to enforce the conditions of this approval. The RV campground shall have strict rules with written and executed documents, contracts and waivers regarding liabilities, property boundaries, safety, cleanliness, noise, etc. (Section 19.45.030.B.2 JCC)  
23. Any expansion or alteration of the business requires a new application. (Section 19.45.020.B JCC)  
24. This Director’s decision is valid for 2 years from the date of this letter or the approval shall expire unless substantial development occurs as defined in Section 19.11.210 JCC. If substantial development does not occur applicant may request a one-time 2 year extension of the permit from the Director. (Section 19.41.030.A & B, JCC)  
25. When the RV Park use actually commences, but then discontinues for any continuous period of 2 years, the permit shall expire, and the use shall be considered abandoned, unless an extension is obtained per Section 19.41.030 of the JCC.  

Done and dated this 6th day of November, 2019.  

Mark Stevenson, Community Development Director  
By Kayla Wallace, CFM – Associate Planner  

Attachments: Exhibit A – Site Plan Maps  
Exhibit B – Notice List  
Exhibit C – Public Works Comments dated May 8, 2019  
Exhibit D – Erosion and Sediment Control Plan
Exhibit C - 17
DATE: 5/8/19

TO: NORA SCHWARTZ: PLANNING

FROM: ERIC HEESACKER: PUBLIC WORKS

RE: C.U.P. RV PARK PROPOSAL AT 7350 NEW HOPE ROAD: 37-06-24.00/301 (COMPLETE)

Public Works Staff has the following comment:

Prior to issuance of a Development Permit, the applicant shall obtain an approved commercial road approach permit from Public Works. The commercial approach shall be paved to a two-lane width. [80.010, 81.010] Through the Approach Approval process, the Approach Inspector shall ensure that all signs, and other private improvements (fencing, etc.) along New Hope Road, are located outside the County Right-of-Way and sight distance triangles as defined by the engineer’s analysis. [19.80.010, 19.81.010]
Exhibit "D"

DIRECTOR’S DECISION – PROPERTY LINE ADJUSTMENT (CDD – Stevenson/January 3, 2019)
January 3, 2019

Applegate Valley Investments LLC
and
Resorts Unlimited LLC
Attn: Patrick Bernard
7350 New Hope Road
Grants Pass OR 97526

Re: Property Line Adjustment - Decision
Legal: 37-06-24.00, T16S 102 and 301
Situs: New Hope Road
Zone: Exclusive Farm (EF)

Mr. Bernard:

The Community Development Director has reviewed your application for compliance with the standards for a property line adjustment listed in Section 50.050.A, 54.050, 64.090 and 71.010 of the Josephine County Rural Land Development Code (RLDC).

ORDINANCE REVIEW

Property line adjustments must meet the following requirements as per RLDC:

Section 50.050.A – Tentative Plan Review Standards:

1. All lots or parcels affected by the land division are authorized.

2. The tract or tracts of land included in the tentative plan must be in one ownership or control, or subject to a joint application by all persons possessing recorded interest in the title to the tract;

3. Any development that includes lands that are subject to flooding, wildfire or erosion hazards shall present a plan or plans that satisfy the requirements of Articles 69.1 (Flood Hazard Overlay), 76 (Wildfire Safety Standards) and 83 (Erosion Control & Storm Drain Facilities). The approved provisions of the mitigation plan or plans shall become conditions for the development of the land division, and individual lots with the land division, as applicable.

Exhibit D - 2
4. Other development standards contained within this code and all other applicable master plans, rules, resolutions, ordinances, codes, technical manuals and policies of the county or the state or federal governments.

5. The proposed development conforms with the official street map and/or any potential street extensions, and will not prohibit the extension of streets or roads;

6. At a minimum, all lots or parcels shall meet the lot or parcel size requirements for the zone in which they are located and the design requirements found in Article 71, unless a reduction or variance is granted pursuant to this code.

7. The proposed development does not conflict with legally established easements or access within or adjacent to the parcel configuration resulting from the subject property.

Staff Finding: The adjustment will occur between TL 102 and TL 301 (both parcels are authorized per assessor and planning records). The properties are under the ownership of Resorts Unlimited LLC and Applegate Valley Investments LLC. According to Oregon Secretary of State records, Patrick Bernard is the registered agent of Resorts Unlimited LLC; the registered agent of Applegate Valley Investments LLC is Leah Bernard. Statements of Understanding have been submitted by both individuals. No development is proposed at this time; however, any future development will be subject to Article 76 fire safety standards as applicable. The parcels are legal, non-conforming (undersized) and are therefore subject to Section 34.050.C, RLDC. The development currently does not conflict with established easements or access.

Section 34.050 – Special Review Standards:

A. The property line adjustment will not result in the creation of a new parcel;

B. All lots or parcels involved in the property line adjustment shall conform to the minimum lot size for the applicable zone, except as authorized in subsection C below;

C. The adjustment of lines involving one or more non-conforming lots or parcels shall comply with the following rules:

1. No lot or parcel that conformed prior to the adjustment shall be made non-conforming after the adjustment; and

2. No lot or parcel that is non-conforming prior to the adjustment may be reduced to a size that is smaller than the smallest non-conforming lot or parcel existing prior to the adjustment.

D. The property line adjustments will not conflict with any public or private easement.

Staff Finding: Per the tentative plan, the resulting parcels comply with the requirements listed above. (1) The property line adjustment will not result in new parcels; (2) The parcels do not comply with
minimum lot size of 80 acres; however, (3) no lot or parcel is smaller than the smallest non-conforming lot or parcel existing prior to the adjustment (prior to, TL 301 = 19.08 acres); (4) The adjustment does not conflict with any public or private easement.

Section 71.010 – Lot Size and Shape:

A. All proposed lots or parcels in a subdivision, partition, replat or property line adjustment shall not be divided to a size less than the minimum requirements for the zone the lot or parcel is located in. Lots or parcels containing less than the minimum lot size requirements may be approved provided that:

1. Not more than 20 percent of the lots, up to a maximum of five (5) deficient lots or parcels, are created from an original tract; and

2. The area deficiency is contained within the public road right-of-way; and

3. The applicant provides a written statement from the Department of Environmental Quality stating that the smaller lots do not constitute a public health, safety, and welfare hazard.

B. Each lot shall not be greater than four times deeper than it is wide, exclusive of the "pole" of a flaglot.

Staff Finding: No lots will be divided; therefore, section “A” does not apply. Each lot is not four times deeper than wide per the tentative plan. Staff notes that the configuration of Parcel 1 has been designed specifically so that it contains less than 50 percent high-value farmland soils (75.7 percent v. 24.3 percent). NRCS analysis and calculations are incorporated herein by reference.

PROPERTY LINE ADJUSTMENT DECISION

As per findings mentioned above, the Director APPROVES the Tentative Plan (Exhibit “A”) for a property line adjustment.

TO PROCEED

Per county ordinance and state law, the following is required to complete the process:

1. A Final Plat Map prepared by a licensed surveyor, in conformance with the Tentative Plan, Articles 56 and 57 of the Josephine County Rural Land Development Code (RLDC) and ORS 209.250.

2. County Surveyor will require a Subdivision Guarantee for all parcels.

3. Signed and notarized deeds of conveyance conforming to the approved new property line adjustment (unless properties have same owner).

Exhibit D - 4
4. Submit the Final Plat Map review fee $500.

5. The approved Final Plat Map must be circulated to obtain all required signatures. The Assessor will require that the property taxes, special assessments, liens or other charges are paid before signing the plat (Section 56.060.D RLDC). The County Surveyor charges a fee to review final plats; currently that fee is $50 per lot or parcel.

6. The final step in the process is to record the Final Plat with the County Clerk. The Assessor will not process the plat until the Final Plat and deeds of conveyance are recorded with the County Clerk.

Note: Per Section 56.060.F of the Rural Land Development Code (RLDC), all final plats and required deeds (e.g. deeds of conveyance) shall be recorded in the County Clerk’s records within 90 days from the date the Director signs the plat. Failure to record the required documents within this time limit shall render void all departmental and review body approvals, to include the tentative plan.

Under Section 50.130, RLDC, the approved tentative plan is valid for 2 years from the date of this decision. An extension of this approval may be granted for an additional 2-year period by the Director in accordance with Section 41.030, RLDC.

Please contact me should you have any questions.

Sincerely,

Nora Schwartz
Associate Planner
nschwartz@co.josephine.or.us

Attachments: Exhibit “A” (Tentative Plan dated January 2, 2019)

E-copy: Eric Heesacker, Public Works
        Peter Allen, County Surveyor
        Gabe Snodgrass, County Assessor’s Office
        John Voorheis, PLS
Exhibit "E"

PARTITION PLAT NO. 2019-13 (April 12, 2019)
DECLARATION

AND I, ALL WHO HEREAFTER SIGNEE, DO DECLARE THAT APPELLEES' VALLEY INVESTMENTS, LLC, AN OREGON LIMITED LIABILITY COMPANY, AND ITS DIRECTORS AND OFFICERS, AS THESE ARE LIMITED LIABILITY COMPANY ARE THE OWNERS OF THE REAL PROPERTY DESCRIBED ON THE ATTACHED PLAT AND AGREED TO BY THEM AT THE TIMES AND PLACES SHOWN ON THE ATTACHED PLAT, AND WE HAVE CAUSED THE SAME TO BE ADJUSTED AND SUPPLIED WITH PARCELS AS SHOWN ON THE ATTACHED PLAT. THE ATTACHED PLAT IS HEREIN ATTACHED TO THIS PROVISION FOR YOUR REFERENCE.

STATE OF OREGON

CITY OF JOSEPHINE

THE PURPOSE OF THIS SURVEY IS TO RECORD THE PROPERTY LINE DESCRIPTION ON THAT TRACT OF LAND DESCRIBED IN DOCUMENT NO. 2017-012, JOSEPHINE COUNTY OFFICIAL RECORDS, AND THAT TRACT OF LAND DESCRIBED IN DOCUMENT NO. 2017-013, JOSEPHINE COUNTY OFFICIAL RECORDS. ANY MONUMENTS SHOWN ON THE PLAT WERE RECEIVED AS SHOWN AND FUSED INTO A TOTAL OF FIVE. ADJUSTED PROPERTY CORNERS WERE THEN ESTABLISHED AS SHOWN ON THE DRAWING.

STATE OF OREGON

CITY OF JOSEPHINE

THE RIGHT OF WAY FOR NEW HIGHWAY ROAD WAS DETERMINED BY USING A CONSTRUCTION OF THE TRACT OF LAND DESCRIBED IN DOCUMENT NO. 2017-012, JOSEPHINE COUNTY OFFICIAL RECORDS, AND THAT TRACT OF LAND DESCRIBED IN DOCUMENT NO. 2017-013, JOSEPHINE COUNTY OFFICIAL RECORDS. ANY MONUMENTS SHOWN ON THE PLAT WERE RECEIVED AS SHOWN AND FUSED INTO A TOTAL OF FIVE. ADJUSTED PROPERTY CORNERS WERE THEN ESTABLISHED AS SHOWN ON THE DRAWING.

EASEMENTS OF RECORD NOT SHOWN

AN EXECUTIVE FOR PUBLIC UTILITIES DISCOVERED THE CALIFORNIA OREGON POWER COMPANY, AS RECORDED IN DOCUMENT NO. 2017-012, JOSEPHINE COUNTY DEED RECORDS, AND THAT TRACT OF LAND DESCRIBED IN DOCUMENT NO. 2017-013, JOSEPHINE COUNTY DEED RECORDS. ANY SMALL METAL EASEMENTS SHOWN ON THE ATTACHED DRAWING WERE RECEIVED AS SHOWN AND FUSED INTO A TOTAL OF FIVE. ADJUSTED PROPERTY CORNERS WERE THEN ESTABLISHED AS SHOWN ON THE DRAWING.

EASEMENTS OF RECORD NOT SHOWN

AN EXECUTIVE FOR PUBLIC UTILITIES DISCOVERED THE CALIFORNIA OREGON POWER COMPANY, AS RECORDED IN DOCUMENT NO. 2017-012, JOSEPHINE COUNTY DEED RECORDS, AND THAT TRACT OF LAND DESCRIBED IN DOCUMENT NO. 2017-013, JOSEPHINE COUNTY DEED RECORDS. ANY SMALL METAL EASEMENTS SHOWN ON THE ATTACHED DRAWING WERE RECEIVED AS SHOWN AND FUSED INTO A TOTAL OF FIVE. ADJUSTED PROPERTY CORNERS WERE THEN ESTABLISHED AS SHOWN ON THE DRAWING.
Exhibit "F"

PRE-APPLICATION FOR CONDITIONAL USE PERMIT
(Bernard/April 25, 2019)
PLANNING APPLICATION FORM

Property Address: 7350 NEW HOPE ROAD
GRANTS PASS, OR 97527

Assessor's Map & Tax Lot:

37 - 06 - 24 - 00 Tax Lot(s) 301

37 - 06 - 24 - 00 Tax Lot(s)

Zoning: EF

Size of Project: (# of Units, Lots, Dimensions, Sq. Ft., Etc.) 19.08

Application/Permit Type: (Please Check All Applicable)
- Address Assignment
  - New Address
  - Change of Address
  - Additional Address
- Annual Compliance Certificate (Use Form A)
- Appeal (See Sec.19.33.040)
- Comp Plan/Zone Map Amendment (See Sec.19.46.030)
- 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)
- 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 19.45)
- Development Permit (See Sec.19.41.020)
- Temporary Dwelling (See Chapter 19.43)
  - Detached Living Space
  - Medical Hardship
- Other:

Description of Request/Reason for Appeal
(Include name of project and proposed use):
CONDITIONAL USE FOR AN RV PARK

Property Owner: MAJESTIC DESIGN BUILD LLC
Address: 7350 NEW HOPE ROAD
GRANTS PASS, OR 97527
Phone: 541-955-8335
Email: pat@metal-air.com

Applicant:
Address:
Phone:
Email:

Authorized Representative/ Surveyor or Engineer:
(If Different From Applicant) (If Applicable)
PATRICK BERNARD, REGISTERED AGENT
Address: SAME
Phone: SAME
Email: SAME

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 (if needed).

(Signature of Owner or Attorney-in-Fact) Date 4-23-19

(Signature of Owner or Attorney-in-Fact) Date 4-23-19

(For Office Use) RECEIVED APR 25 2019

JOICO PLANNING Fees Paid: $300 Initials: m0

Received 12/18

Exhibit F - 2
REQUEST FOR A CONDITIONAL USE PERMIT (CUP) FOR AN RV PARK

Applicant: Majestic Destinations LLC
Situs: 7350 New Hope Road, Grants Pass, OR 97527
Map No. 37-06-24, Tax Lot (TL) 301
Size: 19.08 Acres Zone: Exclusive Farm (EF)

INTRODUCTION

This is a request for a Conditional Use Permit (CUP) for a 30-space Recreation Vehicle (RV) Park at 7350 New Hope Road described by the Assessor as Map No. 37-06-24, TL 301. The property is 19.08 acres in size and is zoned Exclusive Farm (EF). It was developed with a dwelling, barn, golf cart parking barn, and a pro-shop that serve the Applegate Golf Course on TLs 301 and 102 approved. According to Development Permit No. 93-434, a second dwelling was approved by the Planning Commission in 1977 (D.P. No. 1584), but the development permit for the golf course (D.P. No. 94-490) required one of the dwellings (the manufactured home) to be removed (see Attachment B).

The parcel was created by Agreement (deed) and recorded on October 1, 1974 (Vol. 305, P. 276 – Attachment C). A property line adjustment was approved in January 2019 that changed the shape of the parcel but not the size. Therefore, the parcel is a legal lot per ORS 215.010. Do to the revised shape of subject parcel there are now no current structures.

REQUIREMENTS

JCC, Section (§) 19.64.040 – Conditional Uses

Per the Josephine County Code (JCC), §64.040.T, a recreational vehicle park can be conditionally permitted subject to seven requirements. The application meets those requirements as follows:

1. The new development shall not be authorized on high value farmland. OAR 660-033-0020(8) defines high value farmland as land in a tract or parcel composed predominantly of Class I, Class II, prime or unique farm soils – irrigated or non-irrigated; that is, over 50%. Class III and Class IV soils are considered low value farm soils. Soils rated by the National Resource Conservation Service (NRCS) higher than IV are considered non-farm soils. The table below illustrates that 26.86% of the soils on TL 301 are high value farm soils, 12.16% are low value farm soils, and 60.50% are non-farm soils. Therefore, the parcel is not high value farmland.

2. No yurts are proposed for overnight camping.

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Exhibit F - 4
3. As the map attached in Attachment A indicates, the subject parcel is located 3.15 miles from the Grants Pass Urban Growth Boundary (UGB).

4. Occupants of the RV park will be able to enjoy the Applegate River as well as the golf course.

<table>
<thead>
<tr>
<th>Soils on the Newly Reconfigured TL 301</th>
<th>Class</th>
<th>Acres</th>
<th>Percent</th>
<th>Total %</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Irrigated</td>
<td>Non-Irrigated</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Camas Gravelly Sandy Loam (14)</td>
<td>4</td>
<td>4</td>
<td>2.3204</td>
<td>12.16%</td>
</tr>
<tr>
<td>Kerby Loam (32)</td>
<td>2/Prime</td>
<td>2/Prime</td>
<td>0.1003</td>
<td>00.53%</td>
</tr>
<tr>
<td>Newberg Fine Sandy Loam (57)</td>
<td>2/Prime</td>
<td>2/Prime</td>
<td>5.1154</td>
<td>26.81%</td>
</tr>
<tr>
<td>Vannoy-Voorhis Complex (79F)</td>
<td>---</td>
<td>7</td>
<td>2.2035</td>
<td>11.55%</td>
</tr>
<tr>
<td>Riverwash (64)</td>
<td>---</td>
<td>8</td>
<td>9.3403</td>
<td>48.95%</td>
</tr>
</tbody>
</table>

5. The proposed RV park will be screened from view on the west by an existing row of trees and shrubs, on the north by trees and the existing structures, and on the south by the Applegate River. The golf course itself is located immediately to the east on TL 102. The driveway and RV spaces will be gravelled rather than paved, and trees and shrubs will be planted between spaces whenever practicable.

6. The RV park will not be intensively developed, and the RVs will not exceed 30 days stay in any consecutive 6-month period.

7. Separate septic, water, and electricity will not be provided to individual RV spaces. Instead, the septic and water will be shared and there will be no separate electric meters provided.

**JCC, Article 19.98 – Campgrounds, RV Parks & Lodges**

The proposed RV park meet the requirements of this Article as follows:

**§19.98.020 – Siting Standards**

A. The proposed development is not located within or adjacent to any area identified in the Josephine County Comprehensive Plan as a natural areal or potential research natural area.
B. It is not located in or adjacent to a known valuable mineral deposit although the Mahanna Quarry is located across New Hope Road from the property. However, the Mahanna Quarry is an aggregate site, not a mineral site.

C. The development site is a golf course that has not been used for resource management for years. While aerial photos do not seem to indicate intensive resource management on surrounding properties, an RV park is a quiet use and is unlikely to significantly, if at all, negatively impact surrounding uses.

D. The Josephine County Comprehensive Plan does not identify public recreation and tourist needs. The goal that most closely applies is County Goal 5 – To Diversify, Expand and Stabilize Economic Opportunities for the Betterment of the County. Policy 6 of Goal 5 indicates that “provision shall be made for the siting of Resorts to expand tourism in Josephine County” and proposes a specific designation and zoning district to be created for that purpose. That designation and district has never been created, but it is clear that the County supports expanding tourism.

E. The property abuts New Hope Road, a Rural Major Collector county road.

§19.98.030 – Application Requirements

A. The material submitted with this application address the requirements set out in the underlying EF zone.

B. Planning will process this application according to the requirements of the EF zone.

C. This is also an application for a Site Plan Review.

§19.98.040 – Utilities & Services for Recreational Development

A. The applicant intends to dig a well specifically for the proposed RV park and/or construct a water storage tank that will meet all of the requirements of the Oregon Water Resources Department.

B. The proposed RV park will meet all state and local state and local building, health, sanitary, and environmental health standards and shall be licensed as appropriate.

§19.42.050/§19.45.030 – Site Plan Review/CUP Standards & Criteria

These two articles are combined here because the requirements are the same. The proposed RV park meets these requirements as follows:

A. Standards
1. As addressed above and below, the RV park will comply with all local and state standards as are applicable.

2. No new roads are proposed.

3. No additional infrastructure or public facilities will be required for this use.

4. The RV park will comply with all access standards as determined by Josephine County Public Works.

B. **Criteria**

1. The request does not involve a Variance (Article 19.44) and does not require additional public facilities (Chapter 19.8). The property is located within the Flood Hazard Area overlay (Article 19.69) which is addressed below in Criterion No. 6. Chapter 9 (Special Uses), Article 19.98, is addressed above. In Chapter 7 – Development Standards, Article 19.71 would not apply; the setbacks requirement of Article 19.72 of 30 feet from all property lines will be met; natural and structural screens meet the requirements of Article 19.73; a sign design will be submitted at the time of full application (Article 19.74); and the off-street parking requirements of Article 19.75 may not applicable. The requirements of Article 19.76 – Wildfire and Emergency Safety Standards are applicable to this proposal.

   §19.76.020.B. A wildfire mitigation plan is required. A full plan will be submitted with the full application, but preliminarily, access will be by a graveled loop road for access by emergency vehicles (§19.76.040.A), the property is protected by Rural Metro Fire Department (§19.76.060.B), and on-site water will be available for fire protection (§19.76.070). There is little vegetation in or around the proposed RV park site, but all vegetation will be maintained to §19.76.080 standards. The applicant will be able to provide a more detailed wildfire mitigation plan after receiving comments and instructions from Rural Metro.

2. An RV park is a relatively quiet use that is unlikely to have a significant impact on the neighborhood. More than 40 acres of the golf course mitigates any impacts to the east. There is considerable undeveloped land to the south and southwest that is heavily wooded along the Applegate River. Mahanna Quarry to the north would not be impacted. Finally, the RVs will be parked 200-500 feet from structures to the west with vegetative screening in-between.

3. The proposal will not exceed the carrying capacity of the land. A letter from Charles Costanzo, Consultant, indicates that an Onsite Wastewater Treatment

Page 4  Resorts Unlimited LLC Application Narrative

Exhibit F - 7
Septic system is feasible on the property. There is no well log available for the existing well, but the applicant intends to construct an additional well for the use as well as a water holding tank if necessary. A letter and well logs for nearby, surrounding properties indicate that a new well on the subject property should be adequate to serve 25-plus RV spaces as nearby wells yield 20-27 gallons per minute (gpm). (See Attachment E). Finally, New Hope Road should be adequate to serve the proposed use. Because of the steep cost to develop the use, the applicant requests that septic site approval by DEQ, evidence of adequate on-site potable water, and access permit issued by Public Works be conditions of approval of a development permit rather than required prior to approval.

4. No new infrastructure or public facilities are required for the proposed use.

5. Apart from Mahanna Quarry, other surrounding uses tend to be relatively quiet like the golf course to the east or non-existent – to the south for example. The properties to the west consist of a dwelling and a horse farm. The quiet nature of the use and the fact that it is almost entirely screened from properties and uses in all directions indicate that it will fit into the neighborhood quite well.

6. There is little danger on the property from wildfire given that there are few trees as fuel and irrigation keeps the property and surrounding properties reasonably moist. While the soils are granitic in origin, the land is relatively flat, and the use will require very minimal soil disturbance. The RV park will be located, however, within the floodway fringe of the designated flood hazard area. In the event of a 100-year flood, the RVs can simply drive to safe ground. There will be no proposed laundry/bathroom facility at this time.

§19.64.060 – General Requirements for Conditional Uses

A. As discussed above, the proposed use will not force a significant change in or significantly increase the cost of accepted farm or forest practices. There appears to be little or no farm or forestry activity to the south and across the Applegate River, the golf course is located to the east, and Mahanna Quarry to the northeast. A ten-acre property to the west is not being farmed, and a 21.26-acre property to the west is a horse farm not likely to be disturbed by parked RVs. In addition, the applicant intends to market to older retirees with newer RVs and to do background checks on the visitors to prevent any reprehensible or disturbing behavior.

B. A dwelling is not proposed, so a Waiver of Remonstrance is not required.

SUMMARY AND CONCLUSION
The above makes every attempt to address all requirements for the proposed RV park. The applicant will provide more detailed information in response to comments generated by the pre-application review including a more detailed wildfire safety plan and sign plan. The applicant requests that the DEQ septic site evaluation, an on-site well, and the access permit be conditions of approval prior to obtaining a development permit.

ATTACHMENTS

- Planning Application Form
- Applicant’s Statement of Understanding
- OR Secretary of State Business Registry
- Plot Plan
- Statement of Intended Water Use
- Well Log Information from Applegate Well Drilling LLC (4 pages)
- Septic Information – Letter from Chuck Costanza, Septic System Consultant
- Engineer’s Letter regarding Erosion Control
- Soils Map
- Traffic Impact Study
Josephine County, Oregon

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

APPLICANT'S STATEMENT OF UNDERSTANDING

I, __________________________, 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: ___________ 2019

_________________________  
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.

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Exhibit F – 10
STATEMENT OF INTENDED WATER USE

Name: BERNARD PATRICK
Address: 7350 NEW HOPED
(PO BOX 396, RAUNTS PASS, OR 97537)
Phone: 541-955-9335

Date: 4-25-19

LEGAL:
TWN 37, RNG 06, SEC 24, QQ05,
Tax Lot 301

LAND USE PROPOSAL

- Property Line Adjustment
- Land Partition (# of Lots ___)
- Subdivision (# of Lots ___)
- Planned Unit Development

Current Zoning: 

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)? 0

[ ] Will water be used to irrigate (lawn, garden, shrubs, fields)?

<1/2 ac 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:


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Exhibit F 11
### SOURCE OF WATER
(Choose all that apply)

<table>
<thead>
<tr>
<th>Water Source</th>
<th>Quantity to Be Used</th>
</tr>
</thead>
</table>
| Surface Water Source (spring, stream, irrigation district) | Gallons Per Minute
| Reservoir or Pond             | Gallons Per Day             |
| Ground Water                  | Cubic Feet Per Second       |
| Individual Well(s)            | Acre Feet                   |
| Shared Well(s)                |                             |
| Community Well(s) (Indicate the # of wells: ) |                             |
| Sump                          |                             |
| Municipal Supply              |                             |
| Water Rights                  |                             |
| Yes (Certificate/Permit #)    |                             |
| No                            |                             |
| Do Not Know                   |                             |

Remarks:

---

*ATTACH MAP SHOWING LOCATION OF EXISTING AND PROPOSED WELLS*

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___

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Reviewed By

Rev: 02/18

Exhibit F - 12
November 6, 2017:

Mr. Pat Bernard
APPLEGATE RIVER GOLF CLUB
7350 New Hope Road
Grants Pass, OR 97527

Re: Water Feasibility

Mr. Bernard,

As per my previous conversation with you, as a professional water well driller in the Rogue Valley, it is my professional opinion having drilled numerous wells in your area, that we should not have any problems locating adequate water from the new well to provide water to service 25+ RV spaces.

Regards,

Charles B. Pelkey
Lic. #1648
Owner/Member

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Exhibit F - 13
(1) **OWNER:**
- Name: Ray Mahanah
- Address: 7555 New Hope Rd
- City: Grants Pass
- State: OR
- Zip: 97526

(2) **TYPE OF WORK:**
- New Well
- Deepen
- Reration
- Abandon

(3) **DRILL METHOD:**
- Rotary Air
- Rotary Mud
- Cable
- Other

(4) **PROPOSED USE:**
- Domestic
- Community
- Industrial
- Irrigation
- Thermal
t- Injection
- Other

(5) **BORE HOLE CONSTRUCTION:**
- Special Construction approval: Yes
- Depth of Completed Well: 170 ft.
- Explosives used: Yes
- Type: Nitroglycerin
- Amount: 100 pounds

(6) **CASING/LINER:**
- Casing: 6 inch
- From: 10 ft.
- To: 19 ft.
- Pipe: 250 ft.
- Steel: 150 ft.
- Plastic: 100 ft.

(7) **PERFORATIONS/SCREENS:**
- Perforations: Yes
- Method: Air hammer
- Screens: Yes
- Type: Wire screen
- Material: Galvanized

(8) **WELL TESTS:** Minimum testing time is 1 hour
- Pump: Yes
- Baller: No
- Air: Yes
- Flowing: Yes
- Artesian: Yes

<table>
<thead>
<tr>
<th>From</th>
<th>To</th>
<th>Slot size</th>
<th>Number</th>
<th>Diameter</th>
<th>Material</th>
<th>Casing</th>
<th>Liner</th>
</tr>
</thead>
<tbody>
<tr>
<td>87</td>
<td>150</td>
<td>170</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Temperature of water: 58°
- Depth Artesian Flow Found: 87 feet

- Was a water analysis done? Yes
- By: Mark Miller

- Did any strata contain water not suitable for intended use? No
- Too little
- Sandy
- Muddy
- Odor
- Colored
- Other

- Depth of strata:

<table>
<thead>
<tr>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-8-90</td>
</tr>
</tbody>
</table>

**RECEIVED**
APR 25 2019

**JOCO - PLANNING**

**WELL LOG**
- Ground elevation
- Material
- From | To | SWL |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Brown Clay</td>
<td>0</td>
<td>8</td>
</tr>
<tr>
<td>Gravel</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blue Gray Rock</td>
<td>170</td>
<td>20</td>
</tr>
</tbody>
</table>

**WATER WELL Construction Certification:**
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.

Signed: [Signature]
Date: [Date]

**(Unbonded) Water Well Construction Certification:**
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

Signed: [Signature]
Date: [Date]

**WWC Number**: [Number]

**(Bonded) Water Well Construction Certification:**
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

Signed: [Signature]
Date: [Date]

**WWC Number**: [Number]
WELL ID. # L 95600
START CARD # 1004002

(9) LOCATION OF WELL (legal description)
County JOSEPHINE
Tax Lot 1400
TOWNSHIP 37 S
Section 34 E
Lot 1/4 W
(1/4)

Street Address of Well (or nearest address) 7020 NEW HOPE RD

(10) STATIC WATER LEVEL
34 ft. below land surface.
Date 7/14/08

Artesian pressure 10 psi per square inch.

(11) WATER BEARING ZONES
Depth at which water was first found 126'

<table>
<thead>
<tr>
<th>From</th>
<th>To</th>
<th>Estimated Flow Rate</th>
<th>SWL</th>
</tr>
</thead>
<tbody>
<tr>
<td>126'</td>
<td>162'</td>
<td>20 GPM</td>
<td>14</td>
</tr>
</tbody>
</table>

(12) WELL LOG

<table>
<thead>
<tr>
<th>Material</th>
<th>From</th>
<th>To</th>
<th>SWL</th>
</tr>
</thead>
<tbody>
<tr>
<td>BROWN CLAY, MEDIUM TO LARGE GRAVEL, FINE SAND (UNS)</td>
<td>8</td>
<td>112'</td>
<td></td>
</tr>
<tr>
<td>DECOMPOSED GRANITE (UNS)</td>
<td>112'</td>
<td>180'</td>
<td>14'</td>
</tr>
</tbody>
</table>

Date Started 7/23/08
Completed 7/24/08

Unbouned Water Well Contractor Certification
I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

WWC Number 1559
Date 7/24/08

Bounded Water Well Contractor Certification
I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

WWC Number 875
Date 7/24/08

ORIGINAL WATER RESOURCES DEPARTMENT
WATER RESOURCES DEPT.
SALEM, OREGON

FIRST COPY CONSTRUCTOR
SECOND COPY - CUSTOMER

Signatures:

Received

Exhibit F - 15
STATE OF OREGON
WATER SUPPLY WELL REPORT
(See regulations ORS 367.705)

Instructions for completing this report are on the back page of this form.

(1) OWNER: Mowing & Landscaping
Name: Mowing & Landscaping
Address: 411 NE Lake Road
City: Salem
State: OR
Zip: 97301

(2) TYPE OF WORK:
[ ] New Well [ ] Deepening [ ] Alteration (repair/recondition) [ ] Abandonment

(3) DRILL METHOD:
[ ] Rotary Air [ ] Rotary Mud [ ] Cable [ ] Auger [ ] Other

(4) PROPOSED USE:
[ ] Domestic [ ] Community [ ] Industrial [ ] Irrigation [ ] Other

(5) BORE HOLE CONSTRUCTION:
Special Construction approval: [ ] Yes [ ] No
Depth of Completed Well: 140 ft.
Explosives used: [ ] Yes [ ] No
DRILL METHOD: [ ] Skid

Diameter: From To Material From To Sack or gravel
10' 1/2 140 M/A 11' 1/2 M/A

How was soil placed: Method: [ ] A [ ] B [ ] C [ ] D [ ] E
[ ] Other

(6) CASING/LINER:
Casing: 6" from To Gravel,Sand Placed: Welded Threaded
Liner:

Final location of shoe(s): 94'

(7) PERFORATIONS/Screens:

Perforations: Method

Screen: Type

Material

From To

Depth Artesian Flow Found

(8) WELL TESTS: Minimum testing time is 1 hour
Yield analysis

Plugging Method

Depth at which water was first found

(9) LOCATION OF WELL by legal description:
County
Lat. Long.
Township
S or N of Range E or W WM.
Section
1/4
Tax Lot

Subdivision

Lot
Block

(10) STATIC WATER LEVEL:

Depth at which water was first found

From

To

Estimated Flow Rate

SWL

(11) WATER BEARING ZONES:

(12) WELL LOG:

Ground Elevation

Material

From To

SWL

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DEC 05 2000

WATER RESOURCES DEPT
SALEM, OREGON
1000 - PLANNING

RECEIVED

APR 05 2001

WATER RESOURCES DEPT
SALEM, OREGON
1000 - PLANNING

Original - Water Resources Department
First Copy - Constructor
Second Copy - Customer

Exhibit F - 16
November 5, 2017

RE: Proposed RV Park @ 7350 New Hope Rd., Grants Pass, OR

To whom it may concern,

On November 4, I visited the property at 7350 New Hope Rd for the purpose of determining the suitability for the installation of an Onsite Wastewater Treatment (septic) system to serve a full service RV park. I examined a test pit and the area for the proposed drainfield. Based on my experience in evaluating property for septic system suitability (24 years with DEQ), it is my opinion that the property I examined will support an Onsite system for 25+ RV units that provide water and sewer hookups.

Final decision will rest with the Department of Environmental Quality after undergoing a more in depth site evaluation and their permitting process.

Sincerely,

Charles D. Costanzo, REHS

C: Grace Zilverberg
   Patrick Bernard
March 30, 2018

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

RE: Applegate Valley RV Park – Schematic Erosion Control Evaluation

I was recently contacted by Pat Bernard who represents the Applegate River Golf Club located at 7350 New Hope Road in Murphy. The owner/applicant is currently proposing a 25 space RV park south of the clubhouse/maintenance structure within and adjacent to the existing driving range. Although the site is fairly level throughout, the County’s GIS system maps the site soils as Camas Gravelly Sandy Loam and Newberg Fine Sandy Loam which are listed as a granitic materials. Based on this data, the owner was directed to obtain an initial Erosion Control evaluation from a qualified engineer as part of the site plan application process.

**Based on my knowledge of this location and the site soils, proper erosion control measures can be implemented within and downslope of the construction area to contain any related soil erosion that may occur. A formal erosion and sediment control plan will be included as part of the site construction drawings prior to permit issuance.**

Please let me know if you have any questions or require any additional information to support this initial planning request.

Sincerely,

Justin Gerlitz, P.E.
REQUEST FOR A CONDITIONAL USE PERMIT (CUP) FOR AN RV PARK

Applicant: Majestic Destinations LLC
Situs: 7350 New Hope Road, Grants Pass, OR 97527
Map No. 37-06-24, Tax Lot (TL) 301
Size: 19.08 Acres Zone: Exclusive Farm (EF)

INTRODUCTION

This is a request for a Conditional Use Permit (CUP) for a 30-space Recreation Vehicle (RV) Park at 7350 New Hope Road described by the Assessor as Map No. 37-06-24, TL 301. The property is 19.08 acres in size and is zoned Exclusive Farm (EF). It was developed with a dwelling, barn, golf cart parking barn, and a pro-shop that serve the Applegate Golf Course on TLs 301 and 102 approved. According to Development Permit No. 93-434, a second dwelling was approved by the Planning Commission in 1977 (D.P. No. 1584), but the development permit for the golf course (D.P. No. 94-490) required one of the dwellings (the manufactured home) to be removed (see Attachment B).

The parcel was created by Agreement (deed) and recorded on October 1, 1974 (Vol. 305, P. 276 – Attachment C). A property line adjustment was approved in January 2019 that changed the shape of the parcel but not the size. Therefore, the parcel is a legal lot per ORS 215.010. Do to the revised shape of subject parcel there are now no current structures.

REQUIREMENTS

JCC, Section (§) 19.64.040 – Conditional Uses

Per the Josephine County Code (JCC), §64.040.T, a recreational vehicle park can be conditionally permitted subject to seven requirements. The application meets those requirements as follows:

1. The new development shall not be authorized on high value farmland. OAR 660-033-0020(8) defines high value farmland as land in a tract or parcel composed predominantly of Class I, Class II, prime or unique farm soils – irrigated or non-irrigated; that is, over 50%. Class III and Class IV soils are considered low value farm soils. Soils rated by the National Resource Conservation Service (NRCS) higher than IV are considered non-farm soils. The table below illustrates that 26.86% of the soils on TL 301 are high value farm soils, 12.16% are low value farm soils, and 60.50% are non-farm soils. Therefore, the parcel is not high value farmland.

2. No yurts are proposed for overnight camping.
3. As the map attached in Attachment A indicates, the subject parcel is located 3.15 miles from the Grants Pass Urban Grown Boundary (UGB).

4. Occupants of the RV park will be able to enjoy the Applegate River as well as the golf course.

<table>
<thead>
<tr>
<th>Soils on the Newly Reconfigured TL 301</th>
<th>Class</th>
<th>Acres</th>
<th>Percent</th>
<th>Total %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Camas Gravelly Sandy Loam (14)</td>
<td>Irrigated</td>
<td>4</td>
<td>2.3204</td>
<td>12.16%</td>
</tr>
<tr>
<td></td>
<td>Non-Irrigated</td>
<td>4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kerby Loam (52)</td>
<td>2/Prime</td>
<td>0.1003</td>
<td>00.53</td>
<td>26.86%</td>
</tr>
<tr>
<td>Newberg Fine Sandy Loam (57)</td>
<td>2/Prime</td>
<td>5.1154</td>
<td>26.81</td>
<td></td>
</tr>
<tr>
<td>Vannoy-Voorhies Complex (79F)</td>
<td>---</td>
<td>7</td>
<td>2.2035</td>
<td>11.55%</td>
</tr>
<tr>
<td>Riverwash (64)</td>
<td>---</td>
<td>8</td>
<td>9.3403</td>
<td>48.95%</td>
</tr>
</tbody>
</table>

5. The proposed RV park will be screened from view on the west by an existing row of trees and shrubs, on the north by trees and the existing structures, and on the south by the Applegate River. The golf course itself is located immediately to the east on TL 102. The driveway and RV spaces will be graveled rather than paved, and trees and shrubs will be planted between spaces whenever practicable.

6. The RV park will not be intensively developed, and the RVs will not exceed 30 days stay in any consecutive 6-month period.

7. Separate septic, water, and electricity will not be provided to individual RV spaces. Instead, the septic and water will be shared and there will be no separate electric meters provided.

JCC, Article 19.98 – Campgrounds, RV Parks & Lodges

The proposed RV park meet the requirements of this Article as follows:

§19.98.020 – Siting Standards

A. The proposed development is not located within or adjacent to any area identified in the Josephine County Comprehensive Plan as a natural areal or potential research natural area.
B. It is not located in or adjacent to a known valuable mineral deposit although the Mahanna Quarry is located across New Hope Road from the property. However, the Mahanna Quarry is an aggregate site, not a mineral site.

C. The development site is a golf course that has not been used for resource management for years. While aerial photos do not seem to indicate intensive resource management on surrounding properties, an RV park is a quiet use and is unlikely to significantly, if at all, negatively impact surrounding uses.

D. The Josephine County Comprehensive Plan does not identify public recreation and tourist needs. The goal that most closely applies is County Goal 5 – To Diversify, Expand and Stabilize Economic Opportunities for the Betterment of the County. Policy 6 of Goal 5 indicates that “provision shall be made for the siting of Resorts to expand tourism in Josephine County” and proposes a specific designation and zoning district to be created for that purpose. That designation and district has never been created, but it is clear that the County supports expanding tourism.

E. The property abuts New Hope Road, a Rural Major Collector county road.

§19.98.030 – Application Requirements

A. The material submitted with this application address the requirements set out in the underlying EF zone.

B. Planning will process this application according to the requirements of the EF zone.

C. This is also an application for a Site Plan Review.

§19.98.040 – Utilities & Services for Recreational Development

A. The applicant intends to dig a well specifically for the proposed RV park and/or construct a water storage tank that will meet all of the requirements of the Oregon Water Resources Department.

B. The proposed RV park will meet all state and local state and local building, health, sanitary, and environmental health standards and shall be licensed as appropriate.

§19.42.050/§19.45.030 – Site Plan Review/CUP Standards & Criteria

These two articles are combined here because the requirements are the same. The proposed RV park meets these requirements as follows:

A. Standards
1. As addressed above and below, the RV park will comply with all local and state standards as are applicable.

2. No new roads are proposed.

3. No additional infrastructure or public facilities will be required for this use.

4. The RV park will comply with all access standards as determined by Josephine County Public Works.

B. Criteria

1. The request does not involve a Variance (Article 19.44) and does not require additional public facilities (Chapter 19.8). The property is located within the Flood Hazard Area overlay (Article 19.69) which is addressed below in Criterion No. 6. Chapter 9 (Special Uses), Article 19.98, is addressed above. In Chapter 7 – Development Standards, Article 19.71 would not apply; the setbacks requirement of Article 19.72 of 30 feet from all property lines will be met; natural and structural screens meet the requirements of Article 19.73; a sign design will be submitted at the time of full application (Article 19.74); and the off-street parking requirements of Article 19.75 may not applicable. The requirements of Article 19.76 – Wildfire and Emergency Safety Standards are applicable to this proposal.

§19.76.020.B. A wildfire mitigation plan is required. A full plan will be submitted with the full application, but preliminarily, access will be by a graveled loop road for access by emergency vehicles (§19.76.040.A), the property is protected by Rural Metro Fire Department (§19.76.060.B), and on-site water will be available for fire protection (§19.76.070). There is little vegetation in or around the proposed RV park site, but all vegetation will be maintained to §19.76.080 standards. The applicant will be able to provide a more detailed wildfire mitigation plan after receiving comments and instructions from Rural Metro.

2. An RV park is a relatively quiet use that is unlikely to have a significant impact on the neighborhood. More than 40 acres of the golf course mitigates any impacts to the east. There is considerable undeveloped land to the south and southwest that is heavily wooded along the Applegate River. Mahanna Quarry to the north would not be impacted. Finally, the RVs will be parked 200-500 feet from structures to the west with vegetative screening in-between.

3. The proposal will not exceed the carrying capacity of the land. A letter from Charles Costanzo, Consultant, indicates that an Onsite Wastewater Treatment
Septic system is feasible on the property. There is no well log available for the existing well, but the applicant intends to construct an additional well for the use as well as a water holding tank if necessary. A letter and well logs for nearby, surrounding properties indicate that a new well on the subject property should be adequate to serve 25-plus RV spaces as nearby wells yield 20-27 gallons per minute (gpm). (See Attachment E). Finally, New Hope Road should be adequate to serve the proposed use. Because of the steep cost to develop the use, the applicant requests that septic site approval by DEQ, evidence of adequate on-site potable water, and access permit issued by Public Works be conditions of approval of a development permit rather than required prior to approval.

4. No new infrastructure or public facilities are required for the proposed use.

5. Apart from Mahanna Quarry, other surrounding uses tend to be relatively quiet like the golf course to the east or non-existent - to the south for example. The properties to the west consist of a dwelling and a horse farm. The quiet nature of the use and the fact that it is almost entirely screened from properties and uses in all directions indicate that it will fit into the neighborhood quite well.

6. There is little danger on the property from wildfire given that there are few trees as fuel and irrigation keeps the property and surrounding properties reasonably moist. While the soils are granitic in origin, the land is relatively flat, and the use will require very minimal soil disturbance. The RV park will be located, however, within the floodway fringe of the designated flood hazard area. In the event of a 100-year flood, the RVs can simply drive to safe ground. There will be no proposed laundry/bathroom facility at this time.

§19.64.060 – General Requirements for Conditional Uses

A. As discussed above, the proposed use will not force a significant change in or significantly increase the cost of accepted farm or forest practices. There appears to be little or no farm or forestry activity to the south and across the Applegate River, the golf course is located to the east, and Mahanna Quarry to the northeast. A ten-acre property to the west is not being farmed, and a 21.26-acre property to the west is a horse farm not likely to be disturbed by parked RVs. In addition, the applicant intends to market to older retirees with newer RVs and to do background checks on the visitors to prevent any reprehensible or disturbing behavior.

B. A dwelling is not proposed, so a Waiver of Remonstrance is not required.

SUMMARY AND CONCLUSION
The above makes every attempt to address all requirements for the proposed RV park. The applicant will provide more detailed information in response to comments generated by the pre-application review including a more detailed wildfire safety plan and sign plan. The applicant requests that the DEQ septic site evaluation, an on-site well, and the access permit be conditions of approval prior to obtaining a development permit.

ATTACHMENTS

- Planning Application Form
- Applicant’s Statement of Understanding
- OR Secretary of State Business Registry
- Plot Plan
- Statement of Intended Water Use
- Well Log Information from Applegate Well Drilling LLC (4 pages)
- Septic Information – Letter from Chuck Costanza, Septic System Consultant
- Engineer’s Letter regarding Erosion Control
- Soils Map
- Traffic Impact Study
APPLICANT'S STATEMENT OF UNDERSTANDING

I, Patrick Bernard, 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: 4-23-2019

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  
APR 25 2018  

Exhibits, F - 27
STATEDMENT OF INTENDED WATER USE

Name: BERNARD PATRICK
Address: 7350 NEW HOPE RD
      GRANTS PASS OR 97526
Phone: 541-955-9355

Date: 4-25-19

LEGAL:
TWN 37, RNG 06, SEC 24, QQ, CC
Tax Lot 301

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: EF

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)? No

☐ Will water be used to irrigate (lawn, garden, shrubs, fields)? Yes 1/2 ac 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)
  ☐ Institutional (school, church)
  ☐ Other: # partial hookup sites # full hookups

If so, please describe the use in detail:


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APR 25 2018
Exhibit F – 28
JOCO - PLANNING
### SOURCE OF WATER
(Choose All That Apply)

- Surface Water Source (spring, stream, irrigation district):
- Reservoir or Pond:
- Ground Water:
  - Individual Well(s)
  - Shared Well(s)
  - Community Well(s) *(Indicate the # of wells: _________)*
  - Sump
  - Municipal Supply
- Water Rights
  - Yes (Certificate/Permit # _________)
  - No
  - Do Not Know

### QUANTITY TO BE USED
(Estimate)

- _____ Gallons Per Minute
- 3000 Gallons Per Day
- _____ Cubic Feet Per Second
- _____ Acre Feet

Remarks:

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

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 29
November 6, 2017

Mr. Pat Bernard
APPLEGATE RIVER GOLF CLUB
7350 New Hope Road
Grants Pass, OR 97527

Re: Water Feasibility

Mr. Bernard,

As per my previous conversation with you, as a professional water well driller in the Rogue Valley, it is my professional opinion having drilled numerous wells in your area, that we should not have any problems locating adequate water from the new well to provide water to service 25+ RV spaces.

Regards,

[Signature]

Charles B. Pelkey
Lic. #1648
Owner/Member
**STATE OF OREGON**

**WATER WELL REPORT**

(As required by ORS 337.765)

(1) **OWNER:**

Name: Ray Mabonawh

Address: 7555 New Hope Rd

City: Grants Pass

State: OR

Zip: 97526

(2) **TYPE OF WORK:**

- New Well
- Deepen
- Recondition
- Abandon

(3) **DRILL METHOD:**

- Rotary Air
- Rotary Mud
- Cable
- Other

(4) **PROPOSED USE:**

- Domestic
- Community
- Industrial
- Irrigation
- Thermal
- Injection
- Other

(5) **BORE HOLE CONSTRUCTION:**

Special Construction approval: Yes

Depth of Completed Well: 170 ft.

Explosives used: Yes

Amount: 1500 lbs.

(6) **CASING/LINER:**

Casing: 6" x 19' - 237'

Steel Plastic Welded Threaded

Lineral:

Final location of shoe(s): 19

(7) **PERFORATIONS/SCREENS:**

Perforations: Method

Material:

From To Slot size Number Diameter Telescopic Casing Liner

(8) **WELL TESTS:** Minimum testing time is 1 hour

- Pump
- Bailer
- Air
- Flowing Artesian

Yield (gallons): Drawdown

- 87
- 150
- 170

(9) **LOCATION OF WELL by legal description:**

- Section 24
- Township 37
- Range 60
- NE 1/4

- Wm.

- 614.70

- 1/4

- 047

(10) **STATIC WATER LEVEL:**

- Depth at which water was first found: 166'

- Artesian pressure: 6 ft. per square inch

Date: 6-11-90

(11) **WATER BEARING ZONES:**

Material: Ground elevation

- Brown Clay - Course Gravel
- Blue Gray Rock

- 0

- 8

- 20

(12) **WELL LOG:**

Material: Ground elevation

- From To SWL

Date started: 6-8-70

Completed: 6-11-70

(9) **LOCATION OF WELL by legal description:**

- Section 24
- Township 37
- Range 60
- NE 1/4

- Wm.

- 614.70

- 1/4

- 047

(10) **STATIC WATER LEVEL:**

- Depth at which water was first found: 166'

- Artesian pressure: 6 ft. per square inch

Date: 6-11-90

(11) **WATER BEARING ZONES:**

Material: Ground elevation

- Brown Clay - Course Gravel
- Blue Gray Rock

- 0

- 8

- 20

(12) **WELL LOG:**

Material: Ground elevation

- From To SWL

Date started: 6-8-70

Completed: 6-11-70

(revised) Water Well Contractor Certification:

I certify that the work I performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.

WWC Number: 70

Date: 6-8-70

(9) **LOCATION OF WELL by legal description:**

- Section 24
- Township 37
- Range 60
- NE 1/4

- Wm.

- 614.70

- 1/4

- 047

(10) **STATIC WATER LEVEL:**

- Depth at which water was first found: 166'

- Artesian pressure: 6 ft. per square inch

Date: 6-11-90

(11) **WATER BEARING ZONES:**

Material: Ground elevation

- Brown Clay - Course Gravel
- Blue Gray Rock

- 0

- 8

- 20

(12) **WELL LOG:**

Material: Ground elevation

- From To SWL

Date started: 6-8-70

Completed: 6-11-70

(revised) Water Well Contractor Certification:

I certify that the work I performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.

WWC Number: 70

Date: 6-8-70
STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.763)

Instructions for completing this report are on the last page of this form.

(1) LAND OWNER
Name: MICHAEL MURPHY
Address: 7020 NEW HOPERD
City: GRANTS PASS
State: OR
Zip: 97527

(2) TYPE OF WORK
☐ New Well
☐ Deepening
☐ Alteration (repair/renovation)
☐ Abandonment
☐ Conversion

(3) DRILL METHOD
☐ Rotary Air
☐ Rotary Mud
☐ Cable
☐ Auger
☐ Cable Mud
☐ Other

(4) PROPOSED USE
☐ Domestic
☐ Community
☐ Industrial
☐ Irrigation
☐ Thermal
☐ Injection
☐ Livestock
☐ Other

(5) BORE HOLE CONSTRUCTION
Special Construction: ☐ Yes ☐ No
Depth of Completed Well: 190 ft.
Explosives used: ☐ Yes ☐ No
Type: Ammunition

<table>
<thead>
<tr>
<th>Diameter From 0 to 18&quot;</th>
<th>Material from 0 to 18&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 8&quot; 18&quot;</td>
<td>BENTONITE 0</td>
</tr>
<tr>
<td>0 18&quot; 180&quot;</td>
<td>3 SACKS or Pounds</td>
</tr>
</tbody>
</table>

How was seal placed: Method
☐ A ☐ B ☐ C ☐ D ☐ E
☐ Other POURED

Backfill placed from ft. to ft. Material
Gravel placed from ft. to ft. Size of gravel

(6) CASING/LINER
Casing: 6" +2 118" 250
Steel Plastic Welded Threaded

Liner:

Drive Shoe used ☐ Inside ☐ Outside ☐ None
Final location of shoe(s) 118"

(7) PERFORATIONS/SCREENS
☐ Perforations
☐ Screens
Method
Type
Material

<table>
<thead>
<tr>
<th>From</th>
<th>To</th>
<th>Slot</th>
<th>Diameter</th>
<th>Telescopic Size</th>
<th>Casing</th>
<th>Liner</th>
</tr>
</thead>
</table>

(8) WELL TESTS:
Minimum testing time is 1 hour
☐ Pump ☐ Boiler ☐ Air ☐ Flowing Artesian
Yield gpm: 20
Drawdown: 106
Drill stem: 1/2 hr.

Temperature of water 62
Depth Artesian Flow Found

Was a water analysis done? ☐ Yes ☐ No
By whom:

Did any strata contain water not suitable for intended use? ☐ Yes ☐ No
Salty ☐ Muddy ☐ Odor ☐ Other ☐ None
Depth of strata:

☑ RECEIVED AUG 1 2008
WATER RESOURCES DEPT.
SALEM, OREGON

☑ RECEIVED APR 3 2008
SECOND COPY - CUSTOMER

☑ RECEIVED AUG 1 2008
FIRST COPY - CONSTRUCTOR

☑ RECEIVED APR 3 2008
WATER RESOURCES DEPT.
SALEM, OREGON

(9) LOCATION OF WELL (legal description)
County: JOSEPHINE
Tax Lot: 1400
Twp: 37
Range: 6
Sec: 24
Lot: 1/4

Lat: 45° 15' 0" (degrees or decimal)
Long: 121° 00' 0" (degrees or decimal)

Street Address of Well (or nearest address): 7020 NEW HOPERD

(10) STATIC WATER LEVEL
14 ft. below land surface. Date: 7/24/08

(11) WATER BEARING ZONES
Depth at which water was first found: 126'

<table>
<thead>
<tr>
<th>From</th>
<th>To</th>
<th>Estimated Flow Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>126&quot;</td>
<td>162&quot;</td>
<td>20 GPM 14</td>
</tr>
</tbody>
</table>

(12) WELL LOG
Ground Elevation
Material

BROWN CLAY: MEDIUM TO LARGE GRAVEL, FINE SAND (UNC)
DECORATED GRANITE (UNC)

Date Started: 7/23/08
Completed: 7/24/08

(Handed) Water Well Contractor Certification
I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

WPC Number: 1659
Date: 7/24/08

(Handed) Water Well Contractor Certification
I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

WPC Number: 875
Date: 7/24/08

(Handed) Water Well Contractor Certification
I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

WPC Number: 1659
Date: 7/24/08

(Handed) Water Well Contractor Certification
I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

WPC Number: 875
Date: 7/24/08

WPC Number: 1659
Date: 7/24/08

WPC Number: 875
Date: 7/24/08
**STATE OF OREGON**

**WATER SUPPLY WELL REPORT**

(as required by ORS 377.760)

**Location:** 

To obtain a copy of this report, you are on the last page of this form.

1. **OWNER:** 
   
   Name: Mountain View Landscaping
   
   Address: 208 E. 4th St.
   
   City: Medford
   
   State: OR
   
   Zip: 97501

2. **TYPE OF WORK:**
   
   - [ ] New Well
   - [ ] Recondition
   - [ ] Alteration (repair/recondition)
   - [ ] Abandonment

3. **DRILL METHOD:**
   
   - [ ] Rotary Air
   - [ ] Rotary Mud
   - [ ] Cable
   - [ ] Auger
   - [ ] Other

4. **PROPOSED USE:**
   
   - [ ] Domestic
   - [ ] Community
   - [ ] Industrial
   - [ ] Irrigation
   - [ ] Thermal
   - [ ] Injection
   - [ ] Livestock
   - [ ] Other

5. **BORE HOLE CONSTRUCTION:**

   Special Construction approval: [ ] Yes [ ] No

   Depth of Completed Well: 140 ft.

   Explosives used: [ ] Yes [ ] No

   Type: [ ] None

   Amount: [ ]

   Diameter: 6" [ ]

   Material: [ ]

   From: 10 ft.

   To: 140 ft.

6. **Casing/Liner:**

   Diameter: 6" [ ]

   Material: [ ]

   From: 10 ft.

   To: 140 ft.

7. **PERFORATIONS/SCREENS:**

   Method: [ ]

   Material: [ ]

   From: 10 ft.

   To: 140 ft.

8. **WELL TESTS:**

   Minimum testing time is 1 hour

   - [ ] Pump
   - [ ] Bailer
   - [ ] Air
   - [ ] Artesian

   Yield analysis:

   - [ ] Failed analysis

   Depth: 95 ft.

   Artesian Flow Found: [ ]

   Temperature of water: 52°F

   Depth: 95 ft.

   Artesian Flow Found: [ ]

   Was a water analysis done? [ ] Yes [ ] No

   By whom:

   Did any strata contain water not suitable for intended use? [ ] Yes [ ] No

   Too little:

   Salty:

   Muddy:

   Odor:

   Colored:

   Other:

   Depth of strata:

   [ ]

---

**STATE WATER LEVEL:**

- [ ] Depth at which water was first found:

  - [ ] From:
  - [ ] To:
  - [ ] Estimated Flow Rate:
  - [ ] SWL:

  Depth:

  - [ ] From:
  - [ ] To:
  - [ ] Estimated Flow Rate:
  - [ ] SWL:

---

**WELL LOG:**

- [ ] Ground Elevation:

  Material:

  - [ ] Advanced casing
  - [ ] Backfill
  - [ ] 39 ft.
  - [ ] 100 ft.

  Depth:

  - [ ] From:
  - [ ] To:
  - [ ] SWL:

---

**RECEIVED**

- [ ] DEC 5 2000

---

**RECEIVED**

- [ ] APR 25 2010

---

**WATER RESOURCES DEPT.**

SALEM, OREGON

---

**Date started:**

- [ ] 1/1/00

**Completed:**

- [ ] 1/1/00

**(Unbanded) Water Well Constructor Certification:**

I certify that the work performed on this well during the construction dates reported above is true to the best of my knowledge and belief.

**WPC Number:**

**Date:**

---

**(Banded) Water Well Constructor Certification:**

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is true to the best of my knowledge and belief.

**WPC Number:**

**Date:**

---

**Exhibit F - 33**
November 5, 2017

RE: Proposed RV Park @ 7350 New Hope Rd., Grants Pass, OR

To whom it may concern,

On November 4, I visited the property at 7350 New Hope Rd for the purpose of determining the suitability for the installation of an Onsite Wastewater Treatment (septic) system to serve a full service RV park. I examined a test pit and the area for the proposed drainfield. Based on my experience in evaluating property for septic system suitability (24 years with DEQ), it is my opinion that the property I examined will support an Onsite system for 25+ RV units that provide water and sewer hookups.

Final decision will rest with the Department of Environmental Quality after undergoing a more in depth site evaluation and their permitting process.

Sincerely,

[Signature]
Charles D. Costanzo, REHS

C: Grace Zilverberg
  Patrick Bernard
March 30, 2018

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

RE: Applegate Valley RV Park – Schematic Erosion Control Evaluation

I was recently contacted by Pat Bernard who represents the Applegate River Golf Club located at 7350 New Hope Road in Murphy. The owner/applicant is currently proposing a 25 space RV park south of the clubhouse/maintenance structure within and adjacent to the existing driving range. Although the site is fairly level throughout, the County’s GIS system maps the site soils as Camas Gravelly Sandy Loam and Newberg Fine Sandy Loam which are listed as a granitic materials. Based on this data, the owner was directed to obtain an initial Erosion Control evaluation from a qualified engineer as part of the site plan application process.

Based on my knowledge of this location and the site soils, proper erosion control measures can be implemented within and downslope of the construction area to contain any related soil erosion that may occur. A formal erosion and sediment control plan will be included as part of the site construction drawings prior to permit issuance.

Please let me know if you have any questions or require any additional information to support this initial planning request.

Sincerely,

Justin Gerlitz, P.E.
Exhibit "G"

PRE-APPLICATION LETTER (May 17, 2019)
May 17, 2019

Patrick Bernard
7350 New Hope Road
Grants Pass OR 97527

Re: Pre-application Site Plan and Conditional Use Review
Majestic Destinations LLC – RV Park
Map No. 37-06-24.00 / 301
Situs: 7346 New Hope Road

Mr. Bernard,

We completed a preliminary review of your request to authorize an RV park on the above-mentioned property.

The purpose of this pre-application review is to identify the beginning requirements or recommendations regarding this proposal. It is very important to keep in mind that this review is limited in scope and must not be considered final. Therefore, I caution you not to use this pre-application review to support the sale or 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

Per the application materials, you propose 30 full hook-up RV sites. A subsequent email from you dated May 2, 2019 indicates that you would also consider reducing the number to 25 sites. A new well and septic system are also proposed.

PROPERTY INFORMATION

Based on Partition Plat 2019-13 and your site plan submittal, Tax Lot 301 is:

- 19.08 acres in size
- improved with a well
- under your ownership
- a separate, legal parcel

ORDINANCE REVIEW

The property is zoned Exclusive Farm (EF) which permits the use as a Conditional Use under Section 19.64.040.T subject to Chapter 19.98 (Campgrounds, RV Parks and Lodges) of the Josephine County Code (JCC). Conditional Use Permit requests are also subject to review under JCC Chapters 19.42 (Site Plan Review), 19.45 (Conditional Use Permit), 19.69 (Overlays) as well as Division VII (Development Standards), Division VIII (Public Facility Standards) and Division IX (Special Use Standards).

Exhibit G - 2
Chapter 19.42
Section 19.42.060 of the JCC lists the requirements for a detailed site plan map. A preliminary map was provided; a more detailed map in accordance with this Article will be required as part of the full application submittal. The site contains areas of granitic soil as well as flood hazard features. Additional items to be considered for depiction on the map, as applicable, would be related to subitems L (walkways, bikeways), M (walls, fences), N (exterior lighting), O (signage), P (refuse containment) and R (location of flood features and proximity to any proposed development). Additional amenities such as laundry and bathroom facilities should also be shown, if any are intended. The engineer of record shall include any applicable references to subitems F (areas of proposed grading) and J (surface material of RV parking area) as part of the erosion control plan. Enclosed are two maps generated by Planning staff for reference.

Chapter 19.45
Section 19.45.030 of the JCC requires site plans and conditional use permits to be reviewed against, and comply with, the following standards and criteria:

A. STANDARDS:
   1. Development standards contained within the JCC and all other applicable master plans, resolutions, ordinances, codes, technical manuals and policies of the county or the state or federal governments;
   2. The Josephine County Roadway and Traffic Management Plan, including the official street map;
   3. Standards for construction of required infrastructure and public facilities; and
   4. Access standards contained in Section 19.11.030 of the JCC.

B. CRITERIA:
   1. All criteria made applicable by the provisions of Chapter 19.69 (Overlays), Division VII (Development Standards), Division VIII (Public Facility Standards), and Division IX (Special Use Standards);
   2. The location, size, design and operating characteristics of the proposed use will not result in significant impacts on the neighborhood as defined in JCC Section 19.11.030 of the JCC;
   3. The use will not exceed the carrying capacity of the land as defined in JCC Section 19.11.030;
   4. Existing and proposed infrastructure and public facilities are adequate to serve the proposed development;
   5. The development is designed so that it coordinates efficiently with surrounding development patterns and existing and planned utilities, facilities and streets in the vicinity;
   6. Any development that includes lands that are subject to flooding, wildfire, or erosion hazards shall present a plan or plans that satisfy the requirements of Chapter 19.69A (Flood Hazard Overlay), Chapter 19.76 (Wildfire and Emergency Safety Standards) and Chapter 19.83 (Erosion Control and Storm Drainage Facilities). The approved provisions of the mitigation plan or plans shall become conditions of development for the site.

Chapter 19.64
Section 19.64.040.T permits private parks, playgrounds, hunting and fishing preserves, campgrounds, and transitional housing camps subject to the following requirements:

1. New developments shall not be authorized on property which is high-value farmland as defined in JCC 19.11.100;
2. Private campgrounds may provide yurts for overnight camping;
3. Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is taken pursuant to OAR Chapter 660, Division 004;
4. A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes, and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground;

Exhibit G – 3
5. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites;

6. Campgrounds and transitional housing camps authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations, and overnight temporary use in the same campground by a camper or camper’s vehicle shall not exceed a total of 30 days during any consecutive six-month period;

7. Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hookups shall not be provided to individual camp sites except that electrical service may be provided to yurts.

Chapter 19.69
This chapter is applicable as the subject property is impacted by the flood hazard overlay identified in the JCC.

Division VII
Section 19.72.020 (and Section 19.64.095.B.3) requires that all structures meet setback requirements (30 feet from any property line) and shall not exceed the maximum height requirement of 35 feet or 2.5 stories, whichever is less.

Chapter 19.73 states that any new fences, walls or screens are subject to the standards listed in this section and require permits as applicable.

Chapter 19.74 indicates that any proposed signs are subject to sign standards under this article and require permits.

Section 19.75.040 requires the application to address the off-street parking design standards indicated in this section.

Section 19.76.050 states that address and direction signs shall be permanently posted and maintained at driveway entrances and at any subsequent driveway intersections, and meet the specifications in this section.

Section 19.76.060 requires proof of fire protection service prior to issuance of a development permit.

Division VIII
Section 19.83.040 necessitates an erosion control plan due to the existence of granitic soils over the development site, and it shall be submitted and reviewed as part of the full application.

Section 19.84.020.D states that new construction of RV parks shall successfully complete a major pump test or a minor pump test (for 3 units) as a condition of site plan review and prior to the issuance of a Development Permit. Please review the major pump test requirements in Section 19.84.050 — Test Objective, including Sections 19.84.050.C and D.1 of the JCC. Results of a successful major pump test will need to be provided to the Planning Department for review prior to any issuance of a Development Permit to authorize the RV park development.

Division IX
Section 19.98.020 contains the following requirements for siting standards:

A. The development shall not be located within or adjacent to any area identified in the Comprehensive Plan for Josephine County as a natural area or potential research natural area where the development would result in damage or overuse of the natural area;

B. The development shall not be located in or adjacent to an area of known valuable mineral deposits where the development would restrict development of the mineral resource, unless the area has been withdrawn from mineral entry;

C. The development site is not suited for continued resource management, and that the proposed development is compatible with adjacent resource uses;

Exhibit G - 4
D. The development meets public recreation needs and tourism needs identified by the Josephine County Comprehensive Plan;
E. The development abuts a maintained state or county road. The proposal may abut a federal road where the applicant has proof of a long-term access agreement for the proposed use from the appropriate agency.

Section 19.98.030 requires that the application meet and be processed according to the requirements of the underlying zone, and the level of review shall include site plan review.

Section 19.98.040 requires that the proposed recreational development shall not impact groundwater supply which would negatively impact existing agricultural or residential wells, and that the development meet all state and local building, health, sanitary and environmental health standards and shall be licensed as appropriate.

AGENCY COMMENTS / REQUIREMENTS

The Planning office received preliminary comments from several agencies with regard to your project as noted below. You may come into our office to review all comments received.

Josephine County Building Safety: Building Safety regulates RV parks and would perform a plan review and issue permits for all development and utilities; the applicant is welcome to contact me for a preliminary review. In addition, the applicant shall note that there is nothing specific in statute regarding the need for, or physical location of, a manager for the RV park. Submitted by: Mark O. Stevenson, CBO – 541-474-5405 x2416

Josephine County Public Works: See attached comments.

Oregon Department of Environmental Quality: See attached comments.

Oregon Department of Fish and Wildlife: Laura Street, Assistant District Fisheries Biologist (Rogue Watershed District) indicated that the comments provided by ODFW by David Haight (now retired) in 2017 are still applicable; they are attached.

No comments from Oregon Water Resources Department, Oregon Department of State Lands or the Murphy Ditch Association have been received to date.

REVIEW PROCESS

The full review process will include notice to selected agencies and all persons within 750 feet of the subject parcel per Chapter 19.32 of the JCC. Agencies and persons noticed will be given 15 days to respond to the notice in writing. At the end of the comment period, the Director will review the application, comments received, and will determine compliance with applicable provisions of the JCC. The decision will be in writing and will contain findings of fact supporting the decision. Notice of the decision will be mailed to the applicant, anyone who is adversely affected, neighbors within 750 feet and recognized Citizen Advisory Committees (CACs) if applicable. The decision may be appealed to the Board of County Commissioners within 12 days from the date the decision notice is mailed. The decision will not become final until the period for appeal has expired without an appeal.

Note that a person who is adversely affected but who was not entitled to notice may file an appeal to the Land Use Board of Appeals (LUBA) within 21 days after the expiration of the 12-day appeal period and in all cases, except where notice is required but not given, no appeal can be filed more than 3 years after the date of the decision.

The final action after approval is the issuance of a Development Permit per JCC Chapter 19.41.
TO PROCEED

To proceed to the tentative (full) application phase, please provide the following:

1. A revised site plan map as needed after consideration of Section 19.42.060
2. An erosion control plan per Chapter 19.83
3. The fee for Conditional Use Permit review ($1,700; the pre-app fee previously paid of $300 has been credited)

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 assistance or information.

Sincerely,

[Signature]

Nora Schwartz
Associate Planner
541-474-5417
nschwartz@co.josephine.or.us

encl: ODFW comments dated 11-21-2017
       DEQ comments dated 5-2-2019
       Public Works comments dated 5-8-2019
       Granitic soils map
       Flood features map

cc: David Hurley, DEQ
    Marty Easter, DEQ
    Dan Van Dyke, ODFW
    Laura Street, ODFW
    Scott Ceciliani, OWRD
    Ryan MacLaren, RVCOG
    Rural / Metro Fire Department
    County Fire Department
    Herman Baertschiger, Murphy Ditch Association
    David Combe, Murphy Ditch Association
    Randi Omley-Tatum, Two Rivers Soil and Water Conservation District
    Eric Heesacker, Josephine County Public Works
    Mark Stevenson, CBO – Josephine County Building Safety
    Connie Roach, Josephine County Assessor

Exhibit G - 6
Hi Nora,

The Oregon Department of Fish and Wildlife is not opposed to the proposed RV park. Please make sure the applicant is aware of and complies with the riparian setback requirements along the Applegate River. The canal is the Murphy Ditch and is operated by the Murphy Ditch Association.

David R. Haight
Fisheries Biologist
Oregon Department of Fish and Wildlife
1495 East Gregory Road
Central Point, OR 97502
541-826-8774, ext 224

Please see attached; any comments are appreciated by November 29.

NOTE: There is a canal identified on this property; if any agency has information about this canal or can let me know to whom I should also be sending this application, I would appreciate that information. As it is also identified as a wetland, I will be notifying DSL as well.

Thank you,

Nora Schwartz
Planner II
Community Development – Planning Division
541-474-5417
May 2, 2019

Patrick Bernard
7350 New Hope Road
Grants Pass, OR 97527

RE: Site Evaluation
RV Park
7350 New Hope Rd
Grants Pass, OR 97527
T: 37, R: 05, Sec. 24, Tax Lot: 301

Introduction

A site evaluation application was received by this office to evaluate the feasibility of constructing an onsite sewage treatment system proposed for the property described above. The site evaluation was conducted March 7, 2019. As of this writing, the proposal for the Recreational Vehicle Park includes 25 spaces.

History

The owner of the property applied for a site evaluation for the installation of an onsite sewage treatment system on February 20, 2018.
The area to be used for onsite waste water treatment is currently being used as driving range and is part of an existing golf course.

Existing onsite wastewater treatment systems

N/A-new proposal
**Soil Conditions**

On March 7, 2019 David Hurley with Department of Environmental Quality (DEQ) evaluated 4 test pits within the property lines of the proposal. Test pit 1-4 were all located adjacent to the driving range of Applegate River Golf Course. The test pits were observed to all share similar characteristics, although some small differences occurred and were recorded on the field visit worksheet. The test pits were generally observed to have Sandy Loam from 0-27” with 30-35% cobbles, and then 27-61” was a Sandy Clay Loam with a slightly higher concentration of clay particles, and approximately 40% cobbles. This area can be approved as a Standard system type for the initial system, provided that the useable area allows; and an ATT/Sand Filter treatment standard 1 replacement area.

**System Design Considerations**

Because of the projected flows, and waste strength associated with this park, a Water Pollution Control Facility (WPCF) permit will not be required precedent to construction of the system, although a construction and installation permit must be in place prior to construction of the onsite wastewater treatment system. According to projected wastewater flows found in OAR 340-071-0220 Table 2, an RV park has a projected daily sewage flow of 100 gallons per day (gpd) per RV space. The wastewater projected daily flow is based on the 25 RV spaces that are each sized at 100 gpd for a total of 2,500 gpd, which does not exceed the limit for a construction and installation permit.

Based on the projected daily sewage flow of 2,500 gpd and the soil types found in the area of test pits 1-4 1,250 linear feet for a standard treatment system with trench depths of 18-30 inches, 750 linear feet with an ATT treatment standard 1 system. Drain fields must be split into cells of equal size and oriented in a checkerboard fashion in accordance with OAR 340-071-0520.

The system will need to have at least 5,000 gallons of primary septic tanks volume based on OAR 340-071-0220 (3) (a) (B) that states that, “A septic tank that serves a commercial facility must have a liquid capacity of at least two times the projected daily sewage flow”

**Findings**

You may find the services of a licensed onsite sewage disposal service helpful to determine the amount of drainfield that can be installed in the area of test pits; as well as, the proper way to lay out the checkerboard in the initial and repair areas.
If you disagree with this report, you may apply for a site evaluation report review. You must apply within thirty days of the site evaluation report issue date. The fee is currently $759.00.

If you have any questions regarding this letter, or if I can be of any assistance, please call me at (541) 776-6130.

Sincerely,

[Signature]

David Hurley, REHS
Natural Resource Specialist
DATE: 5/8/19

TO: NORA SCHWARTZ: PLANNING

FROM: ERIC HEESACKER: PUBLIC WORKS

RE: C.U.P. RV PARK PROPOSAL AT 7350 NEW HOPE ROAD: 37-06-24.00/301 (COMPLETE)

Public Works Staff has the following comment:

Prior to issuance of a Development Permit, the applicant shall obtain an approved commercial road approach permit from Public Works. The commercial approach shall be paved to a two-lane width. [80.010, 81.010] Through the Approach Approval process, the Approach Inspector shall ensure that all signs, and other private improvements (fencing, etc.) along New Hope Road, are located outside the County Right-of-Way and sight distance triangles as defined by the engineer’s analysis. [19.80.010, 19.81.010]
Exhibit "H"

INCOMPLETE LETTER (July 26, 2019)
July 26, 2019

Majestic Destinations LLC  
C/O Patrick Bernard  
7350 New Hope Rd  
Grants Pass, OR 97527

Re: Conditional Use Permit – RV Park  
Map No: 37-06-24-00, TL 102 & 301  
Situs: 7346 & 7350 New Hope Rd

Mr. Bernard,

This letter is to confirm that your materials in support of an application for the placement of a manufacturing business has been reviewed by staff and deemed **INCOMPLETE**.

The following items are incomplete based on submitted materials, the Planning office requires:

1. A revised site plan map to identify the location of the 100 year floodplain and floodway lines (Section 19.42.060.R).

   *Note: FEMA flood maps indicate the presence of both floodway fringe and floodway on the property. Staff is unable to determine to what extent the development is within the floodway fringe and if any portion of the development is in the floodway.*

2. Plans that satisfy the requirements of Chapter 19.69A (Flood Hazard Overlay). (Section 19.45.030.B.6)

   *Note: Plan requirements will differ depending upon the identified flood zones and what if any development is proposed in these zones.*

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 **January 22, 2020** (180 days) by one of the following options: (1) provide 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 the 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 and/or code compliance.

If we do not receive one of the three options above by January 22, 2020 the application will be rendered void on the 181st day (January 23, 2020). State law does not provide time extensions to this rule.

In the event the application is deemed complete, the Director will continue the review (to include public notice) and make a final decision.

Please do not hesitate to contact me if you have any questions. I look forward to working with you on this project.

Sincerely,

Kayla Wallace, CFM
Assistant Planner
541-474-5427
Email: kwallace@co.josephine.or.us

e-copy: Eric Heesacker, Josephine County Public Works

cc: Marquess & Associates Inc, PO Box 490, Medford, OR 97501

Exhibit H - 3
Exhibit "I"

TECHNICALLY COMPLETE LETTER (July 30, 2019)
July 30, 2019

Majestic Destinations LLC
C/O Patrick Bernard
7350 New Hope Rd
Grants Pass, OR 97527

Re: Conditional Use Permit – RV Park
Map No: 37-06-24-00, TL 102 & 301
Situs: 7346 & 7350 New Hope Rd

Mr. Bernard,

This letter is to confirm that your materials in support of a Conditional Use Permit application for a Private Campground – RV Park has been reviewed by staff and deemed technically COMPLETE. 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 feel free to call me.

Sincerely,

Kayla Wallace, CFM
Assistant Planner
541-474-5427
Email: kwallace@co.josephine.or.us

e-copy: Eric Heesacker, Public Works

cc: Marquess & Associates Inc, PO Box 490, Medford, OR 97501
Exhibit "J"

REQUEST FOR 30-DAY EXTENSION (Bernard/August 12, 2019)
Good Morning,

I have received your request for a 30 day extension of the time period specified in ORS 215.427.

As per your request, we will pause in processing the application for 30 days. If there is any additional information that you would like to submit to the planning department prior to us sending out public notice, please submit no later than Friday, September 13, 2019.

If you have any questions, please do not hesitate to contact me via email or at the phone number listed below.

Thank you,

Kayla Wallace, CFM
Associate Planner
Josephine County Community Development
Planning Division
(541)-474-5427
kwallace@co.josephine.or.us

****CONFIDENTIALITY NOTICE****
This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. It is intended for use solely by the above referenced recipient, and any unauthorized review, use, disclosure or distribution is strictly prohibited. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

Kayla,
I am requesting a 30 day extension or a freeze if possible for this application for 30 days as I am obtaining counsel on how to proceed.
I request that the extension begin on the 14th.
Thank You

Exhibit J - 2
Good Morning,

I have had an opportunity to discuss this with Nora. We have explored this option, and unfortunately it is not a viable avenue. Code and state law do not differentiate between the two when it comes to the standards that apply. Your proposal creates a Private Park, yes. But it is also an RV campground at the same time. All of these standards (Section 19.64.040.T, 1-7) will apply to your proposal. Farm land is very heavily protected and regulated by state law, and we will have to follow state law. There have been several instances where jurisdictions have attempted to approve full hookup campgrounds for RV's on resource zoned land and ultimately the decisions have been overturned by the Land Use Board of Appeals (LUBA).

At this point, all I can recommend to you is to read through my previous email and the LUBA case link in that email. Get together with your project team and if you have anything further to submit to me after that research, please do so. The burden of proof always falls to the applicant. As a planner, it is my job to take your proposal and the proof and evidence provided and compare it to our Development Code and all other applicable master plans, rules, resolutions, ordinances, codes, technical manuals and policies of County or the state or federal governments.

I can delay sending out public notice for a couple weeks. I can give you until August 14th to get back to me regarding one of these options: submit additional information for your proposal, keep proposal as is (with this I again express that the County will have to rely solely on the Development Code Section when making a decision and any conditions attached to the decision), you can withdraw your application, or you may request a time extension to the decision date which would extend the decision date beyond the 75 days. Ultimately, under land use law you will have the right to Appeal a decision or any conditions attached to a decision. Any appeal of this application would be heard by the Board of County Commissioners (BCC). A BCC decision can be appealed to LUBA.

Please let me know if you have any additional questions.

Thank you,

Kayla Wallace, CFM
Assistant Planner
Josephine County Community Development
Planning Division

Exhibit J - 3
Exhibit "K"

ADDITIONAL NARRATIVE/REVISED SITE PLAN
(Bernard/August 29, 2019)
Kayla,
Please see the following narrative of which is supporting evidence to approve our proposal for an RV Park at 7341 New Hope Rd:

LUBA 2010-006 remanded a Linn County approval of an RV Campground on property zoned Exclusive Farm (EF) on the basis that the provision of individual sewer lines to RV sites was an intense urban use that would require an exception to statewide rules. The county then approved the RV campground on the basis that individual sewer lines would not be allowed, but that electricity and water provided to individual RV sites would be allowed on the basis that electricity and water systems can easily be converted back into farmland. That decision was also appealed to LUBA. In the second appeal, LUBA sustained or upheld the county’s decision. Therefore, LUBA No. 2011-001 affirms that an RV campsite approved in an EF or farm-zoned property may have individual electric and water hookups, that it cannot have individual sewer hookups, but it may have an RV dump-station.

Respectfully,

Pat Bernard
Majestic Destinations LLC
7341 New Hope Rd
Grants Pass, Or
PH 541-955-9335
FX 541-955-8156