
Land Division Policy Concerning Water Availability

Chapter 5 of the Josephine County Rural Land Development Code (Code) addresses “Land Divisions” and any application requirements, tentative plan requirements, conditions and improvements, and review criteria concerning the availability of water for development. This brochure covers subdivisions, land partitions, and replats.

Application Requirements For All Land Divisions A complete application will have some of the following information as determined by the person conducting the pre-application conference (sections I, J, and K. of 50.040): 1. a statement from the county watermaster identifying what acreage has irrigation and water rights, and how many acres are covered by each right, 2. a copy of all existing well logs and relevant water quality and quantity information, and 3. a signed statement of intended water use and information on how the standards in Article 84 of the *Code* will be met.

Water Availability The limited geological and hydrogeological data in the Hugo area does not indicate a regional groundwater availability problem. However, continued development dependent on groundwater will at some point in time cause groundwater use to exceed groundwater recharge for the aquifer. We *do* know with certainty that some aquifers are much more limited, and thus sensitive to increased water withdrawal, than others.

Water Standards The purpose of Article 84, Water Standards, is to require prior testing and approval of development in order to reasonably assure an adequate and safe water supply for all citizens of Josephine County. A related purpose is to determine the availability, impact and water quality for the users of ground water in the county.

No person shall use groundwater or install a new water system utilizing a groundwater source for any land use or division specified in Section 84.020 without successfully completing a major or minor pump test, or an aquifer test.

Rural Residential The purpose section of the Rural Residential zones (*Code*) contains this statement: “Densities established by this zone for developing areas are intended to ensure that development does not exceed the carrying capacity of the land to support sewage disposal systems, consumptive groundwater withdrawal, and environmental quality.”

*Unknown
Carrying Capacity*

Subdivisions, Land Partitions, Replatting, & Site Plan Review

Subdivision Tentative Plan Requirements The tentative plan shall show: 1. proposed source of water supply; the estimated volume of water available, including data on the proposed location and type of all storage facilities and 2. if a domestic water supply as proposed by the developer includes drilling wells, information on the feasibility of well drilling. The information (in 2.) will be provided even if the developer is not required by the reviewing body to drill the wells (sections 51.060.O & 51.060.P).

Subdivision Conditions & Improvements Conditions of approval may be required if it is determined the information or development is needed to protect the public health, safety, and welfare of the neighborhood or community. The conditions may include the provision of domestic water on each or some of the lots (see sections 51.080.A & B, also see 53.080.B.1 for **Replats**).



Land Partitions/Replats Criteria The carrying capacity as defined in Section 11.030 will be reviewed in order to determine if the partition is adequate for the proposed density of development (Section 52.050.D; also see 53.050.D for replats).

Site Plan Review Site plan review may be initiated when a proposed development involves the potential for significant impact(s) on surrounding properties (sections 42.030.B and 42.030.B.1).

Sections 42.050 & 42.050.B.2 state that site plans can be reviewed against, and comply with the criteria of “The location, size, design and operating characteristics of the proposed use will not result in significant impacts on the neighborhood...”¹

Unknown Capacity and Impacts To Neighbors & Recommendations

Unknown Carrying Capacity There is no long-term ground water availability information in the region, and thus it is difficult to impossible to determine how long the ground water resource will sustain present and future residential use. When ground water is being mined, long-term ground water levels decline for a given aquifer when the ground water withdrawal rate exceeds the ground water recharge rate. As additional domestic (exempt) ground water users increase in the Hugo and Jumpoff Joe Creek regions, it is likely that well interference² complaints will increase, and the already over-appropriated surface water (stream flows) will continue to further decrease during the dry season months.

Recommendations Of The Hugo Neighborhood and Joe Creek Neighborhood Association We have serious concerns about the availability of ground water for development due to the unknown carrying capacity of the region to supply water for development and the unknown effects of development. Therefore, there is potential for significant cumulative adverse impacts to existing water users and land owners.

*Potential For Significant
Adverse Impacts To Neighbors*

We recommend to the Josephine County reviewing body that all the discretionary standards and criteria for water availability listed in the *Code* be applicable to all land division applications in the Hugo region (including all new ground water users to conduct, at a minimum, a four-hour test, but perhaps 8 to 16 hour tests). And, most important, that carrying capacity and significant impact analyses be conducted on an aquifer basis (versus a tax lot basis).

1. Significant impact is defined in Article 11 of the *Code*.
2. Hugo Neighborhood. October 4, 2002. Well Interference.

Hugo Neighborhood Association & Historical Society's Mission

This information brochure is one of a series of documents published by the *Hugo Neighborhood*. It is designed to be shared with neighbors for the purpose of helping protect our rural quality of life.

The *Hugo Neighborhood* is a nonprofit association composed of a voluntary group of citizens interested in both the land use and history of the Hugo area, which is located in Josephine County, Oregon.

Land Use & History

The *Hugo Neighborhood's* land use mission is to promote the social welfare of the citizens of the area by working to promote Oregon Statewide Goal 1 — Citizen Involvement, and by preserving, protecting, and enhancing the livability and economic viability of its farms, forests, and rural neighbors. It will act, as requested, as a technical resource assisting neighbors to represent themselves.

On January 1, 2003 the *Hugo Neighborhood* is initiating the concept of volunteer membership dues. The dues are \$10.00 annually and will be used strictly for paper, ink, envelopes, and stamps to publish and sometimes mail documents.

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What Is The Carrying Capacity Of Your Aquifer?

A Citizen Issue Paper



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**Hugo Neighborhood Association &
Historical Society
Joe Creek Neighborhood Association
Members of the CACNA Coalition**