

## Aggrieved Person Statement

### Josephine County Rural Land Development Code, Section 31.100

**Mike Walker**

**TO:** Hearing Body

**FROM:** Mike Walker, Member, Land Use Committee  
Hugo Neighborhood Association & Historical Society (HNA&HS)  
3388B Merlin Road #195, Grants Pass, Oregon, 97526, 541-471-8172,  
Email: hugo@jeffnet.org

**Date:** December 13, 2010

**RE:** Whitaker/Waltman Comprehensive Plan/Zone Change: If approved, this application will amend the Josephine County Comprehensive Plan (JCCP) designation from Forest to Residential and change the zone from Woodlot Resource (WR) to Rural Residential (RR-5) for Tax Lot 2001, T.37S., R.5W., Section 20 (Parcel 2, PP #1999-09).

**Executive Summary.** Mike Walker is a party to this land use application and has standing because he is aggrieved. ORS 215.416(11)(a); ORS 215.422(1)(a) and (2); RLDC 31.100; Josephine County Planning Department handout to Josephine County Rural Planning Commission on "QUESTIONS TO ASK ABOUT PARTY STATUS"; Hugo Neighborhood Association & Historical Society's land use brochures.<sup>1</sup> *Jefferson Landfill Committee v. Marion County*, 297 Or 280 (1984); *League of Women Voters of Coos County v. Coos County*, 76 Or App 705 (1985); *Utsey v. Coos County*, 176 Or App 524 (2001); *Doty v. Coos County*, 185 Or App 233, 59 P3d 50 (2002); *Just v. city of Lebanon*, 193 Or App 132, 88 P3d 312, rev allowed, 337 Or 247 (2004); *Lindsey & Brink, Petitioners, & Waldron, Intervenor, & Sommer, Petitioner v. Josephine County & Copeland Sand and Gravel, Inc.*, Respondents (LUBA No. 2005-112; CA A131715) Or App.

Walker participated in the record for this land use application and is a person personally interested in the outcome of the hearing.

Walker is a representative of a land use organization who tracks land use applications to assure laws are correctly applied.

Walker has stated a position on the merits that he is personally interested because he has a personal philosophy about land use in general, such as protecting resource lands and groundwater supplies, and assuring that laws are correctly applied such as the required carrying capacity analysis for six issues.

1. Ground water availability analysis by aquifer and tax lot.
2. Preserve rural character of Josephine County.
3. Carrying capacity transportation analysis by travelshed and tax lot.
4. Carrying capacity air quality analysis of avoiding air pollution by airshed and tax lot.
5. Carrying capacity analysis of extreme wildfire hazard by wildfire hazard area and tax lot.
6. Carrying capacity analysis of avoiding developing infrastructure and public facilities and providing services that cannot be afforded by geographical area of county and tax lot.

Walker has stated a position on the merits of the application so that one will know if a decision favors or disfavors his position.

**Personal Standing.** The following statements explain my standing in this quasi-judicial process. I pattern my position on standing after the comments in Doty's affidavit, which the Court of Appeals found sufficient to satisfy the practical effects requirement in *Utsey v. Coos County*, 176 Or App 524 (2001). *Doty v. Coos County*, 185 Or App 233, 59 P3d 50 (2002).

All of my adult life I have had an interest in preserving and managing farm and forest lands in Josephine County and the State of Oregon. This preoccupation started early as I grew up in the rural farming area of Hugo, Oregon. I was in the second grade my first year at Hugo Elementary School and I graduated from the eighth grade in 1958. While as a child and young adult I was milking cows, putting up hay, and raising all kinds of farm animals as well as helping with a large vegetable garden. I never could make a living as a farmer, but to this day I feel good when I smell the active byproducts of a beef stock or dairy operation. My personal philosophy and interest in the preservation of these lands goes hand-in-hand with sustaining our rural quality of life.

My interest in land management and efficient land use planning lead to several higher education experiences: B.S. — Natural Resources, Oregon State University (OSU), 1966; M.S. — Resource Geography, OSU, 1974, dissertation *The Relationship Of Land Use And Size Of Land Parcel To Water Services Needed In The Merlin Irrigation District: 1973*, program emphasis in water resources and land use techniques; and Ph.D — all but dissertation in Urban Planning/Resource Geography from University of Oregon and OSU, 1975. In 1966 - 1967 I practiced this philosophy as the Assistant County Planner, Josephine County, Oregon. I materially assisted in the development of *A General Plan For The Josephine County Urbanizing Area And The City Of Grants Pass* which was published in 1969.

I have been active in several organizations that support protection and conservation of farm and forest resources, our rural quality of life, and which track land use applications to assure laws are correctly applied. After Senate Bill 100 in 1973, I actively participated as a citizen in the development of our state's original planning goals. Since then my career path led to the natural resource programs of the federal government until I retired in 1998. While working for the Bureau of Land Management in Alaska, Nevada, and Oregon I practiced my land interests as a Community Planner, Environmental Protection Specialist, Planning Coordinator, Environmental Specialist, Team Leader, Technical Coordinator, and Outdoor Recreation Planner. These responsibilities were all in the role of an interdisciplinary team member interested in the administration and management of the land. After retirement, I formed a company, NEPA Design Group, which provides customized National Environmental Policy Act consulting services designed to address resource issues through the interdisciplinary team process of addressing land problems, affected environment, alternative opportunities, and the impacts of those opportunities.

I started representing the Hugo Neighborhood Association (HNA) in 1999 as its Secretary. This organization had its roots in Senate Bill 100 and birth as a citizen advisory committee. In 1993, it became a neighborhood association and in 2000 it reorganized into the HNA & Historical Society. These three associations were the same evolving organization with the primary purpose of tracking land use applications to assure land laws are correctly applied. My representation efforts for the HNA&HS have included being an advocate for Oregon Statewide Goal 1 - Citizen Involvement in Josephine County and statewide, and as a land use activist in county land use procedures. What is important to me is an informed public and informed decisionmaking in our local land use planning process. I have been a member of 1000 Friends of Oregon and Oregonians in Action for approximately 10 years. In 2003, I became the HNA&HS's Education Chair.

Being a member of the community is important to me. As a member of the neighborhood I have always been engaged in touring Hugo and Josephine County getting to know my neighbors and seeing the country, either walking, riding a bicycle or motorcycle, or in my truck. I continue to have real pleasure viewing its rural pastoral environments, especially its farming and forest uses and scenes. Beholding a green or dry land pasture with cows grazing creates a sense of serene well being in me that is good for my health and my purpose in life. I am deeply concerned that continued land divisions will damage our local rural setting, which would injure my use and enjoyment of the area and, therefore, I am very interested in the outcome of this hearing. The loss of forest and agriculture land or decisions without a carrying capacity analysis would create several cumulative adverse effects to the rural scenery and solitude, involving ground water availability, transportation use and pattern, air pollution, and

the wildfire hazard, all of which would adversely affect my use. This would affect the happiness I attain from my home and land, and would cause me to be aggrieved. My personal land ethic is to protect and conserve these crucial community resources.

Additionally I am a member of the Land Use Committee, Hugo Neighborhood Association & Historical Society. The *Land Use Committee's* duties include carrying out the land use elements of the *Hugo Neighborhood's* mission.

- ***Promote citizen involvement (Oregon Statewide Goal 1)***
- ***Protect our farms and forests (Oregon Statewide Goals 3 & 4)***
- ***Protect our rural quality of life***

Of special interest to the *Land Use Committee* is promoting an understanding of long-term cumulative carrying capacity issues associated with Josephine County's land use findings and decisions.

An issue of local concern is planning for population growth and development project by project, rather than taking a longer look to the future through advanced, or long-term planning. Our focus on the next marginal increment of growth precludes the questions about long-term regional impacts to our quality of life. How do the cumulative effects of growth or non-growth affect the livability of our existing neighbors, now and in the future? What is the carrying capacity of the land to accommodate the next project (i.e., Approval of this land use request will amend the Josephine County Comprehensive Plan (JCCP) from Forest (Woodlot Resource) to Residential (Rural Residential 5 acres) when evaluated in relationship to the existing development and reasonably predictable future development?

In summary, I have a history of concern, interest, and activity in preserving farm and forest lands and our rural quality of life, and in promoting an informed public and informed decisions in our local land use planning process. My interest in efficient use of the land in Hugo and the county will be affected and aggrieved when taxes rise, services diminish, and the quality of county life is negatively influenced by poor or ineffective planning; when the future is unaccounted for; or when land use laws are incorrectly applied (e.g., land use decisions are not supported by adequate findings or substantial evidence, etc.).

**Hugo Neighborhood Association & Historical Society Standing.** What is known today as the HNA&HS was a CAC from the middle 1970s through 1993. It is an informal nonprofit charitable organization. Its 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 (see previous statements on the mission and Land Use Committee). Historically the county had recognized the HNA&HS for its interest in land use requests, land use findings and decisions, and land development ordinances by mailing notices applicable to its area of interest. The notices ceased in 2004 not because it was not recognized for its land use interests, but because of budget cuts.

The HNA&HS's membership is focused on the Hugo area, but its land use interests are county and statewide. All members of HNA&HS are affected by and are interested in achieving its mission. Allowing land divisions for residential development without documented findings in compliance with applicable land use standards and criteria results in inadequate planning and inefficient use of land. This leaves taxpayers facing increased costs for providing infrastructure and other services to the area. The uses for which the resource lands are currently zoned are then negatively impacted, and accomplishment of member goals are damaged. These outcomes would adversely affect and aggrieve HNA&HS members with increased taxes, a decline in services, more congestion, and a deteriorating quality of life (i.e, degraded scenery and solitude, decreased water available from aquifers, increased traffic congestion and accidents on the transportation system, increased air pollution and health hazards, and an increased probability of human caused wildfires, human injury, and loss of property values).

HNA&HS members will have a keen interest in the decision currently before the Hearing Body and will be practically affected and aggrieved by its ramifications if the decision is to approve the application to amend the zones from Forest & Agriculture without compliance with the carrying capacity provisions of the Josephine County Rural Land Development Code.

Respectfully,

/s/ Mike Walker

Mike Walker, As An Individual  
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/s/ Mike Walker

Mike Walker, Member  
Hugo Land Use Committee  
Hugo Neighborhood Association & Historical Society  
(same contact information)

/s/ Mike Walker

Mike Walker, Director/Vice President  
Rogue Advocates  
(same contact information)

/s/ Mike Walker

Mike Walker, Member  
Goal One Coalition Advisory Board  
(same contact information)

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1. Hugo Neighborhood Association & Historical Society's Land Use Brochures  
Web Page: <http://www.hugoneighborhood.org/>

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| Brochure 1.  | A Party, Or A Witness?                              |
| Brochure 2.  | Aggrieved Party                                     |
| Brochure 3.  | Adversely Affected Party                            |
| Brochure 4.  | "Actual" Notice of Decision                         |
| Brochure 5.  | Geographic Proximity                                |
| Brochure 6.  | Land Use Committee                                  |
| Brochure 7.  | Hugo Neighborhood Association & Historical Society  |
| Brochure 8.  | Land Use Decisions: What Are Findings?              |
| Brochure 9.  | Standards & Criteria                                |
| Brochure 10. | Facts   |
| Brochure 11. | Standards Are, Or Are Not, Met                      |
| Brochure 12. | Must Address Relevant Issues Raised By Public       |
| Brochure 13. | Conditions Of Approval                              |
| Brochure 14. | LUBA Remand   |
| Brochure 15. | LUBA Reversal                                       |
| Brochure 16. | Hugo Neighborhood Association & Historical Society. |