

**APPENDIX B1. "Draft¹" STANDARDS & CRITERIA JO CO RLDC,
Article 46: AMENDING & UPDATING THE COMPREHENSIVE PLAN**

Josephine County Rural Land Development Code (RLDC)

http://www.co.josephine.or.us/Files/complete_code_2005.pdf

for Don Marvin Land Use Request (LUR)

for Comprehensive Plan (CP) Amendment and

Zone Change (ZC) From Forest to Residential and WR to RR-5

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Hugo Neighborhood Association & Historical Society

Web Published at Neely & Trimble Historic Cemeteries Plan

<http://hugoneighborhood.org/hugohomegraves.htm>

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RLDC Standards & Criteria

for Don Marvin Land Use Request (LUR) for Comprehensive Plan (CP) Amendment and Zone Change (ZC) From Forest to Residential and WR to RR-5

RLDC ARTICLE 46 - AMENDING & UPDATING THE COMPREHENSIVE PLAN¹

RLDC 46.010 - PURPOSE

The purpose of this Article is to implement the procedures and criteria for amending any element of the comprehensive plan pursuant to the requirements of Goal 11 of the county's Goals and Policies.

RLDC 46.040 - PLAN AMENDMENT REVIEW CRITERIA

A. Amendments to a plan and zone map shall demonstrate compliance with all applicable statewide and county goals and policies.

B. Requests involving changes for lands from a resource designation to a non-resource designation shall either comply with statewide exception criteria contained in Oregon Revised Statutes 197.732, and as implemented in Oregon Administrative Rules, Chapter 660, Division 4, or demonstrate the land is non-resource pursuant to the criteria contained in Section 46.050 below.

C. Requests involving changes to the plan and/or zone maps shall demonstrate the land has adequate carrying capacity to support the densities and types of uses allowed by the proposed plan and zone designations [emphasis added]. The adequacy of carrying capacity, at a minimum, shall be evaluated using the criteria listed below. The criteria are to be considered together to determine whether the geography of the land is suited to support the kind of development associated with the proposed designations. With the exception of criterion [1] below, the application of any one criterion is not intended to be determinative of carrying capacity alone, unless the review body finds the importance of a specific benefit or detriment associated with the criterion overrides the consideration of other criteria. Nevertheless, in order to determine the adequacy of carrying capacity, the analysis must consider and address all of the listed criteria in relationship to one another. Sites may be altered to achieve adequate carrying capacity, but as alterations become more extensive, technical or difficult to perform or maintain, the greater the burden of proof shall be on the applicant to demonstrate compliance with the following criteria:

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

2. Other physical characteristics of the land and surrounding area make the land suitable for the proposed density and types of uses [emphasis added], to include consideration of existing or potential hazards (flood, wildfire, erosion), the degree of slopes, the presence of wetlands, geologic formations, mineral deposits and any other similar natural or **man-made conditions or circumstances** [emphasis added];

3. The land in its natural state accommodates the proposed uses and densities, or special alterations or mitigation plans can make the land achieve the carrying capacity described under items [1] and [2] above;

4. Development pursuant to the proposed uses or densities will not significantly increase the risk from hazards to the residents of the development, the area or the general public;

5. Features of the development will not result in future maintenance costs to the public for the **infrastructure needed to serve the development** [emphasis added] and the area that are atypically higher than expenses for other developments in the same plan and zone designations (examples of **infrastructure include streets** [emphasis added], bridges, storm drain facilities, erosion and sediment control facilities, and other similar public infrastructure facilities); and

6. Special circumstances exist at or near the site that justify increased risks, expensive or complex mitigation plans, or higher infrastructure costs to the public from the development. This criterion can be used to consider specific community needs that have arisen within the area since the existing zoning was implemented at the site. Examples of circumstances which might support the application of this criterion are changes in demographics; the location or discovery of unique natural resources; **changes in infrastructure that are intended to support and encourage the**

kinds of development associated with the request [emphasis added]; the development of rural communities; and any other circumstance that establishes a special need or benefit to the community that justifies increased risks and costs. This criterion shall not be used to modify the requirements of criterion [1] above.

D. The density and types of uses authorized by the proposed plan and zoning designations are appropriate based on the requirements of subsection [1] or [2] below:

1. The change in designations at the location is consistent with the character of the surrounding area. Consistency shall be demonstrated by a detailed review of the relationship between the area covered by the proposed change in designations and the surrounding area, subject to the following rules.

a. The detailed review shall describe the similarities or dissimilarities between the area of proposed change and the surrounding area based upon parcel size and ownership patterns,² zoning, existing or authorized land uses and structures, public facilities and services, and natural or man-made features.³

b. The detailed review shall include a written statement explaining the rationale used to include or exclude areas from study, and be supported by zoning maps, aerial photographs, contour maps, and any other public or private records, statistics or other documents necessary or helpful to establish the character of the area and show how the change will be consistent.

2. Demonstrate how the introduction of inconsistent density or uses into an area is justified. This demonstration may be based upon changes in the area resulting from rezonings, new residential, commercial, industrial or resource development, the introduction or improvement of public facilities and services, changes in demographics, changes in plan inventories, and other similar circumstances. The application shall show how the proposed change in designations, in the context of the foregoing circumstances, implements applicable state and/or county goals and policies. The more the change introduces inconsistent densities and uses into an area, the greater the burden on the applicant to justify the basis for the change.

E. Requests involving changes to the plan and/or zone maps within established exception areas shall demonstrate the change complies with the criteria contained in Oregon Administrative Rule 660-004-0018 governing plan and zone changes within exception areas.

Footnotes

1. Article 46 created by Ordinance 99-8, Effective March 29, 2000, replacing former Articles 47, 48 and 49.

2. Evidence regarding changes in parcel size and ownership patterns shall, at a minimum, consider the circumstances of the parcelization and ownership patterns lawfully existing within the area of study. Review of parcelization patterns shall not only include the number and size of the parcels, but the relationship of the parcels to the total acreage within the study area, together with

the potential for additional parcelization pursuant to existing zoning. In order for parcels to be counted in a parcelization analysis, the parcels must be authorized lots or parcels as defined by **§11.030 of this code** [emphasis added].

3. Natural or man-made features may include watercourses, wetlands, watersheds, ridges, valleys, roads, rights-of-way, easements, political or service boundaries and other similar features. The study must identify and explain how these features operate to join or disjoin the area being changed from surrounding lands.

RLDC 11.030 Definition of “Carrying Capacity”

CARRYING CAPACITY. The ability of land to support proposed development as determined by an evaluation of suitability for sewage disposal, the adequacy of the domestic groundwater supply (quantity and quality), **the presence of adequate off-site roads** [emphasis added], the suitability of soil and terrain to support on-site roads, the presence or absence of flood, fire or erosion hazards, and the applicability of other special land use concerns (e.g., watershed protection, protection of wildlife and fishery habitat, the presence of scenic easements, airport flight paths, the availability of emergency services, etc.).

RLDC 11.030 Definition of “Cemetery”

CEMETERY. Property designated and dedicated for cemetery purposes, including burial grounds, columbaria, crematories, mausoleums, and mortuaries.

The RLDC 11.030 Definition of “Significant Adverse Impact”

SIGNIFICANT (ADVERSE) IMPACT. 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 in ways that 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.

1. This “draft” identification of Josephine County Rural Land Development Code (RLDC) standards and criteria will be edited as the HGT learns the “final” RLCD standards and criteria.