

Hugo Neighborhood Association & Historical Society

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September 21, 2014 Email/Letter

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Reference: Marvin Josephine County Comprehensive Plan (CP) Amendment/Zone Change (ZC) Land Use Application (LUA) From Forest to Residential and WR to RR-5, Subject: 35-06-11.00/1600; Proposed Density & Uses Are A New Subdivision to Create Eight 5-Acre Parcels for Homesites

Dear James Black:
Dear Charles DeJanvier:

The Hugo Graves Team had requested a meeting to discuss potential improvements to Schoolhouse Creek Road (SC Rd) and the applicable Marvin CP Amendment/ZC road standards and criteria for improvements to SC Rd. You responded with a scheduled 9:00 a.m. meeting, Monday, September 22, 2014. Thank you.

The following two sections structure this communication into the background of 1. why we are interested in understanding the applicable road standards and criteria, and 2. based on information provided and our research, the standards and criteria we think might be the applicable road standards and criteria for the CP Amendment/ZC LUA.

We suspect that part of the confusion is that the LUA does not appear to be complete as it pertains to the required coverage of "*The ability of land to support proposed development as determined by an evaluation of . . . the presence of adequate off-site roads.*" (CP, Goal 11, Policies 2.A and 2.C; RLDC Sections 46.040.A, 46.040.C.2, and 46.040.C.3; RLDC 11.030 definition of carrying capacity).

I. BACKGROUND TO INFORMATION REQUEST

Mr. Don Martin submitted a CP Amendment/ZC LUA to the JCPO for a pre-application review on June 30, 2006, and most recently March 5, 2011. On March 16, 2012 Mr. Marvin paid his fees for a formal CP Amendment/ZC LUA, and since has been working with JCPW.

Request for Comprehensive Plan Amendment and Zone Change Forest to Residential and WR to RR-5 (162 pages) With A Proposed Density & Uses Of A New Subdivision to Create Eight 5 Acre Parcels for Homesites. Prepared for Don Marvin. Property Description: T35, R6W, Section 11, Taxlot 1600. Prepared by Bob Hart Consulting Services.

As a result of the LUA, the HGT is interested in potential improvements to SC Rd and applicable road standards and criteria for any improvement(s) to meet county standards. Its interest is because the HGT is developing a cemetery plan for the Neely and Trimble (N&T) Historic Cemeteries per the Oregon Commission on Historic Cemeteries' guidelines in the *Historic Cemetery Long Range Planning Workbook*. Access and impacts to the existence and historic character of the N&T Historic Cemeteries are part of the elements of the cemetery plan required to be addressed (i.e., mission, strategies, goals, history, and surveys).

II. ROAD STANDARDS & CRITERIA BELIEVED TO BE APPLICABLE TO THE LUA

Josephine County Rural Transportation System Plan (TSP)?

Josephine County Public Works
<http://www.co.josephine.or.us/Page.asp?NavID=262>

Josephine County Comprehensive Plan (JCCP)

JCCP, Goal 11, Policy 2.A
JCCP, Goal 11, Policy 2.C

Josephine County Rural Land Development Code (RLDC)

RLDC 46
RLDC 81

Josephine County Public Works (JCPW)

JCPW "*Road Standards Documents*" Implement RLDC 81.130.A?
ROAD DESIGN, CONSTRUCTION & IMPROVEMENT STANDARDS
JCPW. <http://www.co.josephine.or.us/Page.asp?NavID=158>

Chapter 2, Including 201.2 Road Data Summary Table
JCPW "*Road Standards Documents*"

I apologize for any confusion created by the numerous draft appendices. They are draft by design, and minimally edited, intended to act as brain-storming talking points toward our goal of gathering facts and seeking understanding. The goal is to document the evolution of the drafts

into final documents of understanding web published at HuNAHS's Neely & Trimble Historic Cemeteries Plan site at <http://hugoneighborhood.org/hugohomegraves.htm>.

Please enter this letter/email into the public record for the CP Amendment/ZC LUA.

Thanks again for this meeting and assisting us to understand the applicable road standards and criteria for the potential improvements to SC Rd.

Sincerely,

Mike :)

/s/ Mike Walker

Mike Walker, Standards & Criteria Lead & Web Publisher

Hugo Graves Team

HuNAHS's Cemeteries & Graves Program Plan

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

HuNAHS's Neely & Trimble Historic Cemeteries Plan

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

Appendices	Email attached.
Appendix A1.	Hugo Graves Team's Draft Exploratory Standards & Criteria (part of this letter/email)
Appendix A2.	JOSEPHINE COUNTY PUBLIC RECORDS REQUEST: July 3, 2006 - August 5, 2014 (Request for Comprehensive Plan Amendment and Zone Change From Forest to Residential and WR to RR-5).
APPENDIX B1.	"Draft" STANDARDS & CRITERIA JO CO RLDC, Article 46: AMENDING & UPDATING THE COMPREHENSIVE PLAN
APPENDIX B2.	"Draft" STANDARDS & CRITERIA JO CO RURAL LAND DEVELOPMENT CODE (RLDC), Article 81
APPENDIX B3.	"Draft" STANDARDS & CRITERIA JO CO RLDC. RLDC 81.130.A - ROAD DESIGN, CONSTRUCTION & IMPROVEMENT STANDARDS, Josephine County Public Works Road Standards Documents (RLDC 81.130.A)
Appendix C.	"Draft" JOSEPHINE COUNTY PUBLIC WORKS' SCHOOLHOUSE CREEK ROAD STANDARDS & CRITERIA (Charles A. DeJanvier, P.E., Josephine County Engineer, Josephine County Public Works).
Appendix D.	"Draft" JOSEPHINE COUNTY PUBLIC WORKS' SCHOOLHOUSE CREEK ROAD STANDARDS & CRITERIA (Nora Schwartz, Josephine County Public Works).
Appendix E.	"Draft" COURT DECREE FOR PUBLIC ROAD From JOSEPHINE COUNTY PUBLIC RECORDS REQUEST: July 3, 2006 - August 5, 2014.
Appendix F.	"Draft" AASHO STANDARDS & CRITERIA (Charles A. DeJanvier, P.E., Josephine County Engineer, Josephine County Public Works).
Appendix G.	"Draft" ODOT STANDARDS & CRITERIA: DESIGN ITEMS (Charles A. DeJanvier, P.E., Josephine County Engineer, Josephine County Public Works).
Email copies:	This September 21, 2014 Letter/Email to JCPW & JCPO from Walker, HGT
Web Published:	Hugo Graves Team. HuNAHS's Neely & Trimble Historic Cemeteries Plan. http://hugoneighborhood.org/hugohomegraves.htm

Appendix A. Hugo Graves Team’s Draft Exploratory Standards & Criteria

Josephine County Comprehensive Plan

JCCP, Goal 11, Policy 2.A requires a demonstration of compliance with state and county goals and policies.

JCCP, Goal 11, Policy 2.C[2] requires findings that the land and *surrounding area* is suitable for the proposed densities and uses. They require that the carrying capacity analysis consider a specified list of factors and any other “similar natural or man-made conditions or circumstances.

JCCP, Goal 11, Policy 2.C[3] require findings that 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 for the allowed densities and types of uses.

When amending the JCCP the meaning of the term “significant”, under JCCP, Goal 11, Policy 5 provides, in relevant part:

“For the purposes of implementing the provisions of the foregoing rules, the term “significant” shall mean the proposed change is likely to have considerable influence or effect upon the matter being considered, or that the effect or impacts arising from the change will result in important or weighty consequences or risks. . . .”

Josephine County Rural Land Development Code (RLDC)

RLDC 46.040.A require demonstration of compliance with state and county goals and policies.

RLDC 46.040.C.2 require findings that the land and *surrounding area* is suitable for the proposed densities and uses. They require that the carrying capacity analysis consider a specified list of factors and any other “similar natural or man-made conditions or circumstances.

RLDC 46.040.C.3. require findings that 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 for the allowed densities and types of uses.

When amending the JCCP the meaning of the term “significant”, RLDC 46.050.G, provides, in relevant part:

“For the purposes of implementing the provisions of the foregoing rules, the term “significant” shall mean the proposed change is likely to have considerable influence or effect upon the matter being considered, or that the effect or impacts arising from the change will result in important or weighty consequences or risks. . . .”

The RLDC 11.030 definition of “carrying capacity” provides, in relevant part:

“The ability of land to support proposed development as determined by an evaluation of * * * the presence of adequate off-site roads[.]”

The RLDC 11.030 definition of “significant adverse impact” provides, in relevant part:

“A criterion used to determine whether proposed land use activities will inappropriately affect the use or quality of other properties or public facilities. . . .”

- RLDC 11.030 Definitions of carrying capacity to include presence of adequate off-site roads and significant adverse impact.
- RLDC 46 Amending & Updating the Comprehensive Plan
- RLDC 46.010 Requirements of Goal 11 of the county's goals and policies.
- RLDC 46.040A Compliance with statewide and county goals and policies.
- RLDC 46.040B Lands from a resource designation to a non-resource designation.
- RLDC 46.040C Carrying Capacity (CC) of proposed density and types of uses (D&T of uses)
 - CC 1. Proposed D&T of uses supported by the facility & service, includes access
 - CC 2. Land suitable for proposed D&T of uses
 - CC 3. Land in its natural state accommodates proposed D&T of uses
 - CC 4. Proposed D&T of uses will not significantly increase the risk from hazards
 - CC 5. Proposed D&T of uses will not result in atypically maintenance costs
 - CC 6. Special circumstances justify increased risks, expensive or complex mitigation plans, or higher infrastructure costs
- RLDC 46.040D D&T of uses are appropriate based on the requirements of subsection [1] or [2] below
 - [1] D&T of uses are consistent with the character of the surrounding area
 - [2] Inconsistent D&T of uses into an area justified
- RLDC 46.040E D&T of uses comply with OAR 660-004-0018
- RLDC 81.020 Access Standards

Josephine County Public Works Design Standards: March 2005

Josephine County Public Works Road Standards Documents Implement RLDC 81.130.A?
 RLDC 81.130.A - ROAD DESIGN, CONSTRUCTION & IMPROVEMENT STANDARDS
 Josephine County Public Works
<http://www.co.josephine.or.us/Page.asp?NavID=158>

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 Josephine County Public Works Road Standards Documents
 Josephine County Public Works