



# Josephine County, Oregon

Community Development – Planning Division

700 NW Dimmick, Suite C / Grants Pass, OR 97526

(541) 474-5421 / Fax (541) 474-5422

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## **FOREST USES REQUIRING REVIEW**

[SITE PLAN REVIEW PRE-APP REQUIRED]

### **PROPERTY & APPLICATION INFORMATION**

ASSESSOR'S LEGAL DESCRIPTION:

TWN \_\_\_\_\_ RNG \_\_\_\_\_ SEC \_\_\_\_\_ QQ \_\_\_\_\_ TAX LOT \_\_\_\_\_

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PROPERTY ADDRESS: \_\_\_\_\_

EXISTING ZONING: \_\_\_\_\_ PARCEL SIZE: \_\_\_\_\_

**CONDITIONAL USE PERMITS:**  Fire Stations  Cemeteries  Research Areas  Mining

Navigation Aids  Communication Facilities  Electric Lines  Power Facilities  Reservoirs

Public Roads  Asphalt & Concrete Batching  Forest Product Processing  Log Scaling Station

Logging Equipment Storage & Repair  Firearms Training Facility  Emergency Fire Facilities

Parks & Campgrounds  Hunting or Fishing Lodges  Destination Resorts  Airport Expansion

Water Facilities  Resource Exploration  Waste Disposal Site

Other Forest Use: \_\_\_\_\_

### **OWNERSHIP & APPLICANT INFORMATION**

OWNER'S NAME: \_\_\_\_\_ TEL: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

APPLICANT'S NAME: \_\_\_\_\_ TEL: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

REPRESENTATIVE: \_\_\_\_\_ TEL: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

**APPLICANT'S STATEMENT OF UNDERSTANDING**

I \_\_\_\_\_, have filed an application for a **FOREST USE REQUIRING REVIEW** with the Community Development – Planning Division to be reviewed and processed according to state and county requirements. I acknowledge the following disclosures:

1. I understand that any representations, conclusions or opinions expressed by staff in the pre-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 the place of final approval.
2. I understand I may ask questions and receive input from planning staff, but acknowledge that I am ultimately responsible for all information and documentation submitted with this application. I further understand planning staff cannot legally bind the county to any fact or circumstance that conflicts with state or local laws, and in the event a conflict occurs, all such statements or agreements are void.
3. I understand I have the burden of demonstrating my application meets all of the applicable standards and criteria. The standards and criteria for approving or denying my request have been furnished to me as a part of this application and I acknowledge receipt.
4. I understand 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 needed for the review of my application.
5. I understand my application may be reviewed by the Oregon Department of Land Conservation and Development (DLCD). If this happens and DLCD comments on the application, I understand DLCD has the authority to appeal the county's decision to the Oregon Land Use Board of Appeals if it chooses to do so.
6. I understand it is the function of the planning office to impartially review my application and to address all issues affecting it regardless of whether the issues promote or hinder the approval of my application. In the event a public hearing is required to consider my application, I agree it is my sole responsibility to establish the case in favor of the application.
7. I understand I am entitled to have a lawyer or a land use consultant help me with my application and to appear with me (or for me) at any appointment, conference or hearing relating to the application.
8. 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: \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
OWNER/APPLICANT \*

\_\_\_\_\_  
OWNER/APPLICANT \*

*\* If the applicant is someone other than the owner, a power of attorney must be on file from the owners authorizing the application*

# STATEMENT OF INTENDED WATER USE

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

<b>LEGAL:</b> TWN____, RNG____, SEC____, QQ____, Tax Lot _____
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## LAND USE PROPOSAL

- |   |  |
|---|--|
| <input type="checkbox"/> Development Permit               | <input type="checkbox"/> Home Occupation         |
| <input type="checkbox"/> Land Partition (# of Lots _____) | <input type="checkbox"/> Administrative Permit   |
| <input type="checkbox"/> Subdivision (# of Lots _____)    | <input type="checkbox"/> Conditional Use Permit  |
| <input type="checkbox"/> Planned Unit Development         | <input type="checkbox"/> Comp Plan & Zone Change |

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)? \_\_\_\_\_
- Will water be used to irrigate (lawn, garden, shrubs, fields)? \_\_\_\_\_  
Total # of Acres Irrigated per Development \_\_\_\_\_
- Will water be used for livestock (kind, #)? \_\_\_\_\_
- Will water be used for one of the following:
- |   |   |
|---|---|
| <input type="checkbox"/> Commercial (office, retail, motel) | <input type="checkbox"/> Industrial (manufacturing, heavy repair) |
| <input type="checkbox"/> Institutional (school, church)     | <input type="checkbox"/> Recreation (park, campground, pond)      |
| <input type="checkbox"/> Other: _____                       | # partial hookup sites _____ # full hookups _____                 |

If so, please describe the use in detail: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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SOURCE OF WATER (Check All That Apply)	QUANTITY TO BE USED (Estimate)
<input type="checkbox"/> Surface Water Source (spring, stream, irrigation district): _____ _____ _____ <input type="checkbox"/> Reservoir or Pond: _____ <input type="checkbox"/> Ground Water: <ul style="list-style-type: none"> <li><input type="checkbox"/> Individual Well(s)</li> <li><input type="checkbox"/> Shared Well(s)</li> <li><input type="checkbox"/> Community Well(s) (Indicate the # of wells: _____)</li> <li><input type="checkbox"/> Sump</li> <li><input type="checkbox"/> Municipal Supply</li> </ul> <input type="checkbox"/> Water Rights <ul style="list-style-type: none"> <li><input type="checkbox"/> Yes (Certificate/Permit # _____)</li> <li><input type="checkbox"/> No</li> <li><input type="checkbox"/> Do Not Know</li> </ul>	_____ Gallons Per Minute _____ Gallons Per Day _____ Cubic Feet Per Second _____ Acre Feet  Remarks:

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

\_\_\_\_\_  
Signature of Applicant

<b>-- OFFICIAL USE ONLY --</b>	
Water Right Required <input type="checkbox"/> Yes <input type="checkbox"/> No	
Water Hazard Overlay Zone? <input type="checkbox"/> Yes <input type="checkbox"/> No	Comment: _____
Other Remarks: _____	
PUMP TEST REQUIRED? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/> Major <input type="checkbox"/> Minor <input type="checkbox"/> Other	_____
Date: _____, 20_____	_____
	Reviewed By

After Recording Return to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Recording label here

**WAIVER OF REMONSTRANCE  
Regarding Forest Uses**

Owner(s) \_\_\_\_\_ own certain real property located in Josephine County, Oregon. The address for the property is \_\_\_\_\_ and the Assessor's legal description is T \_\_\_\_\_ R \_\_\_\_\_, Sec \_\_\_\_\_ - \_\_\_\_\_, Tax Lot (s) \_\_\_\_\_. A metes and bounds legal description is attached as Exhibit A.

Owner(s) have applied for a forest use on the property described above. As a condition of approval for this use, the Josephine County Rural Land Code (RLDC) requires a written and recorded statement acknowledging the right of neighboring landowners to conduct forest operations on their properties as authorized by the Oregon Forest Practices Act. In addition, the RLDC provides that conflict between authorized forest practices and residential uses will be resolved in favor of the forest practices. The RLDC states:

*The Forest Commercial [or Woodlot Resource] zone is intended to facilitate the right to conduct forest practices consistent with the Forest Practices Act and to encourage and promote the development and conservation of natural resources. Normal forest management, mining, or agricultural practices shall not be considered a nuisance condition in a Forest Commercial [or Woodlot Resource] zone, provided that such actions are consistent with the standards of the Oregon Forest Practices Act and do not extend beyond the boundaries of the Forest Commercial [or Woodlot Resource] zone. Nothing in this regulation is intended to interfere with normal forestry or agricultural practices that might result in conditions such as noise, dust or odor. Residents of this zone must recognize that the intent of the zone is to protect resource management activities and that in the event of a conflict between residential use and normal forestry or agricultural practices, this Code will be interpreted in favor of the resource management practice. [Articles 65.010 and 65.110].*

Also, ORS 215.293 requires landowners who obtain an approval for a single-family dwelling within a farm or forest zone to sign and record a document that prohibits the landowners and their successors 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 30.336 or 30.337 (actions for nuisance or trespass are prohibited unless it results in damage to commercial agricultural products or death or serious physical injury).

Based upon the foregoing requirements, owners hereby acknowledge that the described forest use is subordinate to present and future forest, farm and mining practices on neighboring lands as may be authorized pursuant to the Oregon Forest Practices Act. Further, owners waive, on their behalf and on behalf of their successors in interest, the right to legally remonstrate, oppose or appeal authorized farm and forest practices. Owners acknowledge these practices may involve the application of herbicides or fertilizers, including aerial or ground spraying, road construction, changes in view, noise, dust, traffic and other impacts. This waiver, however, shall not prevent owners or their heirs, assigns or purchasers from expressing personal views during land use or forest practices permit review proceedings regarding such operations.

Owner(s): \_\_\_\_\_ Josephine County

\_\_\_\_\_  
\_\_\_\_\_ Planning Director

STATE OF OREGON }  
County of Josephine } ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, \_\_\_\_\_, personally appeared before me, a Notary public in and for the aforementioned state and county, and executed the foregoing *Waiver of Remonstrance Regarding Forest Uses* and acknowledged to me that it was freely and voluntarily done.

\_\_\_\_\_  
Notary Public, State of Oregon  
My commission expires: \_\_\_\_\_

## INTRODUCTION

Certain uses on forest zoned lands require review and approval under standards and criteria established under both state and local laws. These laws are designed to assure the use will be compatible with forest practices and operations, as well as other existing uses in the area.

**APPLICATION PROCEDURE.** An application for a forest use must include not only a completed forest use application, but also a completed site plan review application. This information will be used to conduct the pre-application review. The purpose of pre-application review is to identify the issues involved in the request, to decide whether a full site plan review is needed, and to specify the applicable standards and criteria that must be addressed. The following steps are involved in this process:

- ◆ Complete the cover for this application and attach a detailed written description of the requested forest use.
- ◆ Attach a written statement demonstrating how the operation will meet the review standards and criteria contained in §45.030 of the *Rural Land Development Code* (RLDC). The standards and criteria are set out and explained below.
- ◆ Complete the cover for a site plan review application. [*Note:* the standards and criteria for a conditional use and site plan review are identical. Only one response is needed].
- ◆ Complete a site plan map meeting the requirements of §42.060 of the RLDC.
- ◆ Once you finalize your application(s), to include the notarized statements of understanding, submit them with the required fees.
- ◆ Staff will review your submittal and determine if it is complete. Public notice is then mailed to neighbors within a specified distance, as well as other affected agencies and organizations. A 15-day period is allowed for written comments. If site plan review is required, a multi-departmental review will be conducted to prepare recommended conditions for the operation.
- ◆ When the comment period ends, staff will prepare a written decision based on the applicable standards and criteria, taking into consideration the application materials, comments from the neighborhood, responding agencies and organizations and recommendations from site plan review team. Once notice of the decision is mailed, participants have 12 days to appeal the decision. A development permit for a favorable decision cannot be issued until the appeal period ends without an appeal.
- ◆ In the event your request is referred to a public hearing, you will need to schedule an appointment with a planner to discuss hearing procedures and responsibilities.

**APPLICATION CRITERIA.** All of the following criteria must be addressed in a written statement attached to the application.

**SECTION 65.060 - REVIEW CRITERIA.** The application must include a written discussion of the forest review criteria. This statement should demonstrate how the request satisfies each of the four conditions for approval. Incomplete or superficial answers will delay processing of the application. Each criterion is listed below with a brief explanation of what is meant.

- ✓ The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

**Explanation:** *This criteria requires the applicant to place any proposed buildings so that burnable material is minimized and to provide adequate access to the property for fire protection equipment. The purpose is to ensure that uses and structures do not increase the*

*fire risks to surrounding property, especially to timber. Show how the proposed use will be designed and/or conducted to minimize the risk of fire.*

- ✓ The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

**Explanation:** *This criteria is meant to ensure that the proposed use will not increase the cost of farm and/or forest practices on adjoining lands. It is meant to recognize the primary purpose of the zone is farm and/or forest uses and that the proposed use is a non-forest use. If the most efficient and inexpensive method of conducting a farm and/or forest practice might be considered a nuisance, the practice cannot be stopped to please a non-farm and/or non-forest use. Aerial spraying, selective logging and use of manure as fertilizer are examples of accepted practices. Show how the proposed use will be buffered or otherwise protect surrounding farm and/or forest uses.*

- ✓ The use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use.

**Explanation:** *This criterion is very similar to the one above and both criteria may be answered together. It is meant to ensure that the proposed use will not change or alter farm and/or forest practices on adjoining property. It is meant to recognize that the primary use of the zone is farm and/or forest uses and that the proposed use is a non-forest use. An example of an accepted farm practice which cannot be impacted by the proposed use would be the use of windmills or smudge pots in an orchard. Show how the proposed use will be buffered or otherwise protect surrounding farm and/or forest uses.*

- ✓ A written statement will be recorded with the deed or in the deed records, which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and that agricultural and forest uses on lands zoned for resource use have priority over all other land uses.

**Explanation:** *This criteria will be met by signing the Conflict Acknowledgment Statement attached to this application and recording it with the deed or in the deed records.*

**SECTION 45.030 - CONDITIONAL USE PERMIT CRITERIA.** Conditional use permit requests shall comply with the following standards and criteria:

**A. STANDARDS.**

1. Development standards contained within the Josephine County Rural Land Development 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 Roadway and Traffic Management Plan, including the Official Street Map;
3. Standards for construction of required infrastructure and public facilities; and

**Explanation:** The standards referenced here are technical in nature and many are contained in various policies or manuals in other departments or agencies. The requirements covered by items 1 through 3 will be identified in site plan review. Staff will let you know if you need to respond to any of these items.

4. Access standards contained in §11.030.

**Explanation:** Section 11.030 is the definition for the term *Adequate Access* for site plan review, which says the development must have a valid access permit on a county, state, forest access or public usage road, or (in the case of resource uses involving farm, forest, mining or aggregate) be served by a written and recorded easement which contains no language that excludes commercial traffic. This definition will apply in the event full site plan review is required.

## B. **CRITERIA.**

1. All criteria made applicable by the provisions of Article 69 (Overlays); Chapter 7 (Development Standards); Chapter 8 (Public Facilities); and, Chapter 9 (Special Uses).

**Explanation:** The criteria referenced in this item are the kind that apply only when unique circumstances exist on the property involved in the application. The planner handling your request will let you know if any apply in your case.

2. The location, size, design and operating characteristics of the proposed use will not result in significant impacts on the neighborhood ("significant impact" is defined in Article 11 of this Code);

**Explanation:** The impacts most often involved in Conditional Use Permits are sight, sound and traffic. But other impacts, such as pollution, drainage and odor, can also come into play. The RLDC says impacts are significant when they cause serious adverse effects to, or conflict with, other properties, which cannot be mitigated. Your application should carefully explain how the operation will be conducted, and how the impacts will be minimized. This is usually the most important part of the application and your response on this criterion should be especially thorough.

3. The use will not exceed the carrying capacity of the land as defined in Section 11.030;

**Explanation:** Carrying capacity has to do with the ability of the property to support the proposed development. Usually this covers questions about sewage disposal facilities, water supplies and on-site roads. Your application must demonstrate it is possible to meet basic requirements. Issues about carrying capacity are most likely to arise in the pre-application conference or during site plan review.

4. Existing and proposed infrastructure and public facilities are adequate to serve the proposed development;

**Explanation:** This criterion has to do with the adequacy of off-site public streets, bridges, water and sewage systems to serve the development. It is the rare case when significant issues arise under this criterion. The planner handling your request is the best person to ask if you need to be concerned.

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;

**Explanation:** Again, this criterion mostly has to do with long-range zoning and planning programs. You should only be concerned with this issue if the pre-application planner raises it.

6. Special hazards (flooding, fire, erosion, etc.) and special environmental circumstances (watershed, wetland, wildlife or plant habitat, etc.), are adequately mitigated, provided for or

protected.

**Explanation:** The RLDC contains specific Articles dealing with special hazards. You will find the most commonly applicable regulations in Article 69.1 (flooding), Article 76 (fire), Article 83 (erosion), Article 69.4 (airports). In the event one or more special hazards affect your property, the application will need to carefully show how all applicable regulations are satisfied.

**IMPORTANT NOTE:** The issues and criteria involved in your application may range from simple to very complex, depending on the nature and extent of your proposed business and the physical and development circumstances present on-site and in the neighborhood. Commercial uses in residential neighborhoods can become extremely controversial. Sometimes the issues—and the resulting criteria—do not become completely known until staff is able to fully investigate the request through pre-application review and/or site plan review. This makes the completeness and accuracy of your application the critical first-step for effective review. For this reason, staff recommends you give the application thorough attention. If you have questions, make notes and call the Planning Office.