



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

June 7, 2007

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Cave Junction Plan Amendment
DLCD File Number 002-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: June 21, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
John Renz, DLCD Regional Representative
Helen Early, City of Cave Junction

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FORM 2

DLCD

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

In person electronic mailed

DATE STAMP
DEPT OF
JUN 05 2007
LAND CONSERVATION AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: **City of Cave Junction**

Local file number: **ZC-233-67**

Date of Adoption: **5/29/2007**

Date Mailed: **5/31/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **3/8/2007**

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Approve a zone change from "Single Family Residential" to "Public" for the Three Rivers School District (IV High School). The Three Rivers School District had been operating with a Conditional Use Permit. This zone change will make the public use of this property permanent.

Does the Adoption differ from proposal? **No**, no explanation is necessary

Plan Map Changed from: **SR** to: **P**

Zone Map Changed from: **SR** to: **P**

Location: **Oak Drive, Cave Junction** Acres Involved: **10**

Specify Density: Previous: **7,000** New: **7,000**

Applicable statewide planning goals:

- 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

DLCD # 002-07 (15946)

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

City of Cave Junction, Josephine County, Illinois Valley Fire District, Three Rivers School District

Local Contact: **Helen Early**

Phone: (541) 592-2156 Extension:

Address: **PO Box 1396**

Fax Number: **541-592-6694**

City: **Cave Junction**

Zip:

E-mail Address: **cjplanning@cavenet.com**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: webservice.lcd.state.or.us. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing mara.ulloa@state.or.us.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to mara.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

**Before the Common Council
of the
City of Cave Junction**

Regarding: Zone Change - Oak Drive (Single Family Residential to Public Uses)

**Property Owner: Three Rivers Josephine County Unit Joint School District
Applicant: Three Rivers Josephine County Unit Joint School District**

This request came before the Common Council of the City of Cave Junction on May 14, 2007 for a public hearing at the request of the Three Rivers Josephine County Unit Joint School District, who requested approval of a zone change from Single Family Residential (SR) to Public Uses (P) for a parcel of land north of Oak Drive, more particularly described as 39-08-22-BD, tax lot 100.

There being no objection to the authority of the Council to hear the matter, the public hearing was opened.

1. CRITERIA FOR DECISION:

1.1 EVIDENTIARY CRITERIA: Section 17.14.510 (B) states that a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

1.1.1 Demonstration of compliance with all applicable comprehensive plan policies and map designations. Where this criterion cannot be met, a comprehensive plan amendment shall be a prerequisite to approval.

1.1.2 Demonstration of compliance with all applicable standards and criteria of this Code, and other applicable implementing ordinances.

1.1.3 Evidence of a change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application; (and the provision of Section 17.14.450 Transportation Planning Rule Compliance, as applicable).

1.2 APPROVAL CRITERIA

1.2.1 Municipal Code 17.18.010 - Purpose of the Public Uses District

1.2.2 Municipal Code 17.18.020 - Permitted Uses

1.2.3 Municipal Code 17.20.010 - Purpose of the Single Family Residential District

1.2.4 Municipal Code 17.14.510 - Criteria for a Zone Change

1.2.5 City of Cave Junction Comprehensive Plan

2.0 EVIDENCE AND FACTS: The Common Council considered the following evidence and testimony:

2.1 TESTIMONY: Written and oral testimony from Staff, who discussed the salient aspects of the application noting the following:

2.1.1 Written Staff Report

2.1.2 Jerry Schaeffer, IVFD Fire Marshall, No Concerns

2.1.3 Oregon Department of Transportation, No Comments

2.2 Oral Testimony from Holger Sommer, requesting clarification on DLCD notification and response.

3.0 JUSTIFICATION: The Council accepted the following findings to justify the decision:

3.1 CURRENT ZONING/COMPREHENSIVE PLAN

Current Zone: SR (Single Family Residential)

Comprehensive Plan: SR (Single Family Residential)

3.2 Proposed Zoning/Comprehensive Plan

Proposed Zone: P (Public Uses)

Proposed Comprehensive Plan: P (Public Uses)

3.3 Consistency with Comprehensive Plan

3.3.1 Goal #2 - Land Use Planning

The Comprehensive Plan Land Use Plan Map which indicates anticipated location of various Public uses, would be amended to reflect the new Public Zoning.

3.3.2 Goal #8 - Recreation

The site is adjacent to the Illinois Valley High School. The athletic field should be available for public use through coordinated use with the school district. (*Page 08-2, Conclusions, #3 Future neighborhood park needs can be met through the coordinated use of school district playground facilities.*)

3.3.3 Goal #11 - Public Facilities and Service - Government, Civic, Social Organizations and Churches

The Comprehensive Plan notes the following for *Schools*: "The public schools are operated by the Three Rivers/Josephine County Joint School District. All schools serve the entire Illinois Valley." The IV High School Athletic Field is operated by the Three Rivers/Josephine County Unit Joint School District and serves the entire Illinois Valley.

3.3.4 Goal #14 - Land Use and Urbanization - Land Use Designation

The Comprehensive Plan cited the following for *Public and Quasi-Public*: *These uses are primarily government buildings, schools, parks and other public facilities, and large quasi-public uses such as the cemetery. This*

designation is applied to existing uses which are intended to be maintained in public or quasi-public use through the planning period.

3.4 Public Facilities and Service

The nearest sewer and water connections are on East River St., and over 300 feet from the property.

Water service is also available from a service line from N. Old Stage Road at a distance of 600 feet.

The Illinois Valley Fire District provides Fire Protection for the athletic field and have no concerns at this time.

3.5 Access

Proposed access/parking for the athletic complex would be from existing school entrances at River St. and Laurel Road. Current access to the property is by two County tax lots ("easements") off of N. Old Stage Rd. These tax lots provide access to four other lots and are designated as a future road. The applicant does not indicate how public access from the easement will be controlled. "Future parking" is shown on the northwest corner of the map, abutting the county easement. Ingress/egress through the County's easement will require Josephine County Public Works approval.

The Department of Transportation (ODOT) has reviewed the proposal to determine if state facilities will be substantially impacted by traffic increases, which result from plan amendments or zone changes. They have no comment.

3.6 Consistency with the Zoning Ordinance

The Three Rivers School District has remained in compliance with the Conditional Use Permit and conditions of approval. This zone change recognizes the existing and future public use of the property as being compatible with adjacent residential and public areas and the Municipal Code Public Uses District, Chapter 17.18.010 and Chapter 17.18.020 (H):

The purpose of the Public Uses District is to provide for the uses of various units of government as they serve the public interest. Generally, the land and waters of the public uses district will be in public ownership. Uses in the public district are to operate with buffering or other mitigating measures so they are compatible with adjacent residential and commercial areas and special features of the environment

The following uses are permitted outright in the public district, subject to site plan review, development standards, or other code requirements:

- A. Government offices, libraries, community halls, post offices, public museums and public parking lots.*
 - B. Fire and police stations, ambulance and other emergency services.*
 - C. Public and parochial schools and similar educational facilities.*
 - D. Municipal water treatment plants, storage tanks, and related facilities.*
 - E. Municipal sewage treatment plants, pump stations, and related facilities.*
 - F. Out-patient medical clinics, counseling, and other neighborhood or community public assistance center.*
-

G. Public and quasi-public utility buildings, structures, and uses, but not including outside storage or repair of equipment and materials, warehouses, and similar uses.

H. Parks and recreational facilities that are intended to provide for the recreational or park needs of the neighborhood, community, or river users; including open parklands, play fields, playgrounds, swimming pools, multi-purpose recreation buildings, passive and picnic areas, bikeways, pedestrian walkways, river access, including boat launch ramps, and other such facilities determined by the Planning Commission to be similar.

I. Approved drop-off areas or bins for charitable donations.

4. CONCLUSION: The proposed comprehensive plan amendment and zone change is the result of the applicant's desire to bring the zoning of the property into compliance with the actual use.

5. DECISION: Therefore, based on the staff report, evidence submitted into the record and testimony from witnesses, the Common Council of the City of Cave Junction, upon a motion by Margaret Miller and a vote of 4-0 (Mayor Tony Paulson was excused), approved the request for the zone change from Single Family (SR) to Public Uses (P) for the property located north of Oak Drive, more particularly described as Assessor's Map 39-08-22-BD, tax lot 100.

Notice of Decision
List of Additional Recipients

| NAME | ADDRESS |
|-----------------|--|
| Dick Converse | Rogue Valley Council of Governments PO Box 3275 Central Point OR 97502 |
| Jerry Schaeffer | Illinois Valley Fire District 681 Caves Hwy Cave Junction OR 97523 |
| Holger Sommer | 2000 Hugo Rd Merlin OR 97532 |

ORDINANCE NO. 502

AN ORDINANCE AMENDING ORDINANCE NO. 242 REGARDING THE BOUNDARIES OF THE ZONING MAP OF CAVE JUNCTION, OREGON.

WHEREAS, the Common Council of the City of Cave Junction approved the zone change requested by the Three Rivers/Josephine County Unit Joint School District for the property located off Oak Drive, and more particularly described as Assessor's Map 39-08-22-BD, Tax Lot 100;

THE CITY OF CAVE JUNCTION ORDAINS AS FOLLOWS:

Section 1: The parcel of land identified as Assessor's Map 39-08-22-BD, Tax Lot 100 is hereby re-zoned from City of Cave Junction Zone Single Family Residential (SR) to City of Cave Junction Zone Public Use (P) and the City Zoning Map is hereby amended.

Section 2: The map entitled "Zoning Map of Cave Junction" and identified as Exhibit "A" of Ordinance No. 242 is amended to include the above described property indicated in Exhibit "A", and more particularly identified in Exhibit "B" of this ordinance.

PASSED by the Common Council of the City of Cave Junction this 28th day of May, 2007.

SUBMITTED TO AND APPROVED by the Mayor of the City of Cave Junction this 29th day of May, 2007.

Signed: 
TONY PAULSON, Mayor

Attest: 
CHARLES L. POLK, Recorder

EXHIBIT "A" of Ordinance 502

Parcel 1: Assessor's Map 39-08-22-BD

Tax Lot 100
Oak Drive

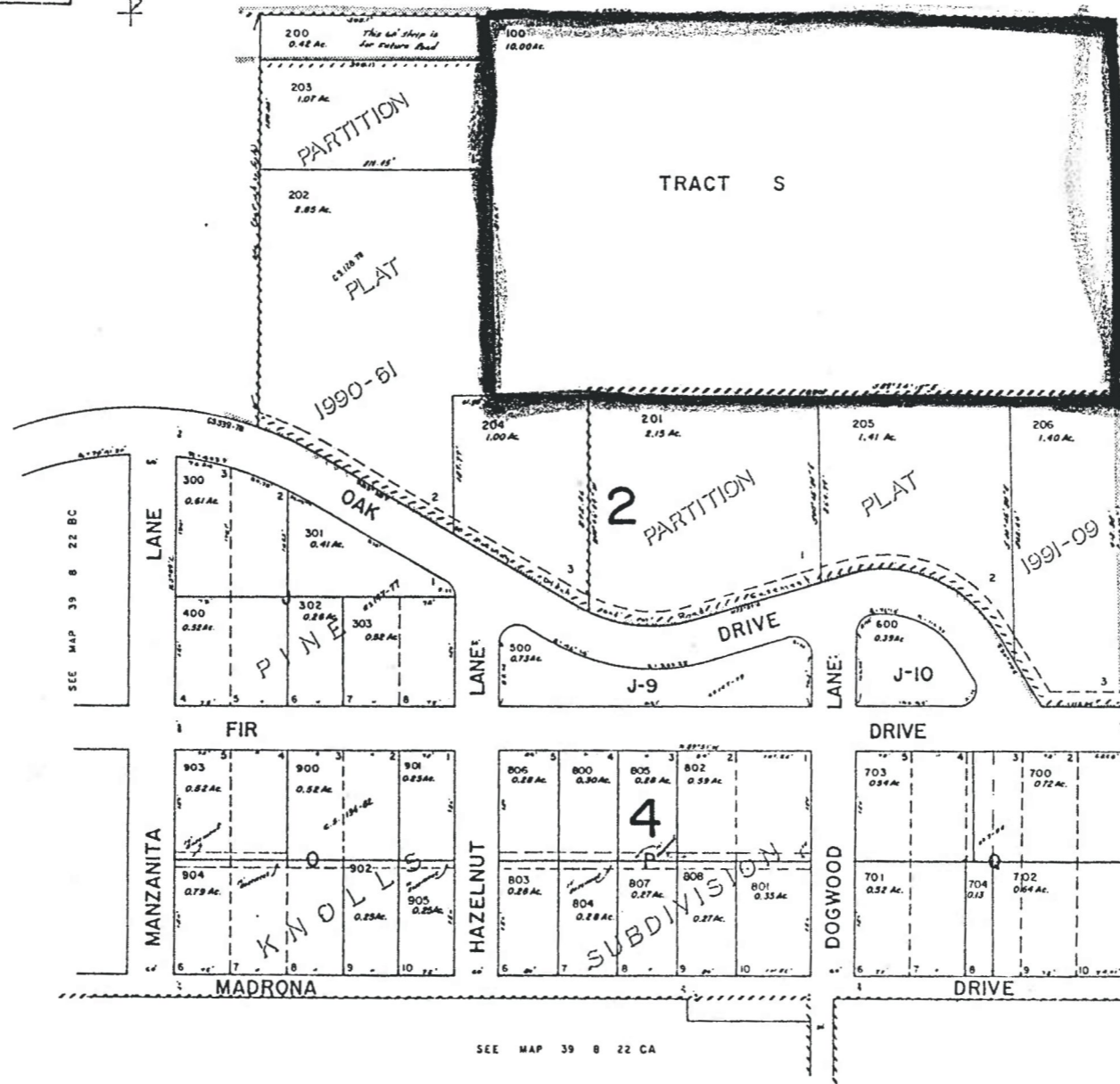
EXHIBIT "B" of Ordinance 502

Parcel 1: Assessor's Map: 39-08-22-BD

Tax Lot: 100

A tract of land located in Tract S of PINE KNOLL SUBDIVISION, in Section 22, Township 39 South, Range 8 West, of the Willamette Meridian, Josephine County, Oregon, more particularly described as follows: Beginning at a point which is South 89° 19'00" East 483.1 feet from the Northwest corner of the Southeast Quarter of the northwest Quarter of said Section 22, which is the true point of beginning of this description, thence South 89° 19'00" East 850 feet to the Northeast corner of said Southeast Quarter of the Northwest Quarter of said Section 22, thence South 00° 46'30" East 512.6 feet; thence North 89° 19'00" West 850 feet; thence North 00° 46'30" West 512.6 Feet to the true point of beginning of this description. TOGETHER WITH an easement for purposes of ingress and egress, as set forth in Volume 224, page 119, Josephine County Deed Records.

This map was prepared for assessment purpose only.



Laurel

