



Oregon

Theodore R. Kubongski, 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

8/13/2009

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Cave Junction Plan Amendment
DLCD File Number 002-09

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: Tuesday, August 25, 2009

This amendment was submitted to DLCD for review 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Helen Early, City of Cave Junction
Gloria Gardiner, DLCD Urban Planning Specialist
John Renz, DLCD Regional Representative

<paa> YA

NR 2

DLCD

Notice of Adoption

DEPT OF

AUG 06 2009

LAND CONSERVATION
AND DEVELOPMENT
DLCD Use Only

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

Jurisdiction: **City of Cave Junction**

Local file number: **ZC236-89**

Date of Adoption: **7/27/09**

Date Mailed: **8/4/09**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes Date: 5/21/09

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Ordinance No. 523 Amend the Comprehensive Plan Map and Zoning Map for property at 553 E. River Street (39-08-22-BA TL 202) from Single Family Residential to Public for a quasi-public use.

Does the Adoption differ from proposal? Please select one

No.

Plan Map Changed from: **SR**

to: **P**

Zone Map Changed from: **SR**

to: **P**

Location: **553 E. RIVER ST (39-08-22-BA TL 202)**

Acres Involved: **.30**

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 |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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 file No. 002-09

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

Local Contact: **Helen Early**

Phone: (541) 592-2156 Extension:

Address: **PO Box 1396**

Fax Number: 541-592-2156

City: **Cave Junction**

Zip: **97523**

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, or by emailing **larry.french@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 **larry.french@state.or.us** - **Attention: Plan Amendment Specialist**.

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

Regarding: Zone Change -553 E. River St. (Single Family Residential to Public Uses)

**Property Owner: Southern Oregon Child & Family Council (SOC&FC)
Applicant: Judy Brown, (SOC&FC)**

This request came before the Common Council of the City of Cave Junction on July 13, 2009 and July 27, 2009 for a public hearing at the request of the Southern Oregon Child & Family Council who requested approval of a zone change from Single Family Residential (SR) to Public Uses (P) for 553 E. River St., more particularly described as 39-08-22-BA, tax lot 202.

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 Dist

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. Written Staff Report

2.2 Oral testimony from Nalita Baumbach, SOC&FC Center Supervisor

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 2000 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 accommodate the new Public Zoning;

3.3.2 Goal #9 - Economy of the State: The Comprehensive Plan cites the following: *Cave Junction's economy is based on providing services to the Illinois Valley. Under Policy #2: The City will provide sufficient land through planning and zoning to meet the needs for commercial, service and other non-residential uses.*

The Southern Oregon Child and Family Council provides opportunities for children and parents to achieve success. They serve children 0-5 years of age, and their families, who are low-income or have a disability. Through a partnership with parents, staff, and the community, they provide early childhood education, family support, health, mental health, dental and nutrition services.

3.3.3. Goal #11 - Public Facilities and Service - Government, Civic, Social Organizations and Churches. The Comprehensive Plan cited the following: *A wide range of service providers are located in Cave Junction.*

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

3.4.1 The Early head Start Facility is connected to City water and sewer.

3.4.2 The Illinois Valley Fire District provides Fire Protection and has no concerns at this time.

3.5 Access

3.5.1 Access to the facilities is off of E. River Street. Parking is adequate.

3.5.2 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

3.6.1 The Southern Oregon Child and Family Council, Inc. 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 (F & G).

3.6.2 *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 5-0, approved the request for the zone change from Single Family (SR) to Public Uses (P) for the property located at 553 E. River Street, more particularly described as Assessor's Map 39-08-22-BA, tax lot 202.

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 |
| Judy Brown | Southern Oregon Child & Family Council PO Box 3697 Central Point, OR 97502 |
| Nalita Baumback | Southern Oregon Child & Family Council PO Box 3697 Central Point, OR 97502 |

(12)

(1)

FA-Adcom

ORDINANCE NO. 523

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

30-

WHEREAS, the Common Council of the City of Cave Junction approved the zone change requested by the Southern Oregon Child & Family Council Inc., for the property located at 553 E. River Street, and more particularly described as Assessor's Map 39-08-22-BA, Tax Lot 202;

THE CITY OF CAVE JUNCTION ORDAINS AS FOLLOWS:

Section 1: The parcel of land identified as Assessor's Map 39-08-22-BA, Tax Lot 202 is hereby re-zoned from City of Cave Junction Zone Single Family Residential (SR) to City of Cave Junction Zone Public (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 27th day of July, 2009.

SUBMITTED TO AND APPROVED by the Mayor of the City of Cave Junction this 28th day of July, 2009.

Signed: Donald G. Moore
DONALD G. MOORE, Mayor

Attest: Charles J. Polk
CHARLES J. POLK, Recorder

JOSEPHINE COUNTY OFFICIAL RECORDS
ART HARVEY, COUNTY CLERK 2009-012412
DEE-CIO 07/31/2009 10:49 AM
Cnt=1 Pgs=3 Stn=4 RECEIPTS Total: \$30.00
\$15.00 \$11.00 \$4.00



I, Art Harvey, County Clerk, certify that the within document was received and duly recorded in the official records of Josephine County.

This instrument filed for record as an accommodation only. It has not been examined as to its execution or as to its effect upon the title. First American Title Co.

2

EXHIBIT "A" of Ordinance 523

Parcel: Assessor's Map 39-08-22-BA

Tax Lot 202
553 E. River Street

3

EXHIBIT "B" of Ordinance 523

Parcel: Assessor's Map: 39-08-22-BA

Tax Lot: 202

LEGAL DESCRIPTION: Lot 6, Osage Subdivision, in the City of Cave Junction, Josephine County, Oregon.

City of Cave Junction
P.O. Box 1396
Cave Junction, OR 97523



Plan Amendment Specialist
Dept of Land Conservation & Dev.
635 Capitol St. NE, Ste 150
Salem, OR 97301-2540