



Oregon

Theodore R. Kubongoski, 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

9/9/2010

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 001-10

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: Wednesday, September 22, 2010

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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Charles J. Polk, City of Cave Junction
Gloria Gardiner, DLCD Urban Planning Specialist

Bill Holmstrom, DLCD Transportation Planner
Darren Nichols, DLCD Community Services Division Manager

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE
STAMP

DEPT OF

SEP 03 2010

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Cave Junction**

Local file number:

Date of Adoption: **August 24, 2010**

Date Mailed: **September 1, 2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date:

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".

The City of Cave Junction amended and four titles of the Municipal Code with the adoption of four ordinances: Title 12: to require sidewalk width to be 5 ft instead of 4 ft 6 inches and to correct a scrivener error in a definition;

Title 15: removed the access strip (pole) from the area required to meet the lot size requirements; extend the expiration of a property line adjustment and land partition tentative plan from nine months to 12 months;

Title 16: removed the capability of development of half streets;

Title 17: removed capability of developing Master Planned Developments; clarified general requirements; corrected scrivener errors, addressed parking requirements; added requirements for signs in the public use zone and for religious institutions; and added private property burial requirements.

Does the Adoption differ from proposal? No.

Plan Map Changed from: **na**

to: **na**

Zone Map Changed from: **na**

to: **na**

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
X	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	X	<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. _____

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: hearly@frontiernet.net

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS [197.615](#) and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light **green paper if available**.
3. **Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:**
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see [ORS 197.615](#)).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see [ORS 197.830 to 197.845](#)).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see [ORS 197.615](#)).

ORDINANCE NO. 533

AN ORDINANCE TO AMEND THE CAVE JUNCTION MUNICIPAL CODE, TITLE 12, VARIOUS SECTIONS TO CORRECT INFORMATION.

WHEREAS, an amendment to the Municipal Code was deemed necessary;

NOW THEREFORE, THE CITY OF CAVE JUNCTION ORDAINS AS FOLLOWS:

Section 1. Municipal Code Title 12, Chapter 08, Section 080, is amended to read:

12.08.080 Sidewalks. Sidewalks shall be installed unless otherwise indicated by the City Council. Construction shall meet the following standards:

- A. Width: five feet;
- B. Grade fall: one-fourth inch per foot toward curbing;
- C. Thickness: four inches of concrete (six inches where vehicle traffic crosses), four inches of base material.

Section 2. Municipal Code Title 12, Chapter 12, Section 010, is amended to read:


12.12.010 Definitions. Unless the context requires otherwise, the following mean:
“City Recorder” means the city recorder or person authorized by the city recorder.
“Person” means a natural person, firm, corporation or other legal entity.
“Sidewalk” means the part of the street right-of-way between the curblines or the lateral lines of a roadway and the adjacent property lines that is intended for the use of pedestrians.

Section 3. Invalidity of a section or part of a section of this ordinance shall not affect the validity of the remaining sections or parts of sections.

PASSED by the Common Council of the City of Cave Junction this 23rd day of August, 2010.

SUBMITTED TO AND APPROVED by the Mayor of the City of Cave Junction, this 24th day of August No testimony was offered , 2010.

Signed: _____


DONALD G. MOORE, Mayor

Attest: _____


RYAN L. NOLAN, Recorder

ORDINANCE NO. 534

AN ORDINANCE TO AMEND THE CAVE JUNCTION MUNICIPAL CODE, TITLE 15, VARIOUS SECTIONS TO CLARIFY BASE LOT STANDARDS AND ADJUST TIME REQUIREMENTS FOR EXPIRATION OF TENTATIVE PLANS.

WHEREAS, an amendment to the Municipal Code was deemed necessary;

NOW THEREFORE, THE CITY OF CAVE JUNCTION ORDAINS AS FOLLOWS:

Section 1. Municipal Code Title 15, Chapter 04, Section 120, Paragraph E is added:

E. The access strip (pole) may not be counted toward the lot size requirements.

Section 2. Municipal Code Title 15, Chapter 16, Section 040, is amended to read:

15.16.040 Expiration of tentative property line adjustment plan. Within one year following the effective date of approval of the tentative plan, the final plat must be submitted and all conditions of tentative plan approval fulfilled. The review committee, upon written by the applicant, shall make written findings that the facts upon which the approval was based, have not changed sufficiently to warrant re-filing of the tentative plan. The planning commission may, upon review of the application and findings of fact, grant a six-month extension of the expiration date.


Section 3. Municipal Code Title 15, Chapter 20, Section 050, is amended to read:

15.20.050 Expiration of tentative plan. Within one year after approval of a tentative plan, the final plat must be submitted with all conditions of the tentative plan approval met. The city, upon written request of the applicant, may grant a six-month extension. The review committee shall make written findings that the facts upon which the approval was based have not changed to an extent sufficient to warrant re-filing of the tentative plan.

PASSED by the Common Council of the City of Cave Junction this 23rd day of August, 2010.

SUBMITTED TO AND APPROVED by the Mayor of the City of Cave Junction, this 24th day of August, 2010.

Signed: 
DONALD G. MOORE, Mayor

Attest: 
RYAN L. NOLAN, Recorder

ORDINANCE NO. 535

AN ORDINANCE TO AMEND THE CAVE JUNCTION MUNICIPAL CODE, TITLE 16, SECTION 16.20 TO REMEDY HALF STREET ISSUES.

WHEREAS, an amendment to the Municipal Code was deemed necessary;

NOW THEREFORE, THE CITY OF CAVE JUNCTION ORDAINS AS FOLLOWS:

Section 1. Municipal Code Title 16, Chapter 20, Section 080, Paragraph I is amended to read:

I. (Reserved for future use.)

PASSED by the Common Council of the City of Cave Junction this 23rd day of August, 2010.

SUBMITTED TO AND APPROVED by the Mayor of the City of Cave Junction, this 24th day of August, 2010.

Signed: 
DONALD G. MOORE, Mayor

Attest: 
RYAN L. NOLAN, Recorder

ORDINANCE NO. 536

AN ORDINANCE TO AMEND THE CAVE JUNCTION MUNICIPAL CODE, TITLE 17, VARIOUS SECTIONS TO ADDRESS MODIFICATIONS, SCRIVENER'S ERRORS AND OTHER CHANGES.

WHEREAS, an amendment to the Municipal Code was deemed necessary;

NOW THEREFORE, THE CITY OF CAVE JUNCTION ORDAINS AS FOLLOWS:

Section 1. Municipal Code Title 17, Chapter 17.12.100 is added:

17.12.100 Private property burial requirements. A person may not use any property for cemetery or burial park purposes unless the person is the owner of the property, has written consent from the appropriate governing body, maintains records of disposition, and discloses the disposition of human remains upon sale of the property.

Section 2. Municipal Code Title 17, Chapter 17.14, Article VI Master Planned Developments, (Sections 17.14.330 through 17.14.440) is amended to read:

Article VI (Reserved for future use.)

Section 3. Municipal Code Title 17, Chapter 17.14, Section 17.14.540, Paragraph A.3. is amended to read:

3. Allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or

Section 4. Municipal Code Title 17, Chapter 17.28, Section 17.28.040 is amended to read:

- 17.28.040 Lot requirements. A. Minimum average width shall be forty-five feet.
B. Maximum lot coverage for structures plus required parking may be one hundred percent, except where the use is abutting a residential district.
C. The side yard abutting a residential district shall be a minimum of five feet.
D. The rear yard abutting a residential district shall be a minimum of ten feet.

Section 5. Municipal Code Title 17, Chapter 17.28, Section 17.28.050 is amended to read:

- 17.28.050 Landscaped area. A. Purpose. Landscaping is required to help soften the effects of building and paved areas. It also helps in reducing storm water runoff by providing a surface into which storm water can percolate.
B. Plant Selection. A combination of deciduous and evergreen trees, shrubs and ground covers shall be used for all planted areas, the selection of which shall be based on the local climate, exposure, water availability and drainage conditions. When new vegetation is planted, soils shall be amended, as necessary, to allow for healthy plant growth.

C. Non-Plant ground covers. Bark dust, chips, aggregate or other non-plant ground covers may be used, but shall cover no more than 50 percent of the area to be landscaped and shall be confined to areas underneath plants. Non-plant ground covers cannot be a substitute for ground cover plants.

Section 6. Municipal Code Title 17, Chapter 17.30, Section 17.30.100, Paragraph A, is amended to read:

17.30.100 Primary Uses. A. Allowed uses. Uses allowed in the employment and industrial district are listed in Table 30-1 with a “Y”. These uses are allowed if they comply with the development standards and other regulations of this Title. Being listed as an allowed use does not mean that a proposed development will be granted an adjustment or other exception to the regulations of this Title.

Section 7. Municipal Code Title 17, Chapter 17.30, Section 17.30.225, is amended to read:

17.30.225 Landscaped area. A. Purpose. Landscaping is required to help soften the effects of building and paved areas. It also helps in reducing storm water runoff by providing a surface into which storm water can percolate. Landscaping is required for all employment district lands abutting residential district lands to provide buffering and promote the livability of the residential lands.

B. Plant Selection. A combination of deciduous and evergreen trees, shrubs and ground covers shall be used for all planted areas, the selection of which shall be based on the local climate, exposure, water availability and drainage conditions. When new vegetation is planted, soils shall be amended, as necessary, to allow for healthy plant growth.

C. Non-Plant ground covers. Bark dust, chips, aggregate or other non-plant ground covers may be used, but shall cover no more than 50 percent of the area to be landscaped and shall be confined to areas underneath plants. Non-plant ground covers cannot be a substitute for ground cover plants.

Section 8. Municipal Code Title 17, Chapter 17.32, Section 17.32.020, is amended to read:

17.32.020 Parking requirements. Buildings erected or enlarged or uses established or changed after the effective date of the ordinance codified in this Title shall comply with the following requirements and Section 17.32.025 for disabled person parking (in addition to state and federal regulations).

Section 9. Municipal Code Title 17, Chapter 17.32, Section 17.32.020, Paragraph 17.32.020(C)(1) is amended to read:

C. Common Facilities for Mixed Uses.

1. In the case of mixed uses, the total requirements for off-street parking spaces shall be the sum of the requirements for the various uses or 5.5 spaces per one thousand feet of gross floor area, whichever provides the greatest amount of parking. Off-street parking facilities

for one use shall not be considered as providing parking facilities for any other use except as provided in subsection (C)(2) of this section;

Section 10. Municipal Code Title 17, Chapter 17.32, Section 17.32.025, is added:

17.32.025 Disabled Person Parking. Disabled person parking spaces shall be provided at the following rate.

<u>Total Parking Lot</u>	<u>Required Minimum Number of Accessible Space</u>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
From 151 to 500	One additional space per 100 spaces
501 to 1000	2% of total

The disabled-person parking symbol shall be painted on the parking space and a disabled person parking sign shall be placed in front of each space. Disabled person parking spaces shall be a minimum of nine (9) feet wide and shall have an adjacent access aisle a minimum of eight (8) feet in width located on the passenger side of the parking space. *See Oregon Transportation Commission Standards for Accessible Parking Places for requirements.*

Section 11. Municipal Code Title 17, Chapter 17.32.040, Sections G, H, I and J are renumbered as follows:

- 17.32.040 G. Electrical Signs is renumbered 17.32.040 I. Electrical Signs
- 17.32.040 H. Prohibited Signs is renumbered 17.32.040 J. Prohibited Signs
- 17.32.040 I. Non-Conforming Signs is renumbered 17.32.040 K. Non-Conforming Signs
- 17.32.040 J. Variance Procedures is renumbered 17.32.040 L. Variance Procedures

Section 12. Municipal Code Title 17, Chapter 17.32.040, Section G is added:

G. Public Use Signs. The aggregate area of all signs shall not exceed an area equal to two square feet for each lineal foot of building street frontage not to exceed sixty square feet. If a ground sign is included, the sign shall not be located within 15 feet of any property line, and be no more than eight feet in height. Signs within public parks, schools, or stadiums, which are generally placed and located so as not to be viewed from a street, are exempt from this provision.

Section 13. Municipal Code Title 17, Chapter 17.32.040, Section H is added:

H. Religious Institution Signs. Each lot occupied by a church (religious institution) is allowed a maximum of 32 square feet of sign area per street frontage. The maximum area may include a combination of wall and ground signs. If a ground sign is included, the sign shall not be located within 15 feet of any property line, and be no more than eight feet in height.

Section 14. Invalidity of a section or part of a section of this ordinance shall not affect the validity of the remaining sections or parts of sections.

PASSED by the Common Council of the City of Cave Junction this 23rd day of August, 2010.

SUBMITTED TO AND APPROVED by the Mayor of the City of Cave Junction, this 24th day of August, 2010.

Signed: 
DONALD G. MOORE, Mayor

Attest: 
RYAN L. NOLAN, Recorder

MINUTES
of
City Council Meeting
August 23, 2010

MEMBERS: Mayor Don Moore, Councilors Dan Fiske, Margaret Miller, Trisha Arias and Carl Jacobson met in a regular session. Retiring Recorder Jim Polk (Recorder and Clerk of the Council) and incoming Recorder Ryan Nolan were in attendance.

MINUTES: The minutes of the meeting of August 9, 2010 were presented. **Margaret** made a motion to approve the minutes as presented. The motion carried 4 - 0 - 1 on a roll-call vote with Margaret, Trisha, Carl and Don voting in assent and Dan abstaining.

RESOLUTION 748 - SANITATION FRANCHISE (Recycle Contamination - Penalty Rate): Resolution 748, approving the request of Southern Oregon Sanitation, as recommended by the Solid Waste Agency, to add a recycle contamination charge, was read once in full and once by number and title only. There was no public comment offered on the resolution. **Margaret** made a motion to adopt Resolution 748. The motion carried 4 - 0 - 1 on a roll-call vote with Dan, Margaret, Trisha and Carl voting in assent and Don abstaining.

PUBLIC HEARING - ORDINANCE TO AMEND MUNICIPAL CODE, TITLE 12: Ordinance No. 533, to amend Municipal Code, Title 12, was read once in full and once by number and title only. This was the second reading of the ordinance. The continued public hearing was opened. With no testimony being offered, the public hearing was closed. Carl requested and received clarification on who sets the standards for the construction of the ramp. **Carl** made a motion to adopt Ordinance 533. The motion carried 5 - 0 on a roll call vote with Dan, Margaret, Trisha, Carl and Don voting in assent.

PUBLIC HEARING - ORDINANCE TO AMEND MUNICIPAL CODE, TITLE 15: Ordinance No. 534, to amend Municipal Code, Title 15, was read once in full and once by number and title only. This was the second reading of the ordinance. The continued public hearing was opened. With no testimony being offered, the public hearing was closed. **Trisha** made a motion to adopt Ordinance 534. The motion carried 5 - 0 on a roll call vote with Dan, Margaret, Trisha, Carl and Don voting in assent.

PUBLIC HEARING - ORDINANCE TO AMEND MUNICIPAL CODE, TITLE 16: Ordinance No. 535, to amend Municipal Code, Title 16, was read once in full and once by number and title only. This was the second reading of the ordinance. The continued public hearing was opened. With no testimony being offered, the public hearing was closed. Dan made a motion to adopt Ordinance 535. The motion carried 5 - 0 on a roll call vote with Dan, Margaret, Trisha, Carl and Don voting in assent.

PUBLIC HEARING - ORDINANCE TO AMEND MUNICIPAL CODE, TITLE 17: Ordinance No. 536, to amend Municipal Code, Title 17, was read once in full and once by number and title only. This was the second reading of the ordinance. The continued public hearing was opened. With no testimony being offered, the public hearing was closed. **Margaret** made a motion to adopt Ordinance 536. The motion carried 5 - 0 on a roll call vote with Dan,

Margaret, Trisha, Carl and Don voting in assent.

TEMPORARY LIQUOR LICENSE - REQUEST (St. Patrick's Catholic Church): The Mayor briefed the request submitted by Don Fasching for a temporary liquor license application of the St. Patrick's Catholic Church "Oktoberfest". Don addressed the Council, stating that previously, they had held the event in October, but the weather did not cooperate so the event was planned for the middle of September. They currently have 13 vendors and will be offering good food and fun. Margaret asked if the weather was bad, would they move the event inside. Don responded that the food was inside and they would just deal with the weather. **Trisha** moved to recommend approval of the application. The motion carried 5 - 0 on a roll call vote with Dan, Margaret, Trisha, Carl and Don voting in assent.

EXECUTIVE SESSION - ORS 192.660 (2-h): Not required.

COMMENTS:

- **Josephine County Sheriff Gil Gilbertson:** Sheriff Gilbertson addressed the Council and along with Undersheriff Don Fasching, requested Jim Polk join them. They presented him with a plaque commending him for his service to the Sheriff's Office, City and community.

- **Comments from the Public:** W. Scot Jorgensen addressed the Council and expressed his appreciation of working with Jim for the last 4 years and wished him well on his retirement.

- **General Information:** Ryan briefed the members and public on:

- - A request from Andre Briggs of the Oregon State Parks Department to meet with the Council, County and Bureau of Land Management to discuss the future of the Illinois River (Forks) State Park.

- - A scheduled meeting for the Council to attend on the status of the Oak Flat Fire.

- - The League of Oregon Cities will be holding the City Hall week in the middle of September and announced the Council was invited to attend a meeting in Rogue River.

- **Comments from the Council and Mayor:** The members of the Council and the Mayor thanked Jim for his service to the City and wished him well on his retirement.

ADJOURNMENT: **Margaret** made a motion and the meeting adjourned at 7:32 p.m.

Signed: _____

DONALD G. MOORE, Mayor

Attest: _____
RYAN L. NOLAN, Recorder

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



attn: Plan Amendment Specialist
Dept of LC&D
635 Capitol St NE Ste 150
Salem, OR 97301-2540