



# 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 001-07



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

<paa> ya/

NRDF 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

**DEPT OF**

**JUN 05 2007**

**LAND CONSERVATION AND DEVELOPMENT**

DATE STAMP

For DLCD Use Only

Jurisdiction: **City of Cave Junction**

Local file number: **ZC-232-67**

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

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

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **3/8/07**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Comprehensive Plan Text Amendment | <input checked="" type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment                | <input checked="" type="checkbox"/> Zoning Map Amendment             |
| <input type="checkbox"/> New Land Use Regulation                      | <input type="checkbox"/> Other:                                      |

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

Approved a zone change from "Single Family Residential" to "Public" for the Illinois Valley Family Coalition for properties located at 535 E. River St. The Illinois Valley Family Coalition had been operating with a Conditional Use Permit. This zone change will make the public and quasi-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: **535 E. River St.** Acres Involved: **3**

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

Applicable statewide planning goals:

- |                          |                                     |                          |                          |                          |                          |                          |                          |                                     |                          |                                     |                          |                          |                                     |                          |                          |                          |                          |                          |
|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>1</b>                 | <b>2</b>                            | <b>3</b>                 | <b>4</b>                 | <b>5</b>                 | <b>6</b>                 | <b>7</b>                 | <b>8</b>                 | <b>9</b>                            | <b>10</b>                | <b>11</b>                           | <b>12</b>                | <b>13</b>                | <b>14</b>                           | <b>15</b>                | <b>16</b>                | <b>17</b>                | <b>18</b>                | <b>19</b>                |
| <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 # 001-07 (15945)**



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DLCD file No. \_\_\_\_\_

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

State of Oregon, Josephine County, City of Cave Junction

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Local Contact: **Helen Early**

Phone: (541) 592-2156 Extension:

Address: **PO Box 1396**

Fax Number: **541-592-2156**

City: **Cave Junction**

Zip:

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

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### **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: [webserver.lcd.state.or.us](http://webserver.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](mailto: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](mailto:mara.ulloa@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

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

**Regarding: Zone Change - 535 E. River Street (Single Family Residential to Public Uses)**

**Property Owner: Illinois Valley Family Coalition Inc.  
Applicant: Illinois Valley Family Coalition Inc.**

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 Illinois Valley Family Coalition, who requested approval of a zone change from Single Family Residential (SR ) to Public Uses (P) for two parcels of land at 535 E. River St., more particularly described as 39-08-22-BA, tax lots 102 and 201.

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 Mary Reynolds, requesting clarification on lot development history.

2.3 Oral testimony from Sally Palmer, requesting clarification on abutting property zoning and the timing of the request.

2.4 Oral testimony from Holger Sommer, expressing the same concerns cited during the hearing on the zone change requested by the Three Rivers School District (notification to DLCDC and any comments received) and mentioning that this change could pressure abutting property owners to request changes.

**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 #9 - Economy of the State

The IV Family Coalition is recognized as an integrated “public” service center for the Illinois Valley. Many individuals and families have moved to this area and may need the services they provide. The IV Family Coalition also provides employment opportunities for residents of Cave Junction.

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

The Comprehensive Plan noted the following for *Public and Quasi-Public*:  
“The City is sponsoring the construction of an integrated service center where full social services can be provided at one location.”

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 IV Family Coalition is connected to City water and sewer.

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

3.5 Access

Access to the facilities is off of E. River Street, through tax lot 201. Parking is adequate for the facility.

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 Illinois Valley Family Coalition 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). The public uses include the following agencies: Vietnam Veterans of America; IV Safe House Alliance; On Track; Mental Health; Family Friends; Senior & Disability Services; Human Services; Early Intervention; IV Alternative Center; National Federation of the Blind.

*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 at 535 E. River Street, more particularly described as Assessor's Map 39-08-22-BA, tax lots 102 and 201.

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
Mary Reynolds	PO Box 1668 Cave Junction OR 97523
Sally Palmer	4203 Caves Hwy Cave Junction OR 97523

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**PUBLIC HEARING - ZONE CHANGE (IV Family Coalition):** The request for a zone change from Single Family to Public Uses for the property at 535 E. River Street, submitted by the Illinois Valley Family Coalition was briefed. Helen Early read the staff report into the record to include the criteria, findings and conclusion. Dan opened the public hearing. Carol Ronan, Executive Director of Family Coalition, addressed the Council, stating she had nothing more to add but was available to answer questions. Mary Reynolds, 597 E. River requested and received clarification on the history of the development. Sally Palmer, 4203 Cave Hwy., inquired about neighboring zones, and asked if there was a rule regarding the same zone type on 3 of 4 sides to ensure a flow of zones. Helen responded, that to her knowledge, there is no such rule regarding neighboring zones, and that the abutting properties to the east and to the north, across River St., were zoned Public Uses. Sally questioned why the zone change was being done now and was answered that at the time of the original development, there was no specific zone to cover the public and quasi-public use for the various coalition businesses. Holger Summer, 2000 Hugo Rd., Merlin, stated he had the same concerns as on prior zone change agenda item and made mention of potential pressure on neighboring areas to request zone changes. No additional testimony was offered and the public hearing was closed. Margaret made a motion to approve the zone change request for the IV Family Coalition from Single Family to Public Use. The motion carried 4-0 on a roll-call vote with Margaret, Lynne, Russell and Dan voting in assent.

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ORDINANCE NO. 503

**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 Illinois Valley Family Coalition for the properties located at 535 E. River Street, and more particularly described as Assessor's Map 39-08-22-BA, Tax Lots 102 and 201;


**THE CITY OF CAVE JUNCTION ORDAINS AS FOLLOWS:**

**Section 1:** The parcels of land identified as Assessor's Map 39-08-22-BA, Tax Lots 102 and 201 are 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 28<sup>th</sup> day of May, 2007.

**SUBMITTED TO AND APPROVED** by the Mayor of the City of Cave Junction this 29<sup>th</sup> day of May, 2007.

Signed:   
TONY PAULSON, Mayor


Attest:   
CHARLES J. POLK, Recorder



EXHIBIT "A" of Ordinance 503

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

Tax Lot 102  
535 E. River Street

Parcel 2: Assessor's Map 39-08-22-BA

Tax Lot 201  
535 E. River Street

EXHIBIT "B" of Ordinance 503

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

Tax Lot: 102

Legal Description: All of the following described property lying in the Northeast Quarter of the Northwest Quarter of Section 22, Township 39 South, Range 8 West of the Willamette Meridian, Josephine County, Oregon: A parcel of land in the Northwest Quarter of Section 22, Township 39 South, Range 8 West of the Willamette Meridian, Josephine County, Oregon, being more particularly described as follows: Beginning at the initial point which is on the Easterly right of way line of Old Stage Road and the South line of "Osage Subdivision" and bears South  $81^{\circ}51'59''$  Est 964.79 feet from the Northwest corner of said Section 22; thence along the South line of said subdivision, South  $76^{\circ}40'15''$  East 109.33 feet to an iron rod; thence continue along said South line, South  $13^{\circ}19'45''$  West 30.00 feet to an iron rod; thence continue along said South line, South  $76^{\circ}40'15''$  East 649 feet to an iron rod; thence South  $0^{\circ}08'$  West 243.23 feet to an iron rod,; thence North  $89^{\circ}19'40''$  West 810.96 feet to an iron rod on said Easterly right-of-way line of Old Stage Road; thence North  $10^{\circ}25'10''$  East 445.07 feet back to the initial point.

Parcel 2: Assessor's Map: 39-08-22-BA

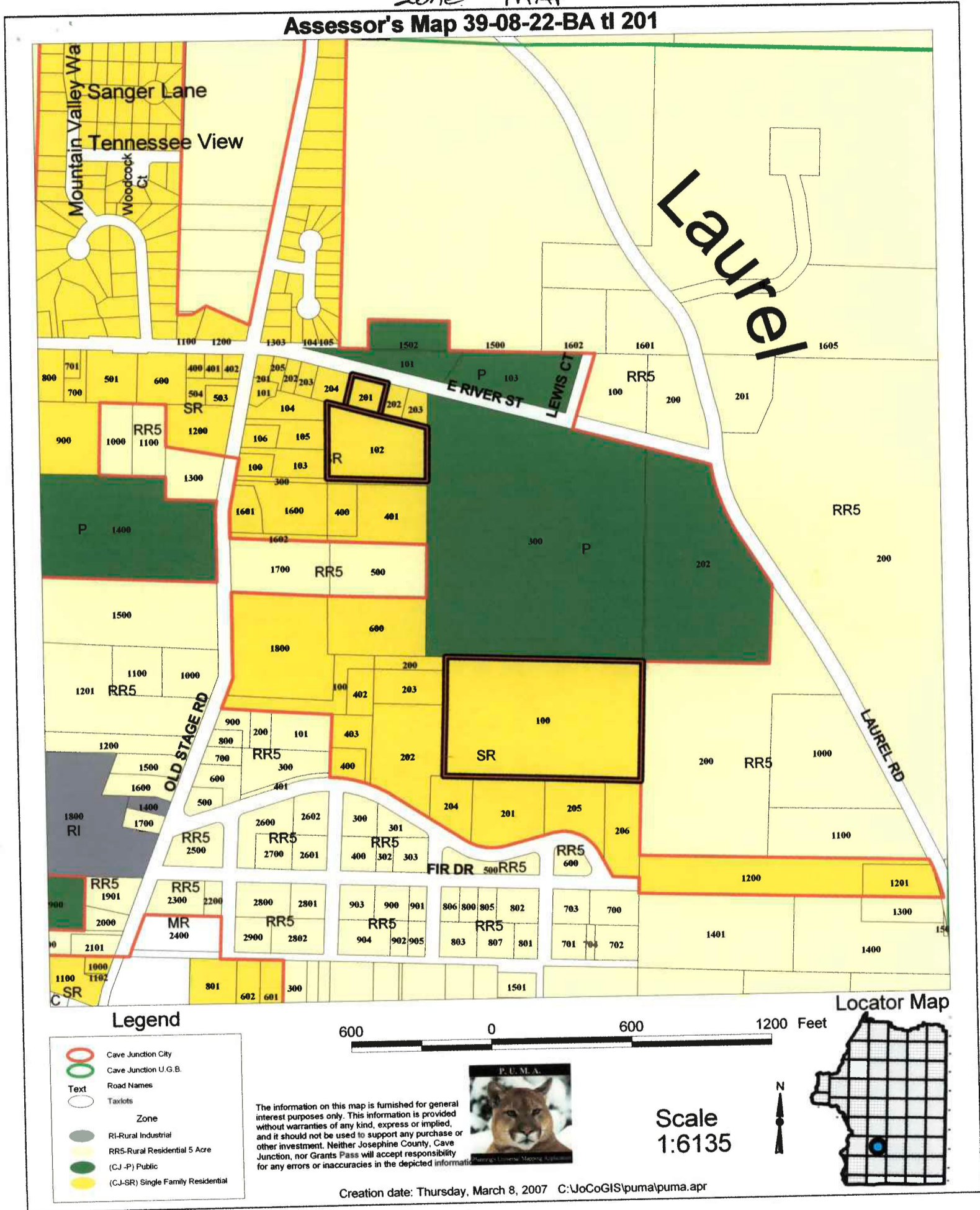
Tax Lot: 201

Legal Description: Lot 5, OSAGE SUBDIVISION, Josephine County, Oregon.

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Zone MAP

### Assessor's Map 39-08-22-BA tl 201



# Laurel

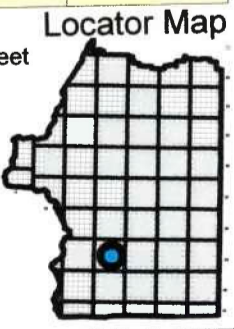
#### Legend

- Cave Junction City
- Cave Junction U.G.B.
- Road Names
- Taxlots
- Zone**
- RI-Rural Industrial
- RRS-Rural Residential 5 Acre
- (CJ-P) Public
- (CJ-SR) Single Family Residential



The information on this map is furnished for general interest purposes only. This information is provided without warranties of any kind, express or implied, and it should not be used to support any purchase or other investment. Neither Josephine County, Cave Junction, nor Grants Pass will accept responsibility for any errors or inaccuracies in the depicted information.

Scale  
1:6135



Creation date: Thursday, March 8, 2007 C:\JoCoGIS\puma\puma.apr