



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

May 25, 2006



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 002-06

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT OR DEADLINE TO APPEAL: June 7, 2006

This amendment was not submitted to DLCD for review prior to adoption. Pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

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 DATE SPECIFIED ABOVE.**

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

<paa>



ORDINANCE NO. 477

COPY

AN ORDINANCE TO AMEND THE CAVE JUNCTION MUNICIPAL CODE, TITLE 17, SECTION 08, DEFINITIONS, SECTION 30, TABLE 30-1.

WHEREAS, clarification of the Municipal Code was deemed necessary; and

WHEREAS, there have been issues identified that should be addressed;

THE CITY OF CAVE JUNCTION ORDAINS AS FOLLOWS:

DEPT OF

MAY 19 2006

LAND CONSERVATION AND DEVELOPMENT

Section 1. Municipal Code Title 17, Section 08, Definitions, is amended to include:

17.08.355 Health Care Provider. "Health Care Provider" shall include, but is not limited to, a Medical Doctor, Dentist, Chiropractor, Nurse Practitioner, Physicians Assistant, Registered Nurse, or other state licensed and City authorized alternative health care professional.

17.08.536 Medical Center. "Medical Center" means a prescribed physical structure or location, which provides on-site medical or dental care, up to and including hospital-level care.

17.08.537 Medical Facility. "Medical Facility" means a prescribed physical structure or location, which provides or coordinates a range of supportive personal health services, that may include assisted residential facilities. A Medical Facility shall provide a minimum of two (2) or more, at the discretion of the Council, of the following services:

- A. Medication administration and supervision;
- B. Medical assessment by qualified health care provider;
- C. Assistance with treatment of health related issues by qualified health care provider;
- D. Coordination of Medical and Dental Care services;
- E. Prescription of medication in accordance with Oregon State Law.

Section 2. Municipal Code, Title 17, Section 30, Table 30-1, Use Category "Medical Centers" is amended to read "Medical Centers/Facilities".

Section 3. Ordinance 472, adopted on August 22, 2005, is hereby repealed.

Section 4. 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 14th day of November, 2005.

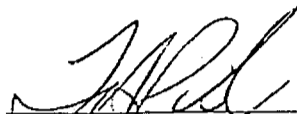
DLCO # 002-06
(NOA)

Ordinance 477

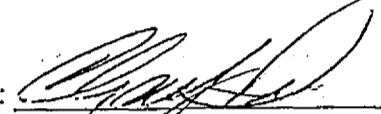
Page 2

SUBMITTED TO AND APPROVED by the Mayor of the City of Cave Junction, this 15th day of November, 2005.

Signed:


TONY PAULSON, Mayor

Attest:


CHARLES J. POLK, Recorder

\$290,000 toward the project so far. Chris stated they had met with Tom Meek of the Oregon Economic and Community Development Department about grant potential, and stated their hope that the City will schedule a meeting about the project for the City to sponsor a Community Development Block Grant application for the construction of the facility. She added that the Alliance had contracted with Sue Densmore to facilitate their efforts. Rita requested the amount for grant request with Chris responding \$800,000 for the Safe House. Rita requested and received City's grant status. Larry Osborn, Manor Communities, stated he had entered into a contract with IVSHA for a 59,000 square foot lot in the Cottage Park development, that he was selling property at a value well under market value, and value of the land could be reevaluated for additional collateral. He added that another issue would be dealing with residency within the Employment/Light Industrial zone and that this project would also provide residential use within the zone, and that was being addressed with the upcoming ordinance.

CEDAR BROOK (SUNNYBROOK) ESTATES, PHASE II - FINAL PLAT

ACCEPTANCE (Osborn): The request from Larry Osborn for the City to approve the final plat of the Cedar Brook Estates, Phase II, was briefed by the clerk. Larry Osborn addressed the request, and provided an update on the current status and plans to combine the third and fourth phases into a final phase for 51 lots with the installation of the second gated access point. Gary Biggs stated that the water portion of the public infrastructure was complete and that the sewer system only needed pressure testing and the engineer's certification. Sally Palmer stated it was gated in front and asked how the rest of the property was fenced. Larry Osborn stated the property would be fenced with chain link and that the second access road would be gated. Rita moved to accept the final plat of Phase II once the City receives the required documentation for the infrastructure. The motion carried 5-0 on a roll call vote.

PUBLIC HEARING - ORDINANCE 477 (Amend MC Title 17): Ordinance 477, amending the Municipal Code, Title 17, was read once in full and once by number and title only. This was the first reading of the ordinance. The public hearing was opened. Larry Osborn stated his agreement with the language clarification included in the ordinance, that there was a critical need for assisted care in the area, and that he was happy that action was being taken to correct the ordinance. No additional testimony was offered and the hearing was continued until the next meeting.

PUBLIC HEARING - ORDINANCE 478 (Annexation Hearing): Ordinance 478, setting a date for a public hearing on the request to annex property into the City by William Clinton and declaring an emergency, was read once in full and once by number and title only. Sally Palmer requested and received clarification on the ownership, location, and size of the lot. Dave Toler, requested clarification on the reason for the declaration of the emergency. He questioned the need and expressed his opinion on the need and his concern for following the (his perceived historical) process. Rita requested and received clarification on the effective date and impact of the adoption. Russell expressed his opinion on the issue and the level of controversy and expediting the process. He stated his dislike for the language but agreed with the expedited purpose. Dave Toler again expressed his concern about the process and the routine use of the emergency clause. No additional testimony was offered and the public hearing was closed.

possibility of relocating the site for the future sludge drying beds to allow the use for mitigation, with the possibility to relocate the beds. The primary issue for the presentation is timing to allow for the mitigation plan to be submitted prior to or during January 2006, asking for approval of the Council to work with the Staff on the potential of the land exchange. Rita requested city staff to address issue. Gary stated that when the original waste water treatment plant construction plan was approved, the approval included the future expansion, but that additional answers are not currently available. Lisa stated that the site has a riparian area and is a wetland and that as population grows, the more attention will be given by the regulatory agencies. Gary requested that staff be authorized to continue the discussions, to include cost impacts, and recommended another workshop be held to continue the discussion. Rita expressed her support for the continued discussion, but stated the opinion that the field would have to be level without financial impact to the City. Russell voiced his support for a full financial assessment and impact presentation. Lisa added that if the desire is to have flood storage and detention, this would be a benefit to the City. John reiterated that the issue was timing. The consensus of the Council was to authorize continued study and discussion.

ACCEPTANCE OF PUBLIC INFRASTRUCTURE (CedarBrook, Phase II): The Clerk briefed the members that the public infrastructure for the second phase of the Cedarbrook Estates Planned Unit Development, was completed and certified by the project engineer. Dan moved to accept the public infrastructure. The motion carried 4-0 on a roll call vote.

CONTINUED PUBLIC HEARING - ORDINANCE 477: Ordinance 447, amending Title 17 of the Municipal Code, 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. Larry Osborn, 1000 Waldamar Rd, expressed his opinion that the adoption of the ordinance was very appropriate. Rita moved to adopt Ordinance 477. The motion carried 4-0 on a roll call vote.

PUBLIC HEARING - ORDINANCE 478-1: Ordinance 478-1, declaring the annexation of property, was read once in full and once by number and title only. This was the first reading of the Ordinance. The public hearing was opened. No testimony was offered and the hearing was continued to the next meeting.

PUBLIC HEARING - ORDINANCE 479: Ordinance 479, amending the zoning map of the city, was read once in full and once by number and title only. This was the first reading of the ordinance. The public hearing was opened. No testimony was offered and the hearing was continued to the next meeting.

RESOLUTION 673: Resolution 673, adopting a revised Deferred Compensation Plan, was read once in full and once by number and title only. Ann Centonze requested and received clarification on the plan relating to no employer matching funds were included, that the only funds were invested by the City employees. Rita moved to adopt Resolution 673. The motion carried 4-0 on a roll call vote.

EXECUTIVE SESSION: (Not Required.)