



Oregon

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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 001-06

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 because the jurisdiction determined that emergency circumstances required expedited review. 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>



DEPT OF

MAY 19 2006

ORDINANCE NO. 472

LAND CONSERVATION
AND DEVELOPMENT

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

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:

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. 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. 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.

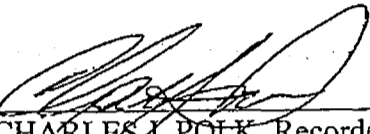
Section 4. WHEREAS, it is necessary and desirable that this Ordinance shall be effective immediately, an emergency is hereby declared to exist in the best interest of the City of Cave Junction, and the inhabitants thereof, and this Ordinance may be read first in full and then by title alone at any one meeting of the Common Council of the City of Cave Junction and shall be in full force and effective from and after its passage by the Council and approval by the Mayor of the City of Cave Junction.

PASSED by the Common Council of the City of Cave Junction this 22nd day of August, 2005.

DLCD # 001-06
(NOA)

SUBMITTED TO AND APPROVED by the Mayor of the City of Cave Junction, this 23rd day of August, 2005.

Signed: 
TONY PAULSON, Mayor

Attest: 
CHARLES J. POLK, Recorder

MINUTES
of
City Council Meeting

August 22, 2005

MEMBERS: Mayor Tony Paulson, Margaret Miller, Rita Dyer and Russell Ehrman met in regular session. Member Dan Fiske was excused. Recorder Jim Polk (Clerk of the Council), Helen Early (Planning Clerk), Gary Biggs (Public Works Supervisor) and Dick Converse (Planning Consultant) were in attendance.

MINUTES: The minutes of the meeting of August 8, 2005 were presented, Margaret made a motion to accept the minutes as written. The motion carried 3-0-1 on a roll-call vote with Rita abstaining due to her being excused from the previous meeting.

SHERIFF'S REPORT: The July report was read by the Clerk. Deputy Webb was not present and his absence was questioned by Rita. The Mayor provided an explanation that the Deputy was probably on a call.

CODE INTERPRETATION - Title 17 (Medical): The history of the development of the EG/LI zone and the lack of definition of the terms health care provider, medical center and medical facility was provided by the Clerk. The Clerk provided the members with draft definitions and an unsolicited professional opinion of the definition for "medical facility". There was limited discussion and consensus of the definitions.

PUBLIC HEARING - ORDINANCE (Amend Title 17): Ordinance 472, amending definitions and a table in the Municipal Code and declaring an emergency, was read once in full and once by number and title only. The public hearing was opened. Larry Osborn, 103 Hwy 199, Manor Communities Development, stated the definition is important to him and important to the City, that the definition cannot be found in any code of the cities or within the State. He stated he invited representatives of the management company he intends to operate the facility if his proposal is approved. Todd Woollard, principle of Woollard Ipsen Management, provided a brief history of his involvement in the proposed development. He stated his support and comfort with the definition proposed for the terminology. He added that the project has a huge employment opportunity within the City. Dick Converse, RVCOG, Contract Planner, stated this was a concern identified in the previous application, and within his search, he found "medical center" only, adding that he was comfortable with the definitions as proposed, and asked if this was consistent with the intention (of the Council) with the creation of the zone, and his second issue was in the definition of a medical facility, stating that requiring only two services was a very low thresh-hold, and asked why not required more than two. Rita requested clarification about the DLCD letter of April 2004 (relating to the zoning designation transfer between parcels), and Dick provided clarification. Dave Toler, 7563 Rockydale Rd, requested clarification on the purpose of the ordinance and if the definition included the word "residential" with the response being that the purpose was to add the definitions to the Code and that the definition did not include the term "residential". No additional testimony was offered and the public hearing was closed. Russell addressed the concern that Chiropractic care, acupuncture or

state-licensed alternative care providers were not included in the definition of health care providers, but was okay to go forward and the Council would be able to amend it later. Dick suggested "shall include but is not limited to" be added within the definition. Russell was willing to accept the proposed change. Rita referred to the DLCD letter inclusion about the potential limitations to industrial development and requested Dick's opinion. Dick stated that there is available land that could be considered for the zone. He added that the staff report would provide additional comment on the issue. He added that the intent of the proposed project would be a "campus" setting and should not impact the end zone and that the concern is that an area is set aside where the industrial use would not impact the residential zone. Rita stated that an end use of self service storage was allowed outright and that use does not create many jobs where the proposed project does. Russell and Rita asked where the allowed uses came from (source of the list). Dick stated the table came from the City of Portland. Russell stated that if the end goal was to create jobs, then questioned how would storage units be allowed. Rita stated that the DLCD letter was only a recommendation, so long as the City (Council) was fully aware of the end use. Russell asked, if the City proceeded with the proposal, would there be the possibility of repercussions, and in addressing the limitation of two criteria being a low level of requirement then added his personal opinion on the requirements. He requested clarification from Todd Woollard on the definitions. Todd stated that the submission was provided to allow the City to have room to authorize other potential developments to be placed within the zone. Russell asked if there was a single criteria that would be critical to the definition. Todd stated that any four would be acceptable and that a single one would be difficult to limit. He added that it would be advisable for the criteria to be "at the discretion of the Council". Margaret moved to adopt Ordinance 472 with the revision that the definition of a "Health Care Provider" be changed to include "shall include but not be limited to". Russell identified that requirements A and C were the one and the same, and recommended deleting the Registered Nurse assessment and renumbering the requirements. The friendly amendment was accepted by Rita and Margaret. The motion to adopt Ordinance 472 carried 4 - 0 on a roll call vote.

PUBLIC HEARING - MASTER PLANNED DEVELOPMENT (Prim Rose Lane - Osborn): A request from Larry Osborn, representing Manor Communities Development, to create a 43 duplex unit (86 assisted care residential unit) Master Planned Development on a total of 13 lots was briefed. The criteria for approval was presented by the Clerk. Russell stated he had discussed the zoning issues with the applicant. Tony, Margaret and Rita announced they had visited the site. Dick Converse, Planning Consultant, provided the criteria for tentative plan approval, the findings and conclusion of the staff report. He stated the application was a Type III site plan review and the lot layouts and landscape plan to be addressed were provided prior to meeting but after completion of the staff report. He noted the DLCD letter and concerns, stated the Fire Marshall comments and street connection to the west concerns would be received during the hearing. He recapped that the appearance would be residential in nature, with a 10 landscape strip buffer and the City would have the ability to require fencing. Recommended conditions would follow but he stated the Council could continue the application if the members were uncomfortable with the current status or that they could approve the request. He then briefed the suggested conditions adding that requirements in the recommended conditions 2 and 3 were submitted prior to the hearing, that condition 4 was provided in the final proposed site