

**CITY OF CENTRAL POINT  
City Council Meeting Agenda  
March 13, 2014**

**Central Point  
City Hall  
541-664-3321**

**City Council**

**Mayor**  
Hank Williams

**Ward I**  
Bruce Dingler

**Ward II**  
Kelly Geiger

**Ward III**  
Ellie George

**Ward IV**  
Allen Broderick

**At Large**  
David Douglas  
Rick Samuelson

**Administration**  
Chris Clayton, City  
Manager  
Deanna Casey, City  
Recorder

**Community  
Development**  
Tom Humphrey,  
Director

**Finance**  
Bev Adams, Director

**Human Resources**  
Barb Robson, Director

**Parks and Public  
Works**  
Matt Samitore,  
Director  
Jennifer Boardman,  
Manager

**Police**  
Kris Allison Chief

Next Res. 1392  
Next Ord. 1984

**I. REGULAR MEETING CALLED TO ORDER – 7:00 P.M.**

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL**

**IV. PUBLIC APPEARANCES** - *This time is reserved for citizens to comment on items that are not on the agenda.*

**V. CONSENT AGENDA**

- |            |  |
|------------|--|
| Page 1 - 8 | A. Approval of February 27, 2014 Council Minutes         |
| 9          | B. Approval of Arbor Week Proclamation                   |
| 10 - 11    | C. Approval of OLCC Application for Schmizza Pub & Grill |
| 12         | D. Approval of Cheese Festival Traffic Control Plan      |

**VI. ITEMS REMOVED FROM CONSENT AGENDA**

**VII. PUBLIC HEARING, ORDINANCES, AND RESOLUTIONS**

- |         |   |
|---------|---|
| 13 - 15 | A. Second Reading - Ordinance No. _____, Amending Subsection 12.36.100 of the Municipal Code Amending the Height Requirements of Trees Over Public Streets (Samitore)                                 |
| 16 - 20 | B. First Reading/Public Hearing, An Ordinance Amending CPMC Chapter 17.37, C-2(M); Chapter 17.44, C-4; and Chapter 17.46, C-5 Allowing Medical Marijuana Dispensaries as a Conditional Use (Humphrey) |
| 21 - 24 | C. Resolution No. _____, Declaring the City Council's Interest and Request to be Included in the Jackson County Enterprise Zone Which Includes an Electronic Commerce Zone Overlay (Humphrey)         |

- 25 - 28      D.      Resolution No. \_\_\_\_\_, Updating the Public Works Standards and Specifications (Samitore)

**VIII. BUSINESS**

- 29 - 30      A.      Planning Commission Report (Humphrey)

**IX. MAYOR'S REPORT**

**X. CITY MANAGER'S REPORT**

**XI. COUNCIL REPORTS**

**XII. DEPARTMENT REPORTS**

**XIII. EXECUTIVE SESSION – ORS 192.660(2)(e) Real Property Transactions**

The City Council will adjourn to executive session under the provisions of ORS 192.660 (2)(e) Real Property Transactions. Under the provisions of the Oregon Public Meetings Law, the proceedings of an executive session are not for publication or broadcast.

**XIV. ADJOURNMENT**

# Consent Agenda

**CITY OF CENTRAL POINT  
City Council Meeting Minutes  
February 27, 2014**

**I. REGULAR MEETING CALLED TO ORDER**

Mayor Williams called the meeting to order at 7:00 p.m.

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL:**

Mayor: Hank Williams  
Council Members: Bruce Dingler, Kelly Geiger, Rick Samuelson, David Douglas, and Ellie George were present. Allen Broderick was excused.

City Manager Chris Clayton; City Attorney Dan O'Conner; Police Captain Brian Day; Community Development Director Tom Humphrey; Finance Director Bev Adams; Parks and Public Works Director Matt Samitore; and City Recorder Deanna Casey were also present.

**IV. PUBLIC APPEARANCES – None**

**V. SPECIAL PRESENTATION**

- **Special Recognition of Justine Hurley.** Community Development Director Tom Humphrey presented Mr. Hurley with a plaque of recognition for five years of service on the Planning Commission. In addition to the Planning Commission he has volunteered for numerous activities in the City.
- **RVCOG Annual Report.** RVCOG Director Michael Cavallaro updated the Council of the financial stability of the COG. They are in better shape this year and have seen an upturn in projects. There will be an increase of \$156 for the City of Central Point. Their budget will remain status quote for the next year. They are able to maintain their core services like planning, and home and community based care. Central Point received over 15,000 meals to seniors last year. This is a critical service and Central Point provides well for its senior citizens.

**VI. CONSENT AGENDA**

**A. Approval of February 13, 2014 City Council Minutes**

**Kelly Geiger moved to approve the Consent Agenda as presented.** Rick Samuelson seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Kelly Geiger, yes; David Douglas, yes; Rick Samuelson, yes; and Ellie George, yes. Motion approved.

**VII. ITEMS REMOVED FROM CONSENT AGENDA - None**

## **VIII. PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS**

### **A. Ordinance No. 1982, Adding Section 5.40 Medical Marijuana Dispensaries to the Central Point Municipal Code; Declaring an Emergency**

Community Development Director Tom Humphrey reviewed the proposed ordinance regulating the establishment of Medical Marijuana Dispensaries in Central Point. Chapter 5.40 will define and specify the criteria under which a dispensary would be allowed as a conditional use. In addition to the state regulations the City will require a 500 foot buffer from residential zones.

An issue discussed at the first reading involves a dispensary's compatibility with other uses in a zoning district, specifically child care. In order to avoid this conflict the 'first in' business will take precedence. It is unlikely that a child care facility would choose to locate next to a dispensary once one is established.

At the first reading Council discussed adopting the proposed ordinance under the provisions of an emergency. Adoption under these provisions makes the ordinance effective immediately upon adoption. This ensures that the City's guidance for Medical Marijuana Dispensaries in Central Point would be in place when the state law takes effect on March 3, 2014. The emergency clause is for the health and welfare of the Central Point Citizens.

City Manager Chris Clayton explained that the state legislators are in the process of reviewing the ability to let cities and counties ban the dispensaries but that decision is still several weeks out. Staff believes it is in the best interest of the city to approve the proposed ordinance with the clear understanding that if the state allows jurisdictions to ban, staff will return with an ordinance banning unlawful businesses according to local, State or Federal Laws. He read into the record a statement from the City Attorney clarifying the position of the City Council.

Council discussed the need to ban the dispensaries with the limited provisions allowed in the Ordinance. There are not very many properties that are available so banning the dispensaries may just be extra work. There was discussion about pharmacies issuing the marijuana if it is really to be used for medical reasons.

Mayor Williams opened the deliberations up for public comment.

John Michaels, Medford City Councilor

Mr. Michaels is concerned that Central Point will be allowing the dispensaries in the City limits. There are larger cities that may be fighting the legal battle if the state does not allow jurisdictions the ability to ban them. He believes that the cities should have the ability to disallow businesses that break local, state or federal laws. He does not believe that the State has the authority to override federal law. Their City Council will be hearing possible court cases next week. He encouraged the Central Point Council to ban the illegal businesses.

**Kelly Geiger made a motion to approve Ordinance No. 1982, Adding Section 5.40 Medical Marijuana Dispensaries to the Central Point Municipal Code; Declaring an Emergency.** Ellie George seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Kelly Geiger, yes; David Douglas, yes; Rick Samuelson, yes; and Ellie George, yes. Motion approved.

Mayor Williams made a statement that the Council will review the option to ban unlawful businesses by Local, State or Federal Laws if the state does pass legislation allowing cities and counties that ability. The Ordinance that has been passed is merely to have in place the ability to regulate them. The City Council is in agreement that they would prefer to ban them as an unlawful business.

**B. Resolution No. 1390, Amending the Central Point Business License Fee Schedule**

Finance Director Bev Adams explained that the Central Point Business License Fee Schedule has not been updated for 13 years. In preparing a fee schedule for the Medical Marijuana Dispensaries staff realized that several other fees needed updating. She explained the proposed changes. Staff recommends \$100 annually for a Medical Marijuana Dispensary.

There was discussion regarding the \$900 fee for adult businesses. The Police Department would be required to monitor the business much like they will be required to monitor the Dispensaries. Council members were in agreement that the business license fee should be \$900 for Medical Marijuana Dispensaries.

City Attorney Dan O'Conner stated that the Adult Business License fee has been in place for a long time and the city could justify the fee. The staff time for this type of business could be time consuming.

**Kelly Geiger made a motion to approve Resolution No. 1390, Amending the Central Point Business License Fee with the change to the Medical Marijuana Dispensary fee to \$900 Annually.** David Douglas seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Kelly Geiger, yes; David Douglas, yes; Rick Samuelson, yes; and Ellie George, yes. Motion approved.

**C. Ordinance No. 1983, Amending Central Point Municipal Code Section 11.20.050 Transportation Utility Fees**

Parks and Public Works Director Matt Samitore explained that the only change between the first reading and the second reading is that the minimum and maximum for the commercial, industrial and institutional users will go into effect July 1, 2014. The ordinance includes removing the sunset clause in the municipal code. Following adoption of this Ordinance will be a resolution setting the Transportation Utility Fees to be effecting July 1, 2014.

**Rick Samuelson moved to approve Ordinance No. 1983, Amending Central Point Municipal Code Section 11.20.050 Transportation Utility Fees.** David Douglas seconded. Roll call: Hank Williams, yes; Bruce Dinger, yes; Kelly Geiger, yes; David Douglas, yes; Rick Samuelson, yes; and Ellie George, yes. Motion approved.

**D. Resolution No. 1391, Establishing the Transportation Utility Fees**

Mr. Samitore stated that there are no changes to the transportation utility fees. This Resolution will merely put the fees in place for July 1, 2014 when the Ordinance becomes effective. It is important to note that some businesses will see an increase with the min/max being removed. The methodology has not changed.

**Kelly Geiger moved to approve Resolution No. 1391 Establishing the Transportation Utility Fees.** Rick Samuelson seconded. Roll call: Hank Williams, yes; Bruce Dinger, yes; Kelly Geiger, yes; David Douglas, yes; Rick Samuelson, yes; and Ellie George, yes. Motion approved.

**E. First Reading, Ordinance Amending Central Point Municipal Code Section 12.36.100 Regarding Street Tree Height Requirements Over Public Streets**

Mr. Samitore explained that Section 12.36.100 was established in the 1990s and unfortunately has not kept up with the heights of current utility vehicles including the City Street Sweeper, Rogue Disposal Vacuum Trucks, Fire Service Trucks and Rogue Disposal Garbage Trucks. Staff is recommending updating the code by allowing an additional one foot of clearance on residential streets to 14 feet and one foot on collector and arterial streets to 16 feet. The difference for main streets is for the Fire District ladder trucks which are between 15 and 16 feet in height.

There was discussion regarding newly planted trees. They cannot have the same standards because they cannot be trimmed to those heights until they are grown. Mr. Samitore will make the change for the second reading.

**Rick Samuelson made a motion to move to second reading an Ordinance Amending Central Point Municipal Code Section 12.36.100 Regarding Street Tree Height Requirements over Public Streets.** Kelly Geiger seconded. Roll call: Hank Williams, yes; Bruce Dinger, yes; Kelly Geiger, yes; David Douglas, yes; Rick Samuelson, yes; and Ellie George, yes. Motion approved.

**IX. BUSINESS**

**A. Bid Award for Long Term Financial Plan**

Mrs. Adams provided the background on the Request for Proposals sent out in January for Long Term Financial Planning Services. The city is looking for a document that can be updated when changes are made around the city. She

stated that they received two proposals. The interview Committee was comprised of the Mayor, City Manager and Finance Director. The Committee agreed that the FCS Group is a better option for the City because they have already done several of our plans and can include those into the Long Term Financial Plan. The City has worked with them in the past and had no issues.

There was discussion regarding contract services verses City Staff doing the plan. Mr. Clayton explained that we do not have any staff members that have 8 months of free time to complete a project of this size. The FCS Group is comprised of professional people who are trained to do this type of project. Having an outside organization provides an objective opinion that would be difficult for staff or council. City staff will be providing the data and historical information to enter in the plan.

**Kelly Geiger made a motion to award the Long Term Financial Plan Contract to the FCS, Group.** David Douglas seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Kelly Geiger, yes; David Douglas, yes; Rick Samuelson, yes; and Ellie George, yes. Motion approved.

#### **B. Bid Award for Audit Services**

Mrs. Adams explained the process for the Audit Services request for proposals. The city received three proposals and conducted interviews. The recommendation is for the contract to be awarded to Isler, CPA. They have worked for several organizations and cities in the area and provide a good product.

**Bruce Dingler made a motion to award the City Audit Services Contract to Isler, CPA.** Rick Samuelson seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Kelly Geiger, yes; David Douglas, yes; Rick Samuelson, yes; and Ellie George, yes. Motion approved.

#### **C. Enterprise Zone Discussion**

Mr. Clayton presented an updated map showing the areas in Central Point that could be included in an Enterprise Zone. Staff talked with the Jackson County Community Services Department and was directed to provide a map showing tax lots, and Council endorsement to be included in the Enterprise Zone. The land does not need to be contiguous with other Enterprise Zone boundaries and the city should only propose employment land where there is a perceived benefit. The proposed map includes all of the commercial and industrial land in the UGB and in portions of the Urban Reserve Area CP-3. We do not need to include the Tolo Urban Reserve Area because it is already in a County Enterprise Zone.

The County has a limited amount of acreage that can be included in the zone, and they are working with Gold Hill and Phoenix to be included in the next amendment.

Council was comfortable with the proposed map and would like staff to return with a resolution of endorsement to be included in the Enterprise Zone.

#### **X. MAYOR'S REPORT**

Mayor Williams reported that he:

- Attended the Cities Water Coalition meeting. They continue to discuss the Medford Water Commission proposal of a standard water agreement for all the cities. The Talent City Manager and City Attorney have decided to work on the agreement with the MWC instead of standing with the CWC.
- Attended a Cub Scout awards banquet.

#### **XI. CITY MANAGER'S REPORT**

City Manager Chris Clayton reported that:

- Staff has been working with the property owners to clean up the trailer park on West Pine Street. Several trailers have been removed and they will be taking down the out buildings.
- Mr. Humphrey and City Attorney Sydnee Dreyer have been working with Combined Transport to expand the Urban Growth Boundary. They may be adding between 400 and 600 jobs for the area.
- He will be meeting with the County Administrator to discuss an emergency communication district.
- He is working with the Finance Director regarding debt consolidation possibilities.

#### **XII. COUNCIL REPORTS**

Council Member David Douglas reported that he attended:

- The School Board meeting.
- The Bear Creek Greenway Committee approved a funding agreement, and future meeting dates.
- He was approached by one of the student athletes who requested the City Council attend a special presentation of Girl Rising at the high school.

Council Member Rick Samuelson reported that he attended an RVCOG meeting. He also thanked the Police Department for their hard work in finding the culprit who broke into his store.

Council Member Kelly Geiger reported that:

- He attended a Fair Board Meeting. They are looking forward to working with the city and they are trying to stay above water.
- He will be attending the Chamber Auction.

#### **XIII. DEPARTMENT REPORTS**

Parks and Public Works Director Matt Samitore reported that:

- He attended a meeting with the school district about the storm water quality plan at Jewett.

- The school district has received calls about the bottle necking at Mae Richardson. They say there have been several near misses with a child and traffic. The City will be working with the district to help design a new drop off zone. There are issues because of the locations and some of the property is city and some is school district. Staff will work with the traffic light to make more movement East/West rather than North/South. We have a challenge with making changes to Pine Street because it is a Jackson County Street.

Captain Brian Day we had one officer graduate from the Police Academy on Friday, and Monday another officer started attending the Academy.

Finance Director Bev Adams stated that the Budget Preparation kick off meeting was last week. Staff members are working on their budgets.

**XIV. EXECUTIVE SESSION- None**

**XV. ADJOURNMENT**

Kelly Geiger moved to adjourn, Rick Samuelson seconded, all said "aye" and the Council Meeting was adjourned at 8:36 p.m.

The foregoing minutes of the February 27, 2014, Council meeting were approved by the City Council at its meeting of March 13, 2014.

Dated:

\_\_\_\_\_  
Mayor Hank Williams

ATTEST:

\_\_\_\_\_  
City Recorder

# Arbor Week Proclamation

*Whereas,* In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and;

*Whereas,* the holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and;

*Whereas,* Arbor Week is now observed throughout the nation and the world, and;

*Whereas,* trees can reduce the erosion of our precious topsoil by wind and water, lower our heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and;

*Whereas,* trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and;

*Whereas,* trees increase property values, enhance the economic vitality of business areas, and beautify our community, and;

*Whereas,* trees, wherever they are planted, are a sources of joy and spiritual renewal,

NOW, THEREFORE, I Hank Williams, Mayor of the City of Central Point, Oregon, do hereby proclaim April 6 – 12, 2014 as:

## Arbor Week

in the City of Central Point , and I urge all citizens to celebrate Arbor Week and to support efforts to protect our trees and woodlands, and;

*Further,* I urge all citizens to plant and care for trees to gladden the heart and promote the well-being of this and future generations.

***Dated this 13th Day of March, 2014***

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Mayor Hank Williams



155 South Second Street • Central Point, OR 97502

Ph: (541) 664-5578 • Fax: (541) 664-2705 • [www.centralpointoregon.gov](http://www.centralpointoregon.gov)

**Kristine Allison**

**Chief**

Date: 02/27/2014

From: Captain Brian Day  
To: Honorable Mayor Williams  
Subject: Request for OLCC License

RE: Schmizza Pub & Grill / Persons associated therewith

Files of the Central Point Police Department contain no information pertinent to the request.

Respectfully,

A handwritten signature in blue ink, appearing to read "Brian Day". The signature is stylized and somewhat cursive.

Captain Brian Day  
Central Point Police Department



OREGON LIQUOR CONTROL COMMISSION  
LIQUOR LICENSE APPLICATION

RECEIVED

FEB 07 2014

MEDFORD REGIONAL OFFICE  
OREGON LIQUOR CONTROL COMMISSION

Application is being made for:

LICENSE TYPES:

- Full On-Premises Sales (\$402.60/yr)
  - Commercial Establishment
  - Caterer
  - Passenger Carrier
  - Other Public Location
  - Private Club
- Limited On-Premises Sales (\$202.60/yr)
- Off-Premises Sales (\$100/yr)
  - with Fuel Pumps
- Brewery Public House (\$252.60)
- Winery (\$250/yr)
- Other: \_\_\_\_\_

ACTIONS

- Change Ownership
- New Outlet
- Greater Privilege
- Additional Privilege
- Other \_\_\_\_\_

CITY AND COUNTY USE ONLY

Date application received: 2/24/14

The City Council or County Commission:

Central Point  
(name of city or county)

recommends that this license be:

Granted  Denied

By: \_\_\_\_\_  
(signature) (date)

Name: Hank Williams

Title: Mayor

OLCC USE ONLY...

Application Rec'd by: [Signature]

Date: 2/14/14

90-day authority:  Yes  No

90-DAY AUTHORITY

Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

APPLYING AS:

- Limited Partnership
- Corporation
- Limited Liability Company
- Individuals

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

- ① McIntire Inc. ② \_\_\_\_\_
- ③ \_\_\_\_\_ ④ \_\_\_\_\_

2. Trade Name (dba): Schmizza Pub&Grub

3. Business Location: 1350 Plaza Blvd ste. D Central Point Jackson OR 97502  
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: 958 Pumpkin Ridge Eagle Point OR 97524  
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 541-879-3000 641-879-3001  
(phone) (fax)

6. Is the business at this location currently licensed by OLCC?  Yes  No

7. If yes to whom: n/a Type of License: \_\_\_\_\_

8. Former Business Name: Relax Sports Bar

9. Will you have a manager?  Yes  No Name: Sarah Stone  
(manager must fill out an Individual History form)

10. What is the local governing body where your business is located? Central Point  
(name of city or county)

11. Contact person for this application: Ryan McIntire 541-941-0795  
(name) (phone number(s))  
958 Pumpkin Ridge 541-879-3001 pzalvr@aol.com  
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

- ① [Signature] Date 2/14/14 ③ \_\_\_\_\_ Date \_\_\_\_\_
- ② \_\_\_\_\_ Date \_\_\_\_\_ ④ \_\_\_\_\_ Date \_\_\_\_\_

## STAFF REPORT

**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** MATT SAMITORE, DIRECTOR

**SUBJECT:** Temporary speed reduction and lane closure on Front Street from Manzanita to Crater High School.

**SUMMARY:** The annual Oregon Cheese Festival will be held March 15, 2014 from 9 to 5. The event is now encompassing both sides of Front Street because of the growth of the event. In order to safely handle the amount of traffic and pedestrian crossings of Front Street the Police and Public Works Department are requesting a temporary speed reduction to 20 MPH through the event zone from Pine to Crater High School as well as closing both slow lanes making Front Street a three lane street. The temporary speed reduction and lane closures would only be for March 15, 2014 from 8 to 8 to 6 PM.

**RECOMMENDED MOTION:** Approve the temporary speed reduction to 20 MPH and lane closure on Front Street, from Manzanita St. to Crater High School on March 19, 2011 for the Oregon Cheese Festival from the hours of 8 to 6.



# **Ordinance**

## **Tree Height Over Public Streets/Sidewalks**



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STAFF REPORT

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**DATE:** MARCH 3, 2014  
**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** MATT SAMITORE, DIRECTOR

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**SUBJECT:** Second reading of an ordinance amending the minimum requirements for trees above public rights of way.

**SUMMARY:** The current code has minimums for trees above sidewalks, residential streets and main thoroughfares. This particular section of the code was established in the 1990s and unfortunately has not kept up with the heights of current utility vehicles including the City Street Sweeper, Rogue Disposal Vacuum Truck, Fire Service Trucks and Rogue Disposal Garbage Trucks. In order to allow for safe passage of these types of vehicles staff is asking that code be amended by allowing for an additional one foot of clearance on residential streets from 13 feet to 14 feet and one foot on collector and arterial streets from 15 feet to 16 feet.

The difference is on the main streets, the Fire District uses their ladder trucks, which are between 15 and 16' in height.

The only change between the first and second reading is that in the second sentence the word may was replaced with shall. This is in regards to newly planted trees.

**RECOMMENDATION:** Approve the second reading of the resolution.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SUBSECTION 12.36.100 OF  
THE MUNICIPAL CODE AMENDING THE HEIGHT REQUIREMENTS  
OF TREES OVER PUBLIC STREETS

Recitals:

- A. The existing code does not follow current height requirements for City and Fire District Vehicles to safely access local and collector streets.
- B. The current code does not meet proper safety allowances for pedestrian and vehicular use of the public right of way.

THE PEOPLE OF THE CITY OF CENTRAL POINT DO ORDAIN AS FOLLOWS:

Section 1. Section 9.68 of the Central Point Municipal Code is amended to read:

12.36.100 Street tree standards.

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H. Street trees, as they grow, shall be pruned to provide at least eight feet of clearance above sidewalks and ~~thirteen~~ **fourteen** feet above local streets, ~~fifteen~~ **sixteen** feet above collector streets, and eighteen feet above arterial streets. This provision may be waived in the case of newly planted trees so long as they do not interfere with public travel, sight distances, or endanger public safety as determined by the city.

Passed by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Mayor Hank Williams

ATTEST:

\_\_\_\_\_  
City Recorder

# **Ordinance**

## **First Reading/Public Hearing Chapter 17 Adding Medical Marijuana Dispensaries as a Conditional Use**



**STAFF REPORT**

March 13, 2014

**AGENDA ITEM: File No. 13020**

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Public Hearing to discuss Municipal Code Amendments to revise Chapter 17.37, **C-2(M)**; Chapter 17.44, **C-4**; and Chapter 17.46, **C-5** to allow Medical Marijuana Dispensaries as Conditional Uses. **Applicant:** City of Central Point.

**STAFF SOURCE:**

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Tom Humphrey, Community Development Director

**BACKGROUND:**

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At its last meeting the City Council adopted changes to Title 5 (Chapter 5.40) which specifies the conditions under which Medical Marijuana Dispensaries may be allowed including the zoning district and the requirement for a conditional use permit. The above referenced code amendments are intended to reinforce the Council's actions in the zoning chapter of the municipal code. The zoning amendments were sent to the Department of Land Conservation and Development (DLCD) for their review and comment and the City has received nothing from them to date.

The Planning Commission conducted a public hearing on March 4, 2014 and no one spoke either in support or in opposition to this amendment. The Commission recommended 4 to 2 in favor of approval. The dissenting members preferred that the Council prohibit dispensaries outright.

**DISCUSSION:**

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The City's approach to the new state law has been to add CPMC Chapter 5.40 which defines medical marijuana dispensaries and specifies the conditions under which they would be allowed. The Attached Ordinance is being proposed to amend Chapter 17 in order to reinforce language in Chapter 5.40 allowing dispensaries in three commercial zones (C-2M, C-4 and C-5) as a *conditional use*. The Council believes that prohibiting dispensaries outright would simply invite expensive and unnecessary litigation.

The following section changes are summarized as follows:

1. **Section 17.37 C-2(M) Commercial-Medical District.** This section has been revised to add Medical Marijuana Dispensaries, as defined in Chapter 5.40 as *Conditional uses* noted in Attachment "A". Given that the C-2(M) zoning district is surrounded by residential uses and that there is a 500 foot buffer from those uses, there are no properties in the existing C-2(M) zone where a dispensary can be established.

2. **Section 17.44 C-4 Tourist and Office-Professional District.** This section has been revised to add Medical Marijuana Dispensaries, as defined in Chapter 5.40 as *Conditional uses* also noted in Attachment “A”. This is the principle zoning district where the City could see some applications.
3. **Section 17.46 Thoroughfare Commercial District.** This section has been revised to add Medical Marijuana Dispensaries, as defined in Chapter 5.40 as *Conditional uses* also noted in Attachment “A”.

**ISSUES:**

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As discussed, the primary issue has been whether to have an outright prohibition on dispensaries or to allow them under limited circumstances. The current belief is that allowing them under limited circumstances minimizes city liability. After having adopted Chapter 5.40 regulating dispensaries in general, the zoning districts referred to should be consistent with the rest of the CPMC. Adoption of these zoning amendments would reinforce the Council’s earlier action. It should also be noted again that state law allows dispensaries in *both* commercial and industrial zones. However, Central Point does not typically allow *any* retail businesses in industrial zones unless they are incidental to the industrial use. Therefore, the City is not advocating any changes to industrial zoning districts at this time.

**ATTACHMENTS:**

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Attachment “A” – Ordinance No. \_\_\_\_ An Ordinance amending CPMC Chapter 17.37, C-2(M); Chapter 17.44, C-4, Chapter 17.46, C-5 to allow Medical Marijuana Dispensaries as a Conditional Use.

**ACTION:**

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Take public comment, discuss proposed ordinance amendments and move the ordinance to a second reading to 1) adopt the ordinance as is; 2) adopt the ordinance with changes; or 3) deny the ordinance.

**RECOMMENDATION:**

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Move Ordinance No. \_\_\_\_\_, to a second reading on March 27, 2014.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CPMC CHAPTER 17.37, C-2(M); CHAPTER 17.44, C-4  
AND CHAPTER 17.46, C-5 ALLOWING MEDICAL MARIJUANA DISPENSARIES  
AS A CONDITIONAL USE**

**RECITALS:**

- A.** Pursuant to CPMC, Chapter 1.01.040, the City Council, may from time to time make revisions to its municipal code which shall become part of the overall document and citation.
- B.** On March 4, 2014, the Central Point Planning Commission recommended approval of a code amendment to CPMC Chapter 17.37; Chapter 17.44 and Chapter 17.46 (zoning) allowing Medical Marijuana Dispensaries as a conditional use in these zones.
- C.** On March 13, 2014, the City of Central Point City Council held a property advertised public hearing; reviewed the Staff Report and findings; heard testimony and comments, and deliberated on approval of the Municipal Code Amendment.

**THE PEOPLE OF CENTRAL POINT DO ORDAIN AS FOLLOWS:**

SECTION 1. Amendments to Chapter 17.37; Chapter 17.44 and Chapter 17.46 adds language to the zoning code to allow Medical Marijuana Dispensaries as a conditional use in these zones in response to the passage of House Bill 3460 which became effective on March 3, 2014.

**Chapter 17.37  
C-2(M), COMMERCIAL-MEDICAL DISTRICT**

**17.37.030 Conditional uses.**

The following uses are permitted in the C-2(M) district when authorized in accordance with Chapter [17.76](#):

- A. Insurance company offices;
- B. Legal services;
- C. Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage facilities, may be permitted as conditional uses when not included within the primary building or structure; and
- D. Permitted uses that are referred to the planning commission by city staff because they were found to exhibit potentially adverse or hazardous characteristics not normally found in uses of a similar type and size. (Ord. 1684 §43(part), 1993).
- E. Medical Marijuana Dispensaries, as defined in Chapter [5.40](#)**

Ordinance No. \_\_\_\_\_(0312714)

**Chapter 17.44**  
**C-4, TOURIST AND OFFICE-PROFESSIONAL DISTRICT**

**17.44.030 Conditional uses.**

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A. The following uses are permitted in the C-4 district when authorized in accordance with Chapter [17.76](#), Conditional Use Permits:

1. Campgrounds and recreational vehicle overnight facilities; ...

19. Permitted uses that are referred to the planning commission by city staff because they were found to exhibit potentially adverse or hazardous characteristics not normally found in uses of a similar type and size.

20. **Medical Marijuana Dispensaries, as defined in Chapter [5.40](#)**

**Chapter 17.46**  
**C-5, THOROUGHFARE COMMERCIAL DISTRICT**

**17.46.030 Conditional uses.**

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The following uses are permitted in the C-5 district when authorized in accordance with Chapter [17.76](#):

22. Adult businesses, as defined in Chapter [5.24](#); ...

28. Regional shopping centers. (Ord. 1883 (part), 2006; Ord. 1701 §2, 1994; Ord. 1695 §2, 1993; Ord. 1511 §9, 1984; Ord. 1450 §1, 1982; Ord. 1436 §2(part), 1981).

29. **Medical Marijuana Dispensaries, as defined in Chapter [5.40](#)**

**PASSED** by the Council and signed by me in authentication of its passage this \_\_\_\_ day of March 2014.

\_\_\_\_\_  
Mayor Hank Williams

ATTEST:

\_\_\_\_\_  
City Recorder

Ordinance No. \_\_\_\_\_(0312714)

# **Resolution**

## **Declaring Council Interest in Enterprise Zone Inclusion**



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STAFF REPORT

**STAFF REPORT**

March 13, 2014

**AGENDA ITEM:**

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Proposal to Add Employment Land in Central Point to Jackson County's Enterprise Zone and Electronic Commerce Overlay Zone.

**STAFF SOURCE:**

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Tom Humphrey, Community Development Director

**BACKGROUND:**

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The SOREDI Executive Director made a presentation to the City Council in January during which he invited the City to become part of the Jackson County Enterprise Zone. He felt that the City's inclusion would close some *gaps* in the zone and make Central Point more competitive with other cities in the valley who are offering tax incentives to traded-sector businesses interested in relocating and/or expanding. Community Development staff met with Kelly Madding at Jackson County Development Services to obtain more information about the County Enterprise Zone and to get her advice. The County Development Services Department is the agency who actually orchestrates the creation of and amendments to the *rural* Jackson County Enterprise Zone.

**ISSUES:**

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The advice that staff was given was to create the attached map, a list of specific tax lots and submit these with the Council's endorsement. Ms. Madding stated that the land did not need to be contiguous with other Enterprise Zone boundaries and that the City should only propose employment land where there is a perceived benefit. The land shown on the exhibit map in Attachment A includes all of the commercial and industrial land in the UGB and in portions of Urban Reserve Area CP-3. The map was modified to include the City Council's input from their last meeting. The Tolo Urban Reserve Area (off the map) is already in the County's Enterprise Zone.

The attached resolution has been created for the Council's use and, upon approval will be submitted with other supporting documentation to Jackson County. There is a limit in the acreage that can be included in the zone but it is likely that all of Central Point's employment land will be included with land in Gold Hill and Phoenix for the next amendment.

**ATTACHMENTS:**

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Attachment "A" – Resolution No. \_\_\_\_ A Resolution Declaring the City Council's Interest and Request to be Included in the Jackson County Enterprise Zone which Includes an Electronic Commerce Overlay

**ACTION/RECOMMENDATION:**

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Approve Resolution No. \_\_\_\_ A Resolution Declaring the City Council's Interest and Request to be Included in the Jackson County Enterprise Zone which Includes an Electronic Commerce Overlay.

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**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION DECLARING THE CITY COUNCIL'S INTEREST AND REQUEST  
TO BE INCLUDED IN THE JACKSON COUNTY ENTERPRISE ZONE WHICH  
INCLUDES AN ELECTRONIC COMMERCE ZONE OVERLAY**

WHEREAS, the Oregon legislature created Enterprise Zones as a local option property tax incentive for traded sector businesses making eligible real or personal property investments; and

WHEREAS, the City of Central Point currently hosts traded sector businesses and wishes to attract more such businesses and to offer existing businesses incentives to expand; and

WHEREAS, Economic Development Goal 3 of the City of Central Point Strategic Plan is to *create sustainable financial incentives to foster business creation and growth*, a strategy of which is to *explore the creation of an enterprise zone*; and

WHEREAS, the City Council of the City of Central Point deems that the necessity, convenience and the general welfare of the public will benefit by inclusion in the Jackson County Enterprise Zone and Electronic Overlay;

NOW, THEREFORE, THE CITY OF CENTRAL POINT RESOLVES AS FOLLOWS, that it is the intention of the City Council to request inclusion and be added to the Jackson County Enterprise Zone.

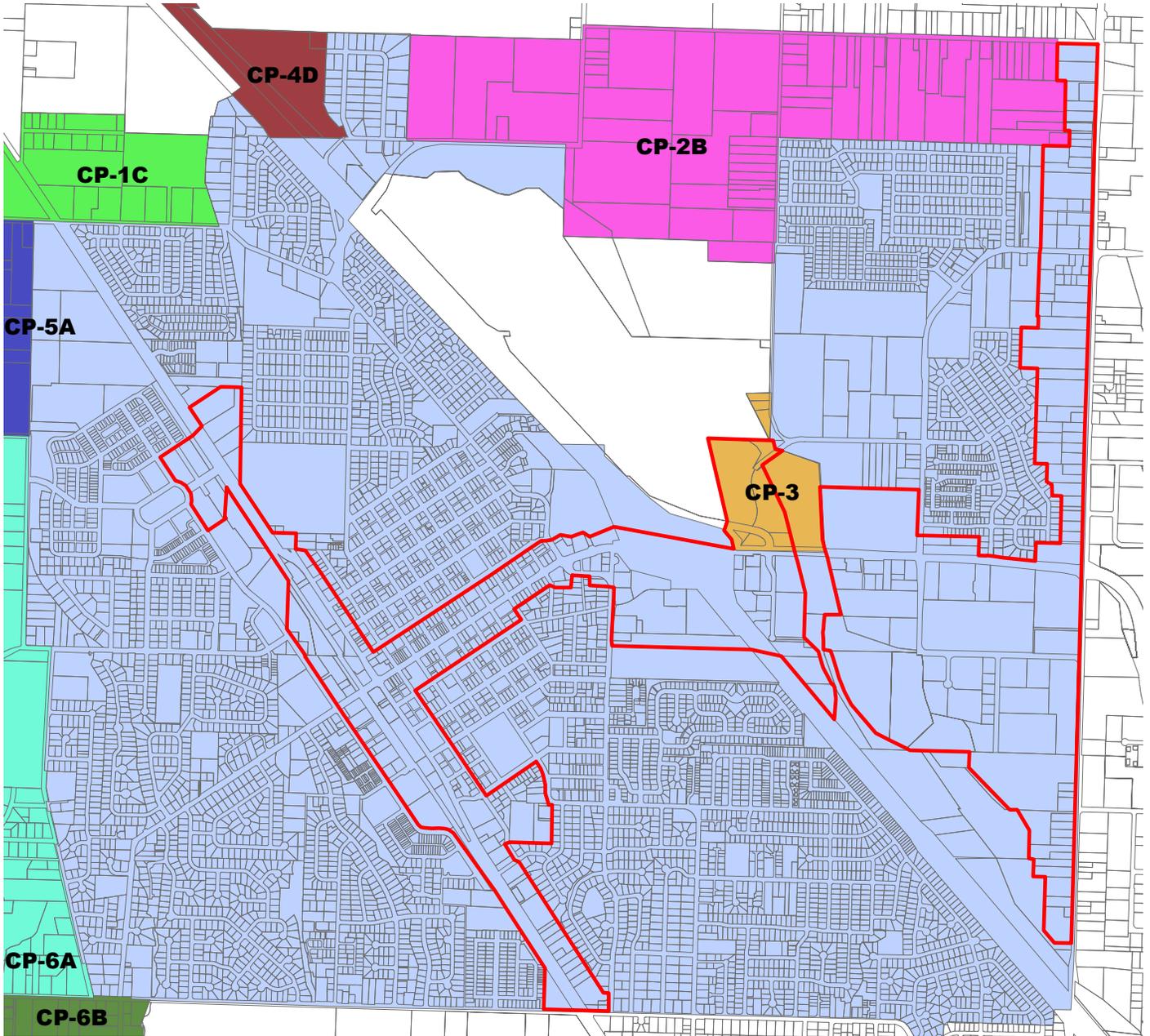
FURTHERMORE, the City Council directs the City Manager to submit this resolution and the proposed Enterprise Zone map (Exhibit A) and other supporting documentation to Jackson County.

PASSED by the City Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Mayor Hank Williams

ATTEST:

\_\_\_\_\_  
City Recorder



**Central Point**

**Urban Reserves Area**

Enterprise Zones  
 UGB

Urban Reserve Areas

CP-1B	CP-4D
CP-1C	CP-5A
CP-2B	CP-6A
CP-3	CP-6B

# **Resolution**

## **Updating the Public Works Standards and Specifications**



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## STAFF REPORT

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**DATE:** MARCH 13, 2014  
**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** MATT SAMITORE, DIRECTOR

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**SUBJECT:** The Public Works Division has updated the Public Works Standards and Specifications to bring into compliance with current environmental, state and federal regulations, and new construction practices.

**SUMMARY:** Over the past six months the Public Works Division has been working on updating the Public Works Standards and Specifications. This was last performed in 2011, and since that time many items within the document have changed. The standards and specifications are primarily engineering standards used for construction. The main changes to the standards are as follows:

- Municipex PE piping replaces copper for residential service water lines.
- Cluster mailboxes are now mandated per HB3361, with ADA language added.
- Steps are no longer specified for manholes.
- All new driveways are now specified to be concrete or asphalt.
- Bypasses will be required for all 3" and 4" water meters.
- 2" meters will require a bypass and test port.
- All waterline parts must meet new lead content requirements of S.3874
- A specific vertical datum plane is now required on all plans.
- Standards and details added for TOD areas.
- Drawing W-4B is now W-4. New ARV is specified and old ARV is no longer allowed.
- Soil infiltration and corrosive soil testing is added to the General Design Criteria of section 100.

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- Barriers in the standards and drawings have been removed to allow the use of Low Impact Development, including new drawings.

A copy of these updated Standards and Specifications will be available at City Hall in Public Works Administration offices. A digital copy will also be available on the City website after it is adopted.

RECOMMENDED MOTION: Move to Approve Resolution Updating the Public Works Standards and Specifications.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION UPDATING THE PUBLIC WORKS STANDARDS AND SPECIFICATIONS**

Recitals:

- A. The Public Works Standards and Specifications were last updated in 2011.
- B. Public Works updates the Standards and Specifications in order to be compliant with state and federal laws and regulations.
- C. Standards are updated to allow for the most recent innovations and cost saving measures in regards to new construction.

The City of Central Point resolves as follows:

Section 1. Update the City of Central Point Public Works Standards and Specifications.

Passed by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Mayor Hank Williams

ATTEST:

\_\_\_\_\_  
City Recorder

**Business**

**Planning Commission  
Report**



## PLANNING DEPARTMENT MEMORANDUM

**Date:** March 13, 2014  
**To:** Honorable Mayor & Central Point City Council  
**From:** Tom Humphrey AICP, Community Development Director  
**Subject:** Planning Commission Report

The following items were presented by staff and discussed by the Planning Commission at a regularly scheduled meeting on March 4, 2014.

- A. **Consideration of Municipal Code Amendments to Chapter 17.37 C-2(M); Chapter 17.44, C-4 and Chapter 17.46, C-5 allow Medical Marijuana Dispensaries in these zones as a Conditional Use.** The Community Development Department presented code language that identifies Medical Marijuana Dispensaries as a use under the conditional use sections of these zoning districts. The Planning Commission separated amendments to Chapter 5 and Chapter 17 in February when it was realized that the land use noticing requirements for Chapter 17 had not been met. Commission members discussed the advantages and disadvantages of endorsing this amendment if the State Legislature was close to authorizing cities to ban dispensaries outright. Staff explained the City's logic of having some cohesive regulations in place if and when state law changes. The Commission recommended the Council approve the new code language on a 4 to 2 vote.

In a separate motion the Commission requested that the City Council revisit the possibility of prohibiting Medical Marijuana Dispensaries outright once there is clearer guidance from the State.

Under general discussion, the Planning Commission was informed that the Department is making changes to **Sections 17.05, Applications and Types of Review Procedures** and **Section 17.96, Amendment to Comprehensive Land-Use Plan** because internal inconsistencies in the code language have raised questions with Jackson County who is currently processing two Urban Growth Boundary (UGB) applications. Amendments will be presented to the Commission at a hearing next month.