

IX. BUSINESS

- 45 - 47 A. Discussion Regarding the Intersection of Beebe and Hamrick Road (Samitore)

- 49 B. Planning Commission Report (Humphrey)

- 51 - 53 C. Briefing and Discussion on Issues Related to Approval of Measure 91 (Clayton/Dreyer)

X. MAYOR'S REPORT

XI. CITY MANAGER'S REPORT

XII. COUNCIL REPORTS

XIII. DEPARTMENT REPORTS

XIV. EXECUTIVE SESSION – ORS 192.660 (2)(h)

The City Council may adjourn to executive session under the provisions of ORS 192.660. Under the provisions of the Oregon Public Meetings Law, the proceedings of an executive session are not for publication or broadcast.

XV. ADJOURNMENT

Consent Agenda

**CITY OF CENTRAL POINT
City Council Meeting Minutes
November 13, 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: Allen Broderick, Bruce Dinger, Kelly Geiger, Rick Samuelson, David Douglas, and Ellie George were present.

City Manager Chris Clayton; City Attorney Sydnee Dreyer; Police Chief Kris Allison; 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. CONSENT AGENDA

- A. Approval of October 23, 2014 City Council Minutes
- B. Appointment of Darlene Taylor to the Multicultural Committee
- C. Approval of OLCC Application for Second Location of Crown Market
- D. Approval of #Giving Tuesday Proclamation
- E. Approval of Pancreatic Cancer Proclamation

Kelly Geiger moved to approve the consent agenda as presented. David Douglas seconded. Roll call: Hank Williams, yes; Bruce Dinger, yes; Kelly Geiger, yes; Allen Broderick, yes; David Douglas, yes; Rick Samuelson, yes; and Ellie George, yes. Motion approved.

VI. ITEMS REMOVED FROM CONSENT AGENDA - None

VII. PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS

- A. **Resolution No. 1413 Annexation of 1.01 Acres, Located at 4173 Hamrick Road and Identified on the Jackson County Assessor's Map as 372W03C, TL 3300**

Community Development Director Tom Humphrey explained that this request comes from the property owner and is the future site of the new Jackson County Justice Court Building. The County is requesting annexation before moving forward with the purchase and subsequent site improvements. Notice has been sent to surrounding property owners.

The property is vacant and zoned by the county as Rural Residential. It is designated as C-4 on the City's Comprehensive Plan and zoning map. The Justice Court building would be considered a government office and would be a permitted use in the C-4 district.

He explained that the annexation meets all the requirements of the state; Written Consent from property owners; Contiguous to the City Limits; within the Urban Growth Boundary; provisions of public facilities are available; and it has been noticed. He explained that this is a public hearing.

Mayor Williams opened the public hearing. No one came forward and the public hearing was closed.

Allen Broderick moved to approved Resolution No. 1413 Annexation of 1.01 Acres, Located at 4173 Hamrick Road and Identified on the Jackson County Assessor's Map as 372W03C, TL 3300. Kelly Geiger seconded. Roll call: Hank Williams, yes; Bruce Dingle, yes; Kelly Geiger, yes; Allen Broderick, yes; David Douglas, yes; Rick Samuelson, yes; and Ellie George, yes. Motion approved.

B. Resolution No. 1414, Approving a Conceptual Land Use and Transportation Plan for CP-4D, and Urban Area of the City of Central Point, Oregon

Mr. Humphrey explained the Regional Plan Element includes a provision that prior to expansion of the Urban Growth Boundary (UGB) it is necessary to adopt a concept plan for the affected urban reserve area. Given the pending urban growth boundary application that includes parts of CP-4D, it is necessary that a concept plan be prepared and adopted for CP-4D. The proposed plan has been presented to both the Citizens Advisory Committee and the Planning Commission.

The concept plan has been reviewed by all interested agencies and comments have been incorporated into the final draft. This plan will establish the City's intent for land use designations, zoning, transportation networks and other infrastructure when it comes time to expand its Urban Growth Boundary. The plan is a general land use guide and intended to facilitate implementation of the City's Regional Plan Element.

There was discussion for the need of the plan for this area, it is along Bear Creek and consists of open space. Mr. Humphrey stated that the City can help determine what that open space will consist of in the future. There are several lots that are not open space and the plan will designate use for those as well. The plan will not be set in stone. It will evolve with each meeting and proposal

that comes along. This will just give future planners a good idea of what was proposed at the time of inclusion to the City. Moving forward on this plan will also help begin the process of a Parks Master Plan. We will be incorporating this open space into the City Park System.

Bruce Dingler moved to approve Resolution No. 1414, Approving a Conceptual Land Use and Transportation Plan for CP-4D, and Urban Area of the City of Central Point, Oregon. Rick Samuelson seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Kelly Geiger, yes; Allen Broderick, yes; David Douglas, yes; Rick Samuelson, yes; and Ellie George, yes. Motion approved.

VIII. BUSINESS

A. A Comprehensive Annual Financial Report

Finance Director Bev Adams introduced the Cities new Auditor Paul Neilson, CPA, from Isler CPA, LLC.

Mr. Neilson explained the audit and the information that they were able to provide for the audit. He discussed GASB 65 and the changes that are on the way for local governments. There are required comments that must be made at these presentations, but overall he was impressed with the city finances. They had no difficulties and found no outstanding errors in the City Records. He has enjoyed working with the city of Central Point Staff.

B. Discussion of 7th and Oak Intersection

Parks and Public Works Director Matt Samitore explained that there have been some concerns with the new stop sign configuration at 7th and Oak Street. When the recommendation came before the Council to change the placing of stop signs at this intersection it was stated that we could give it a try and see if it worked better.

In analyzing the change it has been determined that the current configuration cannot continue because of the skew of the intersection and resident parking patterns. There have been numerous calls from citizens about near misses at the intersection, it seems to have caused the traffic on Oak to go faster and the sight issue is causing a problem for the drivers on 7th Street.

It is being recommended that a 4 way stop be put at this intersection. There are other options to try, but staff and the traffic consultant feel that a 4 way stop would be the safest option for the all concerned. Another option would be to construct bulb outs to move the stop signs out far enough so that vehicles can see around existing foliage and parked cars.

Kelly Geiger moved to create a four way stop at the intersection of Oak and 7th Street in Central Point. Ellie George seconded. Roll call: Hank Williams, yes;

Bruce Dingler, yes; Kelly Geiger, yes; Allen Broderick, yes; David Douglas, yes; Rick Samuelson, yes; and Ellie George, yes. Motion approved.

C. Discussion of the 2014-2015 Survey Questionnaire

City Manager Chris Clayton stated that it is time to do the periodic survey of Central Point citizens on their satisfaction with general city functions and service levels. The city has done similar surveys every two years starting in 2005. Over the next couple of months the city will be hiring a consultant to conduct a scientifically valid telephone survey of Central Point Citizens. The survey asks a variety of questions that gauge citizen satisfaction with city services and the overall quality of life in Central Point. We would like to add additional questions this year in regards to spending priorities for programs, projects and services to provide guidelines for future spending policies.

We will also be going outside of the statically valid telephone portion of the survey by doing a direct mail and having the survey available on the city's website. We feel that this will give everyone a chance to participate in the decision making process. Staff would like feedback from the Council in regards to specific questions that are on the survey. This document should be finalized and ready to go after the first of the year.

There was discussion of questions asking about events at the expo and how much citizens think the city should be spending to help support those events. There should be clarifying statements in the Newsletter or on the survey about how much of the tourism money must be spent to promote tourism in the city. Council would like to see specifics regarding downtown improvements. There should be questions asking how citizens use our website, if they know how to pay their water bill online or look things up. Question number #17 asking about trustworthy sources in city hall should be removed. Other suggestions were: Clarify the Little League fields, new or refurbished; clarifying statements about the Twin Creeks Crossing; avoid using the phrase Urban Renewal and refer to Development Commission, and ask if they agree on the priority list.

Community Member Mrs. Fran Cordeiro-Settell mentioned that we should use the word declined to answer the question rather than refused to answer the question on the survey.

D. Planning Commission Report

Community Development Director Tom Humphrey presented the Planning Commission report from November 4, 2014:

- Consideration of Resolution No. 809 forwarding a favorable recommendation to the City Council to approve a Conceptual Land Use and Transportation Plan for CP-4D, An Urban Reserve Area of the City of Central Point. The Planning Commission conducted a final review of the CP-4D Conceptual Plan in order to make a favorable recommendation to the City Council. The Commission previously reviewed this document in at least one draft form and

directed staff to make revisions based on input from affected agencies and property owners. The revisions were made and the Commission unanimously supported the document, recommending approval by the City Council.

- Introduction and Discussion of a Conceptual Land Use and Transportation Plan for CP-1B, An Urban Reserve Area of the City of Central Point. After discussing a draft of the Conceptual Plan for the CP-1B Urban Reserve Area, the Commission directed staff to 1) complete the supporting findings; 2) distribute the document to affected agencies and 3) initiate public input on the plan.
- Introduction and Discussion of an Agreement between the City of Central Point and Jackson County for the Joint Management of the Central Point Urban Growth Boundary. The Planning Commission was introduced to a draft of the Urban Growth Boundary Management Agreement (UGBMA) that is being revised by City and County staff to satisfy conditions of the Regional Plan. Among the revisions are policies to collaborate with Jackson County over Forest/Gibbon Acres and the Jackson County Expo. Both areas are proposed to become "Areas of Mutual Planning Interest". The Commission will see this document again at their joint City/ County Planning Commission meeting on November 20, 2014.

IX. MAYOR'S REPORT

Mayor Williams reported that he attended:

- An RVACT meeting where they discussed Exit 33 and the options available.
- The Walgreens Ribbon Cutting ceremony; the Chamber did a good job organizing the Grand Opening.
- The Chamber Mixer at the chamber office. There was a good turnout of Central Point Business owners.
- The Veterans Day celebration; Captain Brian Day did an excellent job singing the National Anthem.

X. CITY MANAGER'S REPORT

City Manager Chris Clayton stated that:

- He attended the Chamber Mixer.
- The Court of Appeals has accepted our brief on the RVSS Franchise case.
- He has not received any correspondence from the Calvary Temple regarding the decision to close the Warming Shelter.
- We are doing construction on the South side of City Hall building. The IT Department will be moving into the space previously occupied by the HTC.U.

XI. COUNCIL REPORTS

Council Member Allen Broderick reported that he attended the Parks and Recreation Foundation meeting. They moved them to an evening meeting and

they had better attendance by committee members. They will be selling items at the Community Christmas event to make money for the Foundation.

Council Member Kelly Geiger reported that he attended the Chamber Mixer. The next Mixer will be at The Point to celebrate their anniversary in Central Point.

XII. DEPARTMENT REPORTS

Parks and Public Works Director Matt Samitore reported that:

- The striping on Front Street looks good, there will be a few fixes over the next week.
- The Veterans Day Event was a nice event, but was not well attended.
- He is working with O'Reilly's regarding an illegal curb that was put in when they did construction. It was meant to be a pass through behind the buildings so that shoppers could go from one business to another without going onto Front Street.
- He would like direction from Council regarding properties that have signed Consent to Annex agreements with the City. We would like to get a surveyor to do all the properties at the same time; this would keep the cost of the annexation down. He will return at a later time with quotes for surveying the properties that have agreements with the city and could all be annexed at the same time. Most of these properties are along Table Rock Road, but there are a few others within the City limits we would like to include.

Police Chief Kris Allison reported that:

- They are very proud of Captain Day and his ability to sing the National Anthem at our events.
- We will be having our Annual Volunteer Lunch on November 19th in the Council Chambers. The City Council is invited to attend. This is the time of year where the Police Department recognizes the VIPS for all that they do for the City.
- They received several thank you letters and cards from a 3rd Grade class. This class did a tour of City Hall and the Police Department last week.

Community Development Director Tom Humphrey stated that he will be attending the Fire District No. 3 strategic planning meetings with Chief Allison. He will be hosting a table at the Crater Foundation Auction on December 6th if anyone would like to join him.

XIII. EXECUTIVE SESSION

Rick Samuelson moved to adjourn to Executive Session under ORS 192.660 (2)(e) and ORS 192.660 (2)(h) Legal Counsel. Kelly Geiger seconded. All said "aye" and the meeting was adjourned into executive session at 8:26 p.m.

Council returned to regular session at 9:43 p.m.

Kelly Geiger moved to approve the City Manager Contract. David Douglas seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Kelly Geiger, yes; Allen Broderick, yes; David Douglas, yes; Rick Samuelson, yes; and Ellie George, yes. Motion approved.

XIV. ADJOURNMENT

Bruce Dingler moved to adjourn, Ellie George seconded, all said “aye” and the Council Meeting was adjourned at 9:47 p.m.

The foregoing minutes of the November 13, 2014, Council meeting were approved by the City Council at its meeting of December 11, 2014.

Dated:

Mayor Hank Williams

ATTEST:

City Recorder



TO: Honorable Mayor and City Council
FROM: City Recorder Deanna Casey
SUBJECT: 2015 Committee Appointments
DATE: December 11, 2014

It is time to reappoint members and a chairperson for various committees. This consent agenda item is for reappointments only.

Planning Commission

The Term for Thomas Van Voorhees and Craig Neilson expire December 31, 2014. Staff has received word from both Mr. Van Voorhees and Mr. Neilson that they would like to remain on the Planning Commission. Chuck Piland has also agreed to continue as the Chairperson.

Current members are: Chuck Piland Tom Van Voorhees Mike Oliver
 Tim Schmeusser Craig Nelson Sr. Kay Harrison
 Susan Szczesniak

Staff recommends reappointments of Thomas Van Voorhees to Position 3 and Craig Neilson to Position 7 with expiration dates of December 31, 2018. Staff also recommends reappointment of Chuck Piland as Planning Commission Chair.

Citizens Advisory Committee

Citizen Advisory Committee members do not have termination dates. Unless a member has given notice to the city of resignation the members are renewed annually. David Painter is the current chairperson. All members have indicated that they would like to remain on the Committee.

Current members are: Larry Martin Jeff Pfeifer David Painter
 Sam Inkley Eric Snyder Wade Six
 Patrick Smith Linda Reel

Staff recommends reappointment of all the Citizens Advisory Committee members and appointment of David Painter as Chair.

Park and Recreation Commission

The term for Carl Orndoff expires on December 31, 2014. Mark Ludwiczak is currently the Chairperson and has been very active with the Commission.

Current members are: Patricia Alvarez John Beck Deven Howard
Mark Ludwiczak Neil Olsen Lee Orr
Carl Orndoff

Staff recommends reappointment of Carl Orndoff with an expiring term date of December 31, 2017 and reappointment of Mark Ludwiczak as Chair.

Multicultural Committee

The terms for Amy Sweet and Cherie Reeves-Rutledge expire at the end of December, 2014. Staff has spoken with both of these committee members and they have indicated that they are willing to continue on the committee. Amy Sweet is currently the Chair Person.

Current members are: Amy Sweet Christina Garrett Cherie Reeves-Rutledge
Candace Clements Darlene Taylor

Staff recommends reappointment of Amy Sweet and Cherie Reeves-Rutledge with expiration dates of December 31, 2017 and Amy Sweet as Chairperson.

Budget Committee

Staff does not have any recommendations for the Budget Committee at this time due to the change in Budget becoming a 2 year document. We will return with recommendations after we have spoken with the budget committee members regarding terms.

ACTION: Approve the Consent Agenda and accept staff recommendations for committee reappointments.

Active Group Terms

Member terms that will be active on 12/04/2014

Group Name	Member Type	Member Role	Term Started On	Term Ends On
Planning Commission				
Kay Harrison		Member	01/28/2013	12/31/2015
Craig Nelson	Private Citizen	Member	05/01/2012	12/31/2014
Mike Oliver	Private Citizen	Member	09/14/2006	12/31/2016
Chuck Piland	Private Citizen	Chairperson	01/01/1982	12/31/2017
Tim Schmeusser		Member	01/01/2009	12/31/2016
Susan Szczesniak	Private Citizen	Member	04/12/2012	12/31/2017
Tom Van Voorhees		Member	02/08/2012	12/31/2014

Expiring Terms

Members whose term expires between 11/26/2014 and 12/31/2014

Group Name	Member Type	Member Role	Term Starts On	Term Ends On
Citizens Advisory Committee				
David Painter	Private Citizen	Chairperson	01/13/2005	12/31/2014
Eric Snyder	Business Communi	Member	01/29/2010	12/31/2014
Wade Six	Private Citizen	Member	01/13/2011	12/31/2014
Patrick Smith		Member	04/25/2013	12/31/2014
Sam Inkley	Private Citizen	Member	12/13/2001	12/31/2014
Larry Martin	Private Citizen	Member	12/06/2007	12/31/2014
Linda Reel	Private Citizen	Member	01/28/2013	12/31/2014

Active Group Terms

Member terms that will be active on 12/04/2014

Group Name	Member Type	Member Role	Term Started On	Term Ends On
Park and Recreation Commission				
Patricia Alvarez	Private Citizen	Member	03/09/2006	12/31/2015
John Beck	Private Citizen	Member	07/13/2006	12/31/2015
Deven Howard		Member	04/28/2011	12/31/2015
Mark Ludwiczak	Private Citizen	Chairperson	03/25/2011	12/31/2016
Carl Orndoff	Private Citizen	Member	01/28/2013	12/31/2014
Lee Orr	Private Citizen	Member	01/28/2013	12/31/2015

Active Group Terms

Member terms that will be active on 12/04/2014

Group Name	Member Type	Member Role	Term Started On	Term Ends On
Multi-Cultural Committee				
Candace Clements		Member	10/24/2014	12/31/2017
Christina Garrett	Private Citizen	Member	03/25/2011	12/31/2015
Cherie Reeves-Rutledge	Private Citizen	Member	03/01/2013	12/31/2014
Amy Sweet	Private Citizen	Chairperson	01/01/2009	12/31/2014
Darlene Taylor		Member	11/13/2014	12/04/2016

Resolution

Canvassing Votes
from
November 4, 2014



ADMINISTRATION DEPARTMENT

140 South 3rd Street · Central Point, OR 97502 · (541) 664-7602 · www.centralpointoregon.gov

STAFF REPORT
December 11, 2014

AGENDA ITEM:

Resolution Canvassing Votes for November 4, 2014 General Election

STAFF SOURCE:

Chris Clayton, City Manager
Deanna Casey, City Recorder

BACKGROUND/SYNOPSIS:

The City Charter requires that the City Council canvass all election returns at the first regularly scheduled meeting following receipt from the County Clerk of the certification of election results. The city received the election report from Jackson County on November 20th 2014. A copy of the report is attached to the Resolution.

The attached resolution canvasses the total number of votes cast at the election, the votes cast for each position, the name of each person elected to office and the office to which they have been elected. It further directs the City Recorder to prepare, sign, and deliver a certificate of election to each person elected within thirty (30) days after the canvass.

FISCAL IMPACT:

There is no financial impact to the City.

ATTACHMENTS:

Resolution
Abstract

RECOMMENDATION:

Approve the attached Resolution.

PUBLIC HEARING REQUIRED:

No Public Hearing is required.

SUGGESTED MOTION:

I move to approve Resolution No. _____, Canvassing the Votes Cast at the General Election Held November 4, 2014.

RESOLUTION NO. _____

A RESOLUTION CANVASSING THE VOTES CAST AT
THE GENERAL ELECTION HELD NOVEMBER 4, 2014

Recitals

1. A general city election was held on November 4, 2014, during which time legal voters of the City of Central Point considered the election of City officers;
2. Pursuant to state law, the Jackson County Clerk has certified the results of said election, said certification having been issued on the 20th day of November, 2014; and
3. The City Charter requires that the City Council meet and canvass the returns of the election at the first regularly scheduled meeting following receipt of the Jackson County Clerk's certification of election results.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF CENTRAL POINT, OREGON, AS FOLLOWS:

Section 1. That the votes cast by electors of the City of Central Point for one Ward I Council position, one Ward II Council position, and one Ward III council position at the general election of November 4, 2014, are hereby found, determined and declared to be as follows:

COUNCILMEMBER WARD I (VOTE FOR ONE)

Bruce Dingler	3,849
Miscellaneous write-ins	51

COUNCILMEMBER WARD II (VOTE FOR ONE)

Mike Quilty	3,645
Miscellaneous write-ins	53

COUNCILMEMBER WARD III (VOTE FOR ONE)

Brandon Thueson	2,365
Kay Harrison	2,103
Miscellaneous write-ins	37

Pursuant to Central Point City Charter Section 27 (d) provided that the council is the final judge of the election and qualifications of its members.

Section 3. Pursuant to the foregoing election results, certified to by the Jackson County Clerk and canvassed and ratified by the City Council by this resolution, it is hereby found, determined and declared that the following are the official results of the general election held on November 4, 2014.

COUNCIL WARD I

Bruce Dingler

COUNCIL MEMBER WARD II Mike Quilty

COUNCIL MEMBER WARD III Brandon Thueson

Section 4. The City Recorder is hereby directed to issue certificates of election to the persons declared elected in Section 3 above within thirty (30) days after the effective date of this resolution.

Passed by the Council and signed by me in authentication of its passage this 11th day of December, 2014.

Mayor Hank Williams

ATTEST:

City Recorder, Deanna Casey

NUMBERED KEY CANVASS

GENERAL ELECTION
NOVEMBER 4, 2014
JACKSON COUNTY, OREGON

REPORT-EL52 PAGE 0033

RUN DATE:11/20/14 11:12 AM

Councilmember, Ward 3 CENTRAL POINT CITY

VOTES PERCENT

VOTES PERCENT

Vote for 1

01 = Brandon S Thueson

2,365 52.50

02 = Kay Harrison

2,103 46.68

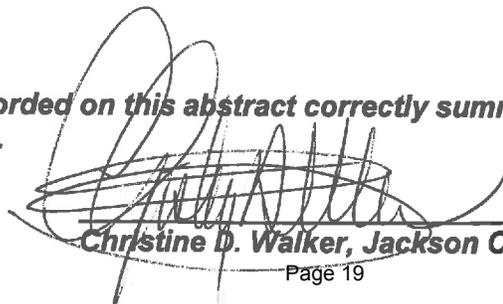
03 = WRITE-IN

37 .82

01 02 03

0090 090	608	591	12
0092 092	867	615	15
0094 094	514	585	10
0096 096	376	312	0

I certify the votes recorded on this abstract correctly summarize the tally of votes cast at the election indicated.



Christine D. Walker, Jackson County Clerk

11-21-14
date

NUMBERED KEY CANVASS

GENERAL ELECTION
NOVEMBER 4, 2014
JACKSON COUNTY, OREGON

REPORT-EL52 PAGE 0031

RUN DATE:11/20/14 11:12 AM

Councilmember, Ward 1 CENTRAL POINT CITY

VOTES PERCENT

Vote for 1

01 = Bruce Dingle

3,849 98.69

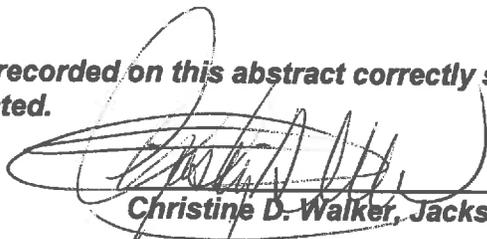
02 = WRITE-IN

51 1.31

01 02

0090 090	1071	17
0092 092	1301	19
0094 094	930	12
0096 096	547	3

I certify the votes recorded on this abstract correctly summarize the tally of votes cast at the election indicated.



Christine D. Walker, Jackson County Clerk

11-21-14
date

NUMBERED KEY CANVASS

GENERAL ELECTION
NOVEMBER 4, 2014
JACKSON COUNTY, OREGON

RUN DATE:11/20/14 11:12 AM

Councilmember, Ward 2 CENTRAL POINT CITY
Vote for 1
01 = Mike Quilty
02 = WRITE-IN

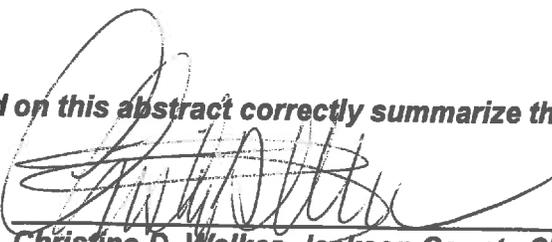
VOTES PERCENT

3,645 98.57
53 1.43

01 02

0090 090	1013	22
0092 092	1231	19
0094 094	870	10
0096 096	531	2

I certify the votes recorded on this abstract correctly summarize the tally of votes cast at the election indicated.


Christine D. Walker, Jackson County Clerk

11-21-14
date

Ordinance

Public Hearing regarding Zone Change in Twin Creeks



STAFF REPORT

December 11, 2014

AGENDA ITEM: File No. 14017

Consideration of a Minor Zone Map Amendment application for a 1.81 acre site located within the Twin Creeks Transit Oriented Development (TOD) from HMR, High Mix Residential to LMR, Low Mix residential. The Project Site is identified on the Jackson County Assessor's map as 37 S 2W 03CA, Tax Lot 1200. **Applicant:** Twin Creeks Retirement, LLC **Agent:** Herb Farber, Farber Surveying.

STAFF SOURCE:

Stephanie Holtey, Community Planner II

BACKGROUND:

Twin Creeks Retirement Center ("Retirement Center"), a congregate living facility, was developed on lands designated HMR in 2009. At this time the applicant is requesting a zone change from High Mix Residential (HMR) to Low Mix residential (LMR) on 1.81 acres (Lot 33, Twin Creeks Crossing, Phase I) adjacent to the Retirement Center. The purpose of the zone change is to allow the development of lower density housing consistent with the recently amended Twin Creeks Master Plan.

On October 7, 2014 the Planning Commission considered and approved an amendment to the Twin Creeks Master Plan (Attachment A), including a favorable recommendation to change the zoning for Lot 33 from HMR to LMR. Given the action taken by the Planning Commission, the proposed zone change would be consistent with the amended Master Plan.

APPROVAL CRITERIA:

Minor zone map amendments are subject to the following approval criteria:

1. **Comprehensive Plan.** Approval of the request is consistent with the Central Point Comprehensive Plan.

The Comprehensive Plan Land Use Map designates Lot 33 as Transit Oriented Development (TOD). This designation was based on the Twin Creeks Master Plan. The proposal does not change the TOD land use designation in the Comprehensive Plan, and is consistent with the Master Plan.

2. **Public Services and Transportation Network.** Findings must demonstrate that adequate public services and transportation networks to serve the property are either available or identified for construction in the city's public facilities master plans.

Public facilities and services, including transportation network, have been established pursuant to the Twin Creeks Master Plan. The Master Plan initially identified this site as part of the "Mixed-Use" prototype to provide ground floor retail and commercial uses with high density residential units above. As stated in the findings (Attachment "A"), the proposed zone change through a reduction in density, reduces the intensity of development allowed on

the site and subsequently the demand on public facilities. Public facilities and services are sufficient to serve the proposed use.

3. **State Transportation Planning Rule.** The amendment must be found to comply with the State Transportation Planning Rule.

The proposed zone change does not significantly affect an existing or future transportation facility, as demonstrated in the Findings of Fact (Attachment “A”), and therefore complies with the State Transportation Rule.

ISSUES & NOTES:

There is one (1) issue relative to this application as follows:

1. **Flood Impacts.** Lot 33 is currently located in the SFHA and subject to CPMC 8.24. The proposed zone change does not aggravate Lot 33’s development within the SFHA. The developer of Twin Creeks TOD has prepared a mitigation plan removing the lot from the SFHA (File No. FP 14001). The mitigation plan has been conditionally approved by the Federal Emergency Management Agency (FEMA). The developer of Twin Creeks TOD is completing construction of the SFHA mitigation plan and will apply for a Letter of Map Revision to remove Lot 33 from the SFHA.

CONDITIONS OF APPROVAL:

None.

ATTACHMENTS:

Attachment “A” - Planning Commission Resolution No. 807

Attachment “B” – Findings of Fact and Conclusions of Law for File No. 14017

Attachment “C” – Ordinance No. ___ An Ordinance Amending the Central Point Zoning Map on Lot 33 of Twin Creeks Crossing, Phase I (1.81 acres) from TOD-HMR, High Mix Residential to TOD-LMR, Low Mix Residential Zoning (37S2W03CA, TL 1200)

ACTION:

Open public hearing and consider the proposed admendment to the zoning map, close public hearing and 1) move to second reading; 2) move to second reading with revisions; 3) deny the proposal.

RECOMMENDATION:

Direct Staff to schedule the second reading for the next regularly scheduled City Council meeting (January 8, 2015) to approve an amendment to the zoning map.

PLANNING COMMISSION RESOLUTION NO. 807

**A RESOLUTION APPROVING THE MAJOR MODIFICATION OF THE TWIN
CREEKS TRANSIT ORIENTED DISTRICT MASTER PLAN
FILE NO. 14013**

Applicant: Twin Creeks Development Co., LLC;

WHEREAS, the applicant submitted a Major Modification application to amend the Twin Creeks Master Plan by modifying Exhibit 18, Land Use Plan Exhibits 31, Traffic Calming Plan Exhibit 35, Housing Plan, Exhibit 36, Mixed Use Plan, and Exhibit 37, Civic and Commercial Plan as described in the Staff Report dated October 7, 2014; and

WHEREAS, the Planning Commission conducted a duly-noticed public hearing on the application on October 7, 2014, at which time it reviewed the City staff report and heard testimony and comments on the application; and

WHEREAS, the Planning Commission considered the application based on the standards and criteria for Major Modifications per Section 17.09.300, and Section 17.66.050, for TOD Master Plan approval criteria of the Central Point Municipal Code; and

WHEREAS, after duly considering Applicant's request, it is the Planning Commission's determination that the application complies with applicable standards, criteria and subject to compliance with conditions as set forth in the Planning Department Staff Report (Exhibit "A") dated October 7, 2008;

NOW, THEREFORE, BE IT RESOLVED, that the City of Central Point Planning Commission, by this Resolution No. 807, does approve the Major Modification of the Twin Creeks Master Plan as described in the Staff Report dated October 7, 2014 and attached hereto by reference and incorporated herein; and

BE IT FURTHER RESOLVED, that the City of Central Point Planning Commission grants an extension of the twin Creeks Transit Oriented Development Plan to October 7, 2024

PASSED by the Planning Commission and signed by me in authentication of its passage this 7th day of October, 2014.

Planning Commission Chair

ATTEST:

City Representative

Approved by me this 7th day of October, 2014.

Planning Commission Resolution No. 807 (10/07/2014)

CAP121114

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**FINDINGS OF FACT
AND CONCLUSIONS OF LAW
File No.: 14017**

**Before the City of Central Point Planning Commission
Consideration of a Zone Change Application on a 1.81 acre site in the Twin Creeks Transit
Oriented Development Master Plan Area**

Applicant:)	Findings of Fact
Twin Creeks Retirement, LLC)	and
888 Twin Creeks Crossing)	Conclusion of Law
Central Point, OR 97502)	

**PART 1
INTRODUCTION**

It is requested that Lot 33, Twin Creeks Crossing, Phase I (“Lot 33”) be rezoned from High Mix Residential (HMR) to Low Mix Residential (LMR). At this time Lot 33 is designated in the Twin Creeks TOD Master Plan (“Master Plan”) as HMR. Prior to approval of the zone change it is necessary the Master Plan be amended to re-designate Lot 33 as LMR. A concurrent proposal (File No. 14013) has been submitted to amend the Master Plan, including the designation of Lot 33 as LMR. These findings have been prepared with the understanding that the Master Plan amendment re-designating Lot 33 from HMR to LMR will be approved prior to action on the zone change.

The zone change request is a quasi-judicial map amendment, which is processed using Type III application procedures. Type III procedures set forth in Section 17.05.400 provide the basis for decisions upon standards and criteria in the development code and the comprehensive plan, when appropriate.

Applicable development code criteria for this Application include:

1. Statewide Planning Goals
2. Comprehensive Plan
3. Twin Creeks Master Plan
4. State Transportation Rule
5. CPMC 17.10

Findings will be presented in four (4) parts addressing the requirements of Section 17.05.300 as follows:

1. Introduction
2. Statewide Planning Goals
3. Comprehensive Plan
4. Twin Creeks Master Plan
5. Summary Conclusion

PART 2 STATEWIDE PLANNING GOALS

At the time the Master Plan was initially adopted in 2001 it was found that the Master Plan was consistent with the acknowledged Comprehensive Plan, previously determined to be consistent with the Statewide Planning Goals. The General Land Use Plan in the Comprehensive Plan designates the Master Plan area as Transit Oriented Development (TOD). Development within a TOD is regulated by individual master plans and compliance with the standards and criteria set forth in CPMC 17.65 through 17.67. The proposed zone change does not alter the TOD designation, but is subject to compliance with the Twin Creeks Master Plan (See Part 3 for further discussion).

Finding: The proposed zone change does not alter the current TOD designation on the City’s Comprehensive Plan Land Use Plan, which has previously been determined to be consistent with the Statewide Planning Goals.

Conclusion: Consistent with Statewide Planning Goals.

PART 3 COMPREHENSIVE PLAN

The Comprehensive Plan Land Use Map designates the Twin Creeks Master Plan area as Transit Oriented Development (“TOD”). The TOD land use designation allows for mixed-use transit oriented development. Development within this land use classification is subject to the approved Twin Creeks Master Plan.

Finding: The project site is located on Lot 33 of Twin Creeks Crossing, Phase I within the Twin Creeks Master Plan area, a 230 acre master planned development approved by Ordinance No. 1817 in January 2001. The zone change from HMR to LMR on the project site does not change the Project Site’s TOD land use designation on the City’s Comprehensive Plan.

Conclusion: Consistent.

PART 4 STATEWIDE TRANSPORTATION RULE

Section 660-012-0060(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- a) Change the functional classification of an existing or planned transportation facility;*
- b) Change standards implementing a functional classification system; or*
- c) As measured at the end of the planning period identified in the adopted transportation system plan:*

(A) Allow types or levels of land uses that would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

Finding 660-012-0060(1)(a): The proposed zone change does not modify any existing land use regulations. The proposed zone change serves to decrease the density standard of the property, as shown in Table 1, within the mixed residential designated area and is consistent with the Master Plan¹ and Comprehensive Plan Map. The proposed zone change will not cause any changes to the functional classification of any existing or planned transportation facilities.

Zoning	Site Acreage	Min Density	Min Units	Min ADT	Max Density	Min Units	Max ADT
HMR	1.81	30	54.3	361.10	40	72.4	481.46
LMR	1.81	6	10.86	37.36	12	21.72	74.72

Conclusion 660-012-0060(1)(a): No significant affect.

Finding 660-012-0060(1)(b): The proposed zone change serves to significantly reduce the Project Site’s maximum density (Table 1), consistent with the Master Plan and CPMC 17.65.050, Table 2. The proposed zone change will not cause a change to standards implementing the City’s transportation system.

Conclusion 660-012-0060(1)(b): No significant affect.

Finding 660-012-0060(1)(c)(A): The proposed zone change will not cause an increase in land uses that would result in levels of travel or access that would be inconsistent with the City’s functional street classification system for existing and planned transportation facilities. As shown in Table 1, the proposed zone change will decrease the intensity of daily travel.

Conclusion 660-012-0060(1)(c)(A): No significant affect.

Finding 660-012-0060(1)(c)(B): The proposed zone change will result in significant density reduction and subsequently fewer average daily trips as demonstrated in Table 1. The proposed zone change will not reduce the performance of any existing or planned transportation facilities below the minimum acceptable performance standard identified in the Master Plan, or in the City’s Transportation System Plan.

Conclusion 660-012-0060(1)(c)(B): No significant affect.

Finding 660-012-0060(1)(c)(C): The proposed zone change decreases the travel intensity serving the project site as shown in Table 1 and will not cause the worsening of an existing or

¹ Twin Creeks Transit-Oriented Development, Part III, Community Design Features
CAP121114 Page 28

planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the Master Plan or Comprehensive Plan.

Conclusion 660-012-0060(1)(c)(C): No significant affect.

PART 5 ZONING ORDINANCE

17.10.300 Quasi-judicial amendments.

A. Applicability of Quasi-Judicial Amendments. Quasi-judicial amendments are those that involve the application of adopted policy to a specific development application or code revision, and not the adoption of new policy (i.e., through legislative decisions). Quasi-judicial zoning map amendments shall follow the Type III procedure, as governed by Section 17.05.400, using standards of approval in subsection B of this section. The approval authority shall be as follows:

- 1. The planning commission shall review and recommend land use district map changes that do not involve comprehensive plan map amendments;*
- 2. The planning commission shall make a recommendation to the city council on an application for a comprehensive plan map amendment. The city council shall decide such applications; and*
- 3. The planning commission shall make a recommendation to the city council on a land use district change application that also involves a comprehensive plan map amendment application. The city council shall decide both applications.*

Finding 17.10.300(A): A zone change application has been submitted to rezone a 1.81 acre site from HMR, High Mix Residential to LMR, Low Mix Residential. The proposed zone change does not require an amendment to the Comprehensive Plan, but must demonstrate compliance with the Master Plan.

Conclusion 17.10.300(A): Consistent.

B. Criteria for Quasi-Judicial Amendments. A recommendation or 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. Approval of the request is consistent with the applicable statewide planning goals;*

Finding 17.10.300(B)(1): See Part 2, Statewide Planning Goals findings and conclusions.

Conclusion 17.10.300(B)(1): Consistent

- 2. Approval of the request is consistent with the Central Point comprehensive plan;*

Finding 17.10.300(B)(2): See Part 3, Comprehensive Plan findings and conditions.

Conclusion 17.10.300(B)(2): Consistent.

3. *The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and*

Finding 17.10.300(B)(3): Public facilities, services and transportation networks have been established pursuant to the Twin Creeks Master Plan and are sufficient to serve the allowable uses. The proposed zone change reduces maximum densities from 50+ units per acre to 12 units per acre significantly reducing the use of public facilities.

Conclusion 17.10.300(B)(3): Consistent.

4. *The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application.*

Finding 17.10.300(B)(4): The proposed zone change is consistent with the Twin Creeks Master Plan as amended (File No. 14013), which determined that the LMR designation is consistent with objectives of the Master Plan.

Conclusion 17.10.300(B)(4): Consistent.

17.10.600 Transportation planning rule compliance.

Section 660-012-0060(1) *Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:*

- a) *Change the functional classification of an existing or planned transportation facility;*
- b) *Change standards implementing a functional classification system; or*
- c) *As measured at the end of the planning period identified in the adopted transportation system plan:*
 - (A) *Allow types or levels of land uses that would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
 - (B) *Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or*
 - (C) *Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.*

Finding 17.10.600(1): See Part 4, Statewide Transportation Planning Rule findings and conclusions.

Conclusion: Consistent.

Summary Conclusion: As evidenced in findings and conclusions, the proposed zone change is consistent with applicable standards and criteria in the Central Point Municipal Code, including the Statewide Planning Goals, Comprehensive Plan , the Twin Creeks TOD Master Plan and Statewide Transportation Planning Rule.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CENTRAL POINT ZONING MAP ON LOT 33 OF TWIN CREEKS CROSSING, PHASE I (1.81 ACRES) FROM TOD-HMR, HIGH MIX RESIDENTIAL TO TOD-LMR, LOW MIX RESIDENTIAL ZONING.
(37S2W03CA, TL 1200)

Recitals:

- A. The City of Central Point (City) is authorized under Oregon Revised Statute (ORS) Chapter 197 to prepare, adopt and revise comprehensive plans and implementing ordinances consistent with the Statewide Land Use Planning Goals.
- B. The City has coordinated its planning efforts with the State in accordance with ORS 197.040(2)(e) and OAR 660-030-0060 to assure compliance with goals and compatibility with City Comprehensive Plans.
- C. Pursuant to authority granted by the City Charter and the ORS, the City may amend the Central Point Zoning Map which was originally adopted on August 29, 1980 and has been amended at various times since.
- D. Pursuant to the requirements set forth in CPMC Chapter 17.10.100 Zoning Map and Zoning Code Text Amendments – Purpose and Chapter 17.05.010, Applications and Development Permit Review Procedures, the City has accepted an application and conducted the following duly advertised public hearings to consider the proposed amendment:
 - a) Planning Commission hearing on October 7, 2014
 - b) City Council hearings on December 11, 2014 and January 6, 2015.

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

Section 1. Based upon all the information received, the City Council adopts the findings of fact and conclusions of law set forth in the City staff report; determines that changing community conditions, needs and desires justify the amendments and hereby adopts the changes entirely.

Section 2. The City zoning map is hereby amended as set forth in Exhibit 1 which is attached hereto and by this reference incorporated herein.

Section 3. The City Manager is directed to conduct post acknowledgement procedures defined in ORS 197.610 et seq. upon adoption of the changes to the zoning and Comprehensive Plan maps.

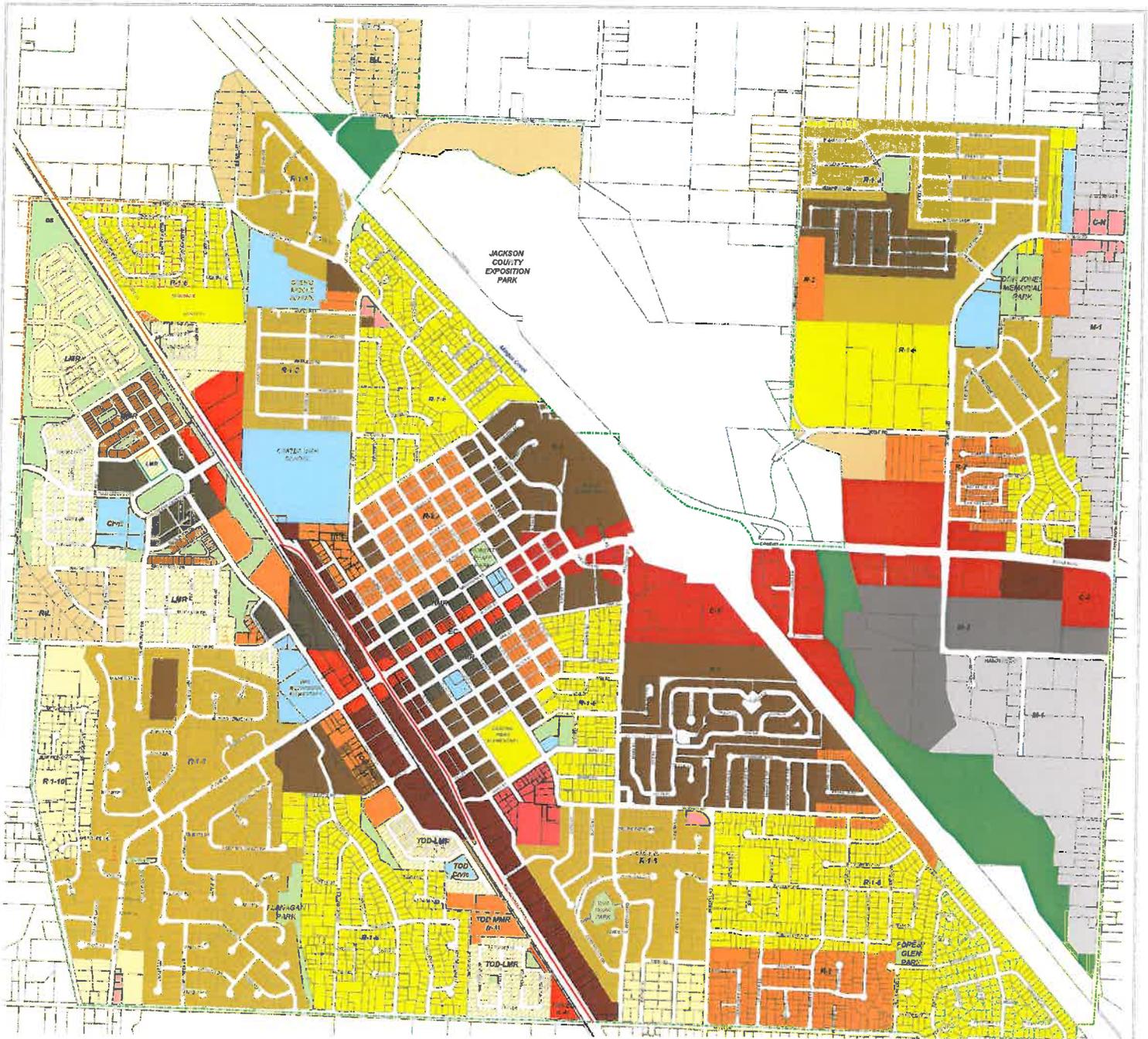
Section 4. Effective date. The Central Point City Charter states that an ordinance enacted by the council shall take effect on the thirtieth day after its enactment. The effective date of this ordinance will be the thirtieth day after the second reading.

Passed by the Council and signed by me in authentication of its passage this _____ day of _____, 20____.

Mayor Hank Williams

ATTEST:

City Recorder



Legend

- Highway 99
- Railroad
- UGB
- R-L Low Density Residential
- R-1-10 SF Residential 10,000
- R-1-8 SF Residential 8,000
- R-1-6 SF Residential 6,000
- R-2 Two-Family Residential
- R-3 Multiple Family Residential
- LMR TOD Low Mix Residential
- MMR TOD Medium Mix Residential
- HMR TOD High Mix Residential/Commercial
- CN Neighborhood Commercial
- C-2(M) Commercial Medical
- C-4 Tourist and Office
- C-5 Thoroughfare Commercial
- EC TOD Employment Commercial
- GC TOD General Commercial
- M-1 Industrial
- M-2 Industrial General
- Bear Creek Greenway
- Park/Open Space
- Civic



Ordinance

Chapter 6.08 Animal Control



STAFF REPORT

December 11, 2014

AGENDA ITEM:

The City Council of the City of Central is asked to consider if an ordinance should be passed that require dog owners to maintain control of their dogs in public places; through the means of imposing reasonable regulations on dog ownership and imposing criminal penalties on dog owners whose dogs threaten or injure other people or animals.

STAFF SOURCE:

Kristine Allison, Chief of Police

BACKGROUND/SYNOPSIS:

The Police Department over the past years has seen an increase in calls involving dogs biting and injuring persons and animals in our City. There has been an ongoing discussion in our community regarding implementing sanctions making sure that pet owners take responsibility of the well-being of their pets and any impacts they may cause. There was a study session on September 15, 2014 and the council directed me to bring back an ordinance that addressed both the rights and responsibilities of pet owners. The amended ordinance that is presented to you allows for responsible pet ownership and an expectation for our citizenry that if there are damages caused by another's pet, it will be the responsibility of the pet owner.

FISCAL IMPACT:

There is no financial impact to the City.

ATTACHMENTS:

1. An ordinance amending chapter 6.08 of the Central Point Municipal Code requiring dog owners to maintain control of their dogs in public places.

RECOMMENDATION:

I recommend the council amend ordinances 6.08 to include penalties and sanctions for dogs that inflict injury on another person or animal.

PUBLIC HEARING REQUIRED:

Yes

"Dedicated To Service, Committed To Excellence"

SUGGESTED MOTION:

We approve amendments to CPMC ordinance 6.08 imposing reasonable regulations on dog ownership and imposing criminal penalties on dog owners whose dogs threaten or injure other people or animals.



"Dedicated To Service, Committed To Excellence"

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CENTRAL POINT MUNICIPAL CODE
CHAPTER 6.08 ANIMAL CONTROL**

RECITALS:

A. Words ~~lined through~~ are to be deleted and words **in bold** are added.

B. The City Council of the City of Central Point finds and declares that the health and welfare of the citizens of the City of Central Point are promoted by requiring dog owners to maintain control of their dogs in public places; through the means of imposing reasonable regulations on dog ownership and imposing criminal penalties on dog owners whose dogs threaten or injure other people or animals.

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

SECTION 1. Amendments to Chapter 6.08 of the Central Point Municipal Code is amended to read:

Chapter 6.08
Animal Control

Sections:

6.08.005	Definitions
6.08.010	Animal Control
6.08.020	Control of Dogs
6.08.030	Impoundment
6.08.040	Failure to Control Dangerous Dogs
6.08.050	Additional Conditions

6.08.005- Definitions

“Criminal negligence” has the meaning set out in ORS 161.085(10).

“Dangerous dog” means a dog that engages in an unprovoked attack in a public place that causes either physical injury to another person or animal, or engages in three or more of the acts set out in Section 6.08.020(A) within a two-year period.

“Physical injury” has the meaning set out in ORS 161.015(7).

“Public place” has the meaning set out in ORS 161.015(10).

“Run at large” means a dog off leash in a public place.

“Unprovoked” means conduct by a dog that is not:

(a) in response to being tormented, abused or assaulted;

(b) in response to pain or injury;

(c) in protection of its nursing offspring; or

(d) in response to an assault or attempted assault on a person.

6.08.010 - Animal Control

A. The owner or custodian of a dog shall keep the dog on a leash and under the owner or custodian’s direct control when the dog is not on the private property of the owner or custodian. Except in areas designated as public property off-leash areas, no owner shall permit a dog to be at large within the city.

B. All dogs kept within the city shall be licensed according to the laws of the state of Oregon.

C. A police officer, code enforcement officer or animal control officer may impound a dog found to be loose or running at large.

D. The owner or custodian of any animal shall not:

1. Permit or allow an animal to run or be at large.

2. Permit an animal to trespass upon property of another.

3. Keep a wild or dangerous animal.

4. Permit any animal to cause annoyance, alarm or noise disturbance at any time of the day or night, by repeated barking, whining, screeching, howling,

Pg. 2 Ordinance No. _____ (__/__/__)

braying, or other like sounds which may be heard beyond the boundary of the owner's property.

5. Leave an animal unattended for more than twenty-four consecutive hours without adequate care.

6. Deprive an animal of proper facilities or care, including but not limited to food, potable water, shade or shelter.

7. Physically mistreat any animal either by deliberate abuse or failure to furnish adequate care, including medical attention.

8. Allow any stable or place where any animal is or may be kept to become unclean or ~~odiferous~~ **produce an unreasonable offensive odor.**

9. Confine an animal within or on a motor vehicle at any location under such conditions as may endanger the health or well-being of the animal.

10. Allow an animal to deposit its solid wastes on any private property, or public area, including but not limited to streets, sidewalks, parking strips, and parks, unless such wastes are removed immediately. This section shall not apply to a sightless person while walking his/her guide dog.

11. Allow the carcass of an animal to remain on public property or exposed on private property for a period of time longer than is reasonable and necessary to remove and properly dispose of said carcass. (Ord. 1901 §2(part), 2007).

6.08.020- Control of Dogs

A. No person who owns or keeps a dog shall permit the dog to:

- 1. defecate in a public place, unless the person immediately removes the feces from the property;**
- 2. chase vehicles or persons;**
- 3. scatter garbage;**

Pg. 3 Ordinance No. _____ (___/___/___)

4. run at large in a public place, except for any park area specifically designated as a "dog park;"

5. engage in conduct that places a person in fear of imminent physical injury.

6. inflict physical injury on another person or animal.

B. Violation of this section constitutes a Violation.

6.08.030 - Impoundment

Any animal which is the subject of a violation of this chapter may be impounded by any city employee, law enforcement officer, code enforcement officer, or county dog control officer. The procedures established by the city police department shall control the release or disposal of animals so impounded. (Ord. 1901 §2(part), 2007).

6.08.040- Failure to Control Dangerous Dog

A. A person commits the violation of failure to control dangerous dog if the person:

1. Intentionally or recklessly permits a dangerous dog to inflict physical injury on another person or animal;

2. With criminal negligence permits a dangerous dog to inflict physical injury on another person or animal; or

3. Is convicted of three or more violations under Section 6.08.020(A) within a two-year period. For the purposes of this section, the phrase "two-year period" means three or more convictions within two years from the date of the present conviction. This subsection does not apply to persons violating 6.08.020(A)(1).

B. Failure to control dangerous dog is a crime punishable as prescribed in Section 1.16.010 if the Court finds that a person is guilty of the offenses set out in Section (A)(1) or (2); and punishable as prescribed in Section 1.16.010 if the Court finds that a person is guilty of the offense set out at 6.08.040(A)(3).

6.08.050 - Additional Conditions

In addition or in alternative to the criminal penalties prescribed in Section 6.08.040(B), the Court may impose one or more of the following conditions:

Pg. 4 Ordinance No. _____ (__/__/__)

- 1. Order a person to provide an enclosure to adequately confine a dangerous dog;**
- 2. Order a person to post their property with a clearly visible warning sign that there is a dangerous dog on the property.**
- 3. Order a person to obtain a surety bond issued by a Surety Insurer in a form acceptable to the City Attorney in the sum of at least \$250,000, which provides for prior written notification to the City of cancellation or material change, payable to any person for personal injuries or property damage caused by the dangerous dog regardless of whether the personal injury or property damage occurs on or off the person's premises;**
- 4. Order a person to obtain a policy of liability insurance, such as homeowner's insurance, issued by an insurer in the amount of at least \$250,000, with a maximum \$500 deductible, and which provides for prior written notification to the City of cancellation or material change, insuring the person for any personal injuries and property damage inflicted by the dangerous dog, regardless of whether the personal injury or property damage occurs on or off the person's premises;**
- 5. Require the person to have the dangerous dog spayed or neutered, and provide documentation demonstrating that the dangerous dog has been spayed or neutered;**
- 6. Suspend the person's right to own a dog in the City for a period of time as specified by the Court;**
- 7. Require the person, at the person's expense, to attend a responsible pet ownership class; or**
- 8. Impose any additional conditions necessary to protect the public health, safety and welfare.**

SECTION 2. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word Ordinance may be changed to "code", "article", "section", "chapter" or other word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

Pg. 5 Ordinance No. _____ (___/___/___)

SECTION 3. Effective date. The Central Point City Charter states that an ordinance enacted by the council shall take effect on the thirtieth day after its enactment. The effective date of this ordinance will be the thirtieth day after the second reading.

Passed by the Council and signed by me in authentication of its passage this ____ day of _____, 20__.

Mayor Hank Williams

ATTEST:

City Recorder

Pg. 6 Ordinance No. _____ (___/___/___)

Discussion

Intersection of Hamrick and Beebe



December 1, 2014

TO: Honorable Mayor and City Council
FROM: Matt Samitore, Parks & Public Works Director
SUBJECT: Hamrick/Beebe

PURPOSE:

Discussion of obtaining the property at the SW corner of Beebe and Hamrick Roads. Staff is updating the report with new information obtained in late October and November of 2014.

SUMMARY:

As discussed in the past year the city has been trying to negotiate with the property owner on the SW corner of Beebe and Hamrick Roads. Though all the conversations have been congenial the property owner is not interested in only selling a portion of his property at this time. Additionally, staff is expecting a revised White Hawk application which will require a signal to be installed at the intersection before full build out of the project is allowed. The property owner would like the City to buy the property for \$250,000. The parcel, when annexed, will be zoned TOD-MMR and has potential development for a minimum of 7 and a maximum of 16 units to be developed.

Councilman Broderick did a quick analysis of the property and his email is attached. He based his analysis on current uses, and came up with a value of \$225,000.

Fall 2014 UPDATE

The City offered to build a sound wall along Beebe Road, install two water meters and give free water for a year and pay \$5,000 cash for the corner, which is approximately 172 sf. Mr. Sutton did not like this option because it did not include the sound wall along Hamrick.

City Staff met with a right-of-way (ROW) consultant, Gary Taylor, who is retired from ODOT. Gary use to be in charge of the SW ODOT division on ROW. Gary informed the city that if we were to buy the property out right, we would have to conduct a relocation study to determine

the costs relocate Mr. Sutton to a similar property in the Rogue Valley. The relocation study could determine that finding something similar could be higher than the appraisal. Secondly, the city would have to pay for all relocation/moving expenses.

DISCUSSION:

The City will need to obtain about .05 acres in order to have enough land to install the traffic signal. The City would like to obtain the property take the necessary land and then resell it. There is not money available for this at this time and staff also does not know the development schedule for White Hawk. The property in question currently does not have water and was part of the lawsuit against the County and City as part of the Beebe Road storm drain project.

Fall 2014 UPDATE

Staff would like to bring Mr. Taylor on as a consultant to work through the options to obtain the 172 sq. ft. This will involve hiring an appraiser to determine cost of the property and putting together a formal offer. If Mr. Sutton does not agree to the last formal offer, the council would have to discuss options including potentially condemnation.

RECOMMENDATION:

Discussion of options.



Business

**Joint Planning
Commission Report**

PLANNING DEPARTMENT MEMORANDUM

Date: December 11, 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 both the Central Point Planning Commission and the Jackson County Planning Commission at a special joint meeting on November 20, 2014.

- A. **Public Hearing to Consider a Resolution forwarding a favorable recommendation to the City Council to Revise the Urban Growth Boundary Management Agreement (UGBMA) between the City of Central Point and Jackson County to improve consistency with the Greater Bear Creek Valley Regional Plan and the City's Regional Plan Element.** The respective planning staffs introduced new UGBMA language to the Commissions which are intended to resolve address 'Areas of Mutual Planning Concern' for Forest/Gibbon Acres and Jackson County Expo. Other changes were made to clean up the agreement and to make City/County land use protocols more clear. Once the UGBMA is adopted by both parties, joint meetings will become an option and not a requirement in the future. The changes also satisfy Regional Planning requirements which allow the City to proceed with UGB amendments. Both Commissions supported the UGBMA revisions.
- B. **Public Hearing to Consider a Resolution forwarding a favorable recommendation to the City Council to Amend the Comprehensive Plan Map (Minor) to add approximately 48 acres to the City of Central Point Urban Growth Boundary (UGB) east of Interstate 5; along and including Dean Creek Road; between the Seven Oaks Interchange (Exit 35) and Old Upton Road.** The Community Development Department introduced the City's application to the County to amend its UGB into Urban Reserve Area CP-4D. Both Commissions supported the proposal as did various agencies who were asked to comment.

The City and County are planning a second joint meeting of the Planning Commissions in March to consider a second Comprehensive Plan Map (Minor) amendment for a private application made by Combined Transport Logistics Group.

Business

Measure 91 Briefing



ADMINISTRATION DEPARTMENT

140 South 3rd Street · Central Point, OR 97502 · (541) 664-7602 · www.centralpointoregon.gov

STAFF REPORT
December 4th, 2014

AGENDA ITEM: Briefing and discussion on issues related to the approval of Oregon Ballot Measure 91.

STAFF SOURCE:

Sydnee Dreyer, City Attorney

BACKGROUND/SYNOPSIS:

Although the City of Central Point has been proactive in addressing issues related to the dispensing of medical marijuana, the approval of Oregon Ballot Measure 91 raises additional policy questions. The attached memorandum is intend to inform the council about these additional questions/issues and initiate a public discussion about future policy direction.

ATTACHMENTS:

1. Measure 91 briefing memorandum.

RECOMMENDATION:

1. Council discussion on future policy direction related to Measure 91 implementation.

PUBLIC HEARING REQUIRED:

No – Public Comment can be accepted on this discussion item, but no public hearing is required.

SUGGESTED MOTION:

I move to direct staff as follows.....



MEMORANDUM

TO: Central Point City Council
c/o Chris Clayton

FROM: Sydnee Dreyer

RE: Regulation of Recreational Marijuana

DATE: December 4, 2014

The provisions of Measure 91 become effective for homegrown marijuana on July 1, 2015. Licensing for production, processing, wholesale and retail sales of marijuana becomes effective January 4, 2016. Under Measure 91, cities have authority to adopt reasonable time place and manner regulations for retail sales; bring nuisance actions against businesses; and require compliance with other regulations of general applicability such as land use. Cities also have a local opt out provision under the initiative process. A summary of these rights is provided below.

- **Regulation of Facilities:** The City can impose reasonable time, place and manner restrictions on the nuisance aspects of retail sales of marijuana. However, no such regulation is permitted for production, processing, wholesale, or personal growth marijuana or marijuana products. In addition, the City can impose other general local regulations, such as business license requirements, land use and development regulations, and the imposition of economic improvement district fees (if such fees are in place generally). When developing time, place and manner restrictions, the LOC recommends considering how the City currently regulates the time, place and manner of retail liquor stores. For example, the City may impose similar zoning restrictions, hours of operation, signage restrictions, etc. Such time, place and manner restrictions will require findings that such business will generate adverse effects absent such regulations. If the City adopts reasonable time, place and manner restrictions that are similar to those of other businesses with similar impacts, it should withstand any challenge. The more restrictive the City is, the more it will need to be able to justify the imposition of restrictions.

- **Licensing:** Although the measure does not provide a formal channel for local governments to weigh in on licensing applications, cities and counties may play an important role in providing information to the OLCC about local conditions that could impact the decision to grant or deny a license (similar to OLCC liquor licenses) including, whether there are

sufficient licensed premises in the area and whether the license is demanded by public interest or convenience in the locality. In addition, as the OLCC engages in rule-making, or should the Legislature consider reform legislation in the wake of Measure 91's passage, the League of Oregon Cities has stated that it will work to include provisions in the law that allow local governments to weigh in.

□ **The Local Option:** Through the local initiative process, licensees can be prohibited from operating within the City. However, because any election on such a petition must occur at "the next statewide general election," the City will not have the opportunity to prohibit the operation of licensed producers, processors, wholesalers or retailers until November 2016 (and it is unclear under the text of the measure whether local governments will have the opportunity to vote on similar initiatives after November 2016). Meanwhile, the OLCC must start accepting license applications on or before January 4, 2016 (nearly a year before the local opt-out election can occur). Furthermore, the opt-out does not apply to personal production or possession of homegrown marijuana or homemade marijuana products. Nor may the opt-out be initiated by the referendum process; this is action the citizens must initiate.

□ **State Tax Revenues:** Until July 1, 2017, all cities and counties will receive some tax revenue generated by Measure 91 that exceeds the expenses associated with the measure. After that time, however, only cities and counties with licensees – producers, processors, wholesalers and retailers – will receive any portion of state tax revenues. However, even if the City had no licensees operating within its boundaries, home production and use would likely exist and is expected to have an impact on law enforcement. Thus, the LOC intends to pursue corrective legislation that would ensure more adequate and unrestricted funding for local governments.

□ **Local Taxes:** The City adopted a tax levy prior to adoption of Measure 91. Whether such tax is preempted under the measure is uncertain. Because over 60 cities adopted a similar tax prior to adoption of the Measure, it is hoped that the legislature will clarify whether local governments have a right to tax retail sales of marijuana. At this point, it is unclear how a court will rule.

□ **Employee Drug Testing:** Measure 91 provides that it does not disturb existing employment laws. In addition, under *Emerald Steel v. Bureau of Labor and Industries*, the Oregon Supreme Court held that federal law preempted an employee's rights under the Oregon Medical Marijuana Act to the use of medical marijuana in the workplace. Consequently, it seems that an employer could take the appropriate adverse employment action against an employee (in accordance with any collective bargaining agreement) who was found to be using marijuana or tested positive for marijuana use in violation of the employer's policies.