



CITY OF CENTRAL POINT

Oregon

City Council Meeting Agenda Thursday, January 28, 2021

Next Res (1655) Ord (2072)

- I. **REGULAR MEETING CALLED TO ORDER**
- II. **PLEDGE OF ALLEGIANCE**
- III. **ROLL CALL**
- IV. **PUBLIC COMMENTS**

Public comment is for non-agenda items. If you are here to make comments on a specific agenda item, you must speak at that time. Please limit your remarks to 3 minutes per individual, 5 minutes per group, with a maximum of 20 minutes per meeting being allotted for public comments. The council may ask questions but may take no action during the public comment section of the meeting, except to direct staff to prepare a report or place an item on a future agenda. Complaints against specific City employees should be resolved through the City's Personnel Complaint procedure. The right to address the Council does not exempt the speaker from any potential liability for defamation.

- V. **CONSENT AGENDA**
 - A. **Approval of January 14, 2021 City Council Minutes**
 - B. 2021 Arbor Day Week Proclamation
 - C. OLCC Change of Ownership - Colvin Oil, LLC

- VI. **ITEMS REMOVED FROM CONSENT AGENDA**

- VII. **PUBLIC HEARING**

Public comments will be allowed on items under this part of the agenda following a brief staff report presenting the item and action requested. The presiding officer may limit testimony.

- VIII. **ORDINANCES, AND RESOLUTIONS**

- A. First Reading - An Ordinance Amending in Part Central Point Municipal Code Chapter 8.08.010 Weed Abatement (Dreyer)

- IX. **BUSINESS**

- A. Fire District No. 3 Update
- B. Jackson County FD3 Hazardous Vegetation and Combustible Material Abatement Draft Ordinance (Clayton)
- C. Central Point Little League Concept Plan (Clayton)
- D. Planning Commission Report (Humphrey)

- X. **MAYOR'S REPORT**

Mayor
Hank Williams

Ward I
Neil Olsen

Ward II
Kelley Johnson

Ward III
Melody Thueson

Ward IV
Tanea Browning

At Large
Rob Hernandez

At Large
Michael Parsons

XI. CITY MANAGER'S REPORT

XII. COUNCIL REPORTS

XIII. DEPARTMENT REPORTS

XIV. EXECUTIVE SESSION

The City Council will 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 Under the provisions of the Oregon Public Meetings Law, the proceedings of an executive session are not for publication or broadcast.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

Individuals needing special accommodations such as sign language, foreign language interpreters or equipment for the hearing impaired must request such services at least 72 hours prior to the City Council meeting. To make your request, please contact the City Recorder at 541-423-1026 (voice), or by e-mail to Deanna.casey@centralpointoregon.gov.

Si necesita traductor en español o servicios de discapacidades (ADA) para asistir a una junta publica de la ciudad por favor llame con 72 horas de anticipación al 541-664-3321 ext. 201

CITY OF CENTRAL POINT

Oregon

City Council Meeting Minutes Thursday, January 14, 2021

I. REGULAR MEETING CALLED TO ORDER

The meeting was called to order at 7:00 PM by Mayor Hank Williams

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Attendee Name	Title	Status	Arrived
Hank Williams	Mayor	Present	
Neil Olsen	Ward I	Present	7:08 PM
Kelley Johnson	Ward II	Present	
Melody Thueson	Ward III	Present	
Taneea Browning	Ward IV	Present	
Rob Hernandez	At Large	Present	
Michael Parsons	At Large	Present	

Staff members present: City Manager Chris Clayton; City Attorney Sydnee Dreyer; Finance Director Steve Weber; Police Chief Kris Allison; Police Captain Dave Croft; Parks and Public Works Director Matt Samitore; Human Resource Director Elizabeth Simas and City Recorder Deanna Casey.

IV. PUBLIC COMMENTS - None

V. CONSENT AGENDA

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Michael Parsons, At Large
SECONDER:	Taneea Browning, Ward IV
AYES:	Williams, Johnson, Thueson, Browning, Hernandez, Parsons
ABSENT:	Neil Olsen

A. Approval of December 10, 2020 City Council Minutes

B. Approval of Re-appointments to Committees and Commissions

VI. ORDINANCES, AND RESOLUTIONS

A. Resolution No. _____, A Resolution Approving the Revised Management Compensation Plan and July 1, 2020 - June 30, 2021 Classification Pay Plan

City Human Resources Director Elizabeth Simas presented an amendment to the Management Compensation Plan and the Pay Plan explaining that the Council approved increasing the pay range scale by 1.5%. The adjustment to the pay plan are to the salary range minimums and maximums, not to individual salaries. Pay

Minutes Acceptance: Minutes of Jan 14, 2021 7:00 PM (CONSENT AGENDA)

changes for management employees are tied to performance and limited to the parameters set by the Management Compensation Plan.

- The following changes are being proposed to the Classification Pay Plan:
- Part A of the pay plan (General Service Bargaining Unit) - No changes.
- Part B of the pay plan (Police Bargaining Unit) - No changes.
- Part C of the pay plan (management/non-represented).
- Update the salary schedule by an additional 1.5% (total of 2.5% from 1/1/20 salary schedule) to the minimum and maximums of the scales effective January 1, 2021.
- Addition of Planning Director to the Salary Schedule.

Kelley Johnson moved to approve Resolution No. 1652, A Resolution Approving the Revised Management Compensation Plan and July 1 2020 - June 30, 2021 Classification Pay Plan.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kelley Johnson, Ward II
SECONDER:	Rob Hernandez, At Large
AYES:	Williams, Olsen, Johnson, Thueson, Browning, Hernandez, Parsons

B. Resolution No. _____, A Resolution Approving the 2021 Rules of the City Council and Code of Ethics

City Manager Chris Clayton stated that there are currently no recommended changes to the City Council Rules this year. We may consider making changes to the public comment and public hearing rules only allowing public statements during those topics.

Rob Hernandez moved to approve Resolution No. 1653, A Resolution Approving the 2021 Rules of the City Council and Code of Ethics.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Rob Hernandez, At Large
SECONDER:	Taneeea Browning, Ward IV
AYES:	Williams, Olsen, Johnson, Thueson, Browning, Hernandez, Parsons

C. Resolution No. _____, A Resolution of the City of Central Point, Oregon Granting a Non-Exclusive Franchise to Qwest Corporation D/B/A CenturyLink QC

City Attorney Sydnee Dreyer explained the process in regards to the Century Link franchise agreement. There were changes to the insurance requirement based on their insurance. There are some time consuming steps in regards to termination of the agreement which is understandable for a long time agreement such as this.

Melody Thueson moved to approve Resolution No. 1654, A Resolution of the City of Central Point, Oregon Granting a Non-Exclusive Franchise to Qwest Corporation D/B/A Century Link QC.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Melody Thueson, Ward III
SECONDER:	Michael Parsons, At Large
AYES:	Williams, Olsen, Johnson, Thueson, Browning, Hernandez, Parsons

VII. BUSINESS

A. Election of 2021 Council President

Mr. Clayton explained the process to appoint a president of the Council at the beginning of every year. The Council President presided the event that the Mayor cannot attend a meeting. The Council nominates a member and votes.

Kelley Johnson thinks it is good to rotate the position and would like to nominate Rob Hernandez, Mike Parsons is in favor of that nomination.

Melody Thueson stated that Tanea Browning has been doing a great job would like to nominate Mrs. Browning. Mr. Browning said that she is in favor of rotation, but would accept the nomination.

Tanea Browning moved to nominate Rob Hernandez to the position of Council President.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Tanea Browning, Ward IV
SECONDER:	Kelley Johnson, Ward II
AYES:	Williams, Olsen, Johnson, Thueson, Browning, Hernandez, Parsons

B. Local City Council Committee and Board Assignments 2021

Mr. Clayton asked for a motion to formalize the City Council Local Committee list for 2021. He hopes that we have incorporated the recommended changes from the last meeting.

Melody Thueson moved to approve the City Council Local Committee list for 2021.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Melody Thueson, Ward III
SECONDER:	Rob Hernandez, At Large
AYES:	Williams, Olsen, Johnson, Thueson, Browning, Hernandez, Parsons

C. Citizen Advisory Committee Appointment

Mr. Clayton explained there are two vacancies on the Citizens Advisory Commission. The City advertised for the vacant positions and have received three applications. After reviewing the applications staff recommends appointing John Eaton and Kristy Painter at this time. Eden Foster is currently on the Parks and Recreation Foundation. Staff is going to ask Mrs. Foster if she would consider being appointed to the Budget Committee.

Kelley Johnson moved to appoint John Eaton and Kristy Painter to the Citizens Advisory Commission.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kelley Johnson, Ward II
SECONDER:	Taneea Browning, Ward IV
AYES:	Williams, Olsen, Johnson, Thueson, Browning, Hernandez, Parsons

D. Property Tax Update

Finance Director Steve Weber explained the property tax income lower than budgeted assessed value coupled with a lower tax collection rate during the fiscal year 2019-2020 fiscal led to a shortfall in property tax revenue. Collections in the current year are slightly lower than the prior year. There is a projected shortfall in General Fund property tax revenue, however measures have been taken on the expenditure side in response to the financial impact of the pandemic, which is helping to offset this revenue reduction. Departments are on target to reduce Materials and Services spending by 10% and the proceeds from the sale of the Upton Road Property will help with the revenue impacts during the pandemic. At this time we do not see any concerns regarding staff levels or services to the citizens.

RESULT:	FOR DISCUSSION ONLY
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VIII. MAYOR'S REPORT

Mayor Williams reported:

- that he attended a meeting with County Commissioner Dave Dotterrer. He feels that Commissioner Dotterrer will be a great asset for the City of Central Point.
- He attended a tour of the new building on Pine Street.
- He participated in an LOC phone conference last week and was introduced to the new president of League of Oregon Cities.

IX. CITY MANAGER'S REPORT

City Manager Chris Clayton reported that:

- Stephanie Holtey has been promoted to Planning Director to take over when Community Director Tom Humphrey retires at the end of June.
- Chief Horton will be updating the Council at the next meeting in regards to a Hazard Vegetation Ordinance.
- The city is working on the Bear Creek property exchange with the City of Medford and Jackson County. We plan to take possession of the area and maintain it.
- Some of us were able to take a tour of the Reed Medical Building last week. If other Council members would like to tour the property the Building Official and Building owner will provide one at 2:00 pm next Tuesday.

- We have received inquiries from staff regarding the COVID-19 Vaccine. We will not be mandating the vaccine when it is available to staff members.
- We have been locking the skate park at night and opening it in the mornings. There have been fewer complaints and issues than before. We will continue to evaluate the situation and apprise the Council if things change.
- We have received a conceptual plan for the Little League fields. He will share it with the Council in his report.

X. COUNCIL REPORTS

Council Member Kelley Johnson reported that she attended a Fire District board meeting.

Council Member Melody Thueson reported:

- That her family had COVID last week, they are doing fine now.
- She attended a School Board meeting. They received funding to help during the pandemic which will help with Technical upgrades and Bond projects. Teachers will be getting invited to take the COVID vaccine after July 23rd. They are interviewing for a new superintendent next year.

Council Member Rob Hernandez reported:

- He attended the meeting with New County Commissioner Dave Dotterer.
- He attended the Reed Medical Building tour.
- He attended the SOREDI Meeting.
- He is participating in the Fire District 3 Strategic Planning process, they plan to work on greenway access.

Council Member Tanea Browning reported that:

- the new year should be fun she has been attending Medford Water Commission meetings.
- She has attended three LOC meetings. They have been discussing the Leagues priorities.
- She was able to tour the Boes Creekside property and the Reed Medical Center.

Council Member Neil Olsen reported that:

- He has received his first dose of the vaccine.
- He attended the Cahoots meeting introducing the idea to Jackson County.

Council Member Mike Parsons reported that:

- He attended the RVSS virtual meeting.
- He has been engaged in the Meadows Community.
- He is encouraging people to support our Police Department in the Polar Plunge.

XI. DEPARTMENT REPORTS

Police Chief Kris Allison reported that:

- She attended zoom meeting for the Mobile Crisis for Jackson County. More will come to the council at the next meeting.
- She attended a zoom meeting with local chiefs for tactical planning for the Presidential Inauguration Day on January 20th to make sure we have enough help on if there are any issues.
- The Department was able to take vaccines 2 weeks ago.
- The Central Point Police Department will participate in the virtual Polar Plunge, it raises funds for special Olympics.

Parks and Recreation Director Matt Samitore reported that:

- The Skate Board Park opens at 8 am and closes at 5 pm. We will re-evaluate in February and return to Council with recommendations.
- The Paff Park Restroom is popular with the homeless community and they continue to break in and destroy the facility. We will be installing a more elaborate locking system like you would see in the bigger cities.
- The Boes Park clean-up is now complete, they did a great job cleaning out the blackberries, we will be looking at planting shrubs and trees that are local to the area. Jackson County expo will be using it as a mass evacuation site if needed.
- The Public Works Operations center is to go before the Planning Commission in the next few months, prices are going way up so we may need to do the project in phases. They do expect the prices to go back down later in 2021.

Finance Director Steve Weber reported that:

- We have a Public Works Corporation yard call set up for next week with our financial management group to help with the funds to start the project.
- the C.A.R.E.S. act funding is completely spent and the reimbursement statement goes to the state next week.
- They have been working on the budget calendar. He has called Eden Foster to explain the Budget Committee process and hopefully she can be appointed before the process begins.

Human Resources Director Elizabeth Simas reported that:

- She has been working on the policies related to COVID-19.

- We will not be able to have an employee recognition breakfast this year due to COVID but we will do a recognition in a different form.
- She has been working on year-end tasks and advertising for openings for an Officer and Public Works Lead position.

City Attorney Sydnee Dreyer and IT Director Jason Richmond had no reports.

XII. ADJOURNMENT

Neil Olsen moved to adjourn, all said "aye" and the meeting was adjourned at 8:16 p.m.

The foregoing minutes of the January 14, 2021, Council meeting were approved by the City Council at its meeting of _____, 2021.

Dated:

Mayor Hank Williams

ATTEST:

City Recorder

Minutes Acceptance: Minutes of Jan 14, 2021 7:00 PM (CONSENT AGENDA)



City of Central Point **Staff Report to Council**

ISSUE SUMMARY

TO:	City Council	DEPARTMENT: Administration
FROM:	Deanna Casey, City Recorder	
MEETING DATE:	January 28, 2021	
SUBJECT:	2021 Arbor Day Week Proclamation	
ACTION REQUIRED:		RECOMMENDATION:
Motion Consent Agenda Item		

Purpose: The proclamation illustrates the value of tree awareness and of Arbor Week in Central Point.

Background: To qualify as a Tree City USA community, a town or city must meet the required standards established by The Arbor Day Foundation and the National Association of State Foresters. The standards help to ensure that every qualifying community, no matter the size, has a viable tree management plan which includes the celebration of Arbor Week. In addition to accomplishing Tree City USA goals, establishing an Arbor Week celebration will help to raise awareness of the importance of trees in Central Point, expand the tree canopy by planting additional trees, and enhance the parks and open spaces where the trees are planted.

Recommendation: Approve the Arbor Week proclamation and join Central Point Parks and Recreation Department in celebration of Arbor Week: April 4th - 10th, 2021.

ATTACHMENTS:

1. ARBOR WEEK PROCLAMATION 2021

ARBOR WEEK PROCLAMATION

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

WHEREAS, Arbor Day was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of topsoil by wind and water, reduce heating and cooling costs, moderate the temperature, clean the air, produce oxygen, strengthen stream bank integrity, provide flood mitigation, and provide a habitat for wildlife; and

WHEREAS, trees are a renewable resource that provides paper, wood, fuel for our fires, and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal,

NOW, THEREFORE, I _____ Mayor of the city of Central Point, do hereby proclaim April 4th – 10th, 2021 as

Arbor Week

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

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

Date this _____ Day of _____ in the Year _____

Mayor _____

Attachment: ARBOR WEEK PROCLAMATION 2021 (1375 : Arbor Day Week Proclamation)



City of Central Point ***Staff Report to Council***

ISSUE SUMMARY

TO: City Council **DEPARTMENT:**
Administration

FROM: Chris Clayton, City Manager

MEETING DATE: January 28, 2021

SUBJECT: OLCC Change of Ownership - Colvin Oil, LLC

ACTION REQUIRED: **RECOMMENDATION:**
Motion
Consent Agenda Item

The City has received an OLCC Change of Ownership application. This is for the Chevron on Pine Street located at 1510 E. Pine Street.

The Central Point Police Department has done a back ground check and found no significant issues.

ATTACHMENTS:

1. OLCC PD Letter
2. OLCC App - Colvin Oil short form



155 South Second Street • Central Point, OR 97502

Ph: (541) 664-5578 • Fax: (541) 664-2705 • www.centralpointoregon.gov

Kristine Allison

Chief

Date: 01/22/2021

From: Captain David Croft
To: Honorable Mayor Williams
Subject: Request for OLCC License

RE: Colvin Oil 1 LLC. / Persons associated therewith

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

Respectfully,

A handwritten signature in black ink that reads "David Croft".

Captain David Croft
Central Point Police Department

Attachment: OLCC PD Letter (1378 : OLCC Change of Ownership - Colvin Oil, LLC)

"Dedicated To Service, Committed To Excellence"



OREGON LIQUOR CONTROL COMMISSION
LIQUOR LICENSE APPLICATION

1. Application. **Do not include** any OLCC fees with your application packet (the license fee will be collected at a later time). Application is being made for:

License Applied For:	CITY AND COUNTY USE ONLY
<input type="checkbox"/> Brewery 1st Location	Date application received and/or date stamp:
<input type="checkbox"/> Brewery 2nd Location	Name of City or County:
<input type="checkbox"/> Brewery 3rd Location	Recommends this license be:
<input type="checkbox"/> Brewery-Public House 1st Location	<input type="checkbox"/> Granted <input type="checkbox"/> Denied
<input type="checkbox"/> Brewery-Public House 2nd Location	By: _____
<input type="checkbox"/> Brewery-Public House 3rd Location	Date: _____
<input type="checkbox"/> Distillery	OLCC USE ONLY
<input type="checkbox"/> Full On-Premises, Commercial	Date application received:
<input type="checkbox"/> Full On-Premises, Caterer	By: <i>[Signature]</i>
<input type="checkbox"/> Full On-Premises, Passenger Carrier	License Action(s):
<input type="checkbox"/> Full On-Premises, Other Public Location	<i>CLO, CLTN</i>
<input type="checkbox"/> Full On-Premises, For Profit Private Club	
<input type="checkbox"/> Full On-Premises, Nonprofit Private Club	
<input type="checkbox"/> Grower Sales Privilege 1st Location	
<input type="checkbox"/> Grower Sales Privilege 2nd Location	
<input type="checkbox"/> Grower Sales Privilege 3rd Location	
<input type="checkbox"/> Limited On-Premises	
<input type="checkbox"/> Off-Premises	
<input checked="" type="checkbox"/> Off-Premises with Fuel Pumps	
<input type="checkbox"/> Warehouse	
<input type="checkbox"/> Wholesale Malt Beverage & Wine	
<input type="checkbox"/> Winery 1st Location	
<input type="checkbox"/> Winery 2nd Location	
<input type="checkbox"/> Winery 3rd Location	
<input type="checkbox"/> Winery 4th Location	
<input type="checkbox"/> Winery 5th Location	

2. Identify the applicant(s) applying for the license(s). ENTITY (example: corporation or LLC) or INDIVIDUAL(S) applying for the license(s):

Colvin Oil I, LLC
 (Applicant #1) _____ (Applicant #2) _____
 _____ (Applicant #3) _____ (Applicant #4) _____

3. Trade Name of the Business (Name Customers Will See) GP Energy #3117		
4. Business Address (Number and Street Address of the Location that will have the liquor license) 1510 E. Pine St		
City Central Point	County Jackson	Zip Code 97502

OLCC Liquor License Application (Rev. 1/20)

Attachment: OLCC App - Colvin Oil short form (1378 : OLCC Change of Ownership - Colvin Oil, LLC)



OREGON LIQUOR CONTROL COMMISSION
LIQUOR LICENSE APPLICATION

5. Trade Name of the Business (Name Customers Will See) GP Energy #3117			
6. Does the business address currently have an OLCC liquor license? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
7. Does the business address currently have an OLCC marijuana license? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
8. Mailing Address/PO Box, Number, Street, Rural Route (where the OLCC will send your mail) 2520 Foothill Blvd			
City Grants Pass	State OR	Zip Code 97526	
9. Phone Number of the Business Location 541-479-5343		10. Email Contact for this Application chayes@andretti1.com	
11. Contact Person for this Application Casey Hayes		Phone Number 541-479-5343	
Contact Person's Mailing Address (if different)	City	State	Zip Code

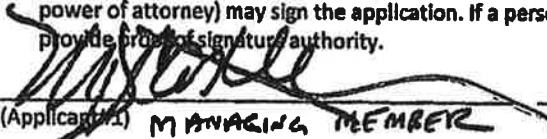
Please note that liquor license applications are public records. A copy of the application will be posted on the OLCC website for a period of several weeks.

I understand that marijuana (such as use, consumption, ingestion, inhalation, samples, give-away, sale, etc.) is prohibited on the licensed premises.

I attest that all answers on all forms, documents, and information provided to the OLCC are true and complete.

Applicant Signature(s)

- Each individual person listed as an applicant must sign the application.
- If an applicant is an entity, such as a corporation or LLC, at least one person who is authorized to sign for the entity must sign the application.
- A person with the authority to sign on behalf of the applicant (such as the applicant's attorney or a person with power of attorney) may sign the application. If a person other than an applicant signs the application, please provide proof of signature authority.


 (Applicant#1) **MANAGING MEMBER** (Applicant#2)

(Applicant#3) _____ (Applicant#4)

Attachment: OLCC App - Colvin Oil short form (1378 : OLCC Change of Ownership - Colvin Oil, LLC)



City of Central Point Staff Report to Council

ISSUE SUMMARY

TO:	City Council	DEPARTMENT:	City Attorney
FROM:	Sydnee Dreyer, City Attorney		
MEETING DATE:	January 28, 2021		
SUBJECT:	First Reading - An Ordinance Amending in Part Central Point Municipal Code Chapter 8.08.010 Weed Abatement		
ACTION REQUIRED:	Motion Ordinance 1st Reading	RECOMMENDATION:	Approval

BACKGROUND INFORMATION:

In February 2019 the City of Central Point amended its weed abatement ordinance in an effort to provide additional tools to reduce fire hazards. In particular, the ordinance designated a fire season to more easily inform city residents when fire restrictions automatically go into place, allowed identification of fire hazards outside the regular fire season, and streamlined the notification process. The code also contained discretionary provisions for fire breaks on larger parcels.

In enforcing the weed abatement ordinance, staff has determined that it would be in the public interest to designate the start of fire season on May 1 rather than June 1 given that fire seasons are becoming longer, and hotter, and to ensure that fire hazards are removed by the time fire risk becomes significant. By starting the season May 1, rather than June 1, it will allow City staff to notify property owners of the need to reduce weeds and other vegetation before the risk becomes significant. Additionally, staff proposes ending fire season two-weeks later, to November 15, given that fire seasons are more consistently extending into the month of November. In addition, staff recommends mandating firebreaks on properties more than 1-acre in size. Under the prior ordinance, this provision was discretionary.

FINANCIAL ANALYSIS:

LEGAL ANALYSIS:

The proposed amendments provide a legal, streamlined, process that offers additional resources for City Staff when confronting weed abatement related issues.

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

STAFF RECOMMENDATION:

Staff is recommending approval of the first reading of the proposed amendments.

RECOMMENDED MOTION:

I move to approve the first reading of an ordinance amending in part Central Point Municipal Code Chapter 8.08.010 Weed Abatement.

ATTACHMENTS:

1. Ord Amending Ch 8.08 Weed Abatement

ORDINANCE NO. _____
AN ORDINANCE AMENDING IN PART CENTRAL POINT MUNICIPAL CODE
CHAPTER 8.08.010 WEED ABATEMENT

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.** Upon review, the staff and city attorney for the City of Central Point determined that amendment to description of a nuisance is necessary to address the increased threat from fires. In particular, fire seasons are starting earlier and ending later, and City staff requires additional tools to limit fire danger resulting from overgrown vegetation.
- C.** Words ~~lined through~~ are to be deleted and words **in bold** are added.

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

SECTION 1. Chapter 8.08.010 is amended in part as set forth below and incorporated herein by reference.

8.08.010 Nuisance described--Offense punishable.

A. Except as provided in subsection C of this section, it shall be unlawful and a public nuisance for any owner or occupant of real property in Central Point to allow grass, weeds, brush or bushes or any like vegetation over a height of ten inches to remain upon such real property during the period from ~~June~~ **May 1st** to ~~October 31st~~ **November 15th** in each calendar year, or at any other time prior to ~~June~~ **May 1st** or after ~~October 31st~~ **November 15th**, if the city manager or his designee determines that such growth constitutes a fire hazard. In the event the city manager or his designee determines there exists a fire hazard prior to ~~June~~ **May 1st** or after ~~October 31st~~ **November 15th**, the owner or occupant shall be notified in writing as provided in the notice provisions of Section [8.08.020\(B\)](#).

1. Properties Less Than One Acre in Size. Weeds and grass on the entire property shall be disked, cut or removed.
2. Properties More Than One Acre in Size. Firebreaks ~~may~~ **shall** be required by the city in addition to clearing the entire parcel. ~~In such event,~~ **Such firebreaks shall consist of a** minimum thirty-foot-wide firebreaks ~~shall be~~ provided around the perimeter of the property and the area shall be divided into maximum two-and-one-half acre parcels with minimum thirty-foot-wide cross-breaks. In addition, the city may require a minimum one-hundred-foot firebreak adjacent to improved

Attachment: Ord Amending Ch 8.08 Weed Abatement (1371 : Ordinance Amending in Part Chapter 8.08.010 Weed Abatement)

subdivisions/properties. (Road width may be considered part of the one-hundred-foot firebreak.)

3. Unmaintained Agricultural Properties. Minimum thirty-foot-wide firebreaks shall be maintained along the perimeter from the edge of road. In addition, minimum one-hundred-foot-wide firebreaks adjacent to improved subdivisions/properties. (Road width may be considered part of the one-hundred-foot firebreak.)

4. Improved Subdivisions (Streets In But Structures Not Yet Built). Each lot is required by ordinance to be cut.

5. Structures in Hillside Areas. Minimum one-hundred-foot firebreaks (defensible space) shall be provided around the perimeter of the structure.

B. Violation of subsection A of this section constitutes a violation.

C. The provisions of subsection A of this section shall not apply to the following:

1. Ornamental shrubs, bushes or other like vegetation maintained and kept in a landscaped yard or place;

2. Any crop grown and maintained for agricultural purposes;

3. Grass or other like vegetation grown and maintained for pasturage upon property fenced, zoned and otherwise lawfully used for said purpose; or

4. To any "natural area" within a Central Point public park. As used herein, "natural area" shall mean any park or portion thereof preserved in its native state and approved in writing by the Central Point parks department. Prior to approving any natural area, the Central Point parks department shall solicit and comply with any order of the Fire Marshal concerning the elimination or reduction of a fire hazard.

D. Each day during which such condition is unlawfully permitted to exist after notice has been given in the manner prescribed by this chapter is a separate offense punishable in the manner prescribed by Section [1.16.010](#); provided, that the condition shall be deemed a nuisance and, in addition to the foregoing remedy, may be abated by the city in the manner hereinafter prescribed, and the cost of abatement assessed as a lien against the property, and subject to foreclosure in the same manner and to the same effect as in the case of special assessment liens.

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 another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e.

Recitals A-C) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

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 January, 2021.

Mayor Hank Williams

ATTEST:

City Recorder

Attachment: Ord Amending Ch 8.08 Weed Abatement (1371 : Ordinance Amending in Part Chapter 8.08.010 Weed Abatement)



City of Central Point Staff Report to Council

ISSUE SUMMARY

TO:	City Council	DEPARTMENT:	City Manager
FROM:	Chris Clayton, City Manager		
MEETING DATE:	January 28, 2021		
SUBJECT:	Jackson County FD3 Hazardous Vegetation and Combustible Material Abatement Draft Ordinance		
ACTION REQUIRED:	Information/Direction	RECOMMENDATION:	None Forwarded

BACKGROUND INFORMATION:

The Jackson County Fire District 3 (FD3) Board of Directors is working with partner agencies and stakeholders to reduce and mitigate the risk caused by devastating wildfire and smoke in our county. One specific effort includes establishing a County Wide Hazardous Vegetation and Combustible Materials Ordinance, aiming to reduce and manage hazardous fuels.

The destruction caused by the Penninger and Atlantic Fires in 2018, as well as the recent Almeda and Obenchain Fires in 2020, serve as too many examples of damaging fires fueled by unmanaged vegetation. Fire District 3 is confident that a Hazardous Vegetation Ordinance, coupled with a comprehensive community risk reduction effort, will enlist immediate action towards responsible vegetation maintenance and abatement of flammable and hazardous vegetation that poses a threat to our community. Both an ordinance and risk reduction effort will minimize the dangerous spread of fire, giving our firefighters the best chance at rapid-fire suppression, thus reducing future losses in our community.

The City of Central Point currently has a weed abatement/hazardous vegetation ordinance. In fact, on tonight's agenda, we ask City Council to approve minor changes to this ordinance so we can be prepared for the upcoming 2021 fire season. However, even with our existing ordinance "on the books," staff recommends that we review Fire District 3's proposal and determine if Central Point should pursue a similar, more comprehensive/restrictive ordinance.

For comparative and informational purposes, FD3 has provided the following for your review (all attached to this report):

1. A matrix that offers basic information on current weed abatement/hazardous vegetation ordinance throughout Jackson County.
 2. A series of Oregon Department of Forestry (ODF) (pursuant to Oregon Administrative Rules (OAR)) which apply to their draft ordinance.
 3. A draft Hazardous Vegetation and Combustible Materials Ordinance.
-

FINANCIAL ANALYSIS:

The City of Central Point currently dedicates a specific amount of personnel and resources to our weed abatement program. Although this program does not generate significant revenue, a more restrictive ordinance/program would likely increase the personnel and resources necessary to effectively coordinate the program.

Throughout the City, property owners are required to meet the standards established in our weed abatement/hazardous vegetation ordinance. As those standards increase in scope, property owners' costs of maintenance will increase proportionally.

LEGAL ANALYSIS:

Future amendments to the City's weed abatement/hazardous vegetation ordinance will require review from the City's legal counsel.

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

2040 City of Central Point Strategic Plan – Strategic Priority – Responsible Governance.

GOAL 6 - Prepare as a resilient city with the capabilities required across the whole community to prevent, protect against, mitigate, respond to, and recover from the threats and hazards that pose the greatest risk.

STAFF RECOMMENDATION:

Staff is recommending that City Council have a general discussion about whether they would like to support or pursue FD3's draft hazardous vegetation and combustible material ordinance.

RECOMMENDED MOTION:

A motion is not recommended at this time.

ATTACHMENTS:

1. FD3 Informational Resources - Draft Vegetation Ordinance



Fire District 3

8383 Agate Road White City, OR 97503-1075
 (541) 826-7100 (Office)
 (541) 826-4566 (Fax)
www.jcfd3.com

December 17, 2020

To: Jackson County Commissioners
 10 S Oakdale Avenue
 Medford, OR 97501

The Jackson County Fire District 3 Board of Directors appreciates the energy and efforts of the Jackson County Commission towards the reduction and mitigation of the risk caused by devastating wildfire and smoke in our county. Your efforts have undoubtedly raised awareness of the impacts fire and smoke have on our patrons. There is an action we can take today, as a community, and this is to manage and reduce the hazardous fuels in our county through the establishment of a Hazardous Vegetation Ordinance in Jackson County.

The destruction caused by the Penninger and Atlantic Fires in 2018, as well as the recent Almeda and Obenchain Fires in 2020 serve as too many examples of damaging fires fueled by unmanaged vegetation. We are confident that a Hazardous Vegetation Ordinance, coupled with a comprehensive community risk reduction effort, will enlist immediate action towards responsible vegetation maintenance and abatement of flammable and hazardous vegetation that pose a threat to our community. Both an ordinance and risk reduction effort will minimize the dangerous spread of fire, giving our firefighters the best chance at rapid fire suppression, thus reducing loss in our community.

For these reasons and many more, the Board of Directors of Jackson County Fire District 3 fully support the proposed Hazardous Vegetation Ordinance endorsed by the Rogue Valley Fire Chiefs' Association.

Robert B. Horton, Fire Chief

Harvey Tonn, Board President

Stephen Shafer, Board Vice President

John Dimick, Board Secretary/Treasurer

William Leavens, Board Director

Cynthia Hauser, Board Director

Weed abatement ordinances Jackson County crosswalk

	Period	HV Max Height	< 1 Acre	> 1 Acre	Larger parcels / Other provisions	Exemptions	Applicability	Summary Abatement Provisions	Appeal Process	Enforced by
Ashland Municipal Code Chapter 9.04	May 15 – Sep 30 –or- EFS	4 inches	Mow/re move all HV	Not otherwise specifically addressed		Agriculture; residential landscaping; wetlands; upland native; or otherwise protected	Noxious vegetation, prohibited flammable plants, Weeds as defined	Yes. 10 days after notice to owner.	Yes, within 10 days of first notice	Code Compliance Officer
Central Point Ordinance 2051	June 1 – Oct 31 or otherwise designated	10 inches	Entire property shall be disked, cut or removed	All removed –or- 30 foot firebreaks may be acceptable, divided into max 2.5 acre parcels	Unmaintained agricultural- 30’ fuel breaks from edge of road, 100’ adjacent to improved properties. Improved subdivisions- (streets but no structures) each lot to be cut. Hillside- 100’ firebreak around structure.	Maintained landscaping, Agriculture, pasture, Natural areas as defined.	Grass, weeds, brush or bushes or any like vegetation over 10 inches in height	Yes if compliance is not gained within 15 days of specific notice.	Yes, within 10 days of first notice. See section C.	Code Enforcement Officer
Eagle Point Municipal Code 8.16	June 1- Oct 31 or otherwise designated	10 inches	Entire property shall be disked, cut or removed	Firebreaks may be required in addition to clearing the entire parcel	Improved subdivisions, Structures in Hillside Areas	Maintained landscaping, Agriculture, Pasture, Natural areas as defined.	Grass, weeds, brush or bushes or any like vegetation over a height of 10 inches	Yes if compliance is not gained within 15 days of specific notice.	Yes, within 10 days of first notice.	Chief of Police, Code Enforcement Officer
Medford Municipal Code 7.410	May 1- Sep 30	10 inches	All...shall be disked, cut or removed	All removed –or- 30 foot firebreaks may be acceptable, divided into max 2.5 acre parcels	Unmaintained agricultural- 30’ fuel breaks from edge of road, 100’ adjacent to improved properties. Improved subdivisions- (streets but no structures) each lot to be cut. Wildfire Hazard Zones- 100’ firebreak around structure.	Agriculture, Maintained landscaped yard ornamental shrubs, bushes; Natural areas as defined	Dead or dry grass/weeds/ brush/bushes/vegetation over a height of 10 inches	Yes. 30 days after publication and/or 15 days after specific notification	Yes, within 10 days of specific notice.	City Manager, Officer designated by City
County DRAFT	May 1- October 31 or Until EFS	10 inches	All...shall be disked, cut or removed	All removed –or- 30 foot firebreaks may be acceptable, divided into max 2.5 acre parcels	Unmaintained agricultural- 30’ fuel breaks from edge of road, 100’ adjacent to improved properties. Improved subdivisions- (streets but no structures) each lot to be cut. Wildfire Hazard Zones- 100’ firebreak around structure.	Agriculture, Managed and maintained, Natural areas as defined	Hazardous Vegetation and Hazardous Combustible Materials as defined	Yes	Yes, within 15 calendar days of notice.	Designated Enforcement Officer
ODF (SB360) ORS 477 OAR 629					629-044-1060 thru 1085 See attached					

Period- Calendar period when rules apply

HV- Hazardous Vegetation

EFS- End of Fire Season as declared by District Forester

Attachment: FD3 Informational Resources - Draft Vegetation Ordinance (1377) : Jackson County FD3

Weed abatement ordinances Jackson County crosswalk

ODF Rules

Requirements based upon Wildfire Hazard Zone classification pursuant to OAR 629-044-0220 thru 0260

629-044-1090

Apparent Conflicts With Standards

Pursuant to ORS 477.023:

- (1) The standards set forth in OAR 629-044-1060 to 629-044-1085 do not supercede or replace any federal law or regulation, any other state agency law or regulation, or any more restrictive local government ordinance or code.
- (2) Apparent conflicts with other laws and regulations, for which the forester is responsible and has jurisdiction, shall be resolved within the scope of the forester's authority and documented, as provided in OAR 629-044-1070 or 629-044-1080.
- (3) Compliance with OAR 629-044-1070 to 629-044-1080 does not relieve the owner of the requirements of any other law or regulation which applies to the lands in question.

629-044-1000

Wildland-Urban Interface — Purpose

- (1) The purpose of OAR 629-044-1000 to 629-044-1110 is to implement the provisions of ORS 477.015 to 477.061, the Oregon Forestland-Urban Interface Fire Protection Act of 1997.
- (2) The purpose of OAR 629-044-1010 to 629-044-1045 is to set forth the criteria by which the forestland-urban interface shall be identified and classified pursuant to ORS 477.025 to 477.057.
- (3) The purpose of OAR 629-044-1050 to 629-044-1090 is to set forth the standards an owner of land in the forestland-urban interface shall apply pursuant to ORS 477.059(2).

Definitions

- (i) "Fuel break" means a natural or a human-made area immediately adjacent to a structure or to a driveway, where material capable of allowing a wildfire to spread does not exist or has been cleared, modified, or treated to:
 - (A) Significantly reduce the rate of spread and the intensity of an advancing wildfire; and
 - (B) Create an area in which fire suppression operations may more safely occur.

629-044-1020

High Density Extreme Classification

- (1)(a) The purpose of the High Density Extreme classification is to identify those lands where vegetation modification around structures alone may not be sufficient to help protect lives during a wildfire.
- (4) When lands are classified by a committee as High Density Extreme, the committee shall also specify which of the following options shall apply to the lands:
 - (a) Option 1, where fuel breaks shall be provided adjacent to property lines pursuant to OAR 629-044-1075(1);
 - (b) Option 2, where fuel breaks shall be provided adjacent to roads pursuant to ORS 629-044-1075(2); or
 - (c) Option 3, where fuel breaks shall be provided adjacent to property lines and to roads pursuant to OAR 629-044-1075(1) and (2).
- (5) Written requests received by a committee under subsection (3) of this rule automatically terminate after a period of five years.

Weed abatement ordinances Jackson County crosswalk

[629-044-1050](#)

Purpose And Intent Of Standards

- (1) The standards required by OAR 629-044-1055 are designed to minimize or mitigate a wildfire hazard or risk on an owners property which arises due, singly or in combination, to the presence of structures, to the arrangement or accumulation of vegetative fuels, or to the presence of other wildfire hazards.
- (2) It is recognized that owners have a variety of objectives to achieve while applying the standards, including objectives related to aesthetics, dust barriers, fish and wildlife habitat, gardening, soil stabilization, sound barriers, and visual barriers. It is the intent of the standards to allow owners to meet such objectives, provided there is no compromise of the standards needed to mitigate wildfire hazards or risks.
- (3) The standards are considered to be minimum measures which are intended to improve the survivability of structures during a wildfire, but which will not guarantee survivability.

[629-044-1055](#)

Standards

- (1) Owners of lands classified by a committee as Low are not required to comply with the standards, however, they are encouraged to review their individual situation and to apply those standards which may be appropriate.
- (2) Owners of lands classified by a committee as Moderate, High, Extreme, or High Density Extreme shall comply with the standards applicable to their lands. In meeting this requirement, owners shall apply one or more of the following:
 - (a) The default standards set forth in OAR 629-044-1060, which are intended for the majority of owners;
 - (b) The optional standards set forth in OAR 629-044-1065, which are intended for owners who are unable to meet the default standards; or
 - (c) The alternate standards developed pursuant to OAR 629-044-1070, which are intended for owners who wish to address site specific conditions or unique situations.
- (3) Owners are encouraged to exceed the standards and to apply additional wildfire safety measures

[629-044-1060](#)

Default Standards

- (1) Where structures exist on lands classified by a committee as Moderate, High, Extreme, or High Density Extreme owners shall:
 - (a) Provide and maintain primary fuel breaks which comply with the requirements of OAR 629-044-1085 and which are:
 - (A) Immediately adjacent to structures, for a distance of at least 30 feet, or to the property line, whichever is the shortest distance. The distance shall be measured along the slope and from the furthest extension of the structure, including attached carports, decks, or eaves.
 - (B) Immediately adjacent to driveways, for a distance of at least ten feet from the centerline of a driveway, or to the property line, whichever is the shortest distance. The distance shall be measured along the slope. Including the driving surface, a fuel break shall result in an open area which is not less than 13 1/2 feet in height and 12 feet in width or to the property line, whichever is the shortest distance.
 - (b) Provide and maintain secondary fuel breaks which comply with the requirements of OAR 629-044-1085 and which are immediately adjacent to primary fuel breaks, for the distance necessary to comply with the total fuel break distance specified in Table 2 of this rule, or to the property line, whichever is the shortest distance. The distance shall be measured along the slope and from the furthest extension of the structure, including attached carports, decks, or eaves.
 - (c) Remove any portion of a tree which extends to within 10 feet of the outlet of a structure chimney or a stove pipe;
 - (d) Maintain the portion of any tree which overhangs a structure substantially free of dead plant material;
 - (e) Maintain the area under decks substantially free of firewood, stored flammable building material, leaves, needles, and other flammable material; and
 - (f) During times of the year when wildfire may be a threat, locate firewood, flammable building material, and other similar flammable material:
 - (A) At least 20 feet away from a structure; or

Weed abatement ordinances Jackson County crosswalk

(B) In a fully enclosed space.

(2) On all lands classified by a committee as High Density Extreme, owners shall comply with subsection (1) of this rule and with the standards set forth in OAR 629-044-1075.

629-044-1085

Fuel Break Requirements

(1) The purpose of a fuel break is to:

- (a) Slow the rate of spread and the intensity of an advancing wildfire; and
- (b) Create an area in which fire suppression operations may more safely occur.

(2) A fuel break shall be a natural or a human-made area where material capable of allowing a wildfire to spread:

- (a) Does not exist; or
- (b) Has been cleared, modified, or treated in such a way that the rate of spread and the intensity of an advancing wildfire will be significantly reduced.

(3) A primary fuel break shall be comprised of one or more of the following:

- (a) An area of substantially non-flammable ground cover. Examples include asphalt, bare soil, clover, concrete, green grass, ivy, mulches, rock, succulent ground cover, or wildflowers.
- (b) An area of dry grass which is maintained to an average height of less than four inches.
- (c) An area of cut grass, leaves, needles, twigs, and other similar flammable materials, provided such materials do not create a continuous fuel bed and are in compliance with the intent of subsections (1) and (2) of this rule.
- (d) An area of single specimens or isolated groupings of ornamental shrubbery, native trees, or other plants, provided they are:
 - (A) Maintained in a green condition;
 - (B) Maintained substantially free of dead plant material;
 - (C) Maintained free of ladder fuel;
 - (D) Arranged and maintained in such a way that minimizes the possibility a wildfire can spread to adjacent vegetation; and
 - (E) In compliance with the intent of subsections (1) and (2) of this rule.

(4) A secondary fuel break shall be comprised of single specimens or isolated groupings of ornamental shrubbery, native trees, or other plants, provided they are:

- (a) Maintained in a green condition;
- (b) Maintained substantially free of dead plant material;
- (c) Maintained free of ladder fuel;
- (d) Arranged and maintained in such a way that minimizes the possibility a wildfire can spread to adjacent vegetation; and
- (e) In compliance with the intent of subsections (1) and (2) of this rule

629-044-1100

Certification

(1) An owner of lands classified by a committee shall be considered to be certified as meeting the standards set forth in OAR 629-044-1060 to 629-044-1085 if:

- (a) They sign and return to the forester an evaluation form provided pursuant to OAR 629-044-1095; or
- (b) They use the services of an Accredited Assessor who signs and returns to the forester an evaluation form provided pursuant to OAR 629-044-1095; and
- (c) The evaluation form has not become void pursuant to OAR 629-044-1095(4).

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(2) The forester may make a determination of whether the lands of an owner meet the standards set forth in OAR 629-044-1060 to 629-044-1085 at any time following the completion and return of an evaluation form provided pursuant to 629-044-1095. Such a determination must be made prior to the occurrence of a wildfire on an owners tax lot.

(3) If the forester determines that an evaluation form provided pursuant to OAR 629-044-1095 was returned by the owner and that it incorrectly or falsely indicated the lands meet the standards set forth in 629-044-1060 to 629-044-1085, the owner shall be notified in writing that both the evaluation form and the certification granted under subsection (1) of this rule will become void on a specified date. In making such a determination, the forester shall:

(a) Not base the determination on technicalities or omissions which, in the sole judgment of the forester, are minor in nature; and

(b) First provide the owner a reasonable time to:

(A) Provide evidence that the property does meet the standards set forth in OAR 629-044-1060 to 629-044-1085; or

(B) Bring their property into compliance with the standards set forth in OAR 629-044-1060 to 629-044-1085.

Hazardous Vegetation and Combustible Material Abatement

SECTION 1- PURPOSE

The purpose of this ordinance is to promote public health, safety and welfare of the community by providing for the removal of hazardous vegetation and unmanaged combustible material from, around and between the exterior boundaries of land, property and improvements situated in Jackson County so as to reduce the potential for fire ignition and fire spread.

The County Commissioners make the following findings:

- I. It is the intent of the Commission that this ordinance shall apply to the abatement of hazardous vegetation and unmanaged hazardous combustible material on unimproved and improved parcels zoned in Jackson County;
- II. Jackson County generally has a climate conducive to wildfires and is prone to periodic dry summers, lightning storms and high wind events. Many of southern Oregon's native and non-native plant species are highly flammable during normal dry periods and contribute to significant wildfires within the County. Increasingly dry summers and severe wind events further exacerbate the fire danger and have the potential to result in continued catastrophic fire losses to life, property and the environment;
- III. Jackson County has a diverse and complex landscape which includes mountainous areas of forest-covered lands, brush covered lands, grass-covered lands, and other brush covered wildlands which are home to many rare and sensitive plant and animal species;
- IV. Of paramount importance to the Commission and the residents of Jackson County is the protection of lives and property from the threat of fire and the safety of firefighters and law enforcement personnel during fire events;
- V. It is the purpose of this ordinance to establish a hazardous vegetation and combustible material abatement program that protects the lives and property of the residents of Jackson County while at the same time protecting rare and sensitive plant and animal species and the environment;
- VI. The Commission finds that hazardous vegetation and unmanaged combustible material poses a danger to the health, safety and welfare to the residents in the vicinity of any real property located throughout the County for the reasons set forth above. Therefore, all hazardous vegetation and unmanaged combustible material located on real property within Jackson County is deemed a public nuisance and poses a distinct fire hazard to the safety of the landowners, residents in the vicinity, emergency operations personnel, rare and sensitive plant species, users of public highways, and to the public generally.

SECTION 2- TITLE AND EFFECTIVE DATE

This Ordinance will be officially known as the “Hazardous Vegetation and Combustible Material Abatement Ordinance of Jackson County, Oregon”. It also may be called the Hazardous Vegetation Ordinance and is referred to throughout this document as “this Ordinance”. This Ordinance will FIRST become effective on (Month, Day, Year TBD).

SECTION 3-AUTHORITY

This Ordinance is adopted pursuant to authority granted to Jackson County by Oregon Revised Statutes (ORS) {insert proper reference}

SECTION 4- EFFECT

The provisions of this Ordinance apply to all land, buildings, structures, and uses thereof within Jackson County to the extent allowed by federal, state and local laws, including land owned by local, state, or federal agencies. Nothing in this ordinance shall be construed as preventing any fire protection district or incorporated city within Jackson County from adopting an ordinance or ordinances, code or rule regulating hazardous vegetation and combustible material abatement that outline more restrictive regulations, nor shall anything herein be construed as limiting or releasing the state or the Oregon Department of Forestry and Office of State Fire Marshal of any responsibility for fire prevention and suppression under the laws of this state.

This Ordinance is not intended to abrogate any other law, ordinance, regulation, or requirement. Where conditions, standards, or requirements imposed by any provision of this Ordinance are more restrictive than comparable standards imposed by any other law, ordinance, or regulation, the provisions of this Ordinance will govern. Wherever the provisions of any other statute, ordinance, or regulation impose other standards which are more restrictive than those set forth in this Ordinance, then the provisions of such statute, ordinance, or regulation will govern.

SECTION 5- SEVERABILITY

This ordinance and the various parts, sections and clauses are hereby declared to be severable. If any part, sentence, paragraph, section or clause is hereafter adjudged unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby. The Commission hereby declares that it would have passed this ordinance and each part thereof, regardless of the fact that one (1) or more parts thereof be subsequently declared unconstitutional or invalid.

SECTION 6- ENFORCEMENT, INSPECTION AND RIGHT OF ENTRY

6.1 Responsibility for Enforcement

The initiation of specific enforcement is deemed discretionary and not mandatory. Decisions not to initiate civil action are discretionary in nature and shall be made considering the severity of the alleged violation and the departmental staff, time and resources necessary to gain compliance.

6.2 Inspection Authority and Right of Entry (Insert County authority provisions)

SECTION 7- DEFINITIONS

The following definitions apply to this ordinance:

Abate or Abatement- An act used to remove, destroy, eliminate, seize, impound, or any action taken to mitigate a public nuisance.

Abatement costs- Any and all costs incurred by the County to abate the hazardous vegetation or combustible material on any property pursuant to this Ordinance, including physical abatement costs, administration fees and any additional actual costs incurred for the abatement proceeding, including attorney's fees, if applicable.

Defensible Space- An area either natural or man-made, where material capable of allowing a fire to spread unchecked has been treated, cleared or modified to slow the rate and intensity of an advancing wildfire and to create an area for safe fire suppression operations to occur.

Enforcement Officer- As designated by the Commission, the officer or other designated authority charged with the administration and enforcement of this ordinance.

Firebreak / Fuelbreak- An area, strategically located for fighting anticipated fires, where hazardous vegetation has been reduced by mowing, disking, or tilling, permanently modified or replaced so that fires burning into it can be more easily controlled. Firebreaks divide fire prone areas into smaller areas for easier fire control and to provide access for firefighting.

Fuelbreak, Primary- The goal within the primary fuelbreak is to remove fuels that will produce flame lengths in excess of one foot (1'). A minimum 50 foot (50') primary fuelbreak is required for all lands identified as a wildfire hazard. Vegetation within the primary fuelbreak may include grass maintained at less than six inches (6") in height and low fuel volume, fire resistant shrubs. Highly combustible shrubbery, such as juniper, is prohibited. Trees will be horizontally spaced with more than 15 feet (15') between the trunks, and will be pruned to remove branches that are dead or that are less than 10 vertical feet (10'), or one-third (1/3) the height of the tree whichever is less, above the ground. A 10 foot (10') clearance between branches and stove pipes or chimney outlets must be maintained. Deciduous tree branches must be no closer than 10 feet (10') from the roof; evergreen branches must be no closer than 25 feet (25') from the roof. Accumulated leaves, needles, limbs and other dead vegetation must be removed. Flammable groundcover materials (e.g., bark mulch) may not be used in landscaping within 12 inches (12") of buildings.

Fuelbreak, Secondary- The goal of the secondary fuelbreak is to reduce fuels so that the overall intensity of a wildfire will be lessened and the likelihood of crown fires and crowning is reduced. A minimum 50 foot (50') secondary fuelbreak is required which extends in all directions around the primary fuelbreak. An additional 50 feet (50'), for a total of 100 feet (100'), will be added to the secondary fuelbreak when

Draft V2.2 Language for Hazardous Vegetation Ordinance

the natural slope of the area within 100 feet (100') of the proposed structure exceeds 20 percent (20%). This additional 50 feet (50') will be added to the area below and to each side of the proposed structure. Trees will be spaced with more than 15 horizontal feet (15') between the trunks, and will be pruned to remove branches that are dead or that are less than 10 vertical feet (10') or one-third (1/3) the height of the tree whichever is less, above the ground. Ornamental and fruit trees are excluded from the spacing standards, provided they are kept green and free of dead material. Small trees and brush growing underneath larger trees should be removed. Dead plant material must be removed, which includes pruning dead branches from trees and shrubs. Understory vegetation may include grass or groundcover maintained at less than 12 inches (12") in height and be of low fuel volume, fire resistant shrubs (see the User's Guide for drought and fire resistant landscape materials).

Fire Chief- The Fire Chief of any city or fire district in Jackson County or his/her/their designated representative.

Fire Protection Plan- A document prepared by the owner and approved by the local fire chief for a specific natural area that describes ways to minimize and mitigate the fire problems created, posed or presented by the natural area. The purpose of the fire protection plan is to reduce the impact on the communities' fire protection delivery system and to minimize the propagation of wildfires.

Hazardous Vegetation- Any unmanaged flammable vegetation taller than ten inches (10") in height that endangers the public safety by creating a fire ignition and propagation hazard. Hazardous vegetation includes but is not limited to: grass, weeds, brush, dead/dying trees and branches, invasive persistent blackberries, star thistle, bull thistle, buck brush, scrub oak, woody stubble, brush, etc.

Hazardous Combustible Material- Any unmanaged combustible material that is susceptible to flaming combustion and in the opinion of the enforcing officer endangers the public safety by creating a fire hazard or allowing propagation of a hostile fire, including but not limited to: woody debris, tires, construction material, dilapidated or collapsed structures, paper, rubber, plastic, rubbish, litter or combustible material of any kind not otherwise defined as hazardous vegetation.

Improved Parcel- A portion of land of any size, the area of which is determined by the assessor's maps and records and may be identified by an assessor's parcel number upon which a structure is located.

Natural Area- Any parcel or portion thereof specifically and officially designated, legally protected to be preserved in its native state including riparian areas.

Occupant- Any person in lawful possession, or with a lawful right to store or keep personal property on, any real property or, in case of corporate ownership, that officer, employee, or agent of a corporate owner having the authority or duty to control or operate the property on behalf of the corporation.

Owner- Any person with an ownership interest or with any leasehold or other possessory interest, of record or otherwise, which gives them, either alone or jointly with others, a right to occupy, possess, or control real property. In any event, any person who appears as owner on the records of the county

Draft V2.2 Language for Hazardous Vegetation Ordinance

assessor shall be presumed to be one of the owners of the property, but such presumption may be rebutted.

Person- Any natural person, partnership, corporation or other legal entity.

Structure- Any dwelling, house, building or other type of flammable construction including, but not limited to, a wood fence attached to or near any other structure.

Unmanaged- Disorderly, haphazard, an arrangement of materials difficult to protect from fire or difficult to suppress when on fire.

Unimproved Parcel- A portion of land of any size, the area of which is determined by the assessor's maps and records and may be identified by an assessor's parcel number upon which no structure is located.

SECTION 8- HAZARD DESCRIBED, OFFENSE PUNISHABLE

- I. Except as provided in Subsection II hereof, or as otherwise specifically outlined in another section, it shall be unlawful for any owner or occupant of an improved or unimproved parcel to allow hazardous vegetation over a height of ten inches (10") or any accumulation of unmanaged hazardous combustible material to remain upon such parcel during the period May 1 to October 31, or until the declared end of fire season whichever is later, in any calendar year, or at any other time that the Enforcement Officer, Fire Chief or the Fire Chief's designee determines such growth or accumulation constitutes a fire hazard;
- II. The provisions of this ordinance shall not apply to the following:
 - a. Ornamental shrubs, bushes, or other like vegetation maintained, managed and kept in a non-hazardous condition as part of a regularly maintained park, landscaped yard, or place;
 - b. Any crop grown, managed and maintained for agricultural purposes, or grass or other like vegetation grown and maintained for pasturage upon property that is fenced, zoned, and otherwise lawfully used for said purpose;
 - c. Designated *natural areas* having an approved fire protection plan in place;
 - d. Combustible material accumulation that, in the opinion of the Enforcement Officer, is managed in an appropriate manner so as not to constitute a hazardous fire condition;
- III. Each day the owner or occupant unlawfully allows such a condition to exist after notice has been given in the manner prescribed herein shall be deemed a separate offense punishable in the manner prescribed; provided that the condition shall be deemed a nuisance and, in addition to the foregoing remedy, may be abated by the county in the manner hereinafter prescribed, and the cost of abatement assessed as a lien against the property and subject to foreclosure in the same manner and to the same effect as in the case of special benefit assessment liens.

SECTION 9- SUMMARY ABATEMENT

Without prior notice or hearing and in addition to the authority granted by law to the local Fire Chief in exigent situations, the fire chief or his/her/their representative is authorized to enter upon all real property and summarily abate any hazardous condition identified in Section 8 that, in the opinion of the local Fire Chief, constitutes an immediate threat to public health or safety.

SECTION 10- DUTY TO ABATE HAZARDOUS VEGETATION AND MATERIAL

- I. General Duty- It shall be the general duty of every owner, occupant, and person in control of any improved or unimproved parcel of land or interest holder thereof, which is located in Jackson County to abate therefrom, and from all parcels, roadways and parkways, all hazardous vegetation and unmanaged combustible material thereon;
- II. Specific notice- Upon receipt of a specific notice of violation or an order to abate, as discussed in Section 12, it shall be the duty of every owner, occupant, and person in control of any improved or unimproved parcel of land or interest holder thereof, which is located in Jackson County to abate therefrom, and from all parcels, roadways and parkways, all hazardous vegetation and unmanaged hazardous combustible material that, in the opinion of the Enforcement Officer constitutes a fire hazard which may endanger or damage property pursuant to the requirements of the notice of violation or order to abate as issued. The removal of hazardous vegetation and hazardous combustible materials pursuant to this ordinance shall not be required to exceed the specifics as set forth in the notice of violation or order to abate.

SECTION 11- HAZARD ABATEMENT REQUIREMENTS

- I. On the notice of violation and order to abate, for the protection of public health, safety or welfare or the environment, the Enforcement Officer may require more clearance distance than herein specified;
- II. The determination for appropriate clearance distances will be made based upon a visual inspection of the parcel and shall consider all factors that place the property, structures, or adjoining property or structure(s) at risk from an approaching fire. These factors shall include local weather conditions, fuel type(s), topography, and the environment where the property or adjoining structure(s) is located;
- III. The following guidelines shall be used for mitigation requirements, unless as otherwise approved by the Enforcement Officer.

11.1 Parcels up to one acre in size

All hazardous vegetation shall be thoroughly turned under the soil, disked, mown, cut, and/or removed. All unmanaged hazardous combustible material shall be removed.

11.2 Parcels larger than one acre but smaller than five acres

- I. All hazardous vegetation shall be thoroughly turned under the soil, disked, mown, cut, and/or removed. All unmanaged hazardous combustible material shall be removed.
- II. Firebreaks may be considered acceptable as an alternative to clearing the entire parcel. Minimum 30 foot (30') wide firebreaks shall be provided around the perimeter of the property and the area shall be divided into maximum two-and-one-half (2.5) acre pieces with minimum 30 foot (30') wide cross-wise fire breaks. In addition, minimum 100 foot (100') wide firebreaks are required adjacent to improved subdivisions/properties.

11.3 Parcels larger than five acres but smaller than twenty acres

- I. All hazardous vegetation shall be thoroughly turned under the soil, disked, mown, cut, and/or removed. All unmanaged hazardous combustible material shall be removed.
- II. Firebreaks may be considered acceptable as an alternative to clearing the entire parcel. Minimum 30 (30') foot wide firebreaks shall be provided around the perimeter of the property. The remaining area shall be divided into maximum five (5) acre parcels with minimum 30 foot (30') wide cross-wise fire breaks. In addition, minimum 100 foot (100') wide firebreaks are required adjacent to improved subdivisions/properties.

11.4 Parcels larger than 20 acres

- I. Minimum 30 foot (30') wide firebreaks shall be provided around the perimeter of the property.

11.5 Residential subdivisions

Subdivisions, including those with paved streets and not fully built out, all hazardous vegetation and unmanaged combustible material posing a fire hazard shall be disked, cut, or removed from each and every individual lot.

11.6 Parcels located in a designated wildfire hazard zone

Notwithstanding Jackson County Land Development Ordinance (LDO) Section 8.7 regarding wildfire safety, this section contains mandatory standards for all new and existing structures not exempted through LDO Section 8.7.2. The official version of the "Hazardous Wildfire Area Map" will be maintained by the Planning Division. (OAR 660-006-0035, 40).

In addition to the requirements set forth in this ordinance Sections 10.1-10.4, the following measures shall be in place:

- I. Minimum 30 foot (30') wide firebreaks shall be provided around the perimeter of the property. Trees will be spaced with more than 15 horizontal feet (15') between the trunks, and will be pruned to remove branches that are dead or that are less than 10 vertical feet (10') above the ground, or on-third (1/3) the height of the tree whichever is less. Ornamental and fruit trees are excluded from the spacing standards, provided they are kept green and free of dead material. Small trees and brush growing underneath larger trees should be removed. Dead plant material must be removed, which includes pruning dead branches from trees and shrubs. Understory

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vegetation may include grass or groundcover maintained at less than 12 inches in height and low fuel volume, fire resistant shrubs.

II. Improved parcels:

- a. Remove any and all dead/dying vegetation from the property;
- b. Remove all tree limbs within six feet (6') of the ground, or one-third (1/3) the height of the tree, whichever is less;
- c. Provide and maintain a minimum 50 foot (50') primary fuelbreak from all structures.
- d. Provide and maintain a minimum 50 foot (50') secondary fuelbreak from all residential structures;
- e. Non-habitable structures less than four hundred (400) square feet in size, which are not located in a forest zoning district, are exempt from the wildfire safety requirements of Section 11.6(II)(c&d);
- f. All shrubs shall be maintained in a non-hazardous condition;
- g. Climbing vines must be removed from trees and structures or maintained in a non-hazardous condition;
- h. Additional defensible space may be required depending on the property slope, fuel load and/or fuel type;
- i. In accordance with LDO Section 8.7.1(D) Access- For purposes of public safety, access will be constructed to the standards of LDO Section 9.5.3, 9.5.4, or 9.5.5 whichever is applicable. A fuelbreak shall be required along private accessways including driveways, private roads, and private access easements in accordance with Section 8.7.1(B)(1) except that the fuelbreak shall be allowed to be a minimum of twenty-two feet (22') in width, which includes the driving surface. If the property line or an easement boundary used for driveway access purposes is within five feet (5') of the edge of the driveway surface, the fuelbreak need only be developed within the property or access easement;
- j. Remove all portions of trees within ten feet (10') of chimney and/or stovepipe outlets;

III. For unimproved parcels:

- a. Hazardous vegetation and other combustible growth within ten feet (10') of neighboring structures and roadway frontage shall be removed;
- b. Grass and combustible surface vegetation within ten feet (10') of neighboring structures and roadway frontage must be trimmed to less than ten inches (10") in height unless necessary for erosion control;
- c. All trees within ten feet (10') of neighboring structures and roadway frontage must have limbs pruned to at least six feet (6') above grade; and
- d. Unmanaged combustible material shall be removed from the property.

SECTION 12- ABATEMENT ENFORCEMENT PROCEDURE

12.1 General Notification and Specific Notice of Violation

I. General Notification

- a. Whenever a condition prohibited by this ordinance is found to exist, the Enforcement Officer may give general notice to abate the hazard(s) within fifteen (15) calendar days to

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the owners and occupants of the property by hand delivery or by causing same to be sent by mail to such persons as are sought to be charged hereunder at their last known address, or, if the mailing address of any owner or occupant is not otherwise known, it shall be sufficient for the charging of such person that the notice be addressed and sent in care of the person appearing as owner on the records of the county assessor of Jackson County, Oregon;

- b. If the address is unknown, that fact shall be so stated and the notice shall be addressed to the person at the county seat;
- c. Service by mail shall be deemed complete at the time of deposit in the U.S. mail. The failure of any person in possession or owner of the property to receive such notice shall not affect the validity of these proceedings;

II. Specific Notice of Violation and Order to Abate Hazard

If the Enforcement Officer determines that any real property is being maintained or permitted to exist in a manner prohibited by this ordinance, the Enforcement Officer shall issue a written notice to the property owner and any known person in possession of the property, of the violation and order the hazardous vegetation or hazardous combustible material to be immediately abated. The notice of violation and order to abate ("notice/order") shall identify the specific hazard(s) and outline those corrective actions required to be taken and order the property owners and persons in possession to abate the noted hazard(s) within fifteen (15) calendar days and state that the failure to bring the real property into compliance with this ordinance could subject the owner or persons in possession to civil, administrative and criminal penalties. Furthermore, the notice/order shall provide the property owner and person in possession of the property the opportunity to appear before the Hearings Officer and be heard prior to the county forcing abatement action. The failure of the notice to set forth all required contents shall not affect the validity of the abatement proceedings.

12.2 Appeals

- I. Request for Hearing- Any person who wishes to argue the notice/order may appeal to a Hearings Officer;
 - a. The request for a hearing must be made in writing and submitted to the original Enforcement Officer or designated Hearings Officer within fifteen (15) calendar days of hand delivery or the postmark on the original notice/order. Timely appeal shall stay any further action, except for summary abatement outlined in Section 8, for general abatement until the date is set for a hearing;
 - b. If no request for a hearing is timely made, the abatement of hazardous condition shall be deemed to have been properly ordered as of the date of hand delivery or the postmark of the original notice/order.
- II. Hearings- Upon timely written request by the original recipient of the notice/order, a hearing shall be scheduled with the Hearings Officer and notice thereof mailed or otherwise delivered to the requesting person at least fifteen (15) calendar days before the scheduled hearing. The failure of any owner or occupant to receive such notice shall not affect the validity of the proceedings;

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- a. At the time fixed in the notice of hearing, the Hearings Officer shall receive evidence from the Enforcement Officer and the owner or person in possession of the real property in violation, or their representatives and any other concerned persons who may desire to present oral or documentary evidence regarding the conditions of the real property or other relevant matter, if such persons are present at the hearing. In conducting the hearing, the Hearings Officer shall not be limited by the technical rules of evidence. Failure of the owner or person in possession to appear shall not affect the validity of the proceedings or order issued thereby;
- b. Upon conclusion of the hearing, the Hearings Officer shall make a decision and in the event they so conclude, may declare the conditions on the real property to be in violation of this ordinance and to constitute a hazardous condition. The Hearings Officer may direct the owner or person in possession to abate the hazardous vegetation or hazardous combustible material within ten (10) business days after mailing and posting of the Hearings Officer's decision. The order shall include notice that if the hazardous vegetation or combustible material is not abated as directed and within ten (10) business days, the county may abate the hazardous vegetation or combustible material and the abatement costs shall be a lien and an assessment against the real property;
- c. The Hearings Officer may grant any extension of time to abate such conditions that they may deem justifiable upon good cause being shown.

12.3 County Initiated Hazard Abatement

- I. If, at the end of the time allowed for compliance in the original notice/order compliance has not been accomplished as directed, the county may order the hazardous vegetation or hazardous combustible material to be removed by county officials or employees, or may cause the removal to be carried out by a private contractor selected by the county;
 - a. Abatement Cost Recovery. The owner and any person in possession of the real property upon which the hazardous vegetation or hazardous combustible material is found to exist shall be jointly and severally liable for all abatement costs incurred by county without any further hearing;
 - b. Notice of Abatement Costs. At the conclusion of the abatement by the county or designee, the county shall issue a bill setting forth the abatement costs to the owner and person in possession of the real property. The bill shall demand payment to the county the total abatement costs and administration costs, plus attorneys' fees, if relevant, within fifteen (15) calendar days of its mailing;
 - c. Abatement Costs Specially Assessed Against the Parcel. If the amount set forth in the notice of abatement costs is not paid upon demand by the county, the abatement costs, including attorneys' fees, if applicable, shall be specially assessed against the real property by any other means provided by law. The assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and shall be subject to the same penalties and the same procedure of sale in case of delinquency as are ordinary county taxes;

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- d. Notice of Abatement Lien. A notice of abatement lien may be recorded against the real property subject to this abatement proceeding, setting forth the date upon which abatement of the nuisance was ordered either by notice issued by the county or by the board after a hearing, the date the abatement was complete and the amount of abatement costs. Furthermore, the notice shall identify the parcel address, the record owner, the possessor of the property, if known and applicable, together with the last known address of the record owner or possessor. The lien has the same priority as a judgment lien on real property and continues in effect until released;
- e. Attorneys' Fees. Reasonable attorneys' fees may be recovered by the prevailing party in any civil action, administrative proceeding or special proceeding established by this chapter.

SECTION 13- HEARINGS OFFICIAL

- I. Delegation of Authority- The Commission may delegate its authority to conduct the administrative abatement proceedings set forth in this Ordinance to either of the following:
 - a. The county Hearings Officer. The Hearings Officer shall have full authority and duty to preside over hearings in the manner set forth in County Ordinance;
 - b. A designated fire hazard abatement hearings board (FHAHB). The FHAHB shall have full authority to act and may preside over hearings with the same authority, power and duties of a Hearings Officer;
- II. Required Action- At the conclusion of a hearing by either the Hearings Officer or FHAHB, a decision shall be issued to the owner or person in possession of the real property subject to the hearing, and to any other interested person previously requesting notice. The Hearings Officer or FHAHB shall also file the decision with the commission. The decision may alter the notice/order in any fashion and may include an order to the owner or person in possession of the real property to abate the hazardous weeds or combustible material within ten (10) calendar days of issuance of the decision;
- III. No Further Appeal- Upon receiving the decision from either the Hearings Officer or FHAHB, the commission may adopt the decision as recommended on the consent agenda at its next regularly scheduled public board meeting without further notice or hearing.

SECTION 14- PENALTY AND EQUITABLE REMEDIES

- I. Violation of any provision of this Ordinance is deemed a(n) (insert proper citation here) violation. Payment of a fine imposed under this ordinance does not relieve the violator of responsibility to remedy the violation;
- II. First Violation – Except as otherwise provided, whoever violates or fails to comply with any of the provisions of this ordinance shall be fined not more than one thousand dollars (\$1,000) for each violation. Notwithstanding any other provision of law, a court or Hearings Officer may not, without good cause, defer, waive, suspend or otherwise reduce the fine for a violation to an amount that is less than two hundred fifty dollars (\$250);

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- III. Continuing Violation – Whoever fails to correct or remedy a first violation as set forth in subsection (II) of this Section following an adjudication of guilt on the first violation commits a continuing violation. Whoever is cited with a continuing violation shall be fined not more than two hundred and fifty dollars (\$250) per day for a continuing violation, not to exceed ten thousand dollars (\$10,000) for a first continuing violation. Unless otherwise provided, a separate violation shall be deemed committed each day during or on which a violation or noncompliance occurs or continues, beginning with the day following an adjudication of guilt on a first violation. Notwithstanding any other provision of law, a court or Hearings Officer may not, without good cause, defer, waive, suspend or otherwise reduce the fine for a continuing violation to an amount that is less than fifty dollars (\$50) per day or one thousand dollars (\$1,000), whichever amount is less. An Enforcement Officer's recommendation may constitute good cause to reduce a fine.

SECTION 15- OTHER REMEDIES

(IF NECESSARY) The provisions of this section are to be construed as an added remedy of abatement and not in derogation of any other civil or criminal actions or proceedings or remedies otherwise provided by law.

DRAFT



City of Central Point Staff Report to Council

ISSUE SUMMARY

TO:	City Council	DEPARTMENT:	City Manager
FROM:	Chris Clayton, City Manager		
MEETING DATE:	January 28, 2021		
SUBJECT:	Central Point Little League Concept Plan		
ACTION REQUIRED:	Information/Direction	RECOMMENDATION:	None Forwarded

BACKGROUND INFORMATION:

During the Summer of 2019, the City worked with a local architect, Chris Brown, to evaluate the Central Point Little League facility's current conditions. This evaluation concluded with a final report that contained an inventory and analysis of the existing fields, facilities, and site amenities of the Central Point Little League property. Furthermore, the contents of this report generated conversation regarding whether the best public investment would involve rehabilitating the existing facility, a phased reconstruction of the existing field concept, or a "one-time" capital project which would involve demolition of existing facilities; followed by the construction of a completely new complex.

In late 2020, the City was approached by a private investor about the possibility of collaborating on a Central Point Little League restoration project. After several conversations/discussions with the private investor, the City staff retained the services of RH2 Engineering to develop a master plan/concept plan that could be used to refine our project goals, objectives, and parameters.

Note: For discussion purposes, the most recent Central Point Little Complex Concept and 2019 evaluation report are attached.

FINANCIAL ANALYSIS:

Historically, Central Point Parks capital projects have been funded with "one of two" revenue streams. First, prior to establishing the City's Parks Maintenance Utility Fee, all capital park projects were funded by non-specific/ear-marked city general fund resources. General fund resources include hotel/motel tax revenue, franchise fee revenue, city property taxes, etc. (city property taxes equate to a significant percentage of overall general fund revenue).

Understanding the above, appropriately budgeting (2021-2023) for a city contribution to the Central Point Little League project is not without challenges. First, we have already implemented a financial strategy to use general fund capital to invest in the Central Point Community Center. Second, although in excellent financial health," the City's general fund is "stretched" in terms of its ability to contribute to new capital projects—beyond the Community Center Project—without a reduction in current service levels, a reduced materials and services expenditures, or additional revenue.

The staff recommends a 2021-2023 capital investment in the Central Point Little League Complex/project be associated with an identified revenue source.

LEGAL ANALYSIS:

Should City Council decide to proceed with a public/private partnership on this project, Legal Counsel will be included in the review and approval of all necessary legislation and agreements.

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

2040 City of Central Point Strategic Plan - Strategic Priority – Community Investment

GOAL 2 - Be a city filled with happy, healthy people who are thriving.

STRATEGY 1 – Develop and maintain positive partnerships with public and private entities and the community to understand community needs, and leverage resources to develop and deliver opportunities for personal, professional, and/or vocational development. (Recreation Programs, Maker Space, Artisan Corridor, Volunteerism, Community Events, etc.) (Nurturing individual skills and personal growth is an essential element to Central Point's vitality. While this is an organic process that must be desired by individuals in the population, the City can make investments that consider and further the goal of providing an environment that is supportive of this objective.)

STAFF RECOMMENDATION:

City Staff recommends that City Council have a general discussion about the proposed Central Point Little League Complex.

RECOMMENDED MOTION:

A motion is not recommended at this time.

ATTACHMENTS:

1. CPLL Evaluation 2019
2. Hanley Road Little League Fields-Site Layout Final



Central Point Little League Field Evaluation

Project Information

Date:	8/6/2019
Subject Site:	Central Point Little League 2935 Hanley Rd. Central Point, OR 97502
Map & Tax Lot #:	372W15 1302
Zoning:	EFU (Exclusive Farm-Use)
Property Owner:	Central Point Little League
Total Acreage:	14.56 acres
Property Class:	6-28

Report Overview

This report includes an inventory and an analysis of the existing fields, facilities, and site amenities of the Central Point Little League property. The contents of this report will be utilized in the creation of an action plan for the potential adaptation of the site to meet the immediate needs/goals of the Central Point Softball League.

Report Contents

a) Facilities

- i) Baseball field existing conditions
- ii) Site utilities: potable water, sewer, electric
- iii) Irrigation at fields
- iv) Concession stand
- v) Light fixtures
- vi) Fencing
- vii) Landscape features

b) Phase 1 Basic Site Improvement Needs

- i) Extend sewer, potable water
- ii) Adapt existing concession stand
- iii) Adapt existing fields 3 and 5
- iv) Lighting for night games
- v) Portable toilets
- vi) Adapt parking, if necessary

Site Description

The Central Point Little League site consists of six baseball fields; (1) Major League Baseball regulation field, (2) Softball regulation fields, (2) Little League regulation baseball fields, and (1) Little League regulation Tee Ball field. The total site area is 14.56 acres (634,233 square feet) with approximate overall site coverage of 43% baseball fields, 20% parking areas, and 1.2% structures.



Attachment: CPLL Evaluation 2019 (1374 : Central Point Little League Concept Plan)

The fields of interest for this study are Field #3 and Field #5. Each field comprises of two dugout structures for the players, two sets of bleachers for the audience and an announcers booth.

Within the site there are two primary existing buildings with a combined total building footprint of approximately 2,950 square feet. The first building is used as a concession stand and office for the Central Point Little League. The second building is used for storage and to house the potable water tank for site users during the playing season.

Potable water is delivered by truck and tested frequently for safety. Mature shade trees are located adjacent to the concession stand and storage building with picnic benches underneath.

Agricultural water is available from nearby Hopkins Canal and distributed for field irrigation with industrial sprinklers. There is a pump station located to the west of the storage building, which distributes the water to each field. Electricity is available to the site from overhead lines from the southern end of the property, with a transformer located to the west of the storage building.

Vehicular parking is accessed by three driveway aprons off Hanley Road with parking located along the east side of the fields, and handicap parking located directly next to the entrance of the fields. Abutting zoning is EFU to the North, South, and West and RR-2.5 to the Southeast with the Crater Lake Boy Scouts and a cellular tower station directly to the north. Additional adjacencies include Hopkins Canal and Jackson Creek.

Facility Analysis

i. Baseball Field Existing Conditions

Field #3-Major League Baseball Regulation Field



Condition:

Field #3 is the furthest field from the entrance. The fence surrounding the field is intact. There are small trees growing around the perimeter of the fence. To the Southwest corner of the field has a pile of discarded

bleachers, lights, and other material outside the field fence line. The field has three vacant light posts near the north side of the field. There are three structures near the field; two dugouts and one announcer's booth. The dugouts are on a poured cement foundation with 2x4 framing, and plywood siding. The announcer's booth is comprised of 2x4 framing w/ plywood siding, and a set of stairs leading up to the booth. The structures have visible rot on the exterior wood and roof. The foundation pad appears to be in good condition, and the stairs leading up to the announcers booth have visible rot. The grass within the field is dead and requires reseeding. All of the bases/plates are intact including the pitcher's mound.

Field #5-Regulation Softball Field



Condition:

Field #5 is near the concession stand and adjacent to the cell tower. The fence surrounding the field is intact. The field is surrounded by four field light posts with the lights intact. There are three structures near the field; two dugouts and one announcer's booth. The dugouts are on a poured cement foundation with 2x4 framing, and plywood siding. The announcer's booth is comprised of 2x4 framing w/ plywood siding, and a set of stairs leading up to the booth. The structures have visible rot on the exterior wood and roof. The foundation pad appears in good condition, and the stairs leading up to the announcers booth have visible rot. There are two sets of bleachers for the viewers to sit on. The grass within the field is dead and requires reseeding. All of the bases/plates are intact including the pitcher's mound.

Announcers Booth and Dugouts*Stairs up to Announcer's Booth.**Inside Dugout Structures*ii. Site Utilities: Potable Water, Sewer, ElectricPotable Water

There is no access to drinking water on site. Drinking water is stored in a tank located at the storage building. The drinking water is delivered by truck during the playing season.

Sewer

There is no connection to the City sanitary or storm sewer system. The concession stand appears to have a sewer drain line on the exterior.

Electric

Electricity is available on site with overhead lines and connected to an exterior service meter. The field lights appear to have electricity and are controlled via an exterior circuit breaker. The concession stand also appears to have available electrical service. The electrical current/amperage was not tested during the site visit and it is recommended to hire an electrical contractor for further inspection.

*Exterior meter on site.**Field light exterior circuit breaker.**Concession stand electricity.*

iii. Irrigation at Fields

Agricultural water rights for field irrigation are provided via Hopkins Canal to the south. A pump is located to the west of the storage building with a 4" inlet and to a 3" main line which distributes water throughout the site. Industrial sprinklers are used to water the fields and are controlled with a valve located on each field. The pump has visible exterior rust. The industrial sprinkler on site has exterior rust and shows signs of weathering.



Pump outside storage building.



Water valve located at each field.



Industrial sprinkler available.

iv. Concession Stand

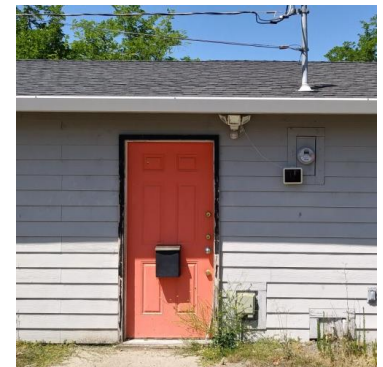
The Concession Stand is approximately 2,128 square feet and located near the front of the site adjacent to the parking lot. Electricity is available on site with overhead lines and down to a exterior meter on the side of the building. Telephone/Data infrastructure is provided via an exterior telephone jack on the building. There appears to be a sewer line on the exterior of the building. The building is on a concrete poured foundation pad, with lap siding, and concession windows. The building is in functional condition, with no visible exterior rot, or exterior damage. The rear building has security cameras as well as solar exterior lighting. Gutters and Roof are in good condition and appear to be functioning. There are mature shade trees adjacent to the concession area and with picnic benches underneath.



North exterior side of concession stand.



West exterior side with security cameras and lighting.



South exterior side entrance.

v. Light Fixtures

There are light posts with field lights surrounding the baseball fields. The posts are a mixture of wooden utility poles and steel poles supported by an exposed concrete pier foundation. It appears that the field lights are provided with power; however they were not tested during site visit. The field lights appear to have electricity and operated with an exterior circuit breaker. The light post and light fixtures appear to be in good visible condition.



Steel pole with field light and exposed concrete pier foundation.



Utility pole with field light.

vi. Fencing

Perimeter fencing of the field consists of chain link fencing and poles, with plastic safety tubing around the top portion. The fencing around the parking lot is wooden pole fencing. At the entrance there are three large metal gates for vehicular access. The chain link fence appears to be in good condition, however some of the metal poles have visible exterior rust. The wood fencing around the parking lot is intact and the three large metal gates appear to be in good condition.



Chain link fence around the perimeter of the fields.



Wood fencing around parking lot.

vii. Landscape Features

The landscape is dry and open. There is a cluster of mature trees around the concession stand to offer shade for the picnic tables underneath. A few small trees surround some of the fields. A cluster of shrubs is located in the far Southwest corner of the site, indicating an area of soil saturation.



Aerial drone photograph of site.

Phase 1 Basic Site Improvement Needs

In order for the potential adaptation of the site to meet the immediate needs/goals of the Central Point Softball League the following modifications should be made:

- Extend city infrastructure services; including sewer and potable water to site.
- Renovate existing concession stand for public usage; including potential commercial kitchen certification.
- Provide and install Irrigation infrastructure and controllers for fields 3 and 5; new sod/reseeding.
- Repair and Upgrade to LED Site Lighting infrastructure for night games.
- Provision of portable toilets.
- Delineate and Stripe existing gravel Parking Lot.

BASELINE COSTS:

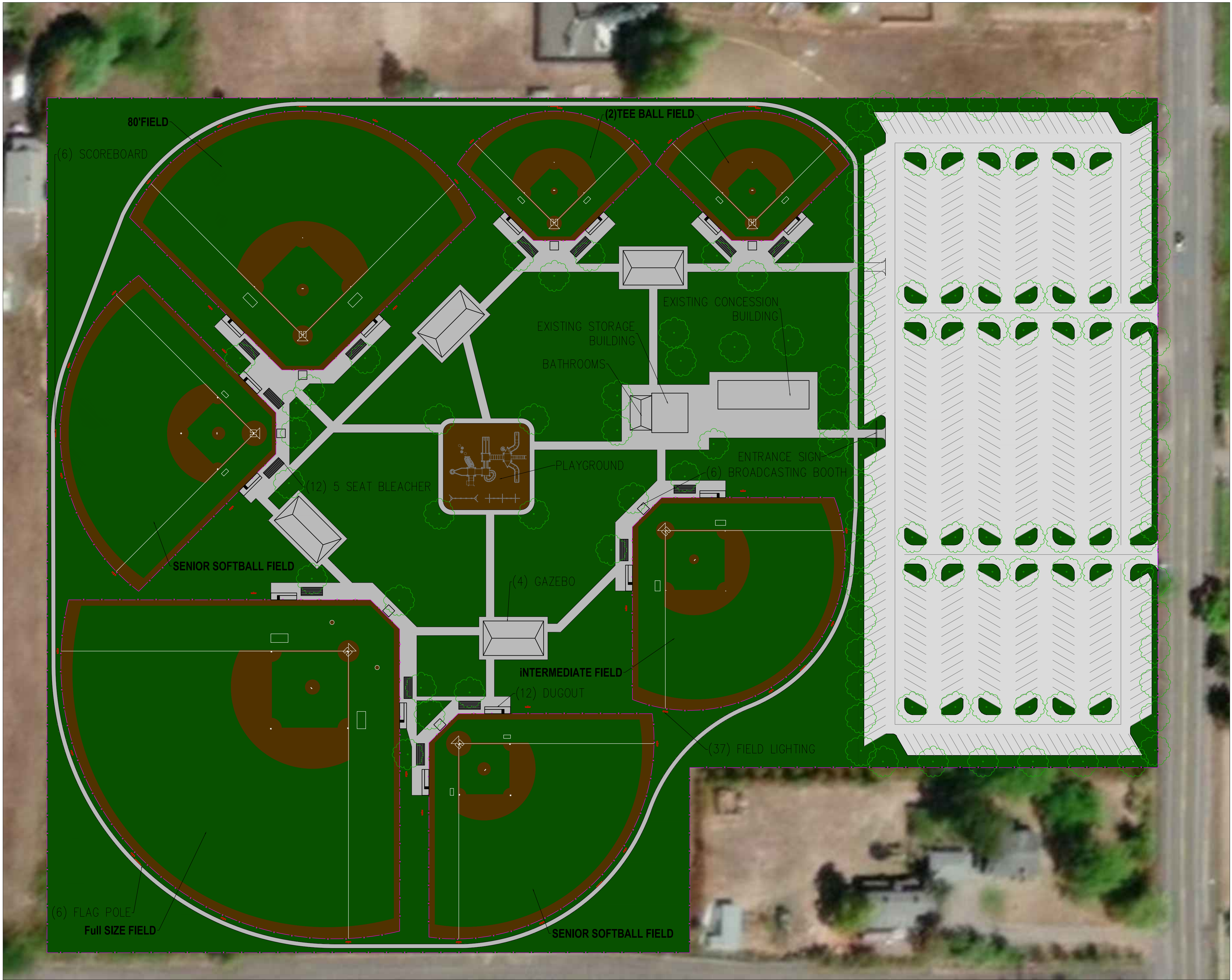
	Area	Count	Cost Per Unit	Estimated Cost
Concession stand				
<ul style="list-style-type: none"> Exterior repairs Interior repairs Upgrade kitchen equipment Upgrading electrical, plumbing, and gas lines 	2,128 SF	1	\$85/ SQ FT	\$180,900
Existing Field Lighting Repair	-	24	\$450	\$10,800
Scoreboards	-	2	\$3,000	\$6,000
Dugouts				
<ul style="list-style-type: none"> Demolition and replacement of existing structures 	240 SF	4	\$65/ SQ FT	\$62,400
Announcers Booth				
<ul style="list-style-type: none"> Demolition and replacement of existing structures 	105 SF	2	\$85/ SQ FT	\$17,850
New Bleachers	-	4	\$2,000	\$8,000
Baseball Fields				
<ul style="list-style-type: none"> Seeded field, incl. soil prep Refresh clay Fence repairs, as needed Striping and accessories 	43,000	2	\$1.50/ SQ FT	\$129,000
Estimated Sub-Total Cost (Excluding City Infrastructure Cost of Water/Sewer Services): \$414,950.00				
Provision of Portable Toilets	-	3	\$150/mo.	\$350/month
Provision for Turf Maintenance		2	\$4,000/season	\$8,000/season

OPTIONS:

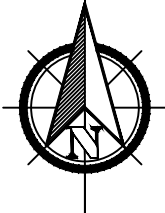
	Area	Count	Cost Per Unit	Estimated Cost
+Parking Lot Upgrades				
<ul style="list-style-type: none"> Markings for accessibility & visitor parking Placement of landscape timber wheel stops 	11,650 SF	1	\$.50/ SQ FT	\$5,825
+ Asphalt Paving at Parking Lot	11,650 SF	1	\$6/SF	\$69,900
+ Sod Field Installation	32,000	2	\$3/SF	\$192,000

+ Artificial Turf Field Installation	32,000	2	\$10/SF	\$640,000
+ Automatic Irrigation	32,000	2	\$5.00/SF	\$320,000
+ LED Field Lighting <ul style="list-style-type: none"> • Primary and secondary feeds • Switchgear and transformers • LED field lights, and brackets 	-	24 Lights	\$1,200	\$28,800
Estimated Subtotal of Additional Optional Expenses: \$616,500 to \$744,500				
Provision of Artificial Turf Maintenance	-	2	\$2,750/year	\$5,500/year

Estimated Total Project Cost with Options: \$1,031,450 to 1,159,450



PLAN VIEW
1" = 60'



CENTRAL POINT
HANLEY ROAD LITTLE LEAGUE FIELDS
SITE LAYOUT

NO.	DATE	DESCRIPTION	BY	REVIEW
REVISIONS				

SCALE: SHOWN	
DRAWING IS FULL SCALE WHEN BAR MEASURES 2'	
DWG NO.: C01	SHEET NO.: 01



City of Central Point **Staff Report to Council**

ISSUE SUMMARY

TO:	City Council	DEPARTMENT:	Community Development
FROM:	Tom Humphrey, Community Development Director		
MEETING DATE:	January 28, 2021		
SUBJECT:	Planning Commission Report		
ACTION REQUIRED:	Information/Direction	RECOMMENDATION:	Approval

The following items were presented by staff and discussed by the Planning Commission at its meeting on January 19, 2021.

- A. Public Hearing to consider a Tentative Plan for the development of a 5-lot residential subdivision to be known as Covington Court in the Residential Single Family (R-1-6) zoning district. The project site is located south of Pittview Avenue on Covington Court and is identified on the Jackson County Assessor's Map as 37S 2W 11D, Tax Lot 500 and 2301. File No. SUB-20004. Applicant: Jason Artner**
The applicant proposes to subdivide property that he currently occupies with a home and a shop. These buildings will be retained on one of the five new lots being created. The other four lots will be developed for sale. Half of Covington Court was built in an earlier subdivision and this proposal will complete the street (paved width, curb, gutter and sidewalk) and add four more homes to this neighborhood. Staff identified issues with road dedication, access and storm water collection and dispersal. The City is working with Jackson County Roads to require improvements on Pittview Avenue frontage (soon to be in city jurisdiction). Storm water runoff, once calculated, will be directed to storm water infrastructure that will be the responsibility of this applicant. Parking to accommodate four new homes will be addressed during public works and building department construction plan review. The applicant and the Planning Commission agreed with the conclusions and the findings in the staff report and the Commission approved the subdivision.
- B. Public Hearing to consider a Major Modification to the White Hawk Master Plan concerning the Phasing Plan and the Site Plan and Housing Plan in Proposed Phase 1. The 18.91 acre project site is located on property identified by the Jackson County Assessor's Map as 37S 2W 03, Tax Lots 2700 and 2701. The Master Plan area includes land zoned Low Mix Residential (LMR) and Medium Mix Residential (MMR). Modifications to approved plans are subject to the requirements set forth in CPMC 17.09 and are limited in scope to the proposed changes. Applicant: White Hawk Properties/KDA Homes. Agent: Urban Development Services, LLC. File No. MOD-20005. The White Hawk Master Plan was**

originally approved by the City in November 2015 and was subject to extensive scrutiny, review and conditions. The owners (People's Bank) remediated environmental concerns, established phasing and design and kept the development active by requesting and receiving extensions. New owners have requested changes to the phasing and housing design to meet regional needs, make their product more energy efficient and sellable. They wanted to 1) amend the phasing plan to allow construction of the duplexes/townhouses first; 2) decrease the number of duplex/townhome lots from 34 to 32; 3) add Accessory Dwelling Units (ADUs) as a new housing type; 4) revise the proposed phase 1 housing type from 100% attached to 50% attached; 5) change the architectural style from traditional to contemporary; and 6) consolidate two of the east/west alleys in proposed phase 1. As part of their modification they are proposing to make more infrastructure improvements and generate less traffic than with the approved phasing. Two neighbors have questioned these modifications and expressed concerns about previous issues that the original approval addressed. The applicant is expected to adhere to the original conditions of approval with any modifications. The Planning Commission accepted the findings in the staff report, agreed with the conclusions and approved the modification subject to two conditions including those set forth in the original approval. The applicant will work with the Public Works Department to revise engineering design plans to provide for parking on Gebhard Road as part of the road improvements.

- C. Public Hearing to consider a Tentative Plan for the development of a 32-lot residential subdivision for Phase 1 of the White Hawk Master Plan. The project site is located on a portion of property identified on the Jackson County Assessor's Map as 37S 2W 03, Tax Lots 2700 and 2701. Phase 1 is within the MMR, Medium Mix Residential Zone in the Eastside Transit Oriented Development (ETOD) District. File No. SUB-20002. Applicant: White Hawk Properties/KDA Homes. Agent: Urban Development Services, LLC.** The tentative plan was proposed for consideration following the Planning Commission action on the previous application to modify the White Hawk Master Plan. The tentative plan illustrates the proposed changes to the number of lots, alley locations and Gebhard Road improvements. Issues raised by emergency services and neighbors will dictate changes to new street names and the applicant is required to design all utility and infrastructure improvements in accordance with shallow well mitigation measures identified in a report resulting from the previous approval. The Planning Commission accepted the findings in the staff report, agreed with the conclusions and approved the tentative plan subject to two conditions including those set forth in the original approval. Compliance with requests from other agencies (RVSS, FD#3, etc.) are part of the conditions of approval.

Miscellaneous: Planning staff reviewed and answered questions about various development projects and planning applications occurring around the City.