



CITY OF CENTRAL POINT

Oregon

City Council Meeting Agenda Thursday, June 24, 2021

Next Res(1671) Ord (2077)

- 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 June 10, 2021 City Council Minutes**
- VI. **ITEMS REMOVED FROM CONSENT AGENDA**
- VII. **ORDINANCES, AND RESOLUTIONS**

- A. Ordinance No. _____, An Ordinance Adopting Revisions to the Urban Growth Boundary Amendment to Align the City and County's Findings of Fact, Conclusions of Law and Record of Proceedings (Holtey)
- B. Ordinance No. _____, An Ordinance Establishing the Good Fortune Preferential Parking District No. 1 and Declaring an Emergency (Dreyer)
- C. Resolution No. _____, Resolution Setting Preferential Parking District Fees and Fines (Dreyer)
- D. Resolution No. _____, A Resolution of the City of Central Point Approving a 2019-21 Supplemental Budget (Weber)
- E. Resolution No. _____, Certifying the Provision of Municipal Services by the City of Central Point, Oregon (Weber)
- F. Resolution No. _____, A Resolution Approving Appointments and Adopting General Procedures for Fiscal Year 2021-2022 (Weber)

- G. **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.

Mayor
Hank Williams

Ward I
Neil Olsen

Ward II
Kelley Johnson

Ward III
Melody Thueson

Ward IV
Taneea Browning

At Large
Rob Hernandez

At Large
Michael Parsons

- A. Resolution No. _____, Electing to Receive State Revenue Sharing Funds for Fiscal Year July 1, 2021 - June 30, 2022 (Weber)
- B. Resolution No. _____, Adopting the Budget; Make Appropriations and Levy Taxes for the Biennial Budget Period July 1, 2021 through June 30, 2023 (Weber)
- C. First Reading, an Ordinance Amending Central Point Municipal Code Chapter 8.24 Flood Damage Prevention (File No. ZC-21002) (Gindlesperger)

VIII. BUSINESS

IX. MAYOR'S REPORT

X. CITY MANAGER'S REPORT

XI. COUNCIL REPORTS

XII. DEPARTMENT REPORTS

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

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.

XIV. 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, June 10, 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	Remote	
Neil Olsen	Ward I	Remote	
Kelley Johnson	Ward II	Remote	
Melody Thueson	Ward III	Remote	
Taneea Browning	Ward IV	Remote	
Rob Hernandez	At Large	Excused	
Michael Parsons	At Large	Remote	

Staff members present: City Manager Chris Clayton (arrived at 7:30); City Attorney Jackie Bunick; Finance Director Steve Weber; Police Chief Kris Allison; Police Captain Dave Croft; Captain Scott Logue; Parks and Public Works Director Matt Samitore (left at 7:32); Community Development Director Tom Humphrey; Planning Department Director Stephanie Holtey; and City Recorder Deanna Casey.

IV. PUBLIC COMMENTS - None

V. CONSENT AGENDA

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

A. Approval of May 27, 2021 City Council Minutes

Council Member Neil Olsen asked for a clarification regarding his report for May 27, 2021. Remove the last eight words and insert "its difficult, Dr. Shames is trustworthy, the vaccine is safe and effective".

Mike Parsons moved to approve the Consent agenda with recommended amendment to the minutes.

VI. ITEMS REMOVED FROM CONSENT AGENDA

Minutes Acceptance: Minutes of Jun 10, 2021 7:00 PM (CONSENT AGENDA)

VII. ORDINANCES, AND RESOLUTIONS

A. Resolution No. _____, A Revised Resolution Extending Workers Compensation Coverage to Volunteers of the City of Central Point

Finance Director Steve Weber presented a Resolution extending Workers Compensation to volunteers of the city. City County Insurance, in partnership with SAIF Corporation requires that the city pass a resolution annually. The proposed resolution continues the current practice of providing workers' compensation coverage for city volunteers, with the exception of special events volunteers who are covered under a separate accident policy.

Council Member Melody Thueson moved to approve Resolution 1666, A Resolution Extending Workers Compensation Coverage to Volunteers of the City of Central Point.

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

B. Resolution No. _____, A Resolution of the City of Central Point Increasing the Park Maintenance Fee Effective July 1, 2021

Parks and Public Works Director Matt Samitore explained that Resolution 1660 increasing the park maintenance fee was approved at the April 22, 2021 Council meeting. The resolution had a clerical error in Section 1 of the enacting clause referencing the Street Utility fee instead of the Parks Maintenance Fee. The proposed Resolution repeals Resolution 1660 and replaces it with the correct language. The increase remains effective June 1, 2021.

Council Member Kelley Johnson moved to approve Resolution No. 1667, A Resolution to Repeal and Replace Resolution 1660 Increasing the Park Maintenance Fee.

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

C. Ordinance No. _____, Ordinance Vacating a Public Utility Easement over the Portion of the Former Public Alley and Amy Street vacated by Ordinance No. 1837 on August 14, 2003 Per ORS 271.130

City Attorney Assistant Jackie Bunick presented the second reading of an Ordinance vacating an easement that is no longer needed for public purposes and conflicts with the location of the new Public Works facility. There were no recommended changes at the first meeting and public hearing.

Council Member Michael Parsons moved to approve Ordinance No. 2076, An Ordinance Vacating a Public Utility Easement over the Portion of the Former

Public Alley and Amy Street Vacated by Ordinance No. 1837 on August 14, 2003 Per ORS 271.130.

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

D. First Reading - Ordinance Establishing the Good Fortune Preferential Parking District No. 1

City Attorney Jackie Bunick explained Council recently adopted an ordinance allowing for the establishment of preferential parking districts. Individual parking districts may be established by Council at its discretion or upon receipt of a petition signed by the residents or merchants of a proposed parking district.

Staff has been dealing with a renewal of issues at Peninger Road and Good Fortune Drive resulting in significant noise, trash and blockage of public right-of-way causing difficulties for the local businesses to accommodate parking for guests driving oversized vehicles.

The proposed ordinance creates a preferential parking district for this area. The proposed district would help to manage the use of the public right-of-way, would encourage tourism in that overnight guests with large vehicles could be better accommodated, and would reduce other conflicts in this area.

Parks and Public Works Director Matt Samitore explained that issues along Good Fortune have improved now that No Parking signs have been installed. The Police staff have been working on a design for a window hanger for a vehicle and will return at the next meeting with fee schedule.

Council Member Kelley Johnson moved to second reading An Ordinance Establishing the Good Fortune Preferential Parking District No. 1.

RESULT:	1ST READING [UNANIMOUS]
	Next: 6/24/2021 7:00 PM
MOVER:	Kelley Johnson, Ward II
SECONDER:	Michael Parsons, At Large
AYES:	Williams, Olsen, Johnson, Thueson, Browning, Parsons
EXCUSED:	Rob Hernandez

E. Resolution No. _____, Accepting the Lowest Responsible Bid from Knife River Materials, Inc. for the Jewett School Water and Storm Drain Project and Authorizing the City Manager to Execute a Contract

Parks and Public Works Director Matt Samitore explained that the City conducted a bid letting procedure for the Jewett School water and storm drain line project. The lowest bid was received from Knife River Materials. Public Works did not budget enough for this project given recent escalating construction prices/costs. In order to make up the difference, staff is requesting the use of American Recovery Plan dollars to reimburse the fund allowing for a few other planned projects this year. The

Jewett School water and storm drain project is a priority project and allows for a combined school and city partnership. The project is to be completed this summer before school begins in the fall.

This project will help with the flooding issues covering a good portion of downtown including 10th, Pine and Freeman intersection. The School district will be making improvements to the parking lot for Jewett Elementary School.

Council Member Kelley Johnson moved to approve Resolution No. 1668, accepting the Lowest Responsible Bid from Knife River Materials, Inc. for the Jewett School Water and Storm Drain Project and Authorizing the City Manager to Execute a Contract.

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

F. First Reading - An Ordinance Adopting Revisions to the Urban Growth Boundary Amendment to Align the City and County's Findings of Fact, Conclusions of Law and Record of Proceedings

Planning Director Stephanie Holtey explained that the proposed Ordinance is a housekeeping item to align the City's Ordinance with the County Commissioners ordinance regarding our Urban Growth Boundary expansion. The proposed Ordinance does not result in any substantive changes to the UGB Amendment boundary, the UGBMA or any of the City's findings and conclusions it incorporates evidence and testimony received outside the City's process.

Council Member Kelley Johnson moved to second reading An Ordinance Adopting Revisions to the Urban Growth Boundary Amendment to Align the City and County's Findings of Fact, Conclusions of Law and Record of Proceedings.

RESULT:	1ST READING [5 TO 0]
	Next: 6/24/2021 7:00 PM
MOVER:	Kelley Johnson, Ward II
SECONDER:	Michael Parsons, At Large
AYES:	Williams, Johnson, Thueson, Browning, Parsons
EXCUSED:	Rob Hernandez
AWAY:	Neil Olsen

G. Resolution No. _____, Approving a Two-Year Agreement between the City of Central Point and Central Point Chamber of Commerce for Operation of the Visitors Information Center.

City Manager Chris Clayton stated that staff is recommending approval of a new Visitors Information Center agreement with the Central Point Chamber of Commerce through June 30, 2023 with an automatic two-year renewal that would extend to June 30, 2025. The City has budgeted funds for this agreement and it specifies current VIC funding levels. The City's annual contribution depends on budgetary authority

granted by the Central Point Budget Committee & City Council. The Chamber Board is currently reviewing the agreement. If there were any substantial changes we would bring it back to the Council for approval.

Council Member Kelley Johnson moved to approve Resolution No. 1669, A Resolution recommending adoption of an agreement between the City of Central Point and the Central Point chamber of Commerce for Contract Operations of the City’s Visitor Information Center.

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

H. Resolution No. _____, A Resolution Declaring Certain Real Property Located on Old Military Road Surplus Authorizing an Invitation to Bid on the Purchase of Such Property

Mr. Clayton explained in 1970 the city purchased property on Old Military Road for use by Public Works as a site to store extra material such as rock, dirt and tree trimmings. Over time the property has become unnecessary and has no reasonable use for the city. The purposed resolution is to declare the property surplus and direct staff to proceed with an invitation to bid on the purchase.

We have had several substantial offers and have decided not to list with a real estate agent. We have a list of neighboring property owners who have inquired about the property and encouraged the city to have it rezoned residential.

Council Member Melody Thueson moved to approve Resolution No. 1670, Declaring Certain Real Property Located on Old Military Road (Map No. 372W08 Tax Lot 1900) Surplus and Authorizing an Invitation to Bid on the Purchase of Such Property.

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

VIII. MAYOR'S REPORT

Mayor Williams reported that:

- He attended the Memorial Day Celebration at Twin Creeks Retirement Center.
- He attended the 4H FFA auction at the Expo and purchased a lamb by a Crater student.

IX. CITY MANAGER'S REPORT

City Manager Chris Clayton reported that:

- Development continues in Central Point.

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- He made contact with the corporation who owns Rays Market. They are not interested in selling the parking lot behind their building. They have no issues with city employees using the space at this time.
- He attended a meeting with the Moore family regarding the little league fields. We are working with RH2 on an estimate for design and time frame.
- Tomorrow there will be a tour of the Rogue Retreat for those interested in attending.
- We have been receiving a lot of questions regarding the new evacuation maps and Everbidge notification system. The IT Department is currently working on a webpage where people can go to view our evacuation maps and other emergency preparation.
- The 4th of July fireworks are a go at the Expo, it looks like the restrictions may be lessened on June 23rd, if this happens we will flip the parade back to Pine Street.
- HB2560 is being considered regarding requiring public entities to provide a way to continue to provide virtual access to the public in regards to attendance and meeting participation.
- The new awning is up over Pine Street Market. He will provide photos tomorrow.
- He did an interview with news media yesterday regarding the Alameda Fires and our response.

X. COUNCIL REPORTS

Council Member Michael Parsons reported that:

- He attended the Planning Commission Meeting.
- He attended "The Made in Southern Oregon" Event. It was good seeing people out again, smiling, and enjoying themselves.
- He attended a Central Point Police Volunteers in Police Service (VIPS) meeting. There are 11 Volunteers looking to get back into doing what they love to do, serving the City and the Police Department, creating a presence, and acting as Ambassadors for the City. It appears that the restart date is tentatively set for July 1.
- He attended a meeting with Fire District 3. Captain Ian Kassab, Community Risk Coordinator, along with personnel from Fire District 3's Community Care and Community Connect Programs. Following the impressive presentation of these programs they intend to introduce them to 400 residents in the Meadows. We have invited Captain Kassab and his teams to our Board Meeting on July 20th when the entire Community of The Meadows will be welcome.

Council Member Tanea Browning reported that:

- She had a meeting with the Public Works crew regarding Creek Side Greenway Committee.
- She attended a MWC meeting where they discussed issues with the water shed in regards to drought issues.

Council Member Melody Thueson reported that:

- She attended the Made in SO event.
- The Asante building maskot will be called the Rogue Otters
- received an email regarding disappointment about not having the Memorial day events. She is really glad that we have such strong community support for our events.

Council Member Kelley Johnson had no report.

-- No report

Council Member Neil Olsen stated that City Manager Clayton is always good about responding to emails and questions.

XI. DEPARTMENT REPORTS

Community Director Tom Humphrey reported that he is looking forward to retirement. He has been cleaning out his office lately and continues to work with the housing task force. He may continue as a volunteer member after retirement.

Planning Director Stephanie Holtey reported that:

- She has been working on current development projects, and meeting with people on the east side development area.
- Mr. Samitore and I have been working with ODOT on our Transportation System Plan update.
- Staff is work on updating residential code amendments to meet current increased demands.
- She has received inquiries for small wireless requirements in the public right of way to address the new federal requirements and make changes in the Municipal Code.
- Staff is working on hazard mitigation grants that could help along the Bear Creek Greenway.

Police Chief Kris Allison reported that:

- There have been several Crater graduations this week.
- She enjoyed the auction at the expo with the Mayor and supporting the kids.

Captain Dave Croft has been focusing on extra patrols and greenway sweep.

Captain Scott Logue has been working on the parking permits for the Parking District area.

Finance Director Steven Weber had no report.

XII. EXECUTIVE SESSION - None

XIII. ADJOURNMENT

**Council Member Michael Parsons moved to adjourn the meeting at 8:14 p.m.
Tanea Browning seconded.**

The foregoing minutes of the June 10, 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 Jun 10, 2021 7:00 PM (CONSENT AGENDA)



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

ISSUE SUMMARY

TO:	City Council	DEPARTMENT:	Community Development
FROM:	Stephanie Holtey, Planning Director		
MEETING DATE:	June 24, 2021		
SUBJECT:	Ordinance No. _____, An Ordinance Adopting Revisions to the Urban Growth Boundary Amendment to Align the City and County's Findings of Fact, Conclusions of Law and Record of Proceedings		
ACTION REQUIRED:	Motion Ordinance 2nd Reading	RECOMMENDATION:	None Forwarded

BACKGROUND INFORMATION:

To finalize the City's Urban Growth Boundary Amendment (UGB), both the City and the County are required to adopt ordinances that are mutually supportive. The City adopted Ordinance No. 2073 on March 25, 2021 and on May 12, the Board County Commissioner's adopted Ordinance No. 2021-1. Although the ordinances adopt the same boundary location, acreage and Urban Growth Boundary Management Agreement (UGBMA) revisions, the City's record does not include the County's Ordinance or the evidence and testimony received outside the City's process.

To address this discrepancy, staff proposes the Council approve an ordinance that adopts and incorporates the Board of Commissioner's Ordinance No. 2021-1 and record of proceedings in its entirety and supplement City Council Ordinance No. 2073 with the same. The proposed revision does not result in any substantive changes to the UGB Amendment boundary, the UGBMA or any of the City's findings and conclusions. Rather, the proposed change amounts to housekeeping that aligns the record for clarity and consistency.

FINANCIAL ANALYSIS:

The proposed ordinance adopting and incorporating the County's Ordinance and record does not incur any cost to the City beyond in-kind staff expense.

LEGAL ANALYSIS:

The City and County bear the burden of proof that the UGB Amendment satisfies applicable state, county and city regulations. The proposed ordinance aligns the City and County records, which provides a clear and consolidated exhibit schedule for UGB Amendment. Once the record is finalized, the Department of Land Conservation and Development will conduct its final review and acknowledgement process. It is anticipated that a complete and consistent record will aid this process.

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

Providing a clear record of proceedings supports the City Council's goal to complete the UGB Amendment and support managed growth in the City.

STAFF RECOMMENDATION:

Conduct a second reading of the ordinance.

RECOMMENDED MOTION:

I move to Approve Ordinance No. _____, An Ordinance adopting revisions to the Urban Growth Boundary Amendment to align the City and County findings of fact, conclusions of law and record of proceedings to a second reading.

ATTACHMENTS:

1. Draft Ordinance Clarifying and Aligning the Record
2. Board Ordinance No. 2021-1
3. County Exhibit Schedule

ORDINANCE NO. _____

AN ORDINANCE ADOPTING REVISIONS TO THE URBAN GROWTH BOUNDARY AMENDMENT TO ALIGN THE CITY AND COUNTY'S FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECORD OF PROCEEDINGS

Recitals:

- A. On March 25, 2021, the City of Central Point City Council approved Ordinance No. 2073 amending the Comprehensive Plan to add roughly 444 acres to the City's Urban Growth Boundary, designate general land use and revise the Urban Growth Boundary Management Agreement (UGBMA) with Jackson County. The approval was based on the Staff Report dated March 25, 2021, which included the proposed amendments, record of proceedings for the Central Point Planning Commission, and findings of fact and conclusions of law.
- B. The Board of County Commissioners held a properly advertised public hearing on April 14, 2021 to consider a major comprehensive plan amendment to amend the Central Point UGB and revise the UGBMA. Based on evidence and testimony submitted, including the record of proceedings for the JCPC, the Board of Commissioners by motion and vote approved the application.
- C. Following first and second readings of the ordinance on April 25, 2021 and May 12, 2021, the Board of County Commissioners voted 3-0 to adopt Ordinance No. 2020-1 approving the UGB amendment and revisions of the UGBMA.

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

Section 1. The City incorporates and adopts Jackson County Ordinance No. 2021-1 (Exhibit 1) and record of proceedings in its entirety as a supplement to the City's decision and record. Exhibit 1 and the County's exhibit schedule (Exhibit 2) are attached and incorporated herein.

Section 2. The City of Central Point and Jackson County by Ordinances 2073 and 2021-1 conclude that the City has met the burden of proof to expand its Urban Growth Boundary by approximately 444 acres in compliance with State, County and City regulations.

Pg. 1 Ordinance No. _____ (06/24 /2021)

Attachment: Draft Ordinance Clarifying and Aligning the Record [Revision 2] (1427 : Ordinance Adopting UGB Amendment Revision)

Section 3. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word Ordinance may be changed to “code”, “article”, “section”, “chapter”, or other word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions need not be codified and the City Recorder is authorized to correct any cross references and any typographical errors.

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

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

Mayor Hank Williams

ATTEST:

City Recorder

Exhibit 1

BEFORE THE BOARD OF COMMISSIONERS
STATE OF OREGON, COUNTY OF JACKSON
ORDINANCE NO. 2021-1

AN ORDINANCE APPROVING A MAJOR COMPREHENSIVE PLAN MAP AMENDMENT TO ADD APPROXIMATELY 444 ACRES TO THE CITY OF CENTRAL POINT URBAN GROWTH BOUNDARY (UGB) AS WELL AS A PROPOSED TEXT AMENDMENT TO THE URBAN GROWTH BOUNDARY MANAGEMENT AGREEMENT (UGBMA). FILE NO. 439-20-00009-LRP.

RECITALS:

1. Pursuant to Chapters 197 and 215 of the Oregon Revised Statutes, and in conformance with the Statewide Planning Goals, Jackson County's Comprehensive Plan and implementing ordinances have been acknowledged by the Oregon Land Conservation and Development Commission (LCDC).
2. On July 15, 2020 an application for a major comprehensive plan map amendment was submitted by Applicant, City of Central Point. The application was determined to be complete on December 16, 2020.
3. Notice of the proposed amendment was provided to the Department of Land Conservation and Development (DLCD) on December 29, 2020, 35 days prior to the first evidentiary hearing before the Jackson County Planning Commission (JCPC). A notice was published on Friday, January 22, 2021 in the Medford Mail Tribune that a first evidentiary hearing was scheduled before the JCPC on Tuesday, February 2, 2021 at 5:30PM in the City of Central Point Council Chambers, 140 S. Third St., Central Point, Oregon.
4. A first evidentiary public hearing was held on February 2, 2021 before the Jackson County Planning Commission in the City of Central Point Council Chambers and via a web conference. After considering the evidence and testimony submitted, the JCPC, by motion and vote, recommended that the Board of Commissioners (BoC) approve the application. The JCPC signed the Recommendation for Approval on February 3rd, 2021.
5. On April 14, 2021, the BoC held a properly advertised public hearing on the application. After considering the evidence and testimony submitted, including the record of the JCPC hearing, the BoC, by motion and vote, approved the application.

NOW, THEREFORE, the Board of County Commissioners of Jackson County ORDAIN as follows:

SECTION 1. FINDINGS OF FACT

Based on the evidence and arguments presented, the BoC makes the following findings of fact with respect to these proceedings. Where legal conflict arose, the Board has resolved them consistent with these findings:

- 1.1 The BoC finds that proper legal notice was provided to the applicant, affected property owners and affected agencies on March 23, 2021, for the first public hearing on this matter. Legal notice was published in the Sunday, April 4, 2021 edition of the Medford Mail Tribune.
- 1.2 The BoC finds that the JCPC's recommendations are based upon following proper procedures and are consistent with evidence and testimony in the record of proceedings. The BoC hereby adopts, as its own, the Findings of Fact contained in the JCPC Recommendation for Approval, contained in the record of these proceedings and attached as Exhibit "A".

SECTION 2. LEGAL FINDINGS

Based on the evidence and arguments presented, the BoC makes the following legal findings with respect to these proceedings. Where legal conflicts arose, the BoC has resolved them consistent with these findings:

- 2.1 The BoC hereby adopts, as its own, the Legal Findings contained in the JCPC Recommendation for Approval, contained in the record of these proceedings and attached as Exhibit "A".
- 2.2 The City of Central Point prepared the Urban Growth Boundary (UGB) amendment through a public process that involved multiple public hearings, study sessions, and open houses. The configuration of the UGB that was adopted by the Central Point City Council and the BoC is therefore the result of extensive deliberation and consensus building.
- 2.3 The UGB amendment was found to be consistent with and supportive of the City's adopted Comprehensive Plan including its Residential Buildable Lands Inventory Land Use Element, the Employment Buildable Lands Inventory Land Use Element, the Population Element, the Economic Element, the Parks and Recreation Element, and the Housing Element. It has been so determined by the BoC that the amended UGB will provide sufficient land to accommodate demand for housing, employment, parks and open space, and associated urban land uses.
- 2.4 The UGB amendment was found to comply with Statewide Planning Goals 1-14. Compliance with these goals is documented throughout the record.
- 2.5 The UGB amendment process began in 2017 with revisions to applicable elements of the City's comprehensive plan with the culmination of over 40 public hearings.

Through this process the City determined its 20-year land need. The City's "Location Analysis Report," contained in the record of these proceedings, illustrates the City's methodology for evaluating lands for possible inclusion into the proposed UGB amendment.

- 2.6 The UGB will only include lands previously designated as Urban Reserve Areas in the Regional Plan.
- 2.7 The UGB has been found to be consistent with the Regional Plan component of the City and County's Comprehensive Plan that was developed through more than 10 years of the Regional Problem Solving process. Central Point's UGB amendment has been found to comply with Regional Plan performance indicators as outlined in the Regional Plan Progress Report.
- 2.8 The text of the Urban Growth Boundary Management Agreement is amended to include two new provisions to be consistent with the Regional Plan.
- 2.9 Some parties in the form of letters or emails submitted concerns and questions to the record. The BOC finds that these concerns were comprehensively and persuasively addressed by the City before the Board during the public hearing. The Board finds that the City testimony supports approval of the proposed amendment.

SECTION 3. CONCLUSIONS

- 3.1 The BoC concludes that proper public notice was given.
- 3.2 The BoC hereby adopts, as its own, the Conclusions contained in the JCPC's Recommendation for Approval, contained in the record of these proceedings and attached as Exhibit "A"; Map depicting the amended Urban Growth Boundary boundary as Exhibit "B"; and text of the Urban Growth Boundary Management Agreement as Exhibit "C". These conclusions, supplemented with the above legal findings, demonstrate that the application complies with the applicable Statewide Planning Goals, Oregon Administrative Rules, the applicable policies in the Jackson County Comprehensive Plan, and the applicable sections of the Jackson County Land Development Ordinance.

SECTION 4. DECISION

- 4.1. Based on the record of the public hearing, the BoC hereby approves the requested Major Comprehensive Plan Map Amendment to add approximately 444 acres to the City of Central Point Urban Growth Boundary (UGB) as well as the proposed text amendment to the Urban Growth Boundary Management Agreement (UGBMA). File No. 439-20-00009-LRP.

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ADOPTED this 12th day of May, 2021, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

/s/ Rick Dyer
Rick Dyer, Chair

/s/ Dave Dotterer
Dave Dotterer, Commissioner


/s/ Colleen Roberts
Colleen Roberts, Commissioner

Due to the existing novel coronavirus (COVID-19) pandemic and the need to promote physical distancing, the Jackson County Board of Commissioners is conducting meetings through electronic and telephonic means. On January 5, 2021, the Board of Commissioners approved Order No. 1-21 authorizing the use of their electronic signatures on Ordinances, Orders, and other documents. Following the motion and roll call vote, Commissioner Dyer, Dotterer, and Roberts authorized the use of his/her electronic signature on this Ordinance No. 2021-1.

ATTEST:


By: Recording Secretary

APPROVED AS TO LEGAL SUFFICIENCY:


County Counsel

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BEFORE THE JACKSON COUNTY PLANNING COMMISSION
STATE OF OREGON, COUNTY OF JACKSON

IN THE MATTER OF A MAJOR COMPREHENSIVE)
PLAN MAP AMENDMENT TO ADD)
APPROXIMATELY 444 ACRES TO THE CITY OF)
CENTRAL POINT URBAN GROWTH BOUNDARY)
(UGB) LOCATED WITHIN PORTIONS OF URBAN)
RESERVE AREAS CP-2B, CP-3, CP-4D & CP-6A AS)
WELL AS A TEXT AMENDMENT TO THE URBAN)
GROWTH BOUNDARY MANAGEMENT)
AGREEMENT (UGBMA). FILE # 439-20-00009-LRP)

RECOMMENDATION
FOR APPROVAL

RECITALS:

1. Pursuant to Chapter 197 and 215 of the Oregon Revised Statutes, and in conformance with the Statewide Planning Goals, Jackson County's Comprehensive Plan (JCCP) and Land Development Ordinance (LDO) have been acknowledged by the Oregon Land Conservation and Development Commission (LCDC).
2. On July 15, 2020 an application for a major map amendment was submitted by the City of Central Point staff. The application was determined to be complete per LDO Section 2.6.3(C)(2) on December 16, 2020.

PROCEDURAL FINDINGS:

1. A notice of the proposed amendment was provided to DLCD on December 29, 2020, 35 days prior to the first evidentiary hearing. A legal notice was sent to affected agencies and property owners on January 13, 2021. A notice was published on Friday January 22, 2021 in the Medford Mail Tribune that a first evidentiary hearing was scheduled before the Jackson County Planning Commission & Central Point Planning Commission on Tuesday February 2, 2021 at 6:00 p.m. in the City of Central Point Council Chambers, 140 S. Third St., Central Point.
2. A public hearing was held on February 2, 2021 before the Jackson County Planning Commission in the City of Central Point Council Chambers and via a web conference. At this hearing, the Planning Commission deliberated to the decision reflected in this recommendation.

3. Now, therefore,

The Jackson County Planning Commission finds, concludes, and RECOMMENDS as follows:

SECTION 1. FINDINGS OF FACT:

Based upon the evidence and arguments presented, the Planning Commission makes the following findings of fact with respect to this application:

- 1.1 The Planning Commission finds that proper legal notice was sent to affected agencies and property owners on January 13, 2021. Legal notice was published in the Friday, January 22, 2021 edition of the Medford Mail Tribune.
- 1.2 The Planning Commission finds that a Staff Report was prepared for the initial public hearing.
- 1.3 The Planning Commission finds that a public hearing was held to consider the evidence on these matters on February 2, 2021.

SECTION 2. LEGAL FINDINGS:

- 2.1 To recommend approval of a major map amendment, the Planning Commission must find that the amendment is in conformance with Section 3.7 of the Land Development Ordinance as well as any applicable Oregon Revised Statutes, Oregon Administrative Rules and policies within the Jackson County Comprehensive Plan.
- 2.2 The Planning Commission adopts the findings in the Staff Report as a basis for this recommendation. These findings demonstrate that the application is in compliance with the applicable approval criteria.
- 2.3 The deliberations held on February 2, 2021 resulted in a motion to recommend approval of the application. The Planning Commission voted unanimously (5-0) in favor.

SECTION 3. CONCLUSIONS:

Based on the evidence and arguments included in the record, the Planning Commission concludes that the proposed amendment to the Jackson County Comprehensive Plan is justified and in compliance with the applicable provisions of the Jackson County Land Development Ordinance.

SECTION 4. RECOMMENDATION:

The Jackson County Planning Commission hereby recommends that the Board of Commissioners approve file 439-20-00009-LRP.

This recommendation for APPROVAL adopted this 3rd day of February, 2021, at Medford, Oregon.

JACKSON COUNTY PLANNING COMMISSION




Don Greens, Chair (M)




Tom Lavagnino, Commissioner (M)



Richard B. Thieroff, Commissioner (M)



Brad Bennington, Commissioner (M)
YES



John Elliott, Commissioner (M)

ATTEST:



Ted Zuk, Development Services Director

Document signed in counterpart

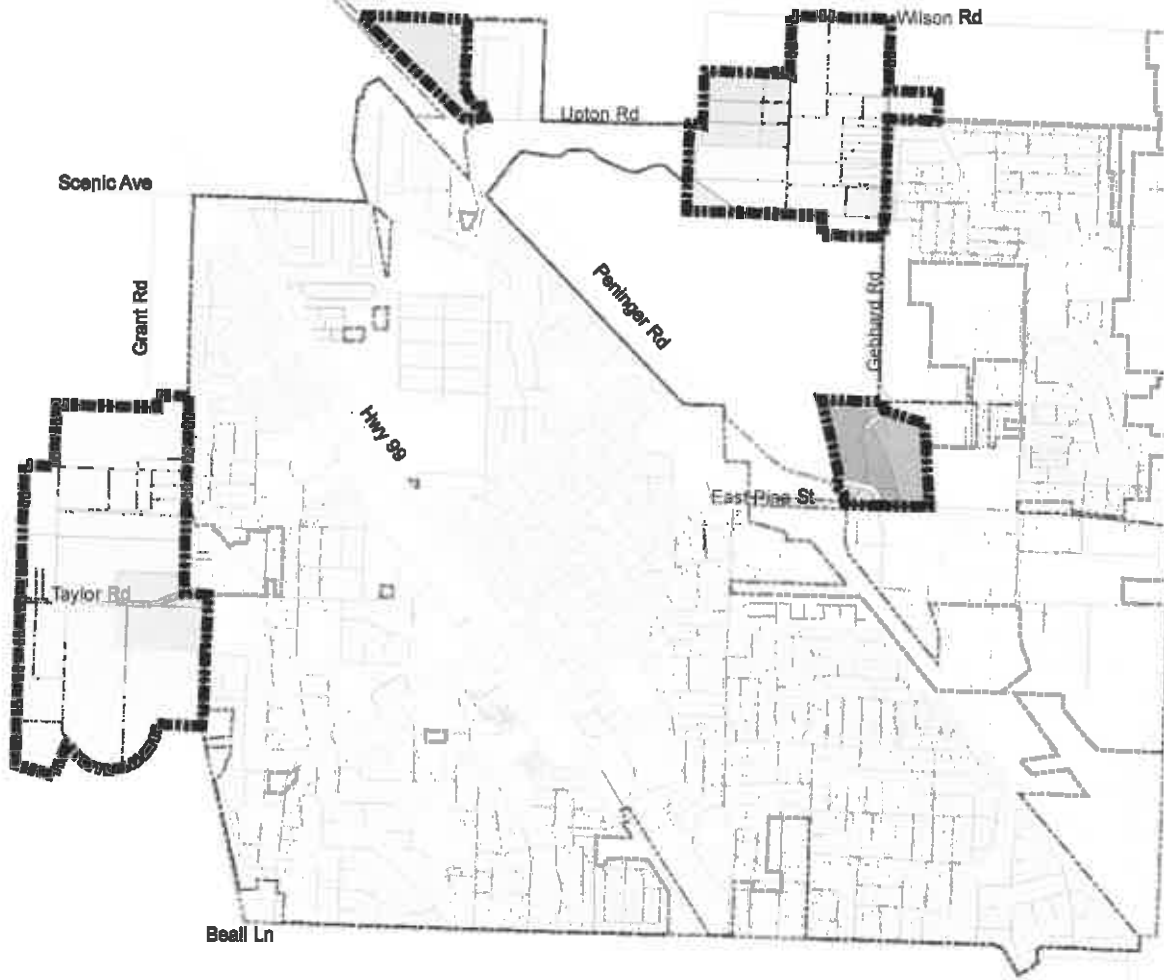
Attachment: Board Ordinance No. 2021-1 (1427 : Ordinance Adopting UGB Amendment Revision)

EXHIBIT B



Legend

- Street Names
- Proposed UGB Tax Lots
- Proposed UGB Amendment
- City Limits
- Urban Growth Boundary
- Proposed CP-8A Land Use**
 - High Residential
 - Medium Residential
 - Low Residential
 - Commercial
- Proposed CP-3 Land Use**
 - General Commercial (GC)
 - Bear Creek Greenway (BCG)
 - Parks and Open Space (OS)
- Proposed CP-4D Land Use**
 - Parks and OS
 - Residential Very Low
- Proposed CP-2B Land Use**
 - High Residential
 - Medium Residential
 - Low Residential
 - Neighborhood Commercial
 - Civic
 - Parks & Open Space



Attachment: Board Ordinance No. 2021-1 (1427 : Ordinance Adopting UGB Amendment Revision)



Central Point Urban Growth Boundary Amendment

Proposed Land Use General Land Use Plan Map

EXHIBIT C

**AGREEMENT BETWEEN THE CITY OF CENTRAL POINT, OREGON (CITY)
AND JACKSON COUNTY, OREGON (COUNTY)
FOR THE JOINT MANAGEMENT OF THE CENTRAL POINT URBAN
GROWTH BOUNDARY**

WHEREAS, under ORS 190.003 to 190.030, and 197.175, et seq. City and County are authorized to enter into intergovernmental agreements and are required to prepare and adopt Comprehensive Plans consistent with Statewide Planning Goals; and

WHEREAS, under ORS 197 - State Land Use Goal 14, Urbanization, the "Establishment and change of the boundary shall be a cooperative process between a city and the county or counties that surround it"; and

WHEREAS, City and County have adopted a Regional Plan which necessitates revisions to the previous agreement; and

WHEREAS, City and County recognize the importance of providing an orderly transition of urban services from County to City jurisdiction and administration as the Urban Reserve transitions from a rural to an urban character; and

WHEREAS, ORS 190.003, et seq. requires that an intergovernmental agreement relating to the performance of functions or activities by one unit of local government for another shall be adopted and shall specify the responsibilities between the parties;

NOW, THEREFORE, the City and County adopt the following urban growth policies which shall serve as the basis for decisions pertaining to development and land uses in the area between the City limits of Central Point and its urban-growth boundary, and other lands that are of mutual interest or are of significant importance to Central Point's long-range growth and development.

DEFINITIONS

1. **Area of Mutual Planning Concern:** A geographical area lying beyond the adopted urban growth boundary in which the City and County have an interest in terms of that area's types and levels of development, land uses, environment, agriculture, and other unique characteristics. The area is not subject to annexation within the current planning period but may be in the path of longer-range urban growth. Therefore, the City and County will fully coordinate land use activity within this area.
2. **BOC:** Jackson County Board of Commissioners.
3. **Comprehensive Plan:** State-acknowledged comprehensive plan adopted by City or County.

4. **Contract Annexation:** A process whereby the City, County, and other involved parties enter into a contract that permits:
 - A) The parties to administer urban land use regulations on the development of property following an annexation decision while the property remains under County jurisdiction; and
 - B) The City to annex property developed to City densities and uses, with the improvement to appear on the County tax rolls prior to the effective date of annexation, resulting in a greater benefit to the tax base of the community.
5. **Council:** City of Central Point City Council
6. **Develop:** To bring about growth or create new opportunities for growth; to cause the expansion of available lands; to extend public facilities or services; to construct, alter or expand a structure; to conduct a mining operation; to make a change in the use of appearance of land; to divide land into smaller parcels; to create or terminate rights of access, etc.
7. **LDO:** Jackson County's Land Development Ordinance.
8. **Non-Resource Land:** Land that is not subject to the statewide Goals listed in OAR 660-004-0010(1)(a) through (g) except subsections (c) and (d).
9. **Planning Services:** Legislative activities, such as adoption and amendment of comprehensive plan text and maps, adoption and amendment of land use regulations, and quasi-judicial processing of land use actions.
10. **Resource Land:** Land that is subject to the statewide Goals listed in OAR 660-004-0010(1)(a) through (g) except subsections (c) and (d).
11. **Subdivide or Partition Land:** The act of dividing the legal ownership of land into smaller units, as set forth in Oregon Revised Statutes 92.010.
12. **Urban/Public Facilities and Services:** Basic facilities that are planned for and provided by either the private or public sector, and are essential to the support of development in accordance with the City's Comprehensive Plan. Such facilities and services include, but are not limited to, police and fire protection, sanitary facilities, public water and storm drain facilities; planning, zoning, and subdivision controls; health services; recreation facilities and services; energy and communication services; and community governmental services including schools and transportation.
13. **Urban Growth Boundary:** A site specific line on the Official Plan and Zoning Map of Jackson County, which identifies and encompasses urban and urbanizable lands within the County, including:

A) **URBAN LAND:** Residential areas generally comprised of parcels smaller than one acre, or highly developed commercial and industrial areas which are within incorporated cities or which contain concentrations of persons who reside or work in the areas, including land adjacent to and outside cities, and which have supporting urban public facilities and services.

B) **URBANIZABLE LAND:** Areas within an officially adopted urban growth boundary which are needed for the expansion of that urban area, and which have been determined to be necessary and suitable for development as future urban land and which can be served with necessary urban public facilities and services.

14. **Urban Reserve Areas (URA):** Land outside of a UGB identified as highest priority (per ORS 197.298) for inclusion in the UGB when additional urbanizable land is needed in accordance with the requirements of Statewide Planning Goal 14.

INTENT AND PURPOSE OF AGREEMENT

The intent and purpose of this Agreement is for City and County to:

1. Enhance long-range planning in the Urban Growth Boundary and the Urban Reserve.
2. Maintain and improve coordination and communication between City and County.
3. Develop consistent policies and procedures for managing urban growth and development within the Urban Growth Boundary.
4. Minimize impacts to property owners, local governments and service providers related to the transition of property from within the Urban Growth Boundary to within the City Limits.

URBAN GROWTH POLICIES

1. The City of Central Point shall have primary responsibility for all future urban level development that takes place within the City and urban growth boundary area. Additionally:
 - A) All urban level development shall conform to City standards, shall be consistent with the adopted City Comprehensive Plan, and shall meet all appropriate requirements of the City Zoning Ordinance and Map.

- B) The term "urban level development" shall be generally defined, for purposes of this agreement, as any commercial or industrial development, and any residential development, partitioning, or subdivision that creates actual or potential densities greater than allowed by the City's Residential Low-density District (R-L). The expansion or major alteration of legally existing commercial or industrial use shall also be considered urban level development.
 - C) Urban level development proposals submitted through County processes must be accompanied by a contract to annex to the City.
 - D) Prior to annexation of urbanizable lands, no land divisions shall be approved by the County which create lots less than forty (40) acres in size.
 - E) Prior to annexation of urbanizable lands, no property shall be rezoned. This restriction advances the purposes and policies of the Regional Plan to make more efficient use of urbanizable land.
2. A change in the use of urbanizable land from a use designated on the Jackson County Comprehensive Plan/Zoning Map to uses shown on the City Comprehensive Plan shall occur only upon annexation or contractual intent to annex to the City. Additionally:
- A) Development of land for uses designated in the Comprehensive Plan shall be encouraged on vacant or underdeveloped lands adjacent to or within the City limits prior to the conversion of other lands within the urban growth boundary.
 - B) Urban facilities and services must be adequate in condition and capacity to accommodate the additional level of growth, as allowed by the Comprehensive Plan, prior to or concurrent with the land use changes.
 - C) The City may initiate annexation and zone changes of lands outside the City limits and within the UGB that are under a County "Exclusive Farm Use" designation or otherwise enjoying farm-related tax incentives when such lands are needed for urban development.
3. City annexation shall only occur within the framework of the City's Comprehensive Plan and within the Urban Growth Boundary.
4. Except as provided in Policy 11 of this agreement, specific annexation decisions shall be governed by the City of Central Point. The City will provide opportunities for the County and all affected agencies to respond to pending requests for annexation with the response time limited to sixty days to minimize any unnecessary and costly delay in processing.

5. The establishment of the Urban Growth Boundary does not imply that all lands within the Boundary must be annexed to the City.
6. Jackson County shall retain jurisdiction over any land use decisions, other than annexations, within the unincorporated urbanizable area, in conformance with these adopted policies. Additionally:
 - A) The City shall be requested to respond to pending applications for land use changes in the unincorporated urbanizable area. If no response is received within fourteen days, the County will assume the City has no objections to the request
 - B) The City will request that the County respond to pending applications for land use changes within the incorporated area which could affect land under County jurisdiction. If no response is received within fourteen days, the City will assume the County has no objections to the request.
 - C) Recognizing that unincorporated areas within the Urban Growth Boundary could ultimately become part of Central Point, the City's recommendations will be given due consideration. It is the intent of the County to administer a mutually adopted City/County policy in the urbanizable area until such time as the area is annexed.
7. Lands in the vicinity of the Seven Oaks Interchange, as delineated on Map 1 attached, are considered unique because of the transportation facilities present. The I-5 Interchange Area Management Plan (IAMP) for Exit 35 addresses the unique characteristics of the area and recommendations from the plan will be incorporated into the City and County Comprehensive Plans. Portions of this area are in Central Point's Urban Reserve while the remainder is designated an *Area of Mutual Planning Concern* and shall be protected from premature development. Additionally:
 - A) The County shall ensure that the area remains in a rural character so that a priority is placed on urban development within the UGB, as planned.
 - B) The Seven Oaks Interchange Area of Mutual Planning Concern shall retain its present County Comprehensive Plan and Zoning Map designation, or similar "rural" designation, until such time as the area can be shown to be needed for the City's urbanization, in accordance with the seven urbanization factors of Statewide goal 14 and the provisions of this agreement that pertain to City-initiated comprehensive plan amendments.
8. Lands in the vicinity of and including Forest/Gibbon Acres west of Table Rock Road, as delineated on Map 2 attached, are considered remote to Central Point at this time. Although located outside of any Urban Reserve, this area is designated

an *Area of Mutual Planning Concern* and shall be protected from premature or more intense development. Additionally:

- A) The County shall ensure that the area remains in a rural character so that a priority is placed on urban development within the UGB and URAs, as planned.
 - B) The Forest/Gibbon Acres *Area of Mutual Planning Concern* shall retain its present County Comprehensive Plan and Zoning Map designation, or similar "rural" designation, until such time as the area can be shown to be needed for the City's urbanization or for inclusion in Medford or in White City should it incorporate. Inclusion in a planning area will occur in accordance with the seven urbanization factors of Statewide goal 14 and the provisions of this agreement that pertain to City-initiated comprehensive plan amendments.
9. Lands under the ownership of Jackson County between Gebhard Road and Interstate-5 north of Pine Street, including the Jackson County Expo (fairgrounds) and property in the ownership of Jackson County adjacent to the Expo as delineated on Map 3 attached, are designated an *Area of Mutual Planning Concern* and shall be protected from uncoordinated land use development. Additionally:
- A) The County shall ensure that all land use planning that occurs will be coordinated with the City so that a priority is placed on urban development within the UGB and URAs, as planned.
 - B) The Jackson County Expo *Area of Mutual Planning Concern* shall retain its present County Comprehensive Plan and Zoning Map designation, or designations unique to the fairground master plan, until such time as the area can be shown to be needed for the City's urbanization, in accordance with the seven urbanization factors of Statewide goal 14 and the provisions of this agreement that pertain to City-initiated comprehensive plan amendments.
 - C) During the first coordinated Periodic Review process for the Regional Plan, Jackson County shall consider including the land occupied by the Jackson County Expo to the City of Central Point Urban Reserve Area.
 - D) The impacts of County development upon City and Regional infrastructure shall be assessed and mitigated in order to obtain a mutually beneficial outcome to both entities.
10. Lands within the urbanizable area which currently support a farm use shall be encouraged, through zoning and appropriate tax incentives, to remain in that use for as long as is "economically feasible".

- A) "Economically feasible", as used in this policy, shall be interpreted to mean feasible from the standpoint of the property owner. Implementation of this policy will be done on a voluntary basis.
 - B) "Exclusive Farm" or other appropriate low-intensity rural zoning designation shall be applied to areas within the UGB by the County for the purpose of maintaining agricultural land uses and related tax incentives until such time as planned annexation and urban development occur.
 - C) "Suburban Residential" or other zoning designations that would permit non-agricultural land uses to develop prematurely could result in obstacles to future planned and coordinated growth and, therefore, should be restricted to only those areas that are already developed to such levels.
 - D) Agricultural zoning policies contained herein apply only to areas identified by the City or County as agricultural lands within the UGB, URA's or Seven Oaks Area of Mutual Planning Concern and shall not be used as a standard to review other land use applications within these areas.
11. The City and County acknowledge the importance of protecting agricultural lands. Therefore:
- A) While properties are in agricultural use, the City will apply the below standards when adjacent lands are proposed for urban residential development:
 - i. To mitigate the potential for vandalism, the development's design should incorporate the use of visible public or semipublic open space adjacent to the agricultural lands.
 - ii. To mitigate nuisances originating from agricultural noise, odors, irrigation run-off, and agricultural spray drift, the development's design should incorporate:
 - a. The use of landscaping and berms where a positive buffering benefit can be demonstrated.
 - b. The orientation of structures and fencing relative to usable exterior space such as patios, rear yards and courts, such that the potential impacts from spray drift, dust, odors, and noise intrusion are minimized.
 - c. The design and construction of all habitable buildings, including window and door locations, should be such that the potential impact of spray drift, noise, dust, and odors upon interior living/working areas will be minimized.

- d. Physical separation between agricultural lands and urban development shall be utilized to the greatest extent possible to minimize adverse impacts. Site design emphasizing the appropriate use of open space areas, streets, and areas not designed specifically for public recreation or assembly shall be considered.
 - B) The City and County mutually agree herewith that the buffering standards established by the Jackson County Regional Plan and adopted by the City of Central Point have or can and will be met, prior to annexation or urban development of lands.
 - C) The City and County mutually agree to involve affected Irrigation Districts prior to annexation or when contemplating urban development of lands.
- 12. The City, County, and other affected agencies shall coordinate the expansion and development of all urban facilities and services within the urbanization area. Additionally:
 - A) Provisions for urban facilities and services shall be planned in a manner limiting duplication in an effort to provide greater efficiency and economy of operation.
 - B) A single urban facility or service extended into the urbanizable area must be coordinated with the planned future development of all other facilities and services appropriate to that area, and shall be provided at levels necessary for expected uses, as designated in the City's Comprehensive Plan.
- 13. All County road construction and reconstruction resulting from new development, redevelopment, or land division, in the urbanizable area shall be to urban standards, except that the term "reconstruction" does not include normal road maintenance by the County.
- 14. Except for URAs, no other land or *non-municipal* improvements located outside the Urban Growth Boundary shall be permitted to connect to the water line serving Erickson unless it is first included in the Urban Growth Boundary or a "reasons" exception is taken to applicable Statewide Land Use Planning Goals which allows such connection. The owners of such benefited property must sign an irrevocable consent to annex to the City of Central Point.

AMENDMENTS AND CORRECTIONS TO THE URBAN GROWTH BOUNDARY

The procedure for joint City and County review and amendment of urban growth boundary and urbanization policies are established as follows:

MAJOR REVISIONS

Major revisions in boundary or policies will be considered amendments to both the City and County comprehensive plans and, as such, are subject to a legislative review process. A major revision shall include any boundary change that has widespread and significant impact beyond the immediate area, such as quantitative changes allowing for substantial changes in population or significant increases in resource impacts; qualitative changes in the land use itself, such as conversion of residential to industrial use, or spatial changes that affect large areas of many different ownerships. Any change in urbanization policies is considered a major revision.

Major revisions will be considered by the City and County at periodic intervals in accordance with the terms of the mutually adopted urban growth boundary agreements between the County and each municipal jurisdiction. It is the intent of the governing bodies to review the urban growth boundary and urbanization policies for consistency upon completion of the City and County Comprehensive Plans.

A request for major revision can be initiated only by the County or City governing bodies or their respective planning commissions. Individuals, groups, citizen advisory committees, and affected agencies may petition the County or appropriate City in accordance with the procedural guidelines adopted by the jurisdiction for initiating major legislative amendments. The party who seeks the revision shall be responsible for filing adequate written documentation with the City and County governing bodies. Final legislative action on major revision requests shall be based on the factors stated in each mutually adopted urban growth boundary agreement. Generally these are:

- A) Demonstrated need to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities;
- B) The orderly and economic provision of public facilities and services;
- C) Maximum efficiency of land uses within the current urbanizable area;
- D) Environmental, energy, economic and social consequences;
- E) Compatibility of the proposed change with other elements of the City and County comprehensive plans; and,
- F) The other statewide planning goals.

Major revision proposals shall be subject to a mutual City and County review and agreement process involving affected agencies, citizen advisory committees, and the general public. The review process has the following steps:

- A) CAC and planning commissions review and *make recommendations* to the City Council and Board of County Commissioners;
- B) Proposal mailed to the affected agencies and property owners; and,
- C) Proposal heard and acted upon by City Council and Board of County Commissioners.

MINOR BOUNDARY LINE ADJUSTMENTS

Minor adjustments to an urban growth boundary line may be considered subject to similar procedures used by the City and County in hearing zoning requests. A minor amendment is defined as focusing on specific individual properties and not having significant impacts beyond the immediate area of the change.

Application for a minor boundary line amendment can only be made by property owners, their authorized agents, or by a City or County governing body. Written applications for amendments may be filed in the office of the Jackson County Department of Planning and Development on forms prescribed by the County. The standards for processing an application are as indicated in the mutually adopted urban growth boundary agreement. Generally these are the same factors as for a major urban growth boundary amendment.

CORRECTION OF ERRORS

- A. An error is generally considered to be a cartographic mistake, or a misprint, omission, or duplication in the text. They are technical in nature and not the result of new information or changing attitudes or policies.
- B. If the City Council and Board of County Commissioners become aware of an error in the map(s) or text of this mutually-adopted urbanization program, both bodies may cause an immediate amendment to correct the error, after mutual agreement is reached.
- C. Corrections shall be made by ordinance, following a public hearing conducted by both governing bodies, but hearings before the planning commissions shall not be required when an amendment is intended specifically to correct an error.

REVIEW, AMENDMENT AND TERMINATION OF AGREEMENT

- A. This Agreement may be reviewed and amended at any time by mutual consent of both parties, after public hearings by the Council and the Board of Commissioners.
- B. Any modifications to this Agreement will be consistent with City and County comprehensive plans and state law.
- C. Staff from City and County will attempt to informally resolve any disputes regarding the terms, conditions, or meaning of this Agreement. For any disputes not resolved through this informal process, the Council and the BOC will meet jointly in an attempt to resolve those disputes. Either party may request the services of a mediator to resolve any dispute.
- D. This Agreement may be terminated by either party subsequent to dissolution of a URA or an Area of Mutual Planning Concern. Such termination shall proceed through a properly noticed public hearing process.

This agreement supersedes the prior agreement between the parties on the same subject matter approved by the County on _____, 20____, and by the City on _____, 20____.

CITY OF CENTRAL POINT

JACKSON COUNTY
BOARD OF COMMISSIONERS

Hank Williams 3/2/21
Hank Williams, Mayor DATE

Rick Dyer, Chair DATE

APPROVED AS TO FORM:

County Counsel

ATTEST:

ATTEST:

C. C. C.
City Administrator
Manager

Recording Secretary

Attachment: Board Ordinance No. 2021-1 (1427 : Ordinance Adopting UGB Amendment Revision)

FILE NO: 439-20-00009-LRP **APPLICANT:** CITY OF CENTRAL POINT UGBA
HEARING DATE: 2/2/2021 **HEARING BODY:** J.C. PLANNING COMMISSION
TIME: 9:00 A.M. **LOCATION:** COURTHOUSE AUDITORIUM, 10 S OAKDALE, MEDFORD, OR.

EXHIBIT SCHEDULE

EXHIBIT NO.	NATURE OF EXHIBIT
1 PAGE 1	MEMO FROM STAFF TO THE JA CO PLANNING COMMISSION
2 PAGE 2	CRITERIA
3 PAGE 3	STAFF REPORT, DATED 1/20/2021
4 PAGE 12	APPLICATION SUBMITTED BY CITY OF CENTRAL POINT, DATED 7/15/2020
5 PAGE 23	FINDINGS OF FACT & CONCLUSIONS
6 PAGE 142	RESOLUTION NO. 1599
7 PAGE 144	TAX LOT INVENTORY
8 PAGE 146	CENTRAL POINT URBAN GROWTH BOUNDARY AGREEMENT
9 PAGE 156	LOCATION ANALYSIS REPORT
10 PAGE 209	TECHNICAL MEMORANDUM
11 PAGE 267	RVSS CP UGB EXPANSION ALTERNATIVES
12 PAGE 275	TRAFFIC IMPACT STUDY, DATED 7/27/2020
13 PAGE 311	PROPOSED UGB MAPS
14 PAGE 338	REGIONAL PLAN PROGRESS REPORT
15 PAGE 348	LAND OWNER NOTIFICATION MAP AND LIST
16 PAGE 374	DLCD PAPA CONFIRMATION FROM THE CITY OF CENTRAL POINT
17 PAGE 375	BOARD ORDER NO. 175-20, INITIATING THE UGBA
18 PAGE 377	LETTER FROM STAFF TO CITY OF CENTRAL POINT, DATED 12/16/2020
19 PAGE 378	EMAIL COMMENT FROM MIKE KUNTZ, JA CO ROADS TO STAFF, 8/21/2020
20 PAGE 379	EMAIL COMMENT FROM CHUCK DeJANVIER, JA CO ROADS TO CENTRAL PT
21 PAGE 383	EMAIL COMMENT FROM NICK BAKKE, RVSS TO CENTRAL POINT, 1/14/2021
22 PAGE 391	EMAIL COMMENT FROM COLLEEN PADILLA, SOREDI TO CENTRAL POINT
23 PAGE 393	EMAIL COMMENT FROM LARRY MARTIN TO CENTRAL POINT, 1/6/2021

Attachment: County Exhibit Schedule (1427 : Ordinance Adopting UGB Amendment Revision)

FILE NO: _____ **APPLICANT:** _____
HEARING DATE: _____ **HEARING BODY:** J. C. PLANNING COMMISSION

PAGE: -2-

EXHIBIT SCHEDULE

EXHIBIT NO.	NATURE OF EXHIBIT
24 PAGE 395	EMAIL COMMENT FROM JOANNA VICKOREN TO CENTRAL POINT, 1/19/21
25 PAGE 397	EMAIL FROM STAFF TO STAFF, DATED 11/10/2020
26 PAGE 398	EMAIL FROM CENTRAL POINT TO STAFF, DATED 12/02/2020
27 PAGE 400	EMAIL FROM STAFF TO CENTRAL POINT, DATED 12/16/2020
28 PAGE 402	NOTICE OF PUBLIC HEARING PREPARED BY CITY OF CENTRAL POINT
29 PAGE 434	AGENDA OF FEBRUARY 2, 2021
30 PAGE 436	DLCD PAPA ONLINE SUBMITTAL
31 PAGE 438	WRITTEN COMMENT FROM DAN & LOUISE SAKRAIDA, DATED 1/19/2021
32 PAGE 439	WRITTEN COMMENT FROM KATY & DUANE MALLAMS, DATED 9/8/2020
33 PAGE 441	WRITTEN COMMENT FROM CYNTHIA PASTORINO, DATED 1/24/2021
34 PAGE 442	WRITTEN COMMENT FROM KATY & DUANE MALLAMS, DATED 10/12/2020
35 PAGE 443	WRITTEN COMMENT FROM ANTONE J PEDERSEN
36 PAGE 445	WRITTEN COMMENT FROM RUSSELL KOCKX. DATED 2/1/2021
37 PAGE 446	WRITTEN COMMENT FROM KATY & DUANE MALLAMS, DATED 2/2/2021
38 PAGE 447	WRITTEN COMMENT FROM CONNIE GIBBS, DATED 1/31/2021
39 PAGE 449	WRITTEN COMMENT FROM MICAH HOROWITZ, ODOT, DATED 2/1/2021
40 PAGE 450	WRITTEN COMMENT FROM DONALD HUBBARD, DATED 1/30/2021
41 PAGE 451	WRITTEN COMMENT FROM DONALD & JANET HUBBARD, 1/31/2021
42 PAGE 452	WRITTEN COMENT FROM RONDA SETTGAST, DATED 2/1/2021
43 PAGE 455	POWERPOINT HEARING PRESENTATION BY STAFF, 2/2/2021

Attachment: County Exhibit Schedule (1427 : Ordinance Adopting UGB Amendment Revision)

FILE NO: 439-20-00009-LRP **APPLICANT:** City of Central Point UGB Amendment

HEARING DATE: 4/14/2021 **HEARING BODY:** BOARD OF COMMISSIONERS

TIME: 1:30 PM **COURTHOUSE AUDITORIUM, 10 SOUTH OAKDALE, MEDFORD, OREGON**

EXHIBIT SCHEDULE

EXHIBIT NO.	NATURE OF EXHIBIT
1 PAGE 1	MEMO FROM STAFF TO THE BOARD OF COMMISSIONERS
2 PAGE 2	PROPOSED LAND USE MAP
3 PAGE 3	CRITERIA
4 PAGE 4	JACKSON COUNTY PLANNING COMMISSION RECOMMENDATION FOR APPROVAL, DATED 2/2/2021
5 PAGE 7	ADOPTING ORDINANCE NO. 2073, SUBMITTED BY CITY OF CENTRAL POINT
6 PAGE 9	DRAFT AGREEMENT BETWEEN THE CITY OF CENTRAL POINT AND JACKSON COUNTY
7 PAGE 19	JACKSON COUNTY PLANNING COMMISSION MINUTES OF 2/2/2021
8 PAGE 23	AFFIDAVID OF PUBLICATION FOR 2/2/2021 PUBLIC HEARING
9 PAGE 25	NOTICE OF PUBLIC HEARING
10 PAGE 49	PACKET #1 - EXHIBITS 1 THROUGH 43 WHICH WERE BEFORE THE JACKSON COUNTY PLANNING COMMISSION AT A VIDEOCONFERENCE HEARING HELD ON 2/2/2021
11 PAGE 50	WRITTEN COMMENT FROM GREG HOLMES, 1000 FRIENDS OF OR., 2/2/2021
12 PAGE 52	AGENDA OF APRIL 14, 2021
13 PAGE 54	WRITTEN COMMENT FROM CYNTHIA PASTORINE, DATED 4/3/2021
14 PAGE 55	WRITTEN COMMENT FROM KATY & DUANE MALLAMS, DATED 4/13/2021
15 PAGE 56	WRITTEN COMMENT FROM ANTONE PEDERSON, DATED 4/5/2021

Attachment: County Exhibit Schedule (1427 : Ordinance Adopting UGB Amendment Revision)



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

ISSUE SUMMARY

TO:	City Council	DEPARTMENT:	City Attorney
FROM:	Sydnee Dreyer, City Attorney		
MEETING DATE:	June 24, 2021		
SUBJECT:	Ordinance No. _____, An Ordinance Establishing the Good Fortune Preferential Parking District No. 1 and Declaring an Emergency		
ACTION REQUIRED:	Motion Ordinance 2nd Reading	RECOMMENDATION:	Approval

BACKGROUND INFORMATION:

Council recently adopted Ordinance No. 2074 allowing for the establishment of preferential parking districts, codified as Chapter 10.14 of the Central Point Municipal Code. Individual parking districts may be established by Council at its discretion or upon receipt of a petition signed by the requisite number of residents or merchants of a proposed parking district.

Staff has been dealing with a renewal of issues at Peninger Road and Good Fortune Drive resulting in significant noise, trash and blockage of public right-of-way as well as a difficulty of hotels and motels within the proposed district to accommodate overnight parking for guests driving oversized vehicles.

In an effort to manage these issues, Council directed staff to bring back an ordinance creating a preferential parking district for this area. The parking district would help to manage the use of the public right-of-way, would encourage tourism in that overnight guests with large vehicles could be better accommodated, and would reduce other conflicts in this area.

At its June 10 meeting, Council made a motion to move the Ordinance to a second reading. In the meantime, the City is continuing to receive repeated calls from businesses in the area regarding vehicles parking long-term in the Good Fortune area, public urination, excessive trash along sidewalks and related issues appearing to result from the unregulated parking in this area. As a result, staff recommends that Council declare emergency adoption of this ordinance which is necessary for the immediate preservation of the public peace, health and safety. In doing so, it will enable staff to begin dealing with the parking issues and attendant issues that have developed, immediately, rather than wait an additional 30-days for ordinance effectiveness.

FINANCIAL ANALYSIS:

Significant costs or revenues will not be generated by the cost of a parking district.

LEGAL ANALYSIS:

Creation of parking districts is authorized by C.P.M.C. Chapter 10.14.

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

City of Central Point 2040 Strategic Plan

Strategic Priority – Responsible Governance

GOAL 5 - Continue to develop and foster the city's community policing program.

STRATEGY 1 – Build relationships with the community through interactions with local agencies, stakeholders, and members of the public, creating partnerships and programs for reducing crime and disorder.

STAFF RECOMMENDATION:

Approve Ordinance as presented.

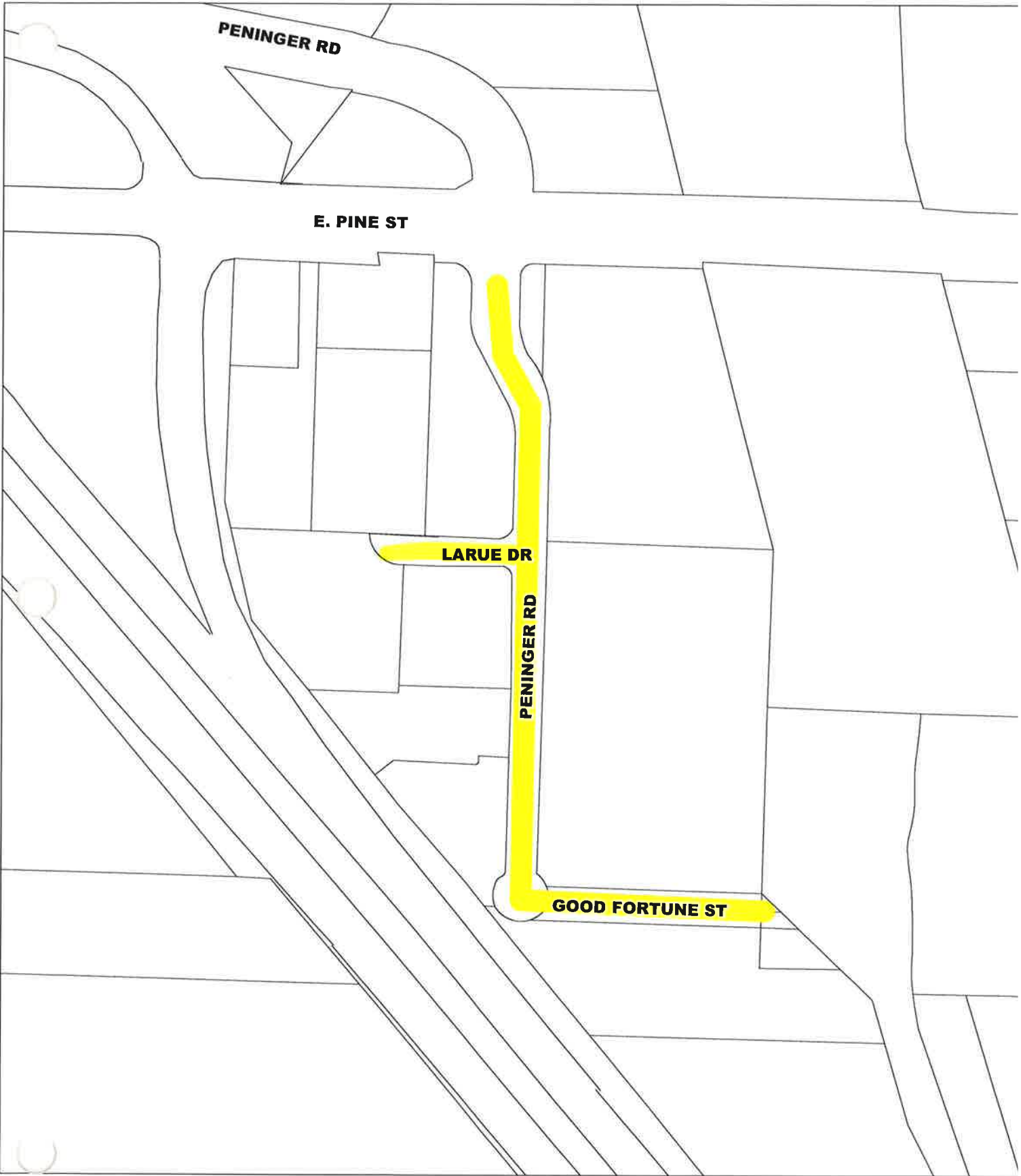
RECOMMENDED MOTION:

I move to Approve Ordinance No. _____, an Ordinance Establishing the Good Fortune Preferential Parking District No. 1 and Declaring an Emergency.

ATTACHMENTS:

1. Peninger Rd Parking District Ord Exh A
2. Ord Adopting Good Fortune Parking District

Attachment A



Attachment: Peninger Rd Parking District Ord Exh A (1424 : Ordinance Establishing the Good Fortune Preferential Parking District and



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ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING THE GOOD FORTUNE PREFERENTIAL PARKING DISTRICT NO. 1 AND DECLARING EMERGENCY ADOPTION (AMENDED AT SECOND READING TO INCLUDE LARUE DRIVE)

RECITALS:

- A. Pursuant to CPMC, Chapter 10.14, the City Council, may from time to time create preferential parking districts within the City.
- B. The purpose of the Good Fortune Parking District No. 1 is to reduce noise, litter and blockage of public right-of-way and to ensure that owners/operators of hotel/motel establishments within the district can equitably allocate parking for overnight guests of such businesses.
- C. The Ordinance establishes the parking restrictions within the district without a permit.
- D. The Council finds that emergency adoption of the Ordinance is necessary to deal with immediate and ongoing issues involving extended parking and attendant issues associated therewith such as public urination and accumulation of garbage.

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

SECTION 1. Good Fortune Preferential Parking District No. 1

A. Purpose. The Purpose of the Good Fortune Preferential Parking District No. 1 is to reduce noise, litter and blockage of the public right-of-way, and to ensure adequate parking for hotel/motel guests within this district.

B. Boundary Description. The area bounded as described below shall be designated the Good Fortune Parking District No. 1:

Beginning at the intersection of Peninger Road and Pine Street, south to Larue Drive, then west for the entire length of Larue Drive to its terminus, then continuing from Larue Drive south along Peninger Road to Good Fortune Drive, then east along Good Fortune Drive from Peninger Road to its terminus as further depicted on the map as Exhibit "A" incorporated herein by reference.

C. Parking Restrictions. The Director of Public Works or his designee is authorized to impose the parking restrictions identified in this section, issue parking permits, and post and maintain permit parking signs in the District. Parking without a permit on streets within the District shall be subject to the following parking restrictions:

- 1. Parking in the District between the hours of 6am to 11:59pm is restricted to 4-hours.
- 2. Overnight parking between the hours of 12am to 5:59am is prohibited.

D. Eligible Permit Holders. Owners or operators of hotel/motel businesses within the District may apply to the City for parking permits. Hotel/motel Merchants may issue permits to their overnight guests to accommodate overnight parking.

SECTION 2. The City Recorder is authorized to correct any cross-references and any typographical errors.

SECTION 3. EMERGENCY. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.

PASSED by the Council and signed by me in authentication of its passage this ____ day of June, 2021.

Mayor Hank Williams

ATTEST:

City Recorder



City of Central Point Staff Report to Council

ISSUE SUMMARY

TO:	City Council	DEPARTMENT:	City Attorney
FROM:	Sydnee Dreyer, City Attorney		
MEETING DATE:	June 24, 2021		
SUBJECT:	Resolution No. _____, Resolution Setting Preferential Parking District Fees and Fines		
ACTION REQUIRED:	Motion Resolution	RECOMMENDATION:	Approval

BACKGROUND INFORMATION:

Council established the process to create preferential parking districts via Ordinance No. 2074, codified as Chapter 10.14 of the Central Point municipal code. The ordinance provides that the fee for issuance of permits is to be established by resolution and sets a default amount of \$25.00 in the absence of a resolution setting forth the fee.

The Ordinance further provides that the fine for violation of the parking restrictions within a preferential parking district are to be established by resolution.

On June 10, 2021, Council moved to a second reading an Ordinance establishing the Good Fortune Preferential Parking District, which is the first preferential parking district within the City. As the cost to manage the parking district is not yet fully known, and the nature of this parking district will be such that the City will issue single use parking hangtags to be distributed by hotels within the district to certain hotel guests, staff is recommending an initial fee of \$25.00 for 100 hangtags. Staff intends to track its costs, and if it determines that this fee should be adjusted, will come back to Council at a future date recommending a revised permit fee.

Staff recommends that the penalty for violation of parking restrictions within a parking district be set at \$250.00. Staff recommends this amount as it is significant enough to encourage compliance with the parking restrictions within a preferential parking district. This is essential in that parking districts are likely only to be utilized where conflicts with parking and neighboring residents or businesses have become significant and difficult to manage. Further to ensure the efficacy of such districts, the City is likely to spend significant staff time initially enforcing these rules.

FINANCIAL ANALYSIS:

LEGAL ANALYSIS:

Council reserved the right to establish the permit fee and fines by Ordinance No. 2074

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

STAFF RECOMMENDATION:

Staff recommends approval.

RECOMMENDED MOTION:

I move to approve Resolution No. _____, a resolution setting preferential parking district fees and fines.

ATTACHMENTS:

1. RESO Establishing Parking District Fees and Fines

RESOLUTION NO. _____

**A RESOLUTION SETTING PREFERENTIAL
PARKING DISTRICT FEES AND FINES**

Recitals:

- A. In 2021 the City Council adopted Ordinance 2074 establishing the process for creation of preferential parking districts, codified in CPMC Chapter 10.14.
- B. CPMC 10.14.080 provides that the cost for issuance of preferential parking district permits shall be established by Council resolution, and in the absence of Council resolution the default fee shall be \$25.00.
- C. CPMC 10.14.100.A provides that parking in violation of parking restrictions within a preferential parking district is an infraction punishable by a fine; such fine to be established by Council resolution.
- D. Council desires to establish certain fees and fines for preferential parking districts as provided in Ordinance 2074.
- E. Council desires to establish the permit fee for the Good Fortune Preferential Parking District which may be modified in the future as Council assesses the cost to the City for maintenance of such preferential parking district programs.
- F. Council desires to establish the fine for violation of parking restrictions within a preferential parking district as provided in CPMC 10.14.100

The City of Central Point Resolves as follows:

Section 1. Permit fees for the Good Fortune Preferential Parking District shall be as follows, unless adjusted by Council in the future:

\$25 for 100 hang-tag parking permits

Section 2. As provided in CPMC 10.14.100.A, upon conviction, the fine for parking or standing a motor vehicle in violation of the parking restrictions in a designated preferential parking district shall be \$250 for each separate violation. A person is guilty of a separate infraction for each and every day, or portion of a day, during which a violation of any parking restrictions is committed, continued or permitted by any such person.

Attachment: RESO Establishing Parking District Fees and Fines (1433 : Resolution Establishing Parking District Fees and Fines)

Passed by the Council and signed by me in authentication of its passage this _____ day of _____, 2021.

Mayor Hank Williams

ATTEST:

City Recorder

Attachment: RESO Establishing Parking District Fees and Fines (1433 : Resolution Establishing Parking District Fees and Fines)



City of Central Point Staff Report to Council

ISSUE SUMMARY

TO:	City Council	DEPARTMENT:	Finance
FROM:	Steven Weber,		
MEETING DATE:	June 24, 2021		
SUBJECT:	Resolution No. _____, A Resolution of the City of Central Point Approving a 2019-21 Supplemental Budget		
ACTION REQUIRED:	Motion Resolution	RECOMMENDATION:	Approval

BACKGROUND INFORMATION:

Oregon Revised Statutes allow for changes to a budget after adoption when various events occur. More specifically, ORS 294.463 Transfers of Appropriations Within Fund or Between Funds allows for the transfers of appropriation authority between expenditure categories within a fund or between different funds upon approval of the governing body of a municipal corporation. Also, ORS 294.471 Supplemental Budget in certain cases; no increase in property taxes permitted. (1) Notwithstanding requirements as to certain estimates of and limitation on expenditures, during the fiscal year or budget period for which the original budget was adopted, the governing body may make one or more supplemental budgets under certain circumstances. One such circumstance is *an occurrence or condition that is not ascertained when preparing the original budget or a previous supplemental budget for the current year or current budget period and that requires a change in financial planning.*

The circumstances that require this budget adjustment fall under the ORS sections described above. The budget adjustment for the Police Department is for their continued partnership with Community Works for an on-site domestic violence victim advocate. This partnership is made possible through the successful award of a grant through the Department of Justice, which was awarded to the Police Department after the 2019-21 biennial budget was adopted. There was a previous supplemental budget (Resolution No. 1656) to recognize unanticipated revenue and expense amounts of \$87,470. This resolution will recognize an additional \$60,000 of unanticipated revenue and expenses related to this grant.

The second circumstance that requires a budget adjustment is staffing reassignments within the Public Works Department. At different times throughout the current biennium staff members were reassigned to different operating functions of the department which had different cost centers than originally budgeted for in the 2019-21 biennial budget. As a result, personal services budget amounts need to be adjusted within the Street, Water, Stormwater, and Internal Services Funds. Although overall personal services budget amounts were not increased in total, there was an increase in both the Street (\$100,000) and Stormwater (\$200,000) Funds with a corresponding reduction in the Water (\$135,000) and Internal Services (\$165,000) Funds.

The next circumstance that requires a budget amendment is the completion of the Don and Flo Bohnert Farm Park. This project was budgeted to be completed during the 2017-19 biennial budget, however, completion of the project and finalization of the grant received from the State of Oregon related to the project carried over to the early months of the 2019-21 biennial budget. To account for this, a transfer of appropriation from the Transfers Out expenditure category and an increase in the Capital Outlay category is contained in this resolution. There is no change to the overall total budgeted fund expenditures.

The last circumstance that requires a budget adjustment is the Contract/Professional Services line item in the Building Fund. Due to the increase in building activity, both commercial and residential, in the City during the 2019-21 biennial budget period a corresponding increase in the use of a contracted electrical inspector has been needed. A contracted Building Official has also been utilized for staff coverage during off-site trainings and/or staff vacations. Although the increase in building activity has resulted in much higher revenue than was budgeted, staff feels that an appropriation transfer from the Personal Services expenditure category to the Materials & Services expenditure category is an appropriate budget adjustment.

FINANCIAL ANALYSIS:

With the adoption of the changes contained in this supplemental budget (\$360,000) and previously adopted budget amendments the 2019-21 biennial budget will increase to \$70,097,784. The originally adopted 2019-21 budget was \$67,183,859.

LEGAL ANALYSIS:

N/A

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

N/A

STAFF RECOMMENDATION:

Approve resolution as presented.

RECOMMENDED MOTION:

I move to approve Resolution No. _____ a resolution approving a 2019-21 supplemental budget.

ATTACHMENTS:

1. RESO Supplemental Budget #4 2019-21

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF CENTRAL POINT
APPROVING A 2019-21 SUPPLEMENTAL BUDGET

Recitals:

- A. ORS 294.471 (1) (c) allows the governing body to adopt a supplemental budget when funds are made available by another of federal, state or local government and the availability of which could not reasonably be foreseen when preparing the original budget or a previous supplemental budget for the current year or current budget period.
- B. ORS 294.463 (1) and (3) allows the transfers of appropriations within fund or between funds when authorized by ordinance or resolution of the governing body. The ordinance or resolution must state the need for the transfer, the purpose of the authorized expenditure and the amount transferred.
- C. The City of Central Point Police Department was awarded a victim's advocate grant through the Department of Justice and partnered with Community Works. During the current biennium grants receipts and expenditures have totaled \$60,000.
- D. Throughout the biennium, the Public Works department had multiple reassignment of staff to different functions areas. As a result, budgeted personal service amounts within the Street, Water, Stormwater, and Internal Services Funds need to be adjusted to account for these reassignments. Overall Personal Services budget amounts were not increased in total, however, there was an increase in both the Street (\$100,000) and Stormwater Funds (\$200,000) with a corresponding reduction in the Water (\$135,000) and Internal Services Funds (\$165,000).
- E. The Don and Flo Bohnert Farm Park was budgeted to be completed during the 2017-19 biennial budget period, however, costs associated with the project were finalized early in the 2019-21 biennial budget. In order to stay within budget compliance for this fund, a transfer of appropriation from the Transfers Out expenditure category and an increase in the Capital Outlay expenditure category is necessary. There is no change to the total budgeted fund expenditures.
- F. Due to the increase in building activity, both commercial and residential, during the 2019-21 biennial budget period, the Building Department has had an increase in electrical inspection services. A contracted Building Official was also used for staff coverage during offsite training and/or staff vacations. The increase in building activity has resulted in increased revenue, however, staff feels an appropriation transfer from the Personal Services expenditure category to the Materials & Services expenditure category is an appropriate budget adjustment.

The City of Central Point resolves as follows:

Resolution No. _____ (062421)

Section 1.

	<u>Budget</u>	<u>Revenues</u>	<u>Expenses</u>	<u>Adjusted Budget</u>
<u>General Fund</u>		<u>\$ 33,206,840</u>	<u>\$ 33,206,840</u>	
Government Grants	\$ 506,995	\$ 60,000		\$ 566,995
Police	\$ 10,718,335		\$ 60,000	\$ 10,778,335
General Fund - Revised		<u>\$ 33,266,840</u>	<u>\$ 33,266,840</u>	
<u>Street Fund</u>		<u>\$ 10,901,840</u>	<u>\$ 10,901,840</u>	
Transfers In	\$ -	\$ 100,000		\$ 100,000
Personal Services	\$ 532,670		\$ 100,000	\$ 632,670
Street Fund - Revised		<u>\$ 11,001,840</u>	<u>\$ 11,001,840</u>	
<u>Capital Imp. Fund</u>		<u>\$ 1,117,650</u>	<u>\$ 1,117,650</u>	
Capital Outlay	\$ 517,000		\$ 100,000	\$ 517,000
Transfers Out	\$ 143,500		\$ (100,000)	\$ 43,500
Capital Imp. Fund - Revised		<u>\$ 1,117,650</u>	<u>\$ 1,117,650</u>	
<u>Building Fund</u>		<u>\$ 1,429,550</u>	<u>\$ 1,429,550</u>	
Personal Services	\$ 475,390		\$ (25,000)	\$ 475,390
Materials & Services	\$ 127,600		\$ 25,000	\$ 152,600
Building Fund - Revised		<u>\$ 1,429,550</u>	<u>\$ 1,429,550</u>	
<u>Water Fund</u>		<u>\$ 9,691,487</u>	<u>\$ 9,691,487</u>	
Personal Services	\$ 1,661,705		\$ (135,000)	\$ 1,661,705
Transfers Out	\$ -		\$ 135,000	\$ 135,000
Water Fund - Revised		<u>\$ 9,691,487</u>	<u>\$ 9,691,487</u>	
<u>Stormwater Fund</u>		<u>\$ 4,480,044</u>	<u>\$ 4,480,044</u>	
Transfers In	\$ -	\$ 200,000		\$ 200,000
Personal Services	\$ 170,000		\$ 200,000	\$ 370,000
Stormwater Fund - Revised		<u>\$ 4,680,044</u>	<u>\$ 4,680,044</u>	
<u>Internal Services Fund</u>		<u>\$ 3,452,985</u>	<u>\$ 3,452,985</u>	
Personal Services	\$ 1,343,390		\$ (165,000)	\$ 1,343,390
Transfers Out	\$ 50,000		\$ 165,000	\$ 215,000
Internal Services Fund - Revised		<u>\$ 3,452,985</u>	<u>\$ 3,452,985</u>	

Attachment: RESO Supplemental Budget #4 2019-21 (1434 : Supplemental Budget #4 2019-21)

Passed by the Council and signed by me in authentication of its passage this 24th day of June 2021.

Mayor Hank Williams

ATTEST

Deanna Casey, Recorder

Attachment: RESO Supplemental Budget #4 2019-21 (1434 : Supplemental Budget #4 2019-21)



City of Central Point Staff Report to Council

ISSUE SUMMARY

TO: City Council **DEPARTMENT:** Finance

FROM: Steven Weber,

MEETING DATE: June 24, 2021

SUBJECT: Resolution No. _____, Certifying the Provision of Municipal Services by the City of Central Point, Oregon

ACTION REQUIRED: Motion Resolution
RECOMMENDATION: Approval

BACKGROUND INFORMATION:

This resolution certifies the provision of services provided by the City and is required by ORS 221.760 in order to receive State cigarette, liquor, and highway taxes. We have budgeted \$3,673,390 from these sources over the next two years.

This resolution is required by the State of Oregon to be adopted for the ensuing fiscal year. Even though the State allows for the biennial budget process, cities are not allowed to adopt these resolutions for a two year period.

FINANCIAL ANALYSIS:

Financial impact is stated in the background information above.

LEGAL ANALYSIS:

N/A

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

N/A

STAFF RECOMMENDATION:

Approve resolution as presented.

RECOMMENDED MOTION:

I move to approve Resolution No. _____ a resolution certifying the provision of municipal services by the City of Central Point, Oregon.

ATTACHMENTS:

1. Resolution 2021 Certifying Services

RESOLUTION NO. _____

A RESOLUTION CERTIFYING THE PROVISION OF MUNICIPAL SERVICES BY THE CITY OF CENTRAL POINT, OREGON

Recitals:

ORS 221.760 provides that for cities located within counties having population over 100,000 to receive state revenues from cigarette, gas and liquor taxes, the State of Oregon must be satisfied that the City provides certain municipal services.

Therefore, the City of Central Point resolves as follows:

That the citizens of Central Point are provided the following services;

- Police protection
- Street construction, maintenance and lighting
- Storm sewers
- Planning, zoning and subdivision control
- Water utilities

Passed by the Council and signed by me in authentication of its passage this 24th Day of June 2021.

Mayor Hank Williams

ATTEST:

City Recorder

Attachment: Resolution 2021 Certifying Services (1429 : Resolution Certifying Municipal Services)

I move to approve Resolution No. _____ A Resolution Approving Appointments and Adopting General Procedures for Fiscal Year 2021-2022.

ATTACHMENTS:

1. General Procedures Resolution 2021-2022

RESOLUTION NO. _____

A RESOLUTION APPROVING APPOINTMENTS AND ADOPTING GENERAL PROCEDURES FOR FISCAL YEAR 2021-2022

RECITALS:

- A. The Central Point City Council deems it appropriate to authorize certain appointments and procedures relating to City administration, budget, and fiscal management for fiscal year 2021-2022.

The City of Central Point resolves as follows: For the fiscal year 2021-2022, the following appointments are hereby made; the following policies and procedures are imposed, and the same are hereby adopted:

Section 1. Appointments.

- A. Insurance Agent of Record. Brown & Brown Northwest is hereby appointed to continue as Insurance Agent of Record for the City for property, general liability, vehicle liability, workers compensation and bond insurance through June of 2022.
- B. City Attorney. Sydnee Dreyer of Jarvis, Dreyer, Glatte & Larsen, LLP is hereby appointed to the office of City Attorney and is designated as a sworn officer under the terms of the legal services contract through June 2022.
- C. Municipal Judge. Jackson County Justice of the Peace, Damian Idiart, is hereby appointed as Municipal Court Judge under the terms of the intergovernmental agreement between the City of Central Point and Jackson County through June 2022.
- D. City Auditor. Isler Certified Public Accountants is hereby appointed as City Auditor through June 2022 pursuant to statutes requiring independent fiscal audit of the City, and subject to the contract for Audit of an Oregon Municipality.
- E. City Engineer. Jeff Ballard with RH2 Engineering Inc. is hereby appointed as City Engineer of the City of Central Point under the terms of the contract through June 2022.

Section 2. Council Expenses.

City Council members may elect to receive compensation of \$150 per month, and the Mayor may elect to receive compensation of \$250 per month. In addition to said compensation, reimbursement may also be made to the Mayor or Council members for actual expenses incurred while on official City business.

Section 3. Designation of Depository.

Any Central Point branch of an FDIC insured bank, the State of Oregon Local Government Investment Pool, and all successors in interest to those institutions are each hereby designated as depositories for City funds, and the Finance Director or designee may deposit monies belonging to the City in any or all of said institutions in accordance with applicable law until further order of the City Council.

Section 4. Authority to Keep, Invest, Transfer and Expend Funds

- A. The Finance Director or designee is hereby authorized to invest any surplus funds in accordance with ORS 294.035 and ORS 294.810, in such investments as are authorized by said statutes, and to transfer funds from one account to another.
- B. The Finance Director or designee is hereby authorized to establish a petty cash fund with a balance not to exceed \$2,000. The fund may be used to maintain cash drawer change funds and provide for miscellaneous expenditures not to exceed \$100 per transaction; except that upon approval of the City Manager or the Finance Director a maximum expenditure of \$200 per transaction may be made.
- C. The City Manager or designee is authorized to expend funds in accordance with budget appropriations. All revenues received and expenditures incurred by the City in implementing the budget appropriations shall be reported to the Council. Such reports will normally be made on a quarterly basis.

Section 5. Accounting Principles.

The City shall maintain its financial records in accordance with current generally accepted accounting principles, and all applicable laws and regulations.

Section 6. Interfund and Overhead Fees.

Expenditures incurred by one fund for the benefit of another fund may be reimbursed in accordance with acceptable accounting procedures as determined by the Finance Director.

Section 7. Outstanding Checks.

Outstanding checks stale dated will be handled in accordance with the abandoned property provisions under ORS 98.352.

Section 8. Capital Acquisition.

Assets with an initial, individual cost of more than \$5,000 and an estimated useful life in excess of two years shall be capitalized.

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

Mayor Hank Williams

ATTEST:

City Recorder



City of Central Point Staff Report to Council

ISSUE SUMMARY

TO: City Council **DEPARTMENT:** Finance

FROM: Steven Weber,

MEETING DATE: June 24, 2021

SUBJECT: Resolution No. _____, Electing to Receive State Revenue Sharing Funds for Fiscal Year July 1, 2021 - June 30, 2022

ACTION REQUIRED: Motion
Public Hearing
Resolution

RECOMMENDATION: Approval

BACKGROUND INFORMATION:

This resolutions requests and qualifies the City under ORS 221.770 to receive \$475,285 in state revenue sharing funds for the 2021-22 fiscal year.

This resolution is required by the State of Oregon and can only be adopted for the ensuing fiscal year. Even though the State allows for the biennial budget process, cities are not allowed to adopt these resolutions for a two year period.

FINANCIAL ANALYSIS:

Financial impact stated in the background information above.

LEGAL ANALYSIS:

N/A

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

N/A

STAFF RECOMMENDATION:

- 1) Hold a public hearing for citizens to ask questions or comment on the proposed use of State revenue sharing funds, and for the purpose of allowing citizens to comment or ask questions about the approved budget as a whole.
- 2) Approve the resolution as presented.

RECOMMENDED MOTION:

I move to approve resolution No. _____, a resolution receiving State revenue sharing funds for fiscal year July 1, 2021 through June 30, 2022.

ATTACHMENTS:

1. Resolution 2021 State Revenue Sharing

RESOLUTION NO. _____

A RESOLUTION ELECTING TO RECEIVE STATE REVENUE SHARING FUNDS FOR FISCAL YEAR JULY 1, 2021 THROUGH JUNE 30, 2022

Recitals:

The State of Oregon sets forth requirements for eligibility of State Revenue Sharing funds. The City of Central Point has qualified and desires to receive such funds.

Therefore, the City of Central Point resolves as follows:

Section 1. The City hereby elects to receive distribution under ORS 221.770 of the State Revenue Sharing funds.

Section 2. The City hereby certifies as follows:

- A. The City held a public hearing before the Budget Committee on May 3, 2021 at which time citizens had the opportunity to provide written and oral comment to the City Council on the possible uses of State Revenue Sharing funds.
- C. The City held a second public hearing before the City Council on June 24, 2021, at which time citizens had the opportunity to provide written and oral comment and ask questions of the City Council on the proposed use of State Revenue Sharing funds for the biennial budget period of July 1, 2021 through June 30, 2022.
- D. The City levied a property tax for the year proceeding the year in which State Revenue Sharing funds are sought hereunder and pursuant to ORS 471.810.

Section 3. A copy of this resolution shall be filed with the executive department of the State of Oregon prior to July 31, 2021.

Passed by the Council and signed by me in authentication of its passage this 24th day of June 2021.

Mayor Hank Williams

ATTEST:

City Recorder



City of Central Point Staff Report to Council

ISSUE SUMMARY

TO: City Council **DEPARTMENT:** Finance

FROM: Steven Weber,

MEETING DATE: June 24, 2021

SUBJECT: Resolution No. _____, Adopting the Budget; Make Appropriations and Levy Taxes for the Biennial Budget Period July 1, 2021 through June 30, 2023

ACTION REQUIRED: Motion
Public Hearing
Resolution

RECOMMENDATION: Approval

BACKGROUND INFORMATION:

On May 3rd and 10th the Central Point Budget Committee met to discuss the proposed 2021-23 biennial budget. The budget was approved to be presented to the City Council for formal adoption. Total budget to be appropriated is \$63,498,670 with a tax levy of \$4.47 per thousand dollars of assessed value.

FINANCIAL ANALYSIS:

State in background information above.

LEGAL ANALYSIS:

N/A

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

STAFF RECOMMENDATION:

- 1) Hold a public hearing for the purpose of allowing citizens to comment or ask questions about the approved budget.
- 2) Approve the resolution as presented.

RECOMMENDED MOTION:

I move to approve Resolution No. _____, A Resolution to Adopt the Budget; Make Appropriations and Levy Taxes for the Biennial Budget Period July 1, 2021 through June 30, 2023

ATTACHMENTS:

1. 2021.23 Adopting Budget Resolution

RESOLUTION NO. _____

**A RESOLUTION TO ADOPT THE BUDGET; MAKE APPROPRIATIONS
AND LEVY TAXES FOR THE BIENNIAL BUDGET PERIOD
JULY 1, 2021 THROUGH June 30, 2023**

RECITALS:

- A. Oregon statute (ORS 294.326) requires municipalities to prepare and adopt a financial plan (budget) containing estimates of revenues and expenditures in compliance with Oregon budget laws prior to making expenditures or tax certification.
- B. No increases were made to the proposed tax levy of the approved budget, nor were any budget estimates increased more than 10% as limited by law.
- C. A public hearing was duly held by the City Council of Central Point, Oregon on June 24, 2021 for the approved biennial budget in the amount of \$63,498,670.

The City of Central Point resolves as follows:

To adopt the budget, make appropriations and levy taxes for the biennial budget period beginning July 1, 2021 and ending June 30, 2023.

Section 1. Taxes and other receipts of the City of Central Point are hereby appropriated for the purposes set forth below.

Fund/Object Classification	Appropriation
<u>General Fund</u>	
General Fund - Administration	1,847,595
General Fund - City Enhancement	363,000
General Fund - Technical Services	1,330,730
General Fund - Mayor & Council	159,980
General Fund - Finance	1,819,010
General Fund - Parks	2,474,505
General Fund - Recreation	1,113,300
General Fund - Planning	1,121,760
General Fund - Police	11,065,085
General Fund - Interdepartmental	3,244,705
Total General Fund	24,539,670

Fund/Object Classification	Appropriation
<u>Street Fund</u>	
Street Fund - Operations/Capital Projects	7,117,515
Street Fund - SDC Capital Projects	817,000
Street Fund - Interdepartmental	2,557,420
<i>Total Street Fund</i>	10,491,935
<u>Federal Stimulus Grant Fund</u>	
Fed. Stimulus Grant Fund – Materials & Services	450,000
Fed. Stimulus Grant Fund - Capital Projects	2,300,000
Fed. Stimulus Grant Fund - Interdepartmental	1,091,860
<i>Total Federal Stimulus Grant Fund</i>	3,841,860
<u>Capital Improvements Fund</u>	
Capital Improvements Fund - Park SDC Capital Projects	100,000
Capital Improvements Fund - Interdepartmental	599,285
<i>Total Capital Improvements Fund</i>	699,285
<u>Reserve Fund</u>	
Reserve Fund - Capital Projects	250,000
Reserve Fund - Interdepartmental	528,385
<i>Total Reserve Fund</i>	778,385
<u>Debt Service Fund</u>	
Debt Service Fund - Debt Service	753,135
Debt Service Fund – Interdepartmental	57,730
<i>Total Debt Service Fund</i>	810,865
<u>Building Fund</u>	
Building Fund - Personnel Services	609,845
Building Fund - Materials & Services	127,360
Building Fund - Interdepartmental	915,305
<i>Total Building Fund</i>	1,652,510

Fund/Object Classification	Appropriation
<u>Water Fund</u>	
Water Fund -Operations/Capital Projects	9,676,800
Water Fund -SDC Water Improvements	255,000
Water Fund -Interdepartmental	1,429,455
Total Water Fund	11,361,255
<u>Stormwater Fund</u>	
Stormwater Fund - Operations/Capital Projects	3,350,440
Stormwater Fund - Quality	205,000
Stormwater Fund -SDC Capital Projects	275,000
Stormwater Fund -Interdepartmental	2,121,065
Total Stormwater Fund	5,951,505
<u>Internal Services Fund</u>	
Internal Services Fund- Facilities Maintenance	569,700
Internal Services Fund- Public Works Administration	1,546,515
Internal Services Fund- Fleet Maintenance	1,055,950
Internal Services Fund- Interdepartmental	199,235
Total Internal Services Fund	3,371,400
Total All Funds	\$63,498,670

Section 2. As authorized by law and the Charter of the City of Central Point, Oregon, there is hereby levied upon the taxable property of said city as shown on the tax rolls of Jackson County, Oregon, for the biennial budget period which includes fiscal years 2021/22 through 2022/23, the rate of \$4.47 per \$1,000 of assessed valuation for general government purposes, as follows:

<u>General Government</u>	<u>Subject to Measure 5 Limits</u>	<u>Not Subject to Measure 5 Limits</u>	<u>Total</u>
TOTAL LEVY	\$4.47		\$4.47

Section 3. The Finance Director is hereby authorized to enter the appropriation for each organizational unit, program, and division of the budget separately on the proper books and records as prescribed by law; and is further directed to certify to the Assessor of Jackson County, Oregon, the levy of taxes of the City of Central Point, Oregon, and to take all other steps with regard to said budget and levy as required by law.

*Passed by the Council and signed by me in authentication of its passage
on June 24, 2021.*

Mayor Hank Williams

ATTEST:

City Recorder



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

ISSUE SUMMARY

TO:	City Council	DEPARTMENT:	Community Development
FROM:	Justin Gindlesperger, Community Planner II		
MEETING DATE:	June 24, 2021		
SUBJECT:	First Reading, an Ordinance Amending Central Point Municipal Code Chapter 8.24 Flood Damage Prevention (File No. ZC-21002)		
ACTION REQUIRED:		RECOMMENDATION:	
Motion		Approval	
Public Hearing			
Ordinance 1st Reading			

BACKGROUND INFORMATION:

The City first began floodplain management in 1982 with the adoption of Flood Insurance Rate Maps (FIRM) and participation in the National Flood Insurance Program (NFIP). The City's floodplain management program supports community resiliency through preventive and corrective measures. These measures include requirements for zoning, subdivisions, buildings and building codes, and the overall floodplain environment.

The NFIP makes Federal flood insurance available in Central Point in exchange for the City's adoption and enforcement of floodplain regulations that meet or exceed the minimum standards set forth in the Code of Federal Regulations. As a result of changes in minimum requirements and "best practices" at the state and federal levels, it is both appropriate and necessary to update Chapter 8.24 of the Central Point Municipal Code.

The proposed amendments are based on the State's Model Flood Damage Prevention Code ("Model Code"), with modifications to include code language acceptable to FEMA. The proposed amendments are organizational and they provide updates to the floodplain management standards, including clarification between affiliated codes (i.e. Building Codes, Zoning Ordinance, etc.), and will not affect overall implementation of the floodplain management program.

The Planning Commission considered the code amendments at the June 1, 2021 meeting and forwarded a favorable recommendation to Council to approve the proposed amendments. The Planning Commission decision considered the Citizen Advisory Committee's (CAC) recommendation to approve the amendments at the April 13, 2021 meeting. Comments and discussion with the Planning Commission and CAC

highlighted the proposed amendments will not affect implementation of the floodplain management program, are necessary to maintain good-standing within the federal programs, and will provide additional safety from flooding hazards.

FINANCIAL ANALYSIS:

The proposed code amendments do not generate additional cost to the City beyond in-kind staff expense.

LEGAL ANALYSIS:

The primary issues to be considered and discussed at the meeting will be related to CPMC 17.10.400. A decision for a text amendment shall be based on approval criteria, applicable regulations and factual evidence in the record. A decision may be for denial, approval or approval with conditions.

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

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:

Conduct a duly noticed public hearing and first reading of the ordinance for proposed floodplain management amendments and forward the Ordinance to a second reading with or without changes.

RECOMMENDED MOTION:

I move to forward the Ordinance approving amendments to Chapter 8.24 – Flood Damage Prevention of the Central Point Municipal Code to a second reading at the July 8, 2021 Council Meeting.

ATTACHMENTS:

1. Planning Commission Resolution No. 891
2. Ordinance_Draft - 06242021

PLANNING COMMISSION RESOLUTION NO. 891
A RESOLUTION APPROVING MAJOR AMENDMENTS TO CPMC 8.24
FILE NO. ZC-21002

Applicant: City of Central Point

WHEREAS, on June 1, 2021 the Planning Commission, at a duly scheduled public hearing, considered major amendments to Chapter 8.24 – Flood Damage Prevention of the Central Point Municipal Code (“CPMC”) as identified in Exhibit “1” – Staff Report dated June 1, 2021:


WHEREAS, it is the finding of the Planning Commission that the above referenced code amendments comply with the approval criteria set forth in CPMC 17.10, including the Statewide Planning Goals, Comprehensive Plan and Transportation Planning Rule as evidenced by the Planning Department Findings identified as Attachment “B” in the Staff Report dated June 1, 2021 (Exhibit 1)

NOW, THEREFORE, BE IT RESOLVED, that the City of Central Point Planning Commission, by this Resolution No. 891, does hereby forward a favorable recommendation to the City Council to approve the amendments as set forth in the Staff Report dated August 7, 2018 attached hereto by reference as Exhibit “1” including all attachments therein, which are herein incorporated by reference.

PASSED by the Planning Commission and signed by me in authentication of its passage this 1st day of June 2021.


Planning Commission Chair

ATTEST:


City Representative
Approved by me this 1st day of June 2021.

**PLANNING DEPARTMENT
FINDINGS OF FACT AND CONCLUSIONS OF LAW
File No.: ZC-21002**

**Text Amendments to Central Point Municipal Code
Chapter 8.24, Flood Damage Prevention to comply
with National Flood Insurance Program (NFIP) standards
and the Community Rating System (CRS) program requirements.**

Applicant:) Findings of Fact
City of Central Point) and
140 South 3rd Street) Conclusion of Law
Central Point, OR 97502

**PART 1
INTRODUCTION**

The proposed text amendment aims to provide consistency with Federal and State guidance and implement improved base floodplain management standards to promote a safer community.

The zone text amendment request is a legislative amendment, which is processed using Type IV application procedures. Type IV procedures set forth in Section 17.05.500 provides the basis for decisions upon standards and criteria in the development code and the comprehensive plan, when appropriate.

Applicable development code criteria for this Application include CPMC 17.10, which includes compliance with the statewide planning goals, comprehensive plan and Transportation Planning Rule. The amendment’s compliance with applicable criteria are presented in Part 2 and summarized in Part 3.

PART 2 - ZONING CODE COMPLIANCE

17.10.200 Initiation of amendments.

A proposed amendment to the code or zoning map may be initiated by either:

- A. A resolution by the planning commission to the city council;
- B. A resolution of intent by the city council; or for zoning map amendments;
- C. An application by one or more property owners (zoning map amendments only), or their agents, of property affected by the proposed amendment. The amendment shall be accompanied by a legal description of the property or properties affected; proposed findings of facts supporting the proposed amendment, justifying the same and addressing the substantive standards for such an amendment as required by this chapter and by the Land Conservation and Development Commission of the state. (Ord. 1989 §1(part), 2014).

Attachment: Planning Commission Resolution No. 891 (1432 : Ordinance Chapter 8.24 Floodplain Management Text Amendments)

Finding CPMC 17.10.200: *The Planning Commission is being asked to consider Resolution No. 891 to forward a favorable recommendation to the City Council regarding proposed changes to Central Point Municipal Code (CPMC) Chapter 8.24, Flood Damage Prevention.*

Conclusion 17.10.200: *Consistent.*

17.10.300 Major and minor amendments.

There are two types of map and text amendments:

A. Major Amendments. Major amendments are legislative policy decisions that establish by law general policies and regulations for future land use decisions, such as revisions to the zoning and land division ordinance that have widespread and significant impact beyond the immediate area. Major amendments are reviewed using the Type IV procedure in Section 17.05.500.

B. Minor Amendments. Minor amendments are those that involve the application of adopted policy to a specific development application, and not the adoption of new policy (i.e., major amendments). Minor amendments shall follow the Type III procedure, as set forth in Section 17.05.400. The approval authority shall be the city council after review and recommendation by the planning commission. (Ord. 1989 §1(part), 2014; Ord. 1874 §3(part), 2006).

Finding CPMC 17.10.300: *The proposed amendments are legislative changes to land use regulations in CPMC 8.24. Although the changes consist of corrections and minor adjustments to land use regulations, they qualify as a Major Amendment and have been processed in accordance with Type IV procedures in CPMC 17.05.500.*

Conclusion CPMC 17.10.300: *Consistent.*

17.10.400 Approval criteria.

A recommendation or a decision to approve, approve with conditions or to deny an application for a text or map amendment shall be based on written findings and conclusions that address the following criteria:

A. Approval of the request is consistent with the applicable statewide planning goals (major amendments only);

Finding CPMC 17.10.400 (A): *The proposed amendments have been reviewed against the Statewide Planning Goals and found to comply as follows:*

Goal 1- Citizen Involvement. This goal requires that all citizens be given the opportunity to be involved in all phases of the planning process. As evidenced by the land use notifications in the newspaper on 5-22-2021, notice to DLCD on April 14, 2021 and advertisement on the City's website

(www.centralpointoregon.gov/projects), the City has duly noticed the application as necessary to allow the opportunity for citizen participation in the public hearings scheduled with the Planning Commission (6-1-2021) and City Council (6-24-2021) for the proposed text changes consistent with Goal 1.

Goal 2 – Land Use Planning. Goal 2 addresses the land use planning procedures in Oregon, including the need to adopt comprehensive plans and implementing ordinances based on factual information. The proposed amendments are consistent with existing policy in the comprehensive plan and are aimed at correcting conflicts between current standards and Federal and State guidance for best management practices in floodplain management. The proposed changes are based on factual information from the municipal code and guidance documents consistent with Federal standards.

Goal 3 – Agricultural Lands. Goal 3 addresses agricultural land within rural areas. The proposed text amendments do not affect agricultural lands or agricultural buffers that would be required adjacent to agricultural lands outside the urban growth boundary. On this basis, Goal 3 does not apply to the proposed text amendments.

Goal 4 – Forest Lands. Goal 4 addresses forest lands within rural areas. The proposed text amendments do not affect forest lands or lands adjacent to forest lands; therefore, Goal 4 does not apply.

Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources. Goal 5 establishes a process for each natural and cultural resource to be inventoried and evaluated. If deemed to be significant, local governments may preserve, allow uses that conflict with the resource, or allow a combination of the two. In Central Point, floodplains and historic structures have been inventoried, and ordinances have been adopted to minimize impacts to each. The proposed text amendments identify policies and actions that can be implemented to further reduce flood losses and provide additional protection to City residents from the dangers of flooding.

Goal 6 – Air, Water and Land Resources Quality. Goal 6 requires local comprehensive plans and implementing ordinances to comply with state and federal regulations on air, water and land quality resource requirements. The proposed amendments are consistent with state and federal guidance on implementing regulations for areas within the floodplain, including the stream channels, banks and upland areas.

Goal 7 – Areas Subject to Natural Hazards. Goal 7 requires appropriate safeguards when planning for development in floodplains or other areas

subject to natural hazards. In Central Point, floodplain development is regulated in accordance with CPMC 8.24, Flood Damage Prevention. Earthquake and fire safety is a function of building and fire codes. The proposed amendments strengthen the standards set forth in CPMC 8.24, and would not impede or otherwise conflict with the building code or fire code as necessary to protect against flood, earthquake, or fire damages.

Goal 8 – Recreational Needs. This goal requires communities to inventory existing parks and recreational facilities, and to project the needed facilities to serve all populations within the community. Amending standards and regulations for development within the floodplains of Central Point not generate any additional need for parks and recreation services.

Goal 9 – Economy of the State. Goal 9 addresses diversification and improvement of the economy and specifically addresses commercial and industrial land. The proposed amendments would affect development on land within the floodplains, but the amendments are consistent with Goal 9 as it strengthens the standards for development and reduces impacts and dangers from flooding.

Goal 10 – Housing. Goal 10 requires local communities to plan for and accommodate housing needs in the City. The proposed amendments constitute minor adjustments and clarifications to floodplain development standards. As such, the proposed text amendments are not expected to have impacts on housing needs in the City.

Goal 11 – Public Facilities and Services. Goal 11 calls for efficient planning of public services such as sewer, water, law enforcement and fire protection to assure that public services are planned in accordance with a community's needs and capacities rather than to be forced to respond to development as it occurs. Public facilities and services are planned in accordance with the Comprehensive Plan Public Facilities Element and updated master plans for water, stormwater, etc. The proposed amendments will not affect the provision of services or generate additional need for services not already planned for.

Goal 12 – Transportation. Goal 12 aims to provide a safe, convenient and economic transportation system. The proposed amendments constitute minor adjustments and clarifications to floodplain development standards. As such, the proposed text amendments are not expected to have impacts on transportation facilities.

Goal 13 – Energy. Goal 13 has to do with conserving all forms of energy. The proposed amendments constitute minor adjustments and clarifications

to floodplain development standards. As such, the proposed text amendments are not expected to increase energy utilization.

Goal 14 – Urbanization. Goal 14 has to do with managing the City’s growth in conjunction with project need based on population and land use. The proposed amendments will not affect population growth or land need; therefore, Goal 14 does not apply.

Goals 15- Applies to the Willamette Valley and does not apply to the City of Central Point.

Goals 16-19 - Applies to coastal areas and does not affect the City of Central Point.

Conclusion CPMC 17.10.400(A): Based on the nature of the proposed amendments and the findings above, the proposed changes to CPMC 8.24 are consistent with all applicable Statewide Planning Goals.

B. Approval of the request is consistent with the Central Point comprehensive plan (major and minor amendments);

Finding CPMC 17.10.400 (B): A review of the Central Point Comprehensive Plan identified the following relevant policies:

Citizen Involvement:

Policy 3 – Citizen Influence. Whenever possible, citizens shall be given the opportunity to be involved in all phases of the planning process, including (1) data collection, (2) plan preparation, (3) adoption, (4) implementation, (5) evaluation, and (6) revision.

Finding Citizen Involvement Policy 3 – Citizen Influence: The proposed text amendments are being initiated by the City based on guidance from FEMA and the State of Oregon to maintain consistency with National Flood Insurance Program (NFIP) standards and minimum requirements in the Community Rating System (CRS). To promote awareness of the proposed amendments, the City published notice of two (2) duly public hearings that have been scheduled with the Planning Commission (6/1/2021) and City Council (6/24/2021) to receive testimony. In addition to publishing notice in the newspaper on May 22, 2021, notice was provided to DLCD and information was posted on the City’s website (www.centralpointoregon.gov/projects).

Conclusion Citizen Involvement Policy 3 – Citizen Influence: As evidenced by the City’s collaboration with the state and federal agencies and efforts to promote awareness of the proposed amendments and public

involvement process, the proposed amendment was processed in accordance with Policy 3 for Citizen Involvement.

Policy 4 – Technical Information. *The City will assure that all information used in the preparation of the Plan or related reports is made available in an easy to understand form and is available for review at the community library, City Hall, or other location.*

Finding Citizen Involvement Policy 4 – Technical Information. *The City has based the proposed text amendments on identified code conflicts and best practices for floodplain management. For example, DLCD provides a model ordinance that outlines the latest guidance and policy updates for the NFIP. In addition, a representative from FEMA has reviewed the proposed amendments to ensure consistency with federal standards.*

Conclusion Citizen Involvement Policy 4 – Technical Information. *The proposed amendment is based on technical information related to floodplain management standards and best management practices.*

Environmental Element:

Goal 5: *To ensure future growth and development are not detrimental to the quality of air and water resources and do not contribute to urban noise pollution problems.*

Finding Environmental Goal 5: *The proposed amendments strengthen the standards set forth in CPMC 8.24 in order to reduce impacts of development in the floodplains, decrease the dangers from flooding hazards, and create a more resilient community through higher regulatory standards.*

Conclusion Environmental Goal 5: Consistent.

Flood Hazard Reduction Policy 3: Prohibiting activities within the 100 year flood zone which in any way aggravates flood hazard by either filling available flood retention areas (thus displacing flood waters on to other areas) or inhibiting flow of natural drainage areas. The City shall prepare, adopt and maintain parking standards that reflect best parking practices that further the parking goals of the City.

Finding Flood Hazard Reduction Policy 3: The proposed amendments further strengthen the requirements for development within the 100 year flood zone by adding safety measures, reducing impacts and further prohibiting development that increases the flood hazards. All development within the floodway that would create additional rise in flood depths are

required to follow the FEMA process for a map change (i.e. Letter of Map Amendment (LOMR)) and ensure that adjacent properties are not impacted.

Conclusion Flood Hazard Reduction Policy 3: Consistent.

Conclusion CPMC 17.10.400(B): Based on the evaluation of applicable Comprehensive Plan policies, the proposed zoning text amendment is consistent with the Central Point Comprehensive Plan.

C. If a zoning map amendment, findings demonstrating that adequate public services and transportation networks to serve the property are either available, or identified for construction in the city's public facilities master plans (major and minor amendments); and

Finding CPMC 17.10.400 (C): The proposed zoning text amendment does not include changes to the zoning map.

Conclusion CPMC 17.10.400(C): Not applicable.

D. The amendment complies with OAR 660-012-0060 of the Transportation Planning Rule. (Ord. 1989 §1(part), 2014; Ord. 1874 §3(part), 2006. Formerly 17.10.300(B)).

Finding CPMC 17.10.400 (D): The proposed text amendment does not involve any changes that would affect trip generation or public transportation facilities, such as an increase in density or parking standards.

Conclusion CPMC 17.10.400(D): Given the nature of the proposed amendments and lack of impact to traffic, existing or planned transportation facilities, the proposed amendment complies with the TPR.

PART 3 – CONCLUSION

As evidenced in findings and conclusions provided in Part 2, the proposed zone text amendment is consistent with applicable standards and criteria in the Central Point Municipal Code, including the Statewide Planning Goals (where applicable), Comprehensive Plan, and Statewide Transportation Planning Rule.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CENTRAL POINT MUNICIPAL CODE
CHAPTER 8.24 FLOOD DAMAGE PREVENTION**

Recitals:

- A. Words ~~lined through~~ are to be deleted and words **in bold** are added.
- B. 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.
- C. The revisions to this ordinance are being made to bring the code into compliance with to comply with National Flood Insurance Program (NFIP) standards and the Community Rating System (CRS) program requirements.
- D. On June 1, 2021, the Central Point Planning Commission recommended approval of code amendments to various sections in Chapter 8.24 Flood Damage Prevention.
- E. On June 24, 2021, the City of Central Point City Council held a properly advertised public hearing; reviewed the Staff Report (herein incorporated by reference) and findings (Exhibit 1); heard testimony and comments, and deliberated on approval of the Municipal Code Amendment.

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

Section 1. Chapter 8.24 of the Central Point Municipal Code is amended to read:

Chapter 8.24
Flood Damage Prevention

8.24.010	Statutory Authorization
8.24.030	Statement of Purpose
8.24.050	Definitions
8.24.060	Lands to which this chapter applies
8.24.200	Development in Regulatory Floodways
8.24.220	Development in Zones Without Base Flood Elevations
8.24.250	Floodplain Development Standards for Construction
8.24.270	Interpretations and Variances

8.24.010 Statutory Authorization.

The ~~Legislature of the state~~ **State of Oregon** has in **ORS 197.175** delegated the responsibility to local governmental units to adopt **floodplain management** regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the city ordains and sets out the provisions of this chapter.

8.24.030 Statement of Purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare; reduce the annual cost of flood insurance; and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money on costly flood damage and control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize unnecessary disruption of commerce, access and public service during times of flood;
- E. Minimize damage to public facilities and utilities such as water, sanitary sewer, storm drain and gas mains; electric, telephone, and television cable lines; and streets, bridges, and other appurtenances which are located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas;
- G. Ensure that potential buyers are notified that property is in an area of special flood hazard;
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- I. Manage the alteration of flood hazard areas, stream channels and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;

J. Participate in and maintain eligibility for flood insurance and disaster relief.

8.24.050 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

“Accessory structure” means a structure on the same or adjacent parcel as a principal structure, the use of which is incidental and subordinate to the principal structure.

“Appeal” means a request for review of the floodplain administrator’s interpretation of provisions of this chapter.

“Area of shallow flooding” means a designated AO or AH zone on the flood insurance rate map (FIRM) with base flood depths ranging from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. AO zones are characterized as having sheet flow, and AH zones indicate ponding. **For both AO and AH zones, adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.**

“Area of special flood hazard” means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. ~~Zones designating areas of special flood hazard on flood insurance rate maps always include the letters A or V~~ **It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR.** Also known as the special flood hazard area (SFHA).

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year.

“Base flood elevation (BFE)” means the water surface elevation **to which floodwater is anticipated to rise** during the base flood ~~in relation to a specified datum~~. The BFE is depicted on the flood insurance rate map (FIRM) to the nearest foot and in the flood insurance study (FIS) to the nearest tenth of a foot.

“Basement” means any area of a building having its floor subgrade (below ground level) on all sides.

“Below-grade crawlspace” means an enclosed area below the BFE in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed four feet at any point. Below-grade

crawlspaces are allowed subject to the conditions found in FEMA Technical Bulletin 11-01 and in Section 8.24.250(EF)(3).

“City” means the city of Central Point.

“Conditional letter of map revision (CLOMR)” means a formal review and comment by FEMA as to whether a proposed project complies with minimum National Flood Insurance Program (NFIP) floodplain management criteria. A CLOMR does not amend or revise effective flood insurance rate maps, flood boundary and floodway maps or flood insurance studies, nor does a CLOMR constitute a formal project approval by the city.

“Critical facility” or “essential facility” means a facility that is critical for the health and welfare of the population and is especially important following hazard events.

“Critical facilities” or “essential facilities” include:

1. Hospitals and other medical facilities having surgery and emergency treatment areas;
2. Fire and police stations;
3. Tanks or other structures containing, housing or supporting water or fire-suppression materials or equipment required for the protection of essential or hazardous facilities or special occupancy structures;
4. Emergency vehicle shelters and garages;
5. Structures and equipment in emergency preparedness centers;
6. Standby power generating equipment for essential facilities; and
7. Structures and equipment in government communication centers and other facilities required for emergency response.

“Datum” means the vertical datum. The vertical datum is a base measurement point (or set of points) from which all elevations are determined. Historically, that common set of points has been the National Geodetic Vertical Datum of 1929 (NGVD 1929). The vertical datum currently adopted by the federal government as a basis for measure heights is the North American Vertical Datum of 1988 (NAVD 1988)

“Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations; or storage of equipment and materials located within the area of special flood hazard. Exemptions to the definition of development, for the purpose of administering this chapter, include:

1. Signs, **markets markers**, aids, etc., placed by a public agency to serve the **public provided the encroachment in the special flood hazard area is no larger than a standard utility pole**; and

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2. Residential gardens; provided, that they do not result in unauthorized, substantial alteration of topography; and provided, that gardening methods do not include the use or application of pesticides, herbicides, fertilizers or other toxic materials.

“DFIRM” means digital flood insurance rate map. It depicts flood risk and zones and flood risk information. The DFIRM presents the flood risk information in a format suitable for electronic mapping applications.

“Elevated building” means, for insurance purposes, a nonbasement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns.

“Encroachment” means the advancement or infringement of uses, fill, excavation, buildings, permanent structures or other development into a floodway, which may impede or alter the flow capacity of a floodplain.

Essential Facility. See “Critical facility.”

“FEMA” means the Federal Emergency Management Agency.

“Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

“Flood insurance rate map (FIRM)” means the official map of a community issued by FEMA delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

“Flood insurance study (FIS)” means the official report provided by FEMA evaluating flood hazards and containing flood profiles, regulatory floodway boundaries and water surface elevations of the base flood.

“Floodway” or “regulatory floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than ~~one-foot~~ a designated height.

“Functionally Dependent Use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

“Highest Adjacent Grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Historic structure” means a structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the national register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or to a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs.

“Letter of map change (LOMC)” means an official FEMA determination by letter, to amend or revise effective flood insurance rate maps and flood insurance studies. LOMCs are issued in the following categories:

1. “Letter of map amendment (LOMA)” means a revision based on technical data showing that a property was inadvertently included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a specific property or structure is not located in a special flood hazard area;
2. “Letter of map revision (LOMR)” means a revision based on technical data showing, due to human-made alterations, changes to flood zones, flood elevations, or floodplain and regulatory floodway delineations. One common type of LOMR, a LOMR-F, is a determination that a structure or parcel has been elevated by fill above the BFE and is excluded from the special flood hazard area.

“Lowest floor” means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure (used solely for parking of vehicles, building access or storage) in an area other than a basement area, is

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not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements found in Section 8.24.250(B)(2) and (3).

"Manufactured dwelling" or "manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a recreational vehicle.

"New construction" means structures for which the start of construction commenced on or after the effective date of the adopted flood damage prevention requirements codified in this chapter, including subsequent substantial improvements to the structure.

"NFIP" means National Flood Insurance Program.

"Reasonably safe from flooding" means ~~base flood waters will not inundate the land or damage structures and that any subsurface waters related to the base flood will not damage existing or proposed buildings~~ **development is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water marks and other reliable data known to the community. In unnumbered A zones where flood elevation information is not available and cannot be obtained by practical means, reasonably safe from flooding means that the lowest floor is at least two feet above Highest Adjacent Grade.**

"Recreational vehicle" means a vehicle that is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Not primarily designed for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

"Start of construction" means the date the development permit (which includes development, public works and building permits) was issued, provided the actual start of construction, repair, reconstruction, placement or other substantial improvement was within one year of the permit issuance date. The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation or blocks. Permanent construction does not include land preparation, such as clearing, grading and filling; the installation of streets and/or walkways; excavation for a basement,

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footings, piers or foundations; the erection of temporary forms; or the installation of the property or accessory buildings (i.e., garages or sheds) not occupied as dwelling units or which are not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building, manufactured dwelling, a modular or temporary building, or liquid storage tank that is principally above ground.

“Substantial damage” means damage of any origin sustained by a structure on at least two separate occasions during a ten-year period whereby the cost of restoring the structure for which the cost of repairs to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

“Substantial improvement” means any repair, construction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure within the course of a ten-year period either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include:

- a. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
- b. Any alteration of a structure listed on the National Register of Historic Places or the Oregon State Inventory of Historic Places.

“Variance” means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

“Violation” means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without evidence of compliance, such as a FEMA elevation certificate, floodproofing certificate or other certification, is presumed to be in violation until such time as that documentation is provided.

“Watercourse” means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature in, on, through, or over which water flows at least periodically.

~~“Water dependent use” means a facility that cannot be used for its intended purpose unless it is located or carried out in close proximity to water. The term does not include long-term storage, manufacture, sales or service facilities.~~

“Water surface elevation” means the height, in relation to a specified datum of floods of various magnitudes and frequencies in the floodplains of riverine areas.

8.24.060 Lands to which this chapter applies.

A. Applicability. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city. **All development within special flood hazard areas is subject to the terms of this chapter and other applicable regulations.** Nothing in this chapter is intended to allow uses or structures that are otherwise prohibited by the zoning regulations or specialty codes.

B. Community Boundary Alterations. The Floodplain Administrator shall notify the Federal Insurance Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all Flood Hazard Boundary Maps (FHBM) and Flood Insurance Rate Maps (FIRM) accurately represent the community’s boundaries. Include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

8.24.200 Development in Regulatory Floodways.

Located within areas of special flood hazard established in Section 8.24.070 are areas designated as regulatory floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters, which carry debris, potential projectiles, and erosion potential, development will not normally be allowed within the floodway except when it can be demonstrated the following provisions are satisfied:

A. Except as provided in ~~subsections E and F of this section~~ **Sections 8.24.200 (E) and (F)**, encroachments including fill, new construction, substantial improvements, and other development are prohibited unless certification by an Oregon registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard

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engineering practice that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge;

B. Provided that the conditions in ~~subsection~~ **Section 8.24.200(A) of this section** are met, the following additional provisions shall apply:

1. Floodplain development construction standards provided in Sections 8.24.250 and 8.24.260 are met;
2. Any fill allowed to be placed in the floodway shall be designed to be stable under conditions of flooding, including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and flood related erosion and scour;
3. No manufactured dwelling shall be placed in a floodway except in an existing mobile home park or an existing mobile home subdivision, as conditionally approved by the local administrator or designee in consideration of the conditions of Section 8.24.250(~~G~~**H**);

C. The following activities are prohibited in the regulatory floodway:

1. Fences and walls as provided in Section 8.24.260(A)(1) and 17.57.030; and
2. Accessory structures as provided in Section 8.24.250(~~I~~**J**);

D. In limited circumstances encroachments associated with functionally dependent uses (i.e., bridges, roads, culverts); historic structure reconstruction, restoration and rehabilitation; and stream restoration projects as provided in ~~subsection~~ **Section 8.24.200(F) of this section** and Section 8.24.270(B)(2)(f), that cause an increase to the BFE are allowed; provided, that the applicant demonstrate that no other alternative is available. In such circumstances, applicants shall obtain a CLOMR from FEMA before an encroachment, including fill, new construction, substantial improvement, and other development in the floodway, is permitted that will cause any increase in the BFE, unless the development causes a temporary encroachment and conditions in subsection E of this section and the floodplain development construction standards provided in Sections 8.24.250 and 8.24.260 are satisfied;

E. Temporary encroachments in the regulatory floodway for the purposes of capital improvement projects, including bridges and culverts, ~~shall be allowed even may be permitted~~ if the encroachment results in an increase in flood levels during the occurrence of the base flood discharge, ~~and without obtaining provided that~~ **a Conditional Letter of Map Revisions (CLOMR) is applied for and approved by the Federal Insurance Administrator, and the requirements for such revision as established under Volume 44 of the Code of Federal Regulations, section 65.12 are fulfilled. Temporary encroachments shall comply with all other applicable flood hazard reduction provisions of this chapter and may be permitted when:**

1. The project is limited as to duration with the days and dates that the structure or other development will be in the regulatory floodway, as specified in the floodplain development permit;
2. Accessory structures (i.e., construction trailers) are restricted from the regulatory floodway;
3. The project limits placement of equipment and material in the regulatory floodway to that which is absolutely necessary for the purposes of the project. Justification that demonstrates compliance with this requirement will be documented by the applicant in the required floodplain development permit application submittal documentation;
4. The applicant identifies any insurable structures affected by temporary changes to the area of special flood hazard or BFE and notifies owners of any increased risk of flooding. Documentation demonstrating compliance with this provision shall be provided to the city as part of the floodplain development application; and
5. The project applicant is provided with written notification that they may be liable for any flood damages resulting from the temporary encroachment.

F. Projects for stream habitat restoration may be permitted in the floodway, provided:

1. The project qualifies for a Department of the Army, Portland District Regional General Permit for Stream Habitat Restoration (NWP-2007-1023);
- 2. The project does not result in a potential rise in the flood elevation;**
- ~~2 3. A qualified professional (a registered professional engineer, or staff of NRCS, the county, or fisheries, natural resources or water resources agencies) has provided a feasibility analysis and certification that the project was designed to keep~~ **Conditional Letter of Map Amendment (CLOMR) is applied for and approved by the Federal Insurance Administrator for any rise in the base flood levels, as close to zero as practically possible given the goals of the project and the requirements for such revision as established under Volume 44 of the Code of Federal Regulations, section 65.12 are fulfilled; and**
- ~~3. No structures would be impacted by a potential rise in the flood elevation; and~~
4. An agreement to monitor the project, correct problems and ensure that flood carrying capacity remains unchanged is included as part of the local floodplain development approval

8.24.220 Development in zones without base flood elevations.

The following standards apply in riverine areas of special flood hazard where no BFE data have been provided (approximate A zones):

A. When BFE or floodway data have not been identified by FEMA in a FIS and/or FIRM, the floodplain administrator shall obtain, review, and reasonably utilize scientific or historic BFE and floodway data available from a federal, state, or other source, in order to administer this chapter. If BFEs or other engineering data are not available from an authoritative source, the applicant shall develop BFEs in accordance with Section 8.24.190(E) or ~~subsection~~ **Section 8.24.220(CB)** ~~of this section shall apply.~~

B. In special flood hazard areas without BFE data,

1. No encroachments, including structures or fill, shall be located in an area of special flood hazard within an area equal to the width of the stream or fifty feet, whichever is greater, measured from the ordinary high water mark, unless a BFE is developed by a licensed professional engineer; or
2. The lowest floor of any insurable building or structure, including manufactured dwellings, shall be elevated a minimum of three feet above the highest adjacent grade.

8.24.250 Floodplain Development Standards for Construction.

A. Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
2. All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (refer to FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques and details).

B. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. Electrical, heating, ventilation, plumbing, ~~and~~ air-conditioning, **duct systems, and** equipment and other service facilities shall be elevated **at least one foot above** the BFE.

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- a. **An exception is allowed for equipment and service facilities that are ~~and/or~~ designed ~~or located~~ and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding to the BFE. Utilities permitted below the BFE are those specifically designed to be located in areas of flooding and may include:**
- i. **Electrical systems, equipment and components;**
 - ii. **Heating, ventilation, air conditioning;**
 - iii. **Plumbing, appliances, and plumbing fixtures;**
 - iv. **Duct systems; and**
 - v. **Other services facilities.**
- b. **In addition, electrical, heating, ventilation, plumbing, air conditioning, duct systems, and other equipment and services that are replaced as part of a substantial improvement shall meet all requirements of this section.**

Refer to FEMA Technical Bulletin 02-08 for more information about the flood resistant materials requirement.

C. Structures Located in Multiple or Partial Flood Zones.

In coordination with the State of Oregon Specialty Codes:

- 1. When a structure is located in multiple flood zones on the community's Flood Insurance Rate Maps (FIRM) the provisions for the more restrictive flood zone shall apply.**
- 2. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.**

~~G.~~ D. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
2. New and replacement sanitary sewage systems shall be designed to mitigate or eliminate infiltration of flood waters into the system and discharge from the system into flood waters.
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.

4. Storm drain systems shall be designed to adequately and completely drain all flood waters, when the flood levels diminish at the point of discharge. Discharge ends of storm drain systems shall be equipped with suitable devices which prevent the backflow of flood waters up through the storm drain collection and conveyance system.

Refer to FEMA Publication No. 348, "Protecting Building Utilities from Flood Damage" for more information about flood resistant utilities design and construction.

~~D.~~ **E. Critical Facilities.** Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area. Construction of new critical facilities shall be permissible within the special flood hazard area if no feasible alternative site is available. Critical facilities constructed within the special flood hazard area shall have the lowest floor elevated three feet above the BFE or base depth, or to the height of the two-tenths percent (five-hundred-year) flood level, whichever is higher. Access to and from the critical facility shall be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances or priority organic pollutants as defined by the Oregon Department of Environmental Quality will not be displaced by or released into floodwaters.

~~E.~~ **F. Residential Construction.**

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at least one foot above the BFE or base depth; or, if no base depth is specified in an area of shallow flooding (flood zones AO and AH), shall be elevated at least two feet above the highest adjacent grade.

2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must be either certified by an Oregon registered professional engineer or architect and must meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided in accordance with the following additional requirements:

i. Opening area must be located below the BFE to satisfy this requirement;

ii. Openings must be at least three inches wide. This requirement applies to the hole in the wall, excluding any device that may be inserted such as a typical foundation air vent device, mesh screens and hardware cloth;

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iii. The bottom of all openings shall be no higher than twelve inches above the adjacent grade;

iv. Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of flood waters.

3. Below-grade crawlspace foundations are allowed where BFE data are available; provided, that they conform to guidelines provided in FEMA Technical Bulletin 11, Crawlspace Construction for Structures Located in special flood hazard areas, building codes and the below-grade crawlspace provisions set forth in ~~subsection J of this section~~ **Section 8.24.250(K)**.

~~F.~~ **G.** Nonresidential Construction. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated at least one foot above the BFE or base depth; or, if no base depth is specified in an area of shallow flooding, shall be elevated at least two feet above grade; and together with attendant utility and sanitary facilities shall:

1. Be floodproofed so that structures below one foot above base flood level, as specified above, are watertight with walls impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

3. Be certified by an Oregon registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications, and plans. Such written certifications shall be provided to the floodplain administrator or designee as set forth in Section 8.24.130(L); and

4. Nonresidential structures that are elevated and not floodproofed must meet the same standards for space below the lowest floor as described in ~~subsections (E)(2) and (3) of this section~~ **Section 8.24.250(F)**.

~~G.~~ **H.** Manufactured Dwellings. In addition to ~~subsections~~ **Sections 8.24.250 (A) and (B) of this section**, new, replacement and substantially improved manufactured dwellings are subject to the following standards:

1. Manufactured dwellings shall be elevated on a permanent foundation, such that the lowest floor of the manufactured home is elevated a minimum of eighteen inches above the BFE or depth number specified on the FIRM; or if no base depth is specified in an area of shallow flooding (flood zones AO and AH), shall be elevated at least two feet above the highest adjacent grade;

2. Manufactured dwellings supported on solid foundation walls with enclosed areas below the BFE are prohibited unless the foundation walls are designed to automatically equalize hydrostatic forces by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be certified by a registered professional engineer or architect, or meet or exceed the minimum criteria set forth in ~~subsections~~ **Section 8.24.250(EF)(2)(a)(i)** through (iii) of this section;
3. The bottom of the longitudinal chassis frame beam in A zones shall be at least twelve inches above the BFE;
4. The manufactured dwelling shall be anchored to prevent flotation, collapse and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors; and
5. Electrical crossover connections shall be a minimum of twelve inches above the BFE.

Refer to FEMA's Manufactured Home Installation in Flood Hazard Areas guidebook for additional information

H. I. Recreational Vehicles. In all areas of Special Flood Hazard, Recreational Vehicles that are an allowed use or structure under the zoning ordinance must either:

1. Be placed on the site for fewer than one hundred eighty consecutive days;
2. Be fully licensed and ready for highway use; be on its wheels or jacking system; be attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
3. Meet the requirements of ~~subsection G of this section~~ **Section 8.24.250(H)**, Manufactured Dwellings, and including the elevation and anchoring requirements.

I. J. Accessory Structures. Relief from the elevation or dry floodproofing ~~standards requirements for residential and non-residential structures in Riverine (Non-Coastal) flood zones~~ may be granted for an accessory structure ~~containing no more than two hundred square feet. Such a structure must that~~ meets the following standards:

1. **In compliance with State of Oregon Specialty Codes, accessory structures on properties that are zoned residential are limited to one-story structures less than 200 square feet, or 400 square feet if the property is greater than two (2) acres in area and the proposed accessory structure will be located more than 20 feet from all property lines. Accessory structures on properties that are zoned as non-residential are limited in size to 120 square feet.**

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- ~~1~~ **2.** Be located and constructed to minimize flood damage;
- ~~2~~ **3.** Be designed so as to not impede flow of flood waters under base flood conditions;
- ~~3~~ **4.** Be prohibited in the regulatory floodway;
- ~~4~~ **5.** It shall not be used for human habitation and may be used solely for parking of vehicles or storage of items having low damage potential when submerged;
- ~~5~~ **6.** Toxic material, oil or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality shall not be stored ~~below BFE, or where no BFE is available lower than three feet above grade,~~ **in an accessory structure** unless confined in a tank installed in compliance with this chapter;
- ~~6~~ **7.** Be constructed of flood resistant materials;
- ~~7~~ **8.** Be firmly anchored to prevent flotation, **collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood;**
- ~~8~~-**9.** Have electrical service and/or mechanical equipment elevated or flood-proofed ~~to or~~ **a minimum of one foot** above the BFE **as set forth in Section 8.24.250(B)(3);** and
- ~~9~~-**10.** Be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. Designs for complying with this requirement must be certified by a licensed professional engineer or architect or meet the minimum design criteria set forth in ~~subsections~~ **Section 8.24.250(EF)(2)(a)(i) through (iii)** ~~of this section.~~

JK. Below-Grade Crawlspace. Below-grade crawlspaces are allowed subject to the following standards as found in FEMA Technical Bulletin 11, Crawlspace Construction for Buildings Located in Special Flood Hazard Areas. Residents should note that there is an increased cost for flood insurance associated with below-grade crawlspaces. There is a charge added to the basic policy premium for a below-grade crawlspace versus a standard, at grade crawlspace foundation.

1. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings stated in ~~subsection~~ **Section 8.24.250(EF)(2)** of this section. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five feet per second

unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.

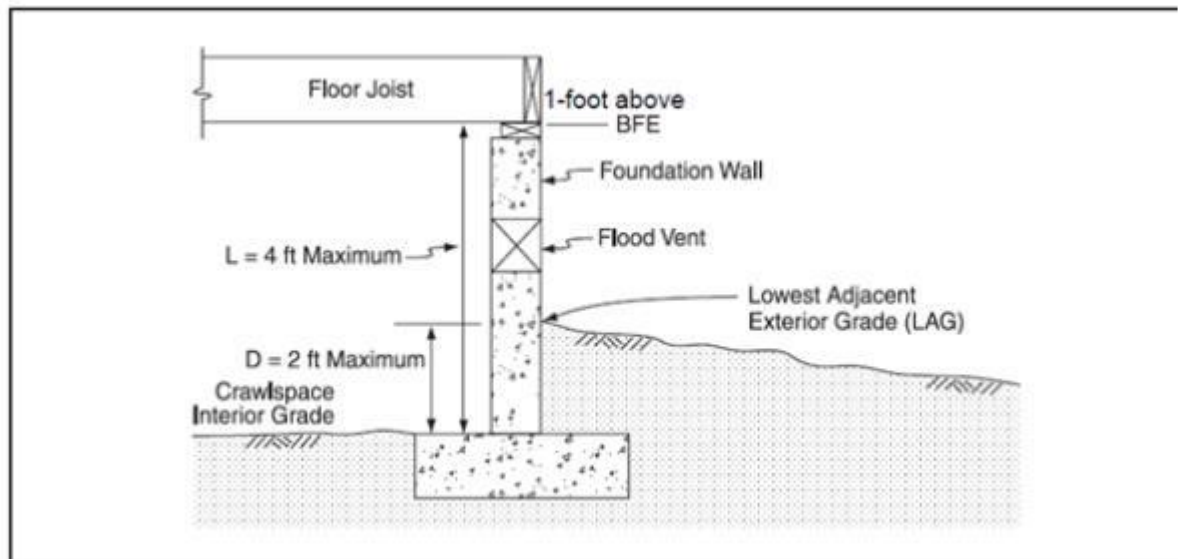
2. The crawlspace is an enclosed area below the BFE and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one foot above the lowest adjacent exterior grade.

3. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.

4. Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.

5. The interior grade of a crawlspace below the BFE must not be more than two feet below the lowest adjacent exterior grade.

6. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, must not exceed four feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.



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Diagram 1. Requirements regarding below-grade crawlspace construction.

7. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.

8. The velocity of floodwaters at the site should not exceed five feet per second for any crawlspace. For velocities in excess of five feet per second, other foundation types should be used.

For more detailed information refer to FEMA Technical Bulletin 11-01.

8.24.270 Interpretations and Variances.

This section provides criteria and procedures for interpretations and variances to the application of provisions established in this chapter.

A. Interpretations. Requests for interpretation of the provisions of this chapter shall be made in writing to the floodplain administrator in accordance with the interpretation provisions set forth in Chapter 17.11.

1. It shall be the applicant's responsibility to provide sufficient scientific or technical documentation to support any appeals of the floodplain administrator's interpretation of this chapter filed in accordance with Section 17.11.200(E).

B. Variances. Exceptions to the standards and criteria of this chapter shall be made in writing to the floodplain administrator on the form provided by the city and include, at a minimum, the same information required for a floodplain development permit, a written explanation for the basis of the variance request and any necessary documentation to show the variance is warranted and meets the criteria established in subsection (B)(2) of this section.

1. Procedural Requirements. Variances shall be subject to the procedural requirements set forth in Section 17.05.400 for a Type III (quasi-judicial) review procedure.

2. Variance Criteria. The city shall approve, approve with conditions, or deny an application for a variance based on the following criteria:

a. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

b. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, ~~providing subsections (B)(2)(i)~~ **provided the technical considerations in (i) through (xi) of Section 8.24.270(B)(2)(i)** have been fully considered. As the lot size increases, the technical justification required for issuing the variance increases.

c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

d. Variances shall only be issued upon a:

i. Showing of good and sufficient cause;

ii. Determination that failure to grant the variance would result in exceptional hardship to the applicant; and

iii. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create public nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

e. Variances may be issued for a ~~water~~ **functionally** dependent use; provided, that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

f. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the Statewide Inventory of Historic Properties, without regard to the procedures set forth in this section.

g. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, or its inhabitants' economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

h. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria and otherwise complies with the building codes.

i. In passing upon such applications, the city shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and the:

- i. Danger that materials may be swept onto other lands to the injury of others;
- ii. Danger to life and property due to flooding or erosion damage;
- iii. Susceptibility of the proposed facility and its contents to flood damage on the individual owner;
- iv. Importance of the services provided by the proposed facility to the community;
- v. Necessity to the facility of a waterfront location, where applicable;
- vi. Availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
- vii. Compatibility of the proposed use with existing and anticipated development;
- viii. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- ix. Safety of access to the property in times of flood for ordinary and emergency vehicles;
- x. Expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- xi. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, as well as streets and bridges.

3. Variance Notification. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance and that such construction below the Base Flood Elevation increases risks to life and property. Such notification and a record of all variance actions, including justification shall be maintained in accordance with Section 17.05.400.

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

Mayor Hank Williams

ATTEST:

City Recorder

Attachment: Ordinance_Draft - 06242021 (1432 : Ordinance Chapter 8.24 Floodplain Management Text Amendments)

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