



CITY OF CENTRAL POINT

Oregon

City Council Meeting Agenda Thursday, July 8, 2021

Next Res (1677) Ord (2079)

I. REGULAR MEETING CALLED TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. SPECIAL PRESENTATIONS

1. Rogue Recycling Rate Adjustment Presentation

V. 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.

VI. CONSENT AGENDA

- A. Approval of June 24, 2021 City Council Minutes

VII. ITEMS REMOVED FROM CONSENT AGENDA

VIII. 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.

IX. ORDINANCES, AND RESOLUTIONS

- A. Ordinance No. _____, an Ordinance Amending Central Point Municipal Code Chapter 8.24 Flood Damage Prevention (File No. ZC-21002) (Gindlesperger)
- B. First Reading - Ordinance Amending in Part Central Point Municipal Code Chapter 10.14 Adding Police Department Authority (Dreyer)
- C. Resolution No. _____, Regarding a Lease Purchase Agreement for the Purpose of Financing "Public Works Vehicles and Equipment" (Weber)
- D. Resolution No. _____, Setting a Public Hearing and Initiating Proceedings to Vacate a Portion of Unimproved Cook Lane Right-of-Way located Adjacent to 3664 and 3644 Grant Road (37 2W 10BC, Tax Lots 2200 and 2301). (Holtey)

X. BUSINESS

Mayor
Hank Williams

Ward I
Neil Olsen

Ward II
Kelley Johnson

Ward III
Melody Thueson

Ward IV
Tanea Browning

At Large
Rob Hernandez

At Large
Michael Parsons

- A. Fiscal Year 2019-20 Audit Report (Weber)
- B. Central Point Community Center Update (Clayton)

XI. MAYOR'S REPORT

XII. CITY MANAGER'S REPORT

XIII. COUNCIL REPORTS

XIV. DEPARTMENT REPORTS

XV. EXECUTIVE SESSION

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 Under the provisions of the Oregon Public Meetings Law, the proceedings of an executive session are not for publication or broadcast.

XVI. 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 24, 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	Excused	
Taneeea Browning	Ward IV	Remote	
Rob Hernandez	At Large	Remote	
Michael Parsons	At Large	Remote	

This was a virtual meeting for Council and Staff members. The Council Chambers were open and available for citizen participation.

Staff members present: City Manager Chris Clayton; City Attorney Sydnee Dreyer; Finance Director Steve Weber; Police Captain Dave Croft; Parks and Public Works Director Matt Samitore; Community Development Director Tom Humphrey; Planning Department Director Stephanie Holtey; Community Planner Justin Gindlesperger; and City Recorder Deanna Casey.

IV. PUBLIC COMMENTS - None

V. CONSENT AGENDA

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

A. Approval of June 10, 2021 City Council Minutes

Mike Parsons moved to approve the Consent Agenda as presented.

VI. 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

Minutes Acceptance: Minutes of Jun 24, 2021 7:00 PM (CONSENT AGENDA)

Planning Director Stephanie Holtey stated that this is the second reading of a house keeping item to align our records with Jackson County for our Urban Growth Boundary Expansion providing clear and consolidated schedule. There were no recommended changes at the first reading of the Ordinance.

Council Member Kelley Johnson moved to approve Ordinance 2077, 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:	APPROVED [UNANIMOUS]
MOVER:	Kelley Johnson, Ward II
SECONDER:	Rob Hernandez, At Large
AYES:	Williams, Olsen, Johnson, Browning, Hernandez, Parsons
EXCUSED:	Melody Thueson

B. Ordinance No. _____, An Ordinance Establishing the Good Fortune Preferential Parking District No. 1 and Declaring an Emergency

City Attorney Sydnee Dryer explained there are two recommended amendments for the second reading of an Ordinance establishing the Good Fortune Preferential Parking District. The recommended changes are to incorporate an emergency declaration into the ordinance enabling the Police Department to start enforcing the permit requirements. The second change is to add LaRue Drive to the district requiring all streets in this section to have a permit for overnight stays. The Police Officers will have the ability to issue permits for those who cannot move to a more suitable location.

Council Member Michael Parsons moved to approve Ordinance 2078 an Ordinance Establishing the Good Fortune Preferential Parking District No. 1 and Declaring an Emergency Adoption Amended at Second Reading to Include LaRue Drive.

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

C. Resolution No. _____, Resolution Setting Preferential Parking District Fees and Fines

City Attorney Sydnee Dryer explained this resolution would only be effective for parking district no. 1. Council finalized the Ordinance tonight designating Parking District No. 1. The Ordinance stipulates that the city will adopt by resolution the cost and fines associated with this district. Each business will have the ability to purchase 100 parking permits for \$25.00. The penalty for violation of parking restrictions within a parking district will be set at \$250.00. This amount is recommended, as it is significant enough to encourage compliance with the parking restrictions.

The streets within the district will be signed no overnight parking. The officers will be able to talk with those who do not have a permit, educate them or issue a citation if necessary. If a citation is issued the Judge would be able to reduce the fine.

Council Member Rob Hernandez moved to Approve Resolution No. 1671, A Resolution Setting Preferential Parking District Fees and Fines.

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

D. Resolution No. _____, A Resolution of the City of Central Point Approving a 2019-21 Supplemental Budget

Finance Director Steven Weber presented a Resolution for a Supplemental Budget in the 2019-2021 Budget. He explained the proposed resolution moves money from one fund to another in the following ways.

1. Police Department Domestic Violence victim advocate partnership recognizing \$60,000 of unanticipated revenue and expenses related to a grant that was received.
2. Public Works Department adjusting personnel changes between funds when staff members were reassigned to different operating functions.
3. Don and Flo Bohnert Farm Park Grant. The 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.
4. Contract/Professional Services in the Building Fund due to increased costs in the contracted electrical inspector and utilization of contracted Building Official due to increase in building activity. The transfer will be Personal Services to Materials and Services.

Council Member Rob Hernandez moved to approve Resolution No. 1672, A Resolution of the City of Central Point Approving a 2019-21 Supplemental Budget.

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

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

Mr. Weber explained this is an annual housekeeping resolution required by ORS in order to receive State cigarette, liquor, and highway taxes. We have budgeted \$3,673,390 from these sources over the next two years. Even though the State allows for the biennial budget process, cities are not allowed to adopt these resolutions for a two year period.

Council Member Tanea Browning moved to approve Resolution 1673 Certifying the Provision of Municipal Services by the City of Central Point, Oregon

Minutes Acceptance: Minutes of Jun 24, 2021 7:00 PM (CONSENT AGENDA)

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

F. Resolution No. _____, A Resolution Approving Appointments and Adopting General Procedures for Fiscal Year 2021-2022

The proposed resolution appoints specific individuals or firms to represent the City in the capacity of: City Attorney, City Engineer, City Auditor, Municipal Judge, and Insurance Agent of Record. The general procedures resolution establishes and regulates procedures regarding the following: City Council expenses; designation of depository; authority to keep, invest, transfer, and expend funds; accounting procedures; interfund and overhead fees; outstanding checks; and capital acquisitions. There are no significant changes for the 2021-2022 fiscal year.

Council Member Kelley Johnson moved to approve Resolution 1674, certifying the Provision of Municipal Services by the City of Central Point, Oregon.

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

VII. PUBLIC HEARING

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

Mr. Weber explained this resolution requests the City 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. The State of Oregon requires approve of this public hearing and resolution annually.

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

Council Member Taneea Browning made a motion to approve 1675, Electing to Receive State Revenue Sharing Funds for Fiscal Year July 1, 2021 through June 30, 2022.

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

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

Mr. Weber explained there are no changes to the Budget Committee

recommendation for the 2021/2023 Biennial Budget. Total budget to be appropriated is \$63,498,670 with a tax levy of \$4.47 per thousand dollars of assessed value.

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

Council Member Kelley Johnson moved to Approve Resolution No. 1676, Adopting the Budget, Make Appropriations and Levy Taxes for the Biennial Budget Period July 1, 2021 through June 30, 2023.

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

C. First Reading, an Ordinance Amending Central Point Municipal Code Chapter 8.24 Flood Damage Prevention(File No. ZC-21002)

Community Planner Justin Gindlesperger explained the proposed amendments are based on the State’s Model Flood Damage Prevention Code, with modifications to include code language acceptable to FEMA. The amendments are organizational and provide updates to the floodplain management standards, including clarification between affiliated codes and will not affect overall implementation of the flood plain management program. Approval of the recommended amendments will help maintain our lower rates for flood insurance and keeps us a good rating in the CRS program.

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

Council Member Kelley Johnsons moved to second reading An Ordinance Amending Central Point Municipal Code Chapter 8.24 Flood Damage Prevention.

RESULT:	1ST READING [UNANIMOUS]
	Next: 7/8/2021 7:00 PM
MOVER:	Kelley Johnson, Ward II
SECONDER:	Tanea Browning, Ward IV
AYES:	Williams, Olsen, Johnson, Browning, Hernandez, Parsons
EXCUSED:	Melody Thueson

VIII. MAYOR'S REPORT

Mayor Williams reported that he:

- Attended the Central Point Chamber meeting.
- Attended the Rogue Retreat Tour. He was impressed with the facility.
- Attended the retirement party for Community Development Director Tom Humphrey.

IX. CITY MANAGER'S REPORT

City Manager Chris Clayton reported that:

- We will have an Executive Session tonight under ORS 192.660(2)(e) and (2)(h).
- There was a fire North of Central Point along the greenway last night. It looks like a lightning strike from the storm this week. The fire department got it quickly under control.
- The forecast this weekend is for very high temperatures. We are prepared as a city, and have staff on call.
- The Agreement with Max's Mission has been signed and completed per the Council motion earlier this year.
- The Medford Water Commission has received a shipment of chlorine. They stated that Central Point Citizens did a great job conserving water.
- The Medford Water Commission has agreed to allow us to install a fire hydrant along the Greenway.
- We have received a number of calls and emails from people upset that we are allowing fireworks in the City. Has suggested they write their thoughts down and send in an email so he can share their concerns with the City Council.
- The Federal Government and State of Oregon have approved Juneteenth as a Holiday. We will be working with the labor unions regarding the new holiday and what it means for Central Point.

X. COUNCIL REPORTS

Council Member Kelley Johnson reported that:

- She attended the Study Session on Monday night.
- She attended the Rogue Retreat tour.
- She attended the Fire District Board meeting.
- She attended the RVCOG Board meeting.
- She attended the Central Point Chamber meeting.
- She has been attending an online training for Elected Officials Leadership.

Council Member Tanea Browning reported that:

- She attended the Rogue Retreat tour of the urban campground, the Kelly Shelter and Hope Village.
- She attended the Medford Water Commission meeting. It was focused on collection policy and a Study Session focused on a Logo Design.
- She attended an LOC Board meeting in Sherwood. The Board recognized the Women's Caucus.
- She attended the Study Session on Monday night.
- She attended the Retirement Celebration for Mr. Humphrey.

- DIRT received an Oregon Community Foundation Grant to fund summer programs. The main focus will be riparian work at the Upton Creekside Project location. She has been working on neighborhood communications delivering flyers door to door and creating webpage for continued updates on activity at the site.

Council Member Neil Olsen reported that he attended the Study Session.

Council Member Rob Hernandez reported that:

- He attended the SOREDI zoom meeting.
- He attended the Study Session on Monday night.
- He attended Mr. Humphrey's retirement celebration.

Council Member Michael Parsons reported that:

- He attended the tour of the Urban Campground, Kelly Shelter and the Rogue Retreat Village. His perception of the three facilities has completely changed after viewing them in person.
- He attended the RVSS Board meeting. They discussed the recent election returns for board positions; they are also having issues acquiring chlorine which is used for treatment purposes.
- He attended the Study Session.
- He is attending the Common Ground Conference for Servant Leadership for Elected Officials. There was some very pertinent information provided. A very important message that he was reminded of is that the most important part of any communication or conversation is the ability to listen.
- He attended the Retirement Celebration for Mr. Humphrey. His colleagues and all those he has dealt with in his professional career will miss him.

XI. DEPARTMENT REPORTS

Captain Dave Croft reported that:

- Staff has been working on the operations plan for the 4th of July Celebrations.
- He was at the fire last night north of the city. They initiated notifications in the area, but no evacuations were necessary.
- Officers had contact with some teenagers that looked like they could be starting a fire along the greenway, one was taken to County for evaluation.
- They held a process last week for a new School Resource officer. Mike Jones was offered the position.

Parks and Public Works Director Matt Samitore reported that we will have the 4th of July Parade on Pine Street this year. We will be adding a block to help with social distancing.

Planning Director Stephanie Holtey reported that:

- The Planning Commission meeting for July has been cancelled.
- There will be a CAC meeting in July to discuss mobile food vendors.
- Staff is working on Zoning Code updates, vacations, and re-plat applications.

XII. EXECUTIVE SESSION 192.660 (2)(e) Real Property Transactions and (2)(h) Legal Counsel

Michael Parsons moved to adjourn to Executive Session under ORS 192.660 (2)(e) and (2)(h). Neil Olsen seconded. All said aye and the meeting was adjourned at 8:16 to Executive Session.

No further action was taken.

XIII. ADJOURNMENT

Michael Parsons moved to Adjourn the meeting at 9:20 p.m. Kelley Johnson seconded.

The foregoing minutes of the June 24, 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 24, 2021 7:00 PM (CONSENT AGENDA)



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

ISSUE SUMMARY

TO:	City Council	DEPARTMENT:	Community Development
FROM:	Justin Gindlesperger, Community Planner II		
MEETING DATE:	July 8, 2021		
SUBJECT:	Ordinance No. _____, an Ordinance Amending Central Point Municipal Code Chapter 8.24 Flood Damage Prevention (File No. ZC-21002)		
ACTION REQUIRED:	Motion Ordinance 2nd Reading	RECOMMENDATION:	Approval

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:

On June 24, 2021, the Council conducted a public hearing and first reading of an ordinance for proposed floodplain management amendments and forwarded to a second reading without changes.

RECOMMENDED MOTION:

I move to Approve Ordinance No. _____, approving amendments to Chapter 8.24 – Flood Damage Prevention of the Central Point Municipal Code.

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:

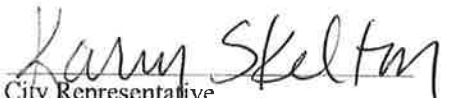
WHEREAS, it is the finding of the Planning Commission that the above referenced code amendments comply with the approval criteria set forth in CPMC 17.10, including the Statewide Planning Goals, Comprehensive Plan and Transportation Planning Rule as evidenced by the Planning Department Findings identified 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).

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

Attachment: Ordinance_Draft - 06242021 (2021-44 : Ordinance Chapter 8.24 Floodplain Management Text Amendments)

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

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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.

- 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;

- 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.**

Pg. 16 Ordinance No. _____ (___/___/___)

- ~~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.

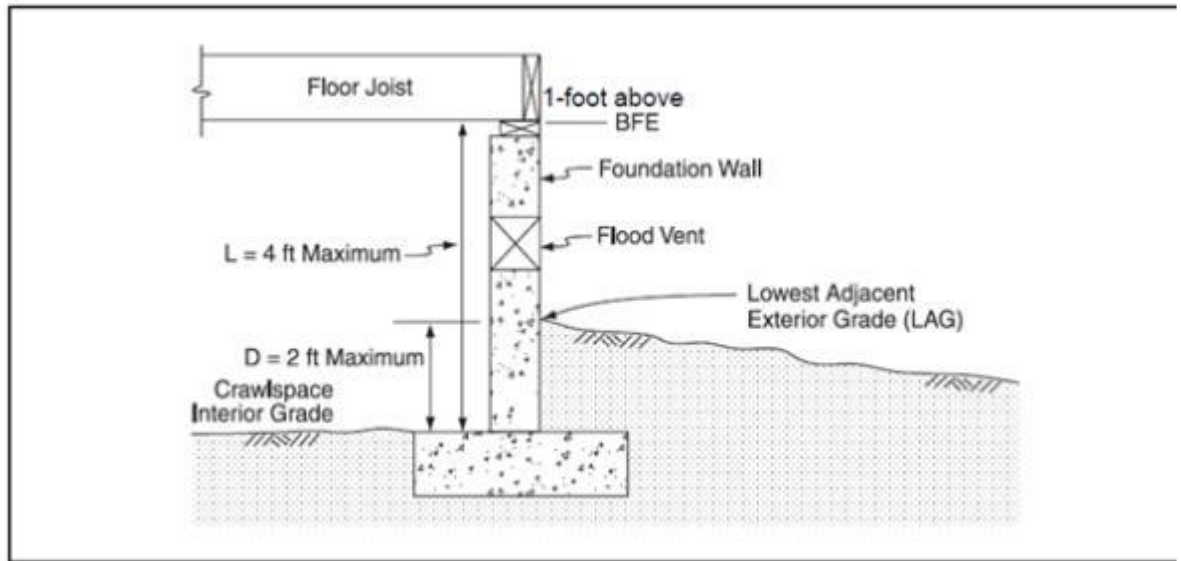
2. The crawlspace is an enclosed area below the BFE and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one foot above the lowest adjacent exterior grade.

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 (2021-44 : Ordinance Chapter 8.24 Floodplain Management Text Amendments)

Pg. 22 Ordinance No. _____ (___/___/___)



City of Central Point Staff Report to Council

ISSUE SUMMARY

TO: City Council **DEPARTMENT:** City Attorney

FROM: Sydnee Dreyer, City Attorney

MEETING DATE: July 8, 2021

SUBJECT: First Reading - Ordinance Amending in Part Central Point Municipal Code Chapter 10.14 Adding Police Department Authority

ACTION REQUIRED: Motion
Ordinance 1st Reading **RECOMMENDATION:** Approval

BACKGROUND INFORMATION:

The City recently amended its municipal code to add Chapter 10.14 which establishes preferential parking districts. As adopted, the Code provides that the Public Works Department will administer such program, issue permits and replacement permits, etc. Staff has determined that the police department should be in charge of issuing such parking permits and ensuring compliance with the requirements of Chapter 10.14. The proposed revision would modify the authority for such management to the police department.

FINANCIAL ANALYSIS:

LEGAL ANALYSIS:

None

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

STAFF RECOMMENDATION:

Move the ordinance to second reading.

RECOMMENDED MOTION:

I move to forward the Ordinance amending in part Central Point Municipal Code Chapter 10.14 adding Police Department authority to second reading.

ATTACHMENTS:

1. Ord Amending Ch 10.14 Police Department Authority

ORDINANCE NO. _____
AN ORDINANCE AMENDING IN PART CENTRAL POINT MUNICIPAL CODE
CHAPTER 10.14 ADDING POLICE DEPARTMENT AUTHORITY

RECITALS:

- A.** Pursuant to CPMC, Chapter 1.01.040, the City Council, may from time to time make revisions to its municipal code which shall become part of the overall document and citation.
- B.** Council adopted Ordinance No. 2074 amending Title 10 and adding Chapter 10.14 to the municipal code allowing for the creation of preferred parking districts to address parking concerns in designated areas of the City.
- C.** Ordinance 2074 established the process to create and operate a preferred parking district. As adopted, the Ordinance provided that the Public Works Department would be the primary department responsible for issuance of such permits.
- D.** Per discussion with staff, Council desires to amend Chapter 10.14 to establish primary authority for issuance of parking permits with the Central Point Police Department.
- E.** Words ~~lined through~~ are to be deleted and words **in bold** are added.

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

SECTION 1. Chapter 10.14 Parking Districts is amended in part as set forth below and incorporated herein by reference.

PREFERENTIAL PARKING DISTRICT

10.12.030 Issuance of permits.

- A.** Parking permits for preferential parking districts shall be issued by the **police department** ~~department of public works~~.
- B.** The number of permits to be issued to any one dwelling unit or to any merchant's business establishment shall be determined by the parking conditions within each district and set forth in the ordinance establishing the district.

C. Parking permits may be issued by the City only to the following persons: residents and merchants within the prescribed preferential parking district.

10.12.040 Posting signs in permit parking area.

Upon the adoption by the City Council of an ordinance designating a preferential parking district and the specified parking regulations applicable thereto, the department of public works shall cause appropriate signs to be erected in the district, indicating prominently thereon the parking limitation, period of the day for its application, and the fact that motor vehicles with valid permits shall be exempt therefrom.

10.12.070 Application for and duration of permit.

A. Except as otherwise provided in an Ordinance creating a preferential parking district, each parking permit issued by the **police department** ~~department of public works~~ shall be valid for one year. Permits may be renewed upon reapplication in the manner prescribed by the **police department** ~~department of public works~~.

B. Proof of residency/merchant location shall be required. Proof of residency/merchant location shall consist of two of the following:

1. Driver's license
2. Property Tax Bill or rental/lease agreement
3. Utility Bill (Cable TV, Telephone (landline only), Gas, Water, or Electric)
4. Company business card/letterhead.

10.12.100 Penalty provisions.

A. Unless exempted by provisions of this Chapter, no person shall stand or park a motor vehicle in any preferential parking district established pursuant to this part in violation of any parking restrictions established pursuant to this part. A violation of this section shall constitute an infraction, which shall be punishable by a fine, set by Resolution of Council.

B. No person shall falsely represent himself as eligible for a parking permit or furnish false information to the **police department** ~~department of public works~~ or other authorized city personnel in an application for a preferential parking permit.

C. No permit issued pursuant to this part shall thereafter be assigned, transferred or used for any consideration, monetary or otherwise. Violation of this subsection shall constitute an infraction and be punishable by a fine of \$100.00. Notwithstanding the foregoing, residents and merchants within a parking district may allow its/their visitors,

customers, or employees use of such permits while visiting or conducting business within the parking district.

D. No person shall copy, produce or create a facsimile or counterfeit parking permit, nor shall any person use or display a facsimile or counterfeit preferential parking district permit. Violation of this subsection shall constitute an infraction and be punishable by a fine of \$100.00.

E. Permit holders shall report to the **police department** ~~department of public works~~ or other authorized city personnel a lost, stolen, or missing permit within 10 days of loss, at which time that permit shall be cancelled and a new permit issued, at no cost.

F. Permits shall be returned to the **police department** ~~Department of Public Works~~ when the permit holder ceases to reside or exist in a preferential parking district.

G. No person shall display a permit cancelled pursuant to subsection E. Any such display on a vehicle shall be cause for ticketing and towing at the owner's expense in addition to the penalty set forth in subsection A of this section. Such cancelled permits shall be confiscated by the impounding authority.

10.12.110 Permit revocation procedure.

A. Any permittee who has violated the provisions of subsections B, C, D, E, F, or G of **Section 10.12.100** shall be subject to having the permit revoked, and shall be notified in writing of the permit revocation. Upon notification of such revocation, the permittee shall, within 15 working days of receipt of such notice, either surrender the permit to the **police department** ~~department of public works~~ or request, in writing, a hearing before the **police chief** ~~director of public works~~ or designated representative.

B. A timely request for a hearing made within 15 days of the receipt of the notice of revocation shall stay any revocation until five working days after the hearing decision is rendered.

C. A hearing shall be held by the **police chief** ~~director of public works~~ or designated representative, unless continued by agreement, within five working days of the request for a hearing. At the hearing, any person may present evidence or argument as to whether the permittee has violated any provisions of this part and whether the permit should be revoked.

D. A decision shall be rendered, by the **police chief** ~~director of public works~~ or designated representative, within five working days after the close of the hearing.

E. The ~~police chief director of public works~~ or designated representative may give oral notice of the decision at the close of the hearing or may send notice of the decision by mail to the permittee. The decision of the ~~police chief director of public works~~ or designated representative shall be final and conclusive.

F. If the revoked permit is not surrendered, the police department shall be notified so that appropriate enforcement action may be taken against the vehicle with the revoked permit the same as any other vehicle parking in the district without a permit.

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

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

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

Mayor Hank Williams

ATTEST:

City Recorder

RESOLUTION NO. _____

A RESOLUTION REGARDING A LEASE PURCHASE AGREEMENT FOR THE PURPOSE OF FINANCING "PUBLIC WORKS VEHICLES AND EQUIPMENT"

Recitals:

City of Central Point desires to enter into that certain Lease-Purchase Agreement by and between Government Capital Corporation and the City of Central, for the purpose of financing "Public Works Vehicles and Equipment". The City of Central Point desires to designate this Agreement as a "qualified tax exempt obligation" of the City of Central Point for the purposes of Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended. The City of Central Point desires to designate Chris Clayton, City Manager, as an authorized signer of the Agreement.

Therefore, the City of Central Point resolves as follows:

Section 1. That the City of Central Point enters into a Lease Purchase Agreement with Government Capital Corporation for the purpose of financing "Public Works Vehicles and Equipment" in an amount not to exceed \$490,000.00.

Section 2. That the Lease Purchase Agreement by and between the City of Central Point and Government Capital Corporation is designated by the City as a "qualified tax exempt obligation" for the purposes of Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended.

Section 3. That the City of Central Point will designate City Manager or the City Manager designee, as an authorized signer of the Lease Purchase Agreement by and between the City of Central Point and Government Capital Corporation as well as any other ancillary exhibit, certificate, or documentation needed for the Agreement.

Section 4. That should the need arise, if applicable, the City will use loan proceeds for reimbursement of expenditures related to the Property, within the meaning of Treasury Regulation § 1.150-2, as promulgated under the Internal Revenue Code of 1986, as amended.

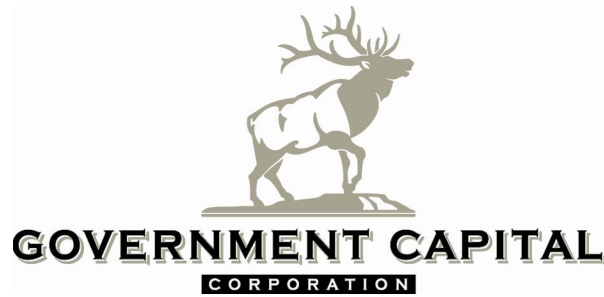
Passed by the Council and signed by me in authentication of its passage this 8th Day of July 2021.

Mayor Hank Williams

ATTEST:

City Recorder

Attachment: Resolution Lease Purchase Agreement - PW Equipment (1436 : Lease Purchase Agreement for Public Works Vehicles and



June 30, 2021

Mr. Steve Weber
 City of Central Point
 140 South Third Street
 Central Point, OR 97502

Steve,

Thank you for the opportunity to present proposed financing for (3) pieces of Public Works Maintenance Equipment, totaling \$483,941.87 for the City of Central Point, Oregon. I am submitting for your review the following proposed structure:

ISSUER:	City of Central Point, Oregon
FINANCING STRUCTURE:	Lease Purchase

EQUIPMENT COST:	\$ 483,941.87
ANNUAL TERM:	5 Payments
INTEREST RATE:	3.341%
PAYMENT AMOUNT:	\$ 106,701.92
PAYMENTS BEGINNING:	First Payment Deferred One Year from Signing, Annually Thereafter

The above proposal is subject to audit analysis, assumes bank qualification and mutually acceptable documentation. The terms outlined herein are subject to change and rates are valid for fourteen (14) days from the date of this proposal. If funding does not occur within this time period, rates will be indexed to markets at such time.

Our finance programs are flexible and my goal is customer delight. If you have any questions regarding other payment terms, frequencies or conditions, please do not hesitate to call.

With Best Regards,

Lisa Hott
 Lisa Hott
 Client Services
 Main: 817-421-5400



The transaction described herein is an arm's length, commercial transaction between you and Government Capital Corporation ("GCC"), in which GCC: (i) is acting solely for its own financial and other interests that may differ from yours; (ii) is not acting as your municipal advisor or financial advisor, and has no fiduciary duty to you with respect to this transaction; and (iii) is not recommending that you take an action with respect to this transaction.



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

ISSUE SUMMARY

TO:	City Council	DEPARTMENT: Community Development
FROM:	Stephanie Holtey, Planning Director	
MEETING DATE:	July 8, 2021	
SUBJECT:	Resolution No. _____, Setting a Public Hearing and Initiating Proceedings to Vacate a Portion of Unimproved Cook Lane Right-of-Way located Adjacent to 3664 and 3644 Grant Road (37 2W 10BC, Tax Lots 2200 and 2301).	
ACTION REQUIRED:	Resolution	RECOMMENDATION: Approval

BACKGROUND INFORMATION:

The City received a request to vacate a portion of unimproved Cook Lane off Grant Road. The street was originally platted to provide access to a flag lot in the Cook Partition (Partition No. 57-2006). The flag lot was never developed and at this time, it is been tentatively approved to be re-platted as Lots 11 and 12 of Mayberry Place, a 12-lot residential subdivision. Cook Lane will be realigned and incorporated into Mayberry Lane as the primary access for all lots in the subdivision. There is an 808 square foot area that needs to be vacated before the subdivision can be completed. The area adjoins property owned exclusively by W.L. Moore Construction (37 2W 10BC, Tax Lots 2301 and 2200). At this time, the City Council is considering whether to schedule a public hearing and initiate the vacation proceedings in accordance with CPMC 12.28 and ORS 271.130.

FINANCIAL ANALYSIS:

Financial impact to the City is limited to staff in-kind expenses which are recovered with planning related service fees.

LEGAL ANALYSIS:

ORS 271.130 grants the City Council the authority to initiate vacation proceedings and make such vacation without a petition or consent of property owners. Per ORS 271.130 there are three (3) steps to a city initiate vacation as follows:

1. By resolution, set a date to hold a public hearing. The purpose of the public hearing is to take testimony from affected property owners on the merits of the vacation;
2. Hold a public hearing to take testimony (oral and written) on the proposed vacation; and,
3. Based on the outcome of public hearing consider an ordinance to approve or deny the vacation.

At this time, the City Council is considering whether to schedule a public hearing to consider the vacation as described in this staff report. No formal decision is being made on whether or not to vacate the right-of-way. Following the proposed public hearing the Council may determine whether or not to vacate the right-of-way. To approve the vacation, the City Council must find the following:

1. That a majority of property owners in the affected area do not object to the vacation in writing; and,
2. Adjoining property owners either consent to the vacation or are compensated for any significant decrease in property value associated with the right-of-way vacation.

In this case, the adjoining property owner is requesting that the City Council schedule a public hearing to initiate the vacation proceedings as necessary to develop their property with needed housing.

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

City Council set forth five (5) strategic priorities in the 2040 Strategic Plan. The following apply to the proposed vacation:

Community Investment

Goal 6 – Meet the housing needs of Central Point residents and businesses.

Initiating the right-of-way vacation proceedings supports completion of a residential infill development project on Grant Road that will provide 12 primary single-family housing units. Given the current demand for housing and lack of supply, initiating the vacation proceedings is consistent with Council's goal to meet the City's housing needs.

Vibrant Economy

Goal 1 – Manage growth to provide a timely and orderly provision of facilities and services.

Initiating the vacation will allow for managed growth and timely and orderly provision of facilities and services needed to for the Mayberry Place residential subdivision.

STAFF RECOMMENDATION:

Consider the Resolution to schedule a public hearing on August 12, 2021 and initiate proceedings to vacate a portion of unimproved Cook Lane right-of-way located adjacent to 3664 and 3644 grant road (37S 2W 10BC tax lot 2200 and 2301).

RECOMMENDED MOTION:

I approve Resolution No. _____ setting a public hearing and initiating proceedings to vacate a portion of unimproved Cook Lane.

ATTACHMENTS:

1. Attachment A - Project Location Map
2. Attachment B - Resolution (incl Exhibits)



Attachment: Attachment A - Project Location Map (1435 : Cook Lane Right-of-Way Vacation)

RESOLUTION NO. _____

A RESOLUTION SETTING A PUBLIC HEARING AND INITIATING PROCEEDINGS TO VACATE A PORTION OF UNIMPROVED COOK LANE RIGHT-OF-WAY LOCATED ADJACENT TO 3664 AND 3644 GRANT ROAD (37S 2W 10BC TAX LOT 2200 and 2301)

RECITALS:

A. The Central Point City Council ("Council") is authorized under ORS 271.130 to initiate vacation proceedings for any public street without a petition or consent or property owners.

B. It is the intent of the Council to initiate a vacation of a portion of unimproved Cook Lane adjacent to property identified as 3664 and 3644 Grant Road and identified on the Jackson County Assessor's Map as 37S 2W 10BC Tax Lot 2200 and 2301, as described in attached Exhibit "A", "B" and "C."

C. The Council's action to initiate the above described vacation will be accomplished in accordance with all provisions of ORS 271.130.

The City of Central Point resolves:

Section 1. A public hearing is set for the City Council Meeting on August 12, 2021 at 7:00 p.m. in the Central Point Council Chambers, City Hall 140 South Third Street, and Central Point Oregon to receive public testimony regarding the vacation and to make a determination regarding the same.

Section 2. Notice of said public hearing shall be provided in accordance with ORS 271.110.

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

Mayor Hank Williams

ATTEST:

City Recorder

Attachment: Attachment B - Resolution (incl Exhibits) (1435 : Cook Lane Right-of-Way Vacation)

APPLICATION MAP

MAYBERRY PLACE
A SUBDIVISION
A REPLAT OF A PORTION OF COOK
LANE and PUE.

LOCATED IN THE NORTHWEST QUARTER
OF SECTION 10, TOWNSHIP 37 SOUTH
RANGE 2 WEST OF THE WILLAMETTE
MERIDIAN, CITY OF CENTRAL POINT,
JACKSON COUNTY, OREGON.

APPLICANT/OWNER:
K.L. MOORE CONSTRUCTION INC.
PO BOX 3577
CENTRAL POINT, OR 97502

PLANNER:
HERB FARBER
FARBER CONSULTING
1014 50th
CENTRAL POINT, OR 97502

LAND SURVEYOR:
FRED A. FRANTZ, PLS
TERRASURVEY, INC.
274 FOURTH STREET
ASHLAND, OREGON 97520
CER.# 482-6474

SITE:
3684 GRANT ROAD
CENTRAL POINT, OR 97502
SUBDIVISION NO. 37-24-108C-2200

ZONING: RR-2.5

NOTES:
MAYBERRY LANE WILL BE A MINOR RESIDENTIAL LOCAL STREET
WITH PARKING ON ONE SIDE PER STANDARD DRAWING ST-10.
STREET GRADES WILL BE 1 TO 5%.



EXISTING TREES TO REMAIN

- 18" CONCRETE SEWER LINE IN GRANT ROAD.
- 18" STORM DRAIN LINE AT NORTH END OF STORM DRAIN
EASEMENT ON BLUE HEARON DRIVE.
- 12" WATER LINE STUBBED TO THE NORTH LINE OF THIS
PROJECT FROM FROM BLUE HEARON DRIVE.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

FRED A. FRANTZ
DIRECTOR
JULY 12, 2004
FRED A. FRANTZ
REG.# 18-3077

Renewal 18-31-21

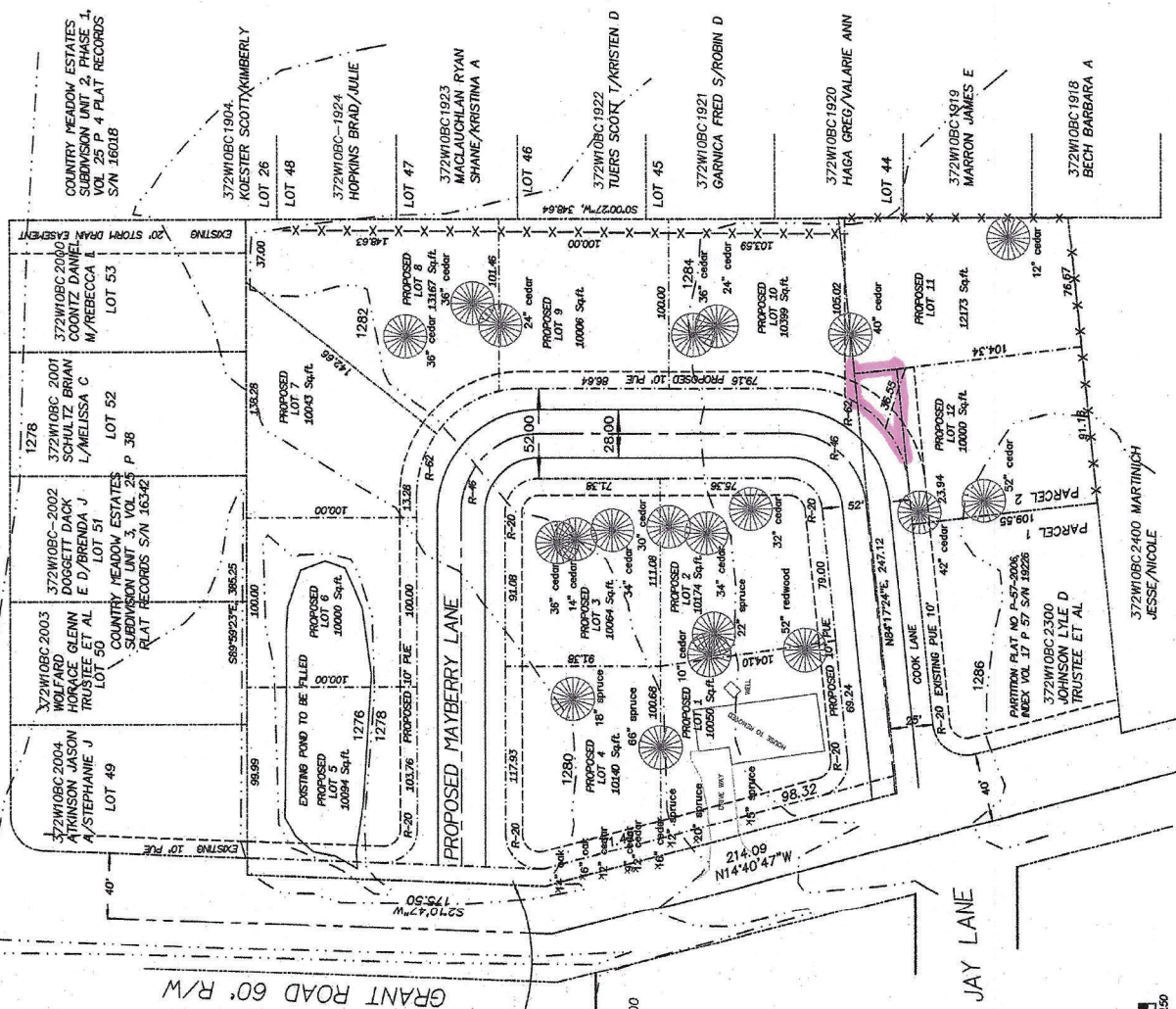
TERRASURVEY, INC.
PROFESSIONAL LAND SURVEYORS
274 FOURTH STREET
ASHLAND, OREGON 97520
(541) 482-6474
terran@blsp.net

JOB NO. 1267-19

BLUE HERON DRIVE 52' R/W

GRANT ROAD 60' R/W

BLUE JAY LANE



COUNTRY MEADOW ESTATES SUBDIVISION UNIT 2
PHASE 2, VOL 27 & PLAT RECORDS S/N 16803

DATE: 08-12-2020

SCALE: 1" = 50'

COURTIER INTERVAL IS 1 FOOT



37-24-108C TAX LOT 2200-2201

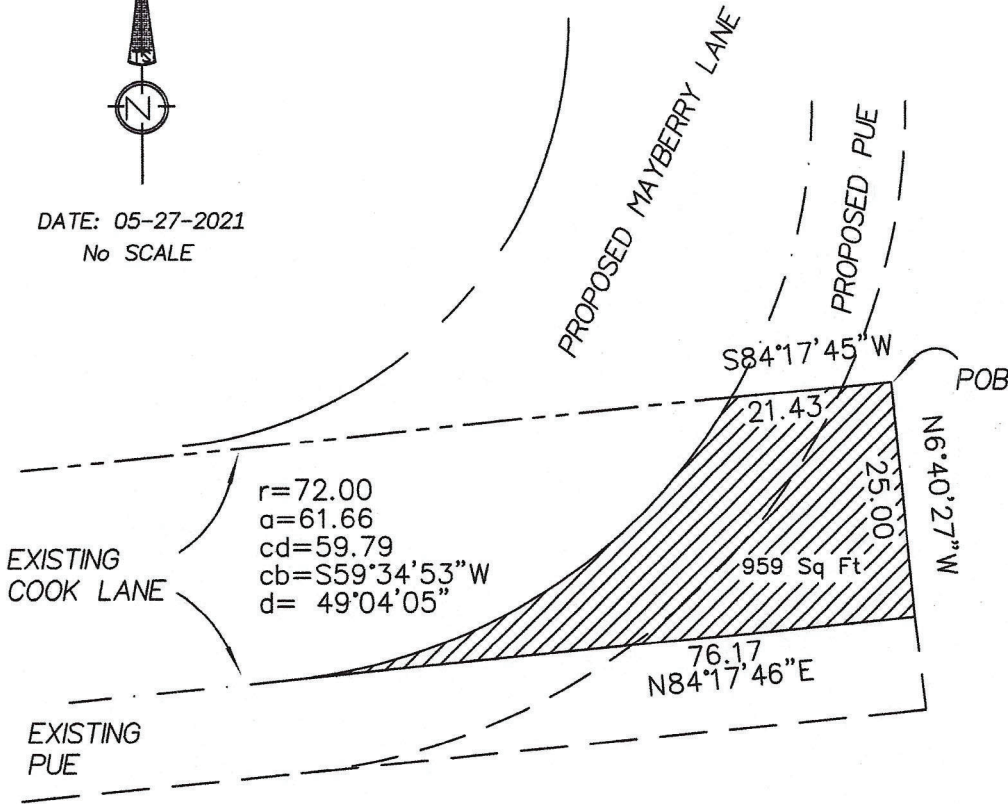
Attachment: Attachment B - Resolution (incl Exhibits) (1435 : Cook Lane Right-of-Way Vacation)

VACATION DETAIL

MAYBERRY PLACE
A SUBDIVISION
A REPLAT OF A PORTION OF COOK
LANE and PUE.



DATE: 05-27-2021
No SCALE



 AREA TO BE VACATED

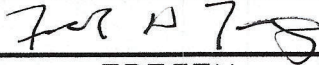
TERRASURVEY, INC.

PROFESSIONAL LAND SURVEYORS
274 FOURTH STREET
ASHLAND, OREGON 97520

(541) 482-6474
terrain@bisp.net

JOB NO. 1267-19

REGISTERED
**PROFESSIONAL
LAND SURVEYOR**


OREGON
JULY 12, 2005
FRED A. FRANTZ
No. 50077

Renewal 12-31-21

Property Description
Cook Lane proposed vacation.
Mayberry Place subdivision

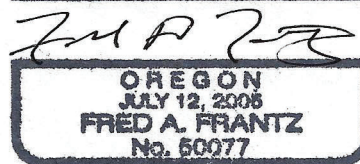
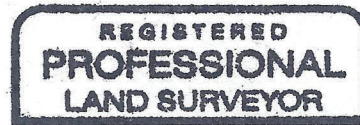
A portion of Cook Lane as described on Partition Plat No. P 57-2006 recorded in the Records of Jackson County, Oregon, Index Volume 17, Page 57, County Surveyor's File No 19226, more particularly described as follows:

Beginning at the northeast corner of Cook Lane as described on Partition Plat No. P 57-2006 recorded in the Records of Jackson County, Oregon, Index Volume 17, Page 57, County Surveyor's File No 19226; thence South 84°17'45" West, along the northerly line of said Lane for a distance of 21.43 feet; thence along a non-tangent curve to the right having a radius of 72.00 feet, a central angle of 49°04'05" for a distance of 61.66 feet with a long chord which bears South 59°34'53" West, 59.79 feet; thence North 84°17'46" East, along the southerly line of said Lane for a distance of 76.17 feet; thence North 06°40'27" West, along the easterly line of said Lane to the Point of Beginning.

Containing, more or less 959 square feet

Prepared by: Terrasurvey Inc.
274 4th Street
Ashland Oregon 97520

Phone: 541-482-6474



Renewal 12-31-21

Attachment: Attachment B - Resolution (incl Exhibits) (1435 : Cook Lane Right-of-Way Vacation)



City of Central Point Staff Report to Council

ISSUE SUMMARY

TO:	City Council	DEPARTMENT:	Finance
FROM:	Steven Weber,		
MEETING DATE:	July 8, 2021		
SUBJECT:	Fiscal Year 2019-20 Audit Report		
ACTION REQUIRED:	Motion	RECOMMENDATION:	Approval

BACKGROUND INFORMATION:

In accordance with Oregon Revised Statutes 297.425 as specified in Oregon Administrative Rule 162-10-000 through 162-010-320 of the Minimum Standards for Audits of Municipal Corporations, an audit of the financial records of the City of Central Point for the fiscal year 2019-20 was required.

The accounting firm of Isler CPAs from Eugene performed the audit for the 2019-20 fiscal year and rendered the opinion that the financial statements present fairly, in all material aspects, the respective financial position, changes in financial position, and respective budgetary comparison of the City of Central Point.

Due to the COVID-19 pandemic and the inability to have the auditors perform their work onsite at City Hall, multiple delays have led to the audit report being presented later than prior years.

FINANCIAL ANALYSIS:

N/A

LEGAL ANALYSIS:

N/A

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

City of Central Point 2040 Strategic Plan

Strategic Priority: Responsible Governance

Goal 1: Maintain a strong financial position that balances the need for adequate service levels and capital requirements against the affordability that is desired by our citizens.

STAFF RECOMMENDATION:

Accept the fiscal year 2019-20 audit report as presented.

RECOMMENDED MOTION:

I move to accept the fiscal year 2019-20 audit report as presented.



City of Central Point Staff Report to Council

ISSUE SUMMARY

TO:	City Council	DEPARTMENT:	City Manager
FROM:	Chris Clayton, City Manager		
MEETING DATE:	July 8, 2021		
SUBJECT:	Central Point Community Center Update		
ACTION REQUIRED:	Information/Direction	RECOMMENDATION:	None Forwarded

BACKGROUND INFORMATION:

Due to the impacts of COVID-19, including reductions in projected General Fund revenues, the Central Point Community Center Project was delayed during the 2019-2021 budgeted cycle. Furthermore, during the 2021-2023 City budget development process, the City Council agreed that a review of the Autumn 2021 property tax turnover would be an opportune time to “reengage” with the community center project and make appropriate decisions about moving the project forward.

During the COVID-19 delay, the United States Congress approved the American Rescue Plan Act (ARPA), which has allocated “one-time” revenues to cities, counties, and state governments throughout the United States. One component of the ARPA being encouraged by the United States Treasury is partnerships amongst government entities eligible for ARPA funds/projects.

Jackson County has approached the City of Central Point about the possibility of partnering on a community center facility located at Jackson County Expo. Generally speaking, a partnership with Jackson County could double the size, offerings, and potential of a Central Point community center. Moreover, a significant portion of the required infrastructure required to accommodate a community center (i.e., parking) already exists at the current Expo facility. However, altering the planned Central Point community center location would also have drawbacks. Walkability, centralized location, operational autonomy, a location outside Central Point Urban Renewal District, etc., would all be impacted by a change to project venue/partnership.

FINANCIAL ANALYSIS:

Prior to being delayed by COVID-19, the Central Point Community Center Project included a total estimated cost of 10 million dollars. However, given the significant inflationary cost seen in the construction sector of the economy, it is likely that total project costs have increased to the 12-14 million range.

If the City were to partner with Jackson County, our contribution to a 20 million dollar facility is estimated at 6-8 million, which is a far smaller burden on the Central Point tax/ratepayer. However, the community center project would have been eligible for Urban Renewal District contributions at the original location, which would have likely limited project general fund contributions to the same 6-8 million dollar range. In summary, partnering with the Expo creates an opportunity cost of capital decision, where the previously dedicated Urban Renewal funds could be allocated to an alternate project.

LEGAL ANALYSIS:

Currently not applicable.

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:**STAFF RECOMMENDATION:**

Staff recommends City Council discuss and consider forming an exploratory committee with Jackson County to discuss a potential project. Then, based on the work of the exploratory committee, a formal recommendation on whether a project partnership is desirable would be made to the city council at a future date.

RECOMMENDED MOTION:

None at this time.
