

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

City Council

Mayor
Hank Williams

Ward I
Bruce Dingler

Ward II
Michael Quilty

Ward III
Brandon Thueson

Ward IV
Allen Broderick

At Large
David Douglas
Rick Samuelson

Administration
Chris Clayton, City
Manager
Deanna Casey, City
Recorder

**Community
Development**
Tom Humphrey,
Director

Finance
Bev Adams, Director

Human Resources
Barb Robson, Director

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

Police
Kris Allison Chief

**CITY OF CENTRAL POINT
City Council Meeting Agenda
January 8, 2015**

Next Res. 1416
Next Ord. 1998

i. OATH OF OFFICE – 7:00 P.M.

I. REGULAR MEETING CALLED TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. PUBLIC APPEARANCES – *Comments will be limited to 3 minutes per individual or 5 minutes if representing a group or organization.*

V. CONSENT AGENDA

Page 2 - 9 A. Approval of December 8, 2014 Council Minutes

VI. ITEMS REMOVED FROM CONSENT AGENDA

VII. PUBLIC HEARING, ORDINANCES, AND RESOLUTIONS

11 - 29 A. Public Hearing – First Reading of an Ordinance Amending An Agreement Between the City of Central Point, Oregon and Jackson County, Oregon for the Joint Management of the Central Point Urban Growth Boundary (Humphrey)

31 - 36 B. Public Hearing – First Reading of an Ordinance Amending the Comprehensive Plan Map (Minor) to Add Approximately 48 Acres to the Central Point Urban Growth Boundary East of Interstate 5, North of Upton Road to the Seven Oaks Interchange (Exit 35) Including Dean Creek Road (Humphrey)

- 38 - 57 C. Public Hearing – First Reading of an Ordinance Amending the Central Point Zoning Ordinance, Chapter 17.08.010 Definitions; 17.64.040, Land use – TOD District; 17.65.050 Zoning Regulation – TOD District; and 17.65.070 Zoning Regulations – TOD Corridor (Humphrey)
- 59 - 66 D. Ordinance No. _____, Amending Central Point Municipal Code Chapter 6.08 Animal Control (Allison)
- 68 - 78 E. Ordinance No. _____, An Ordinance Amending the Central Point Zoning Map on Lot 33 of Twin Creeks Crossing, Phase 1 (1.81 Acres) From TOD-HMR, High Mix Residential to TOD-LMR, Low Mix Residential Zoning (Humphrey)

VIII. BUSINESS

- A. Planning Commission Report (Humphrey)

IX. MAYOR’S REPORT

X. CITY MANAGER’S REPORT

XI. COUNCIL REPORTS

XII. DEPARTMENT REPORTS

XIII. EXECUTIVE SESSION

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

XIV. ADJOURNMENT

Consent Agenda

**CITY OF CENTRAL POINT
City Council Meeting Minutes
December 11, 2014**

I. REGULAR MEETING CALLED TO ORDER

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

II. PLEDGE OF ALLEGIANCE

- III. ROLL CALL:** Mayor: Hank Williams
Council Members: Allen Broderick, Bruce Dingler, Kelly Geiger, Rick Samuelson, David Douglas, and Ellie George were present.
- City Manager Chris Clayton; City Attorney Darrell Jarvis; Police Chief Kris Allison; Community Development Director Tom Humphrey; Finance Director Bev Adams; Parks and Public Works Director Matt Samitore; and City Recorder Deanna Casey were also present.

IV. PUBLIC APPEARANCES

V. SPECIAL PRESENTATION

Mayor Williams and City Manager Chris Clayton presented Councilors Geiger and George with certificates of service. This is their last meeting on the City Council.

VI. CONSENT AGENDA

- A. Approval of November 13, 2014 City Council Minutes
- B. Approval of 2015 Committee Reappointments

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

VII. ITEMS REMOVED FROM CONSENT AGENDA - None

VIII. PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS

- A. Resolution No. 1415, Canvassing the Votes Cast at the General Election Held November 4, 2014**

City Manager Chris Clayton explained the City Charter requires that the Council canvas all election returns at the first regularly scheduled meeting following receipt from the County Clerk of the certification of election results. The proposed

resolution canvasses the total number of votes for each position, the name of each person elected to office and the office to which they have been elected.

Bruce Dingler moved to approve Resolution No. 1415, Canvassing the Votes Cast at the general Election Held November 4, 2014. Ellie George seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Kelly Geiger, yes; Allen Broderick, yes; David Douglas, yes; Rick Samuelson, yes; and Ellie George, yes. Motion approved.

B. Public Hearing- First Reading of an Ordinance Amending the Central Point Zoning Map on Lot 33 of Twin Creeks Crossing, Phase 1 (1.81 Acres) from TOD-HMR, High Mix Residential to TOD-LMR, Low Mix Residential Zoning

Community Development Director Tom Humphrey explained that the proposed amendment to the zoning map is for the Twin Creeks Retirement Center, a congregate living facility, which was developed on land designated HMR in 2009. The Applicant is requesting a zone change from High Mix Residential to Low Mix Residential adjacent to the Retirement Center.

The request meets all required criteria and is consistent with the Comprehensive Plan. There are adequate public services and transportation available to the area. The developer of Twin Creeks TOD has prepared a mitigation plan conditionally approved by the Federal Emergency Management Agency (FEMA). He stated that this is a public hearing and that notices have been posted and mailed according to State law.

Mayor Williams opened the public hearing.

Brett Moore, Applicant and Developer

The Twin Creek Retirement has been a great addition to Central Point. This would be a draw for those not yet ready for the retirement facility. They would have access to the larger facility and would be able to transition when ready. The single family structures will be rentals and will be owned by Twin Creeks Retirement.

No one else came forward. Mayor Williams closed the public hearing.

Kelly Geiger moved to second reading an Ordinance Amending the Central Point Zoning Map on Lot 33 of Twin Creeks Crossing, Phase 1 (1.81 Acres) from TOD-HMR, High Mix Residential to TOD-LMR, Low Mix Residential Zoning. Rick Samuelson seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Kelly Geiger, yes; Allen Broderick, yes; David Douglas, yes; Rick Samuelson, yes; and Ellie George, yes. Motion approved.

C. Public Hearing – First Reading of an Ordinance Amending Central Point Municipal Code Chapter 6.08 Animal Control

Police Chief Kris Allison explained that the proposed Ordinance would require dog owners to maintain control of their dogs in public places. The City would impose regulations on dog owners and impose criminal penalties on owners whose dogs threaten or injure other people or animals. She explained that the Ordinance is not breed specific. The City Council and Staff discussed the particulars of the Ordinance at a Study Session in September and it was clear that the burden should be on the owner, not a specific breed of dog.

The Ordinance is very similar to the City of Medford's. She feels it is important for jurisdictions that are so close together to be similar on subjects of this kind. There was discussion regarding transportation of dogs that are running free. Central Point Police cannot transport them in our police cars. We must rely on Jackson County Animal Control and they are limited on the hours that they are available.

Mayor Williams opened the public hearing.

Allen Burns, Central Point Resident

Mr. Burns explained that his dog was attacked by an unattended dog. The owner was never located. He agrees that the ordinance should not be breed specific. He is concerned that Jackson County Animal Control is not available to help transport when needed. He agrees that the Central Point Council should put pressure on Jackson County Animal Control so that they have an on call enforcement officer to transport vicious animals after regular business hours.

No one else came forward. Mayor Williams closed the public hearing.

Chief Allison will work with Jackson County to see if there are other options available for the times when they are not available. She may be able to work something out with the local Animal Hospitals to see if they would be able to house stray animals on weekends.

Rick Samuelson moved to second reading an Ordinance Amending Central Point Municipal Code Chapter 6.08 Animal Control. Kelly Geiger seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Kelly Geiger, yes; Allen Broderick, yes; David Douglas, yes; Rick Samuelson, yes; and Ellie George, yes. Motion approved.

IX. BUSINESS

A. Discussion Regarding the Intersection of Beebe and Hamrick Road

Parks and Public Works Director Matt Samitore explained that the City has been trying to negotiate the purchase of property needed to install a traffic signal at the intersection of Hamrick and Beebe Road for the past year. The conversations have been congenial but the property owner is not interested in selling just a portion of the property that the city requires for the signal. If the City purchases the property outright we would need to pay for a relocation study to determine the

costs associated to relocate the owner to a similar property in the Rogue Valley. The City would also be required to pay for all relocation/moving expenses.

It would be in the best interest of the city to only purchase what is needed for the signal. The city offered to build a sound wall along Beebe Road, install two water meters and give free water for a year and pay \$5,000 cash for the corner, which is approximately 172 square feet. The owner did not like this offer because it did not include a sound wall along Hamrick. We cannot build a sound wall along Hamrick Road because it is against our ordinances to do so.

Staff would like to hire a consultant to work through the options to obtain the property needed for the signal. This will involve hiring an appraiser to determine cost of the property and putting together a formal offer. If the property owner does not agree to the formal offer, the Council would have to discuss the possibility of condemnation. He reminded the Council that this signal is required before further construction can continue on the west side of Hamrick. It has been planned for several years and has been included in traffic studies.

The Council and staff are not in favor of condemnation and we would all like to see a mutual solution. Staff has been trying to work with the property owner for over a year with no positive outcome. There are plans currently being reviewed by the City for White Hawk Subdivision. There have been concerns about this intersection from citizens come before the Council over the past year.

City Attorney Darrell Jarvis stated that the City can start the process of condemnation. It is done all the time in many jurisdictions. Property owners cannot hold up progress if they file a law suit against the city. There does not appear to be another option for the city in regards to this intersection. The property owner will still have the required setbacks once the intersection is in place and the buildings will be intact. The city is only requiring a small portion of the property.

Allen Broderick made a motion directing staff to move forward with the appraisal needed for the intersection improvements at Hamrick and Beebe. Kelly Geiger seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Kelly Geiger, yes; Allen Broderick, yes; David Douglas, yes; Rick Samuelson, yes; and Ellie George, yes. Motion approved.

B. Joint Planning Commission Report

Community Development Director Tom Humphrey reported that the Central Point Planning Commission and the Jackson County Planning Commission held a joint meeting on November 20, 2014 to discuss the following items:

- Held a public hearing to consider a resolution to revise the urban growth boundary management agreement (UGBMA) between the City of Central Point and Jackson County to improve consistency with the Greater Bear Creek Valley Regional Plan and the City's Regional Plan Element. The respective planning staffs introduced new language to the Commissioners

which are intended to address “areas of mutual planning concern” for Forest/Gibbon Acres and Jackson County Expo. Other changes were made to clean up the agreement and to make City/County land use protocols more clear. Once the UGBMA is adopted by both parties, a joint meeting will become an option and not a requirement in the future. The changes also satisfy regional planning requirements which allow the City to proceed with UGB amendments. Both commissions supported the UGBMA revisions.

- Held a public hearing to consider a resolution to the City Council to amend the Comprehensive Plan Map to add approximately 48 acres to the City of Central Point Urban Growth Boundary east of Interstate 5; along and including Dean Creek Road; between the Seven Oaks Interchange and Old Upton Road. The Community Development Department introduced the City’s application to the County to amend its UGB into Urban Reserve Area CP-4D. Both Commissions supported the proposal as did various agencies who were asked to comment.

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

C. Briefing and Discussion on Issues Related to Approval of Measure 91

Mr. Clayton explained that there have been several articles in the paper regarding the legality of local governments to put in place the ability to tax the sale of marijuana with the passing of Oregon Ballot Measure 91. He asked the City Attorney to provide a legal review of the measure and the Ordinance we have put in place for addressing the Medical Marijuana Dispensaries.

City Attorney Sydnee Dreyer explained that the provisions of Measure 91 become effective for homegrown marijuana on July 1, 2015. Licensing for production, processing, wholesale and retail sales of marijuana becomes effective January 4, 2016. Under Measure 91, cities have authority to adopt reasonable time, place, and manner regulations for retail sales; bring nuisance actions against businesses; and require compliance with other regulations of general applicability such as land use. Cities also have a local opt out provision under the initiative process. OLCC will be reviewing the measure and rules that were put in place.

She explained the regulation options for facilities; licensing; the local option using the initiative process; the state tax revenue process; and employee drug testing. The city has put in place regulations for facility and licensing. It is unclear at this time if the local tax that over 60 cities put in place prior to Measure 91 will be upheld. It is expected that the local taxes will be challenged and will be a court decision. Measure 91 does not disturb existing employment laws regarding drug testing in regards to marijuana. An initiative process is not likely to happen for Central Point because it would need to be in place prior to the July 2015 date. The next General Election is November 2016.

There was discussion regarding private grows and that there are no options in place for cities to regulate personal grows. They need to be secure. Cities can use a chronic nuisance ordinance to help with complaints. Chief Allison and Mrs. Dreyer will review the current ordinance to make sure it is strong enough to enforce and help surrounding property owners. We may need to add a section for odor enforcement.

Mrs. Dreyer stated that we will continue to watch what the state is doing with their process but does not recommend changing anything that we have already put in place.

X. MAYOR'S REPORT

Mayor Williams reported that:

- He attended the Medford Water Commission meeting.
- He was a Judge for the Providence Festival of Trees.
- He attended the Grand Opening for the Dairy Queen.
- He attended the Community Christmas Lights Parade. It was well attended and the City Staff did a great job again this year.

XI. CITY MANAGER'S REPORT

City Manager Chris Clayton reported that:

- We have received word that our health insurance is staying stagnant again this year. We have been fortunate that there have been no changes in our premiums for this employee benefit.
- He met with the school district, they intend to explore the possibilities of a school bond in a few years.
- He has been approached by one of the businesses downtown. The new Oak Street parking lot is being used by one of the businesses all day and they would like to work on a solution so that customers have a place to park.
- The Medford Water Commission plans an across the board increase of 7.5%. They will be holding a public hearing at their next meeting. He will be writing a letter to present to them.
- The Community Christmas Lights Parade was a huge success.

XII. COUNCIL REPORTS

Council Member Allen Broderick stated that he attended the Parks and Recreation Commission meeting and the Multicultural Committee meeting.

Council Member Kelly Geiger reported that he has been appointed to the Jackson County Fair Board, and attended the Dairy Queen Grand Opening.

Council Member Rick Samuelson reported that he attended the RVCOG meeting where they discussed a feasibility report on Medicaid; he also attended a destination boot camp meeting.

Council Member David Douglas reported that he heard a few complaints regarding the street closures for the Community Christmas, not all the businesses were aware that they would be blocked in, and the parents had a hard time picking up children from Hope Christian School. He also attended a Greenway Committee meeting.

Council Member Ellie George reported that she attended the Dairy Queen Grand Opening and has enjoyed working with the City Council and City Staff.

XIII. DEPARTMENT REPORTS

Parks and Public Works Director Matt Samitore reported that:

- The department would like to shut the skate park down for an indefinite amount of time. Staff has been spending too much time doing repairs and picking up trash because a few of the skaters are trashing the park. They have issued citations and warned the teens causing the problems but they continue to do the damage costing the city money. Chief Allison says it does no good to arrest these teens, they only get released and come back to cause more issues. The Police Department and Parks Employees are constantly dealing with specific individuals at this time. Council is against punishing the other teens using the park and not causing the problems. Other cities have paid staff that sit at their skate parks to monitor behavior. Central Point does not have staff to fulfill that position. We could not put a volunteer in that position. The Park may need to be relocated in the future and we should get public input to see if the citizens of Central Point are in favor of moving the skate park to a different location in town. Council discussed other options available other than fencing off and closing the skate park all together.
- There were issues having the Community Christmas on a Friday night. The traffic is an issue with some of the business that would not be open on a Saturday night. The Schools had problems getting kids home at that time of day, there were a few complaints that the date and time did not give parents time to get home from work and back to town for the Parade and festivities. We will be talking to the Crater Foundation regarding the date for next year. We tried changing it this year for their Crater Foundation Auction Dinner, but the Community Christmas Lights Parade needs to be on a Saturday night. Either the City will have to move the event closer to Christmas or the Crater Auction will need to move their date.

Police Chief Kris Allison reported that:

- This is our busy time of year where we have several events to cover and vacations that everyone wants to take with their families.
- We have had an increase in DUII arrests.
- We are looking at a drug recognition expert position. This would be taking one of our officers and sending them to school to be an expert on recognizing suspects that are under the influence of something other than alcohol.

- Two of our officers were able to save the life of a man at Scenic Middle School last week. They arrived before the paramedics and were able to start CPR. They have AED's in their cars and were able to use the device to stabilize the gentleman so that the paramedics could transport him to the hospital.

Community Development Director Tom Humphrey reported that the Crater Foundation raised \$65,000 at their desert auction. It was their best auction in the 20 years that they have been around.

Finance Director Bev Adams reported that we have collected almost 86% of our tax money, this is a little higher than average for this time of year.

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

Allen Broderick moved to adjourn to Executive Session under ORS 192-660 (2)(h) Legal Counsel. David Douglas seconded. All said “aye” and the regular meeting was adjourned to executive session at 8:55 p.m.

The Council returned to regular session at 9:02 p.m. No further action was taken.

XV. ADJOURNMENT

Rick Samuelson moved to adjourn, Ellie George seconded, all said “aye” and the Council Meeting was adjourned at 9:03 p.m.

The foregoing minutes of the December 11, 2014, Council meeting were approved by the City Council at its meeting of January 8, 2015.

Dated:

Mayor Hank Williams

ATTEST:

City Recorder

ORDINANCE

Urban Growth Boundary Area Management Agreement



STAFF REPORT

January 8, 2015

AGENDA ITEM:

Consideration of the revision of the Urban Growth Boundary Management Agreement (UGBMA) between the City of Central Point and Jackson County to improve consistency with the Greater Bear Creek Valley Regional Plan and the City's Regional Plan Element. Principal revisions add Forest/Gibbon Acres and Jackson County Expo and Fairgrounds as "Areas of Mutual Planning Concern" to insure coordinated land use preservation and/or development. County File No. 439-14-00030-LRP and City File No. 14010; **Applicants:** Jackson County/City of Central Point.

STAFF SOURCE:

Tom Humphrey AICP , Community Development Director

BACKGROUND:

The City and County's Regional Plan Elements includes a provision *that prior to expansion of the Central Point Urban Growth Boundary into any Urban Reserve Area, the City and Jackson County shall adopt an agreement (Area of Mutual Planning Concern) for the management of Gibbons/Forest Acres Unincorporated Containment Boundary* (Performance Indicators 4.1.9.5). The two agencies have concluded that the best way to address this condition is to amend the pre-existing City/County agreement (Attachment A). City and County staff have also added Jackson County Expo and Fairgrounds as an Area of Mutual Planning Concern for two reasons: 1) the County recently added the Expo property to an Enterprise Zone and 2) *during the first Coordinated Periodic Review process for the Regional Plan, Jackson County shall consider including the land occupied by the Jackson County Expo to the City of Central Point's Urban Reserve Area* (Performance Indicator 4.1.19). For this reason, both jurisdictions thought it wise to instigate early coordination through the UGBMA.

City and County staff introduced a draft of the City/County UGBMA to a joint meeting of the City and County Planning Commissions on November 20, 2014. which was last revised in 1998. Additional *new* declarations were added along with *new* definitions, the *intent and purpose* of the agreement and a few *new policies* to clarify infrastructure in the Tolo Area and the creation of two new Areas of Mutual Planning Concern. Each Planning Commission unanimously recommended approval of the agreement to their respective elected officials. Two minor revisions were made and are reflected in italics on pages 8 and 10.

ISSUES:

The adoption of this proposed Major Text Amendment (Legislative) would amend the County's Urban Growth Boundary Agreement with the City of Central Point in order to address the Greater Bear Creek Valley Regional Plan's (GBCVRP) Performance Measure 2.9.5 which states:

Prior to the expansion of the Central Point Urban Growth Boundary into any Urban Reserve Area, the City and Jackson County shall adopt an agreement (Area of Mutual Planning Concern) for the management of Gibbons/Forest Acres Unincorporated Containment Boundary (same as previously referenced in the City's Regional Plan Element).

Section 3.7.1 of the County's Land Development Ordinance defines a Major Text Amendment (Legislative) as:

Amendments that directly affect adopted goals, policies, or patterns of land use. Examples include, but are not limited to: adopting a new policy or implementation strategy; or revising goals of the Plan.

The proposed amendment would effectively result in new policy and/or implementation strategies within the Urban Growth Boundary Management Agreement with the City of Central Point and therefore falls within the definition of a Major Text Amendment. Jackson County LDO Section 3.7.2(A)(1) states that such amendments must be initiated through a County action such as an order approved by the Board of Commissioners. Order No. 163-14, which was included in the record of the Planning Commission proceedings, is the Board's action that initiated this proposal.

Major text amendments must conform to the approval criteria contained in LDO 3.7.3(B) which read:

The amendment will correct a substantive error, implement a change in policy, or bring the Comprehensive Plan into compliance with State and Federal laws or administrative rules. Such amendments may have widespread and significant impacts, which could require individual property owner notice.

FINDING: The proposed major text amendment will serve to bring the City of Central Point Urban Growth Boundary Management Agreement into compliance with the GBCVRP Performance Indicator 2.9.5, adopted pursuant to the requirements of ORS 197.656(2)(b)(C).

The City has similar criteria for initiating amendments to the comprehensive plan or the urban growth boundary (ref. CPMC Section 17.96.200). In this case, the City Council passed a Resolution of Intent (No. 1378) in August 2013 to initiate changes to its Urban Growth Boundary and its Urban Growth Boundary Management Agreement with Jackson County.

FINDING: The proposed major text amendment is consistent with the Central Point Municipal Code - *Comprehensive Plan and Urban Growth Boundary Amendments* and will serve to bring the City of Central Point Urban Growth Boundary Management Agreement into compliance with the City's Regional Plan Element.

ATTACHMENTS:

Attachment "A" – Ordinance No. ____ An Ordinance Amending an Agreement Between The City of Central Point, Oregon (City) and Jackson County, Oregon (County) for the Joint Management of the Central Point Urban Growth Boundary.

ACTION:

Open public hearing and consider the proposed amendment to the Urban Growth Boundary Management Agreement (UGBMA), close public hearing and 1) move to second reading; 2) move to second reading with revisions; 3) deny the proposal.

RECOMMENDATION:

Direct Staff to schedule the second reading for the next regularly scheduled City Council meeting (January 22, 2015) to approve an amendment to the UGBMA.

ORDINANCE NO. _____

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

Recitals:

- A. The City of Central Point (City) is authorized under Oregon Revised Statute (ORS) Chapter 197 to prepare, adopt and revise comprehensive plans and implementing ordinances consistent with the Statewide Land Use Planning Goals.
- B. The City has coordinated its planning efforts with the State in accordance with ORS 197.040(2)(e) and OAR 660-030-0060 to assure compliance with goals and compatibility with City Comprehensive Plans.
- C. Pursuant to authority granted by the City Charter and the ORS, the City may amend the Central Point Urban Growth Boundary Management Agreement with Jackson County which was originally adopted on September 26, 1984 and has been amended at various times since.
- D. Pursuant to the requirements set forth in CPMC Chapter 17.96.100 Comprehensive Plan and Urban Growth Boundary Amendments – Purpose and Chapter 17.05.010, Applications and Development Permit Review Procedures, the City has accepted an application and conducted the following duly advertised public hearings to consider the proposed amendment:
 - a) Planning Commission hearing on November 20, 2014
 - b) City Council hearings on January 8, 2015 and January 22, 2015.

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

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

Section 2. The City Urban Growth Boundary Management Agreement (UGBMA) is hereby amended as set forth in Exhibit 1 which is attached hereto and by this reference incorporated herein.

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

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

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

Mayor Hank Williams

ATTEST:

City Recorder

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

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

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

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

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

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

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

DEFINITIONS

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

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

- A) **URBAN LAND:** Residential areas generally comprised of parcels smaller than one acre, or highly developed commercial and industrial areas which are within incorporated cities or which contain concentrations of persons who reside or work in the areas, including land adjacent to and outside cities, and which have supporting urban public facilities and services.
- B) **URBANIZABLE LAND:** Areas within an officially adopted urban growth boundary which are needed for the expansion of that urban area, and which have been determined to be necessary and suitable for development as future urban land and which can be served with necessary urban public facilities and services.
14. **Urban Reserve Areas (URA):** Land outside of a UGB identified as highest priority (per ORS 197.298) for inclusion in the UGB when additional urbanizable land is needed in accordance with the requirements of Statewide Planning Goal 14.

INTENT AND PURPOSE OF AGREEMENT

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

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

URBAN GROWTH POLICIES

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

- B) The term "urban level development" shall be generally defined, for purposes of this agreement, as any commercial or industrial development, and any residential development, partitioning, or subdivision that creates actual or potential densities greater than allowed by the City's Residential Low-density District (R-L). The expansion or major alteration of legally existing commercial or industrial use shall also be considered urban level development.
 - C) Urban level development proposals submitted through County processes must be accompanied by a contract to annex to the City.
2. A change in the use of urbanizable land from a use designated on the Jackson County Comprehensive Plan/Zoning Map to uses shown on the City Comprehensive Plan shall occur only upon annexation or contractual intent to annex to the City. Additionally:
- A) Development of land for uses designated in the Comprehensive Plan shall be encouraged on vacant or underdeveloped lands adjacent to or within the City limits prior to the conversion of other lands within the urban growth boundary.
 - B) Urban facilities and services must be adequate in condition and capacity to accommodate the additional level of growth, as allowed by the Comprehensive Plan, prior to or concurrent with the land use changes.
 - C) The City may initiate annexation and zone changes of lands outside the City limits and within the UGB that are under a County "Exclusive Farm Use" designation or otherwise enjoying farm-related tax incentives when such lands are needed for urban development.
3. City annexation shall only occur within the framework of the City's Comprehensive Plan and within the Urban Growth Boundary.
4. Except as provided in Policy 11 of this agreement, specific annexation decisions shall be governed by the City of Central Point. The City will provide opportunities for the County and all affected agencies to respond to pending requests for annexation with the response time limited to sixty days to minimize any unnecessary and costly delay in processing.
5. The establishment of the Urban Growth Boundary does not imply that all lands within the Boundary must be annexed to the City.
6. Jackson County shall retain jurisdiction over any land use decisions, other than annexations, within the unincorporated urbanizable area, in conformance with these adopted policies. Additionally:

- A) The City shall be requested to respond to pending applications for land use changes in the unincorporated urbanizable area. If no response is received within fourteen days, the County will assume the City has no objections to the request
 - B) The City will request that the County respond to pending applications for land use changes within the incorporated area which could affect land under County jurisdiction. If no response is received within fourteen days, the City will assume the County has no objections to the request.
 - C) Recognizing that unincorporated areas within the Urban Growth Boundary could ultimately become part of Central Point, the City's recommendations will be given due consideration. It is the intent of the County to administer a mutually adopted City/County policy in the urbanizable area until such time as the area is annexed.
7. Lands in the vicinity of the Seven Oaks Interchange, as delineated on Map 1 attached, are considered unique because of the transportation facilities present. The I-5 Interchange Area Management Plan (IAMP) for Exit 35 addresses the unique characteristics of the area and recommendations from the plan will be incorporated into the City and County Comprehensive Plans. Portions of this area are in Central Point's Urban Reserve while the remainder is designated an *Area of Mutual Planning Concern* and shall be protected from premature development. Additionally:
- A) The County shall ensure that the area remains in a rural character so that a priority is placed on urban development within the UGB, as planned.
 - B) The Seven Oaks Interchange Area of Mutual Planning Concern shall retain its present County Comprehensive Plan and Zoning Map designation, or similar "rural" designation, until such time as the area can be shown to be needed for the City's urbanization, in accordance with the seven urbanization factors of Statewide goal 14 and the provisions of this agreement that pertain to City-initiated comprehensive plan amendments.
8. Lands in the vicinity of and including Forest/Gibbon Acres west of Table Rock Road, as delineated on Map 2 attached, are considered remote to Central Point at this time. Although located outside of any Urban Reserve, this area is designated an *Area of Mutual Planning Concern* and shall be protected from premature or more intense development. Additionally:
- A) The County shall ensure that the area remains in a rural character so that a priority is placed on urban development within the UGB and URAs, as planned.

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

purpose of maintaining agricultural land uses and related tax incentives until such time as planned annexation and urban development occur.

- C) "Suburban Residential" or other zoning designations that would permit non-agricultural land uses to develop prematurely could result in obstacles to future planned and coordinated growth and, therefore, should be restricted to only those areas that are already developed to such levels.
 - D) Agricultural zoning policies contained herein apply only to areas identified by the City or County as agricultural lands within the UGB, URA's or Seven Oaks Area of Mutual Planning Concern and shall not be used as a standard to review other land use applications within these areas.
11. The City and County acknowledge the importance of protecting agricultural lands. Therefore:
- A) While properties are in agricultural use, the City will apply the below standards when adjacent lands are proposed for urban residential development:
 - i. To mitigate the potential for vandalism, the development's design should incorporate the use of visible public or semipublic open space adjacent to the agricultural lands.
 - ii. To mitigate nuisances originating from agricultural noise, odors, irrigation run-off, and agricultural spray drift, the development's design should incorporate:
 - a. The use of landscaping and berms where a positive buffering benefit can be demonstrated.
 - b. The orientation of structures and fencing relative to usable exterior space such as patios, rear yards and courts, such that the potential impacts from spray drift, dust, odors, and noise intrusion are minimized.
 - c. The design and construction of all habitable buildings, including window and door locations, should be such that the potential impact of spray drift, noise, dust, and odors upon interior living/working areas will be minimized.
 - d. Physical separation between agricultural lands and urban development shall be utilized to the greatest extent possible to minimize adverse impacts. Site design emphasizing the appropriate use of open space areas, streets, and areas not

designed specifically for public recreation or assembly shall be considered.

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

AMENDMENTS AND CORRECTIONS TO THE URBAN GROWTH BOUNDARY

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

MAJOR REVISIONS

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

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

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

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

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

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

MINOR BOUNDARY LINE ADJUSTMENTS

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

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

CORRECTION OF ERRORS

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

REVIEW, AMENDMENT AND TERMINATION OF AGREEMENT

- A. This Agreement may be reviewed and amended at any time by mutual consent of both parties, after public hearings by the Council and the Board of Commissioners.

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

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

CITY OF CENTRAL POINT

JACKSON COUNTY
BOARD OF COMMISSIONERS

Hank Williams, Mayor DATE

Don Skundrick, Chair DATE

APPROVED AS TO FORM:

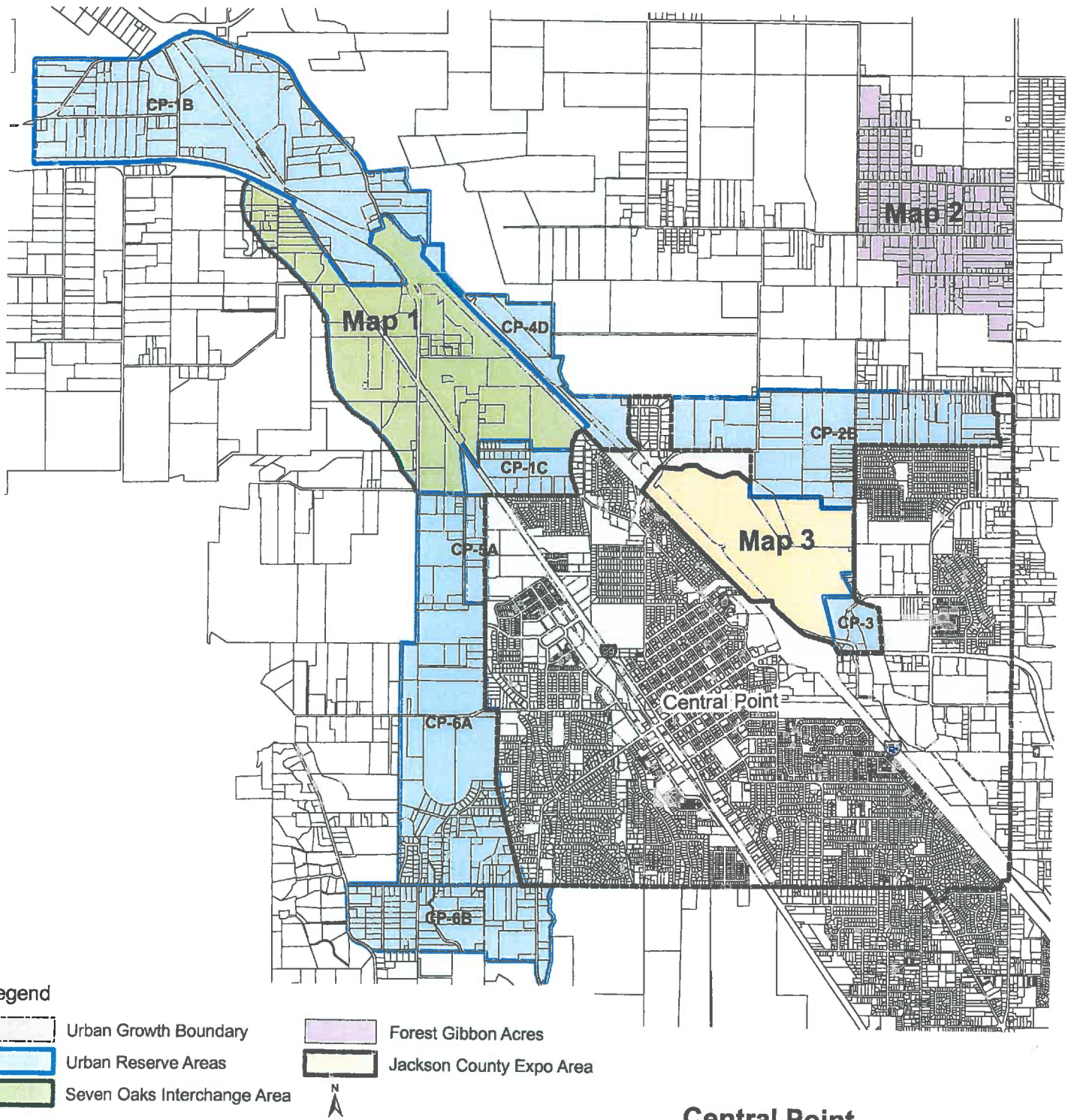
County Counsel

ATTEST:

ATTEST:

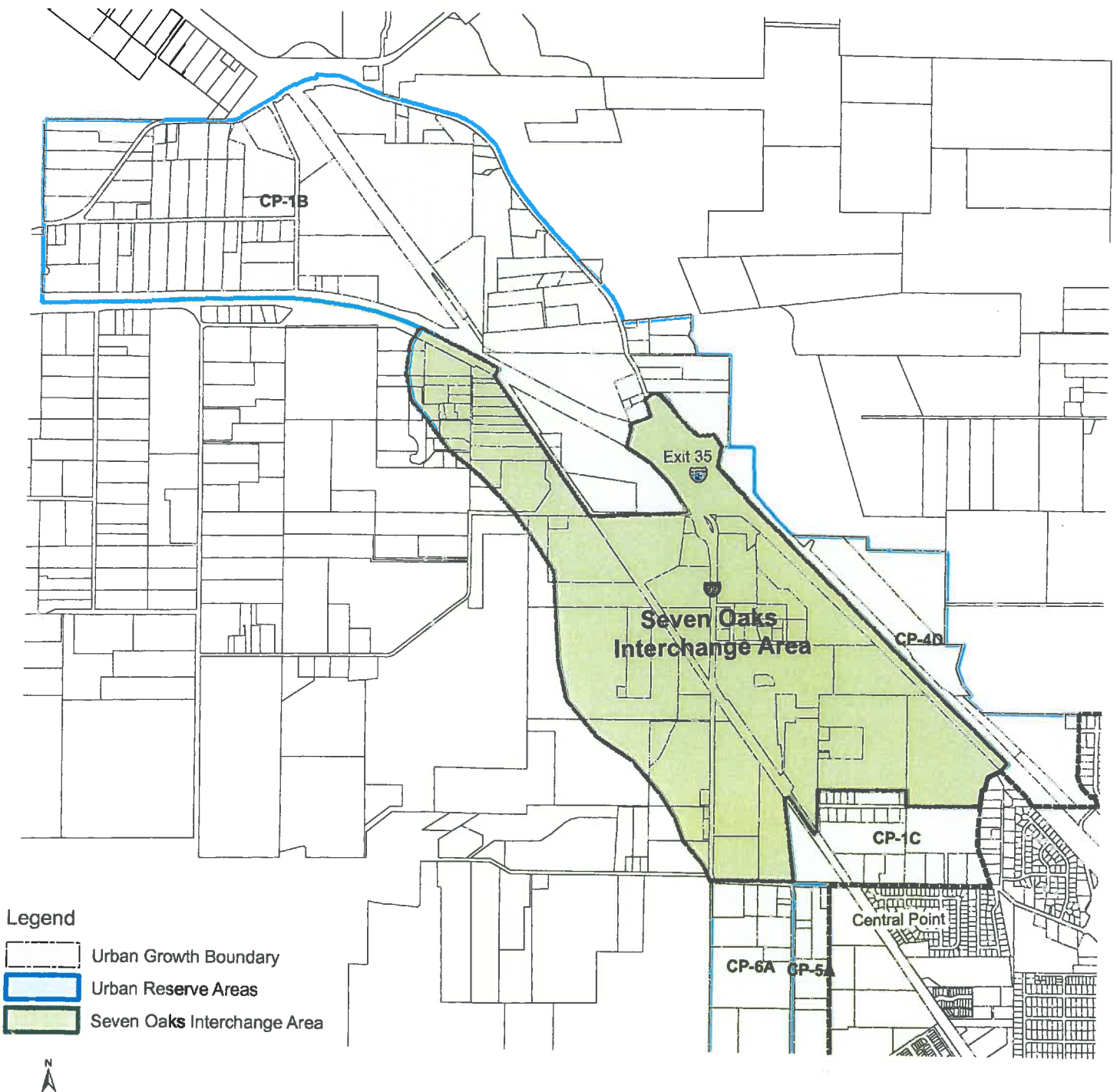
City Administrator

Recording Secretary



Central Point

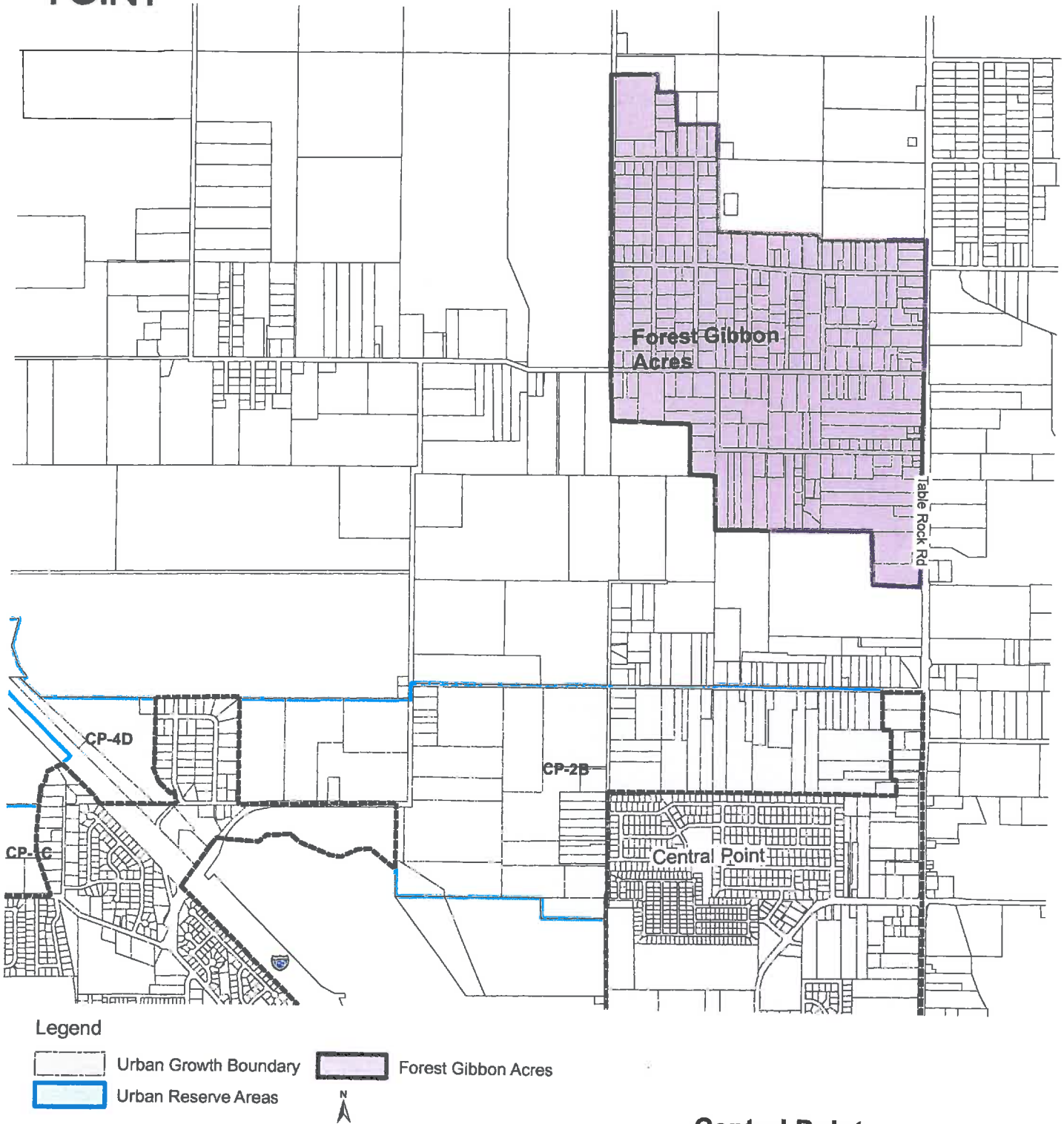
Urban Growth Boundary Areas of Mutual Planning Concern Index Map



Central Point

Map 1

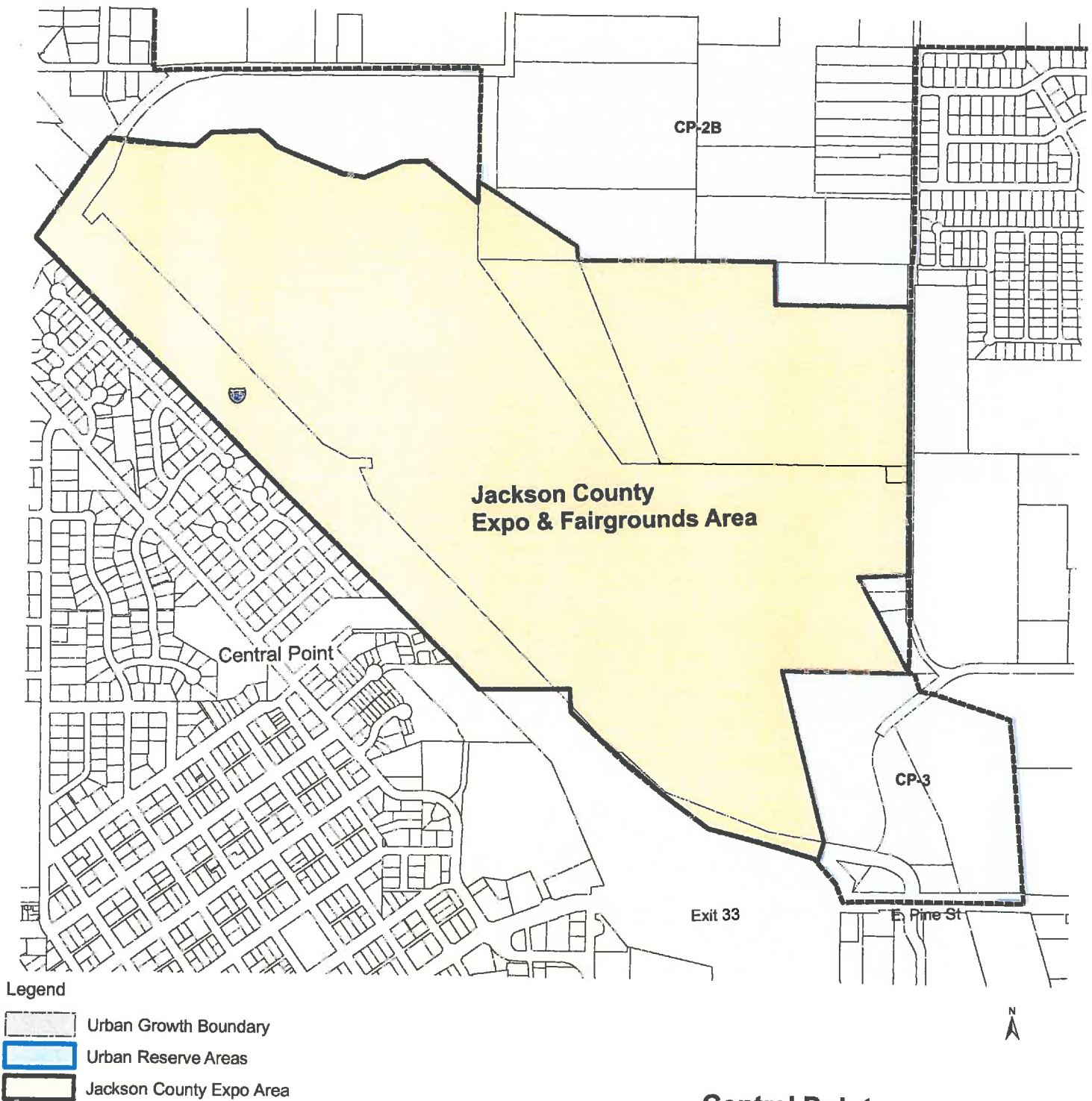
Urban Growth Boundary
Areas of Mutual Planning Concern
Seven Oaks Interchange Area



Central Point

Map 2

Urban Growth Boundary
Areas of Mutual Planning Concern
Forest Gibbon Acres



Map 3

Urban Growth Boundary
Areas of Mutual Planning Concern
Jackson County Expo Area

ORDINANCE

Urban Growth Boundary Amendment Ordinance



STAFF REPORT

January 8, 2015

AGENDA ITEM: File No. 14003

Consideration of an Amendment to the Comprehensive Plan Map (Minor) to add approximately 48 acres to the City of Central Point Urban Growth Boundary (UGB) east of Interstate 5, north of Upton Road to the Seven Oaks Interchange (Exit 35) including Dean Creek Road. County File No. 439-14-00025-LRP and City File No. 14003; **Applicant:** City of Central Point.

STAFF SOURCE:

Tom Humphrey AICP, Community Development Director

BACKGROUND:

The adoption of the proposed Minor Map Amendment would amend the County and City Comprehensive Plan Maps by adding approximately 48 acres of Bear Creek Greenway and Open Space land to the Central Point UGB. The City Council passed a Resolution of Intent (No. 1378) in August 2013 to initiate changes to its UGB in response to a request by Cardmoore Trucking to bring their property at Seven Oaks Interchange into the City of Central Point. In order to extend the UGB to the Cardmoore property, the City first needs to add land from Urban Reserve Area CP-4D.

The land proposed for amendment includes property that is in the public ownership of Central Point, Jackson County and the Oregon Department of Transportation (ODOT). The land being added to the UGB will retain the County Comprehensive Plan designation and zoning until such time as the properties are annexed and the appropriate City zoning is applied.

ISSUES:

City and County's Regional Plan Elements include a provision *that prior to expansion of the Central Point Urban Growth Boundary into any Urban Reserve Area, the City and Jackson County shall adopt an agreement (Area of Mutual Planning Concern) for the management of Gibbons/Forest Acres Unincorporated Containment Boundary* (Performance Indicators 4.1.9.5). The two agencies concluded that the best way to address this condition was to amend the pre-existing City/County agreement (This is the subject of another item on the City Council's agenda). The UGBMA must be adopted before the UGB can be amended.

Other conditions of the Regional Plan Element include; 1) the creation of Conceptual Land Use and Transportation Plans (Performance Measure 2.7 and 2.8); 2) the restriction of new roadway access into CP-4D (Performance Measure 2.9.3); and 3) the formation of and receipt of recommendations from a County Appointed Agricultural Task Force (Performance Measure 2.22).

Each of these conditions have been or are being addressed. The City Council may recall its approval of a Conceptual Plan for URA CP-4D. This plan has been vetted and approved by the Rogue Valley MPO and by the Rogue River Valley Irrigation District. Regarding issues of roadway access, City and County staff have worked out an intergovernmental agreement to transfer jurisdiction of Dean Creek Road when property from CP-4D is annexed. City staff participated in the Agricultural Task Force and contributed to

the recommendations the County Board of Commissioners incorporated in the County Comprehensive Plan.

FINDING: The proposed UGB Amendment may proceed having satisfied conditions and being in compliance with the GBCVRP Performance Indicators, adopted pursuant to the requirements of ORS 197.656(2)(b)(C).

The City has criteria for initiating amendments to the comprehensive plan or the urban growth boundary (ref. CPMC Section 17.96.200). The Urban Growth Boundary Management Agreement with Jackson County also provides a process for considering and adopting this UGB Amendment.

FINDING: The proposed Minor Boundary Line Adjustment is consistent with the Central Point Municipal Code - *Comprehensive Plan and Urban Growth Boundary Amendments* and with the City/County UGBMA and it also satisfies the requirements of the GBCVRP and the City's Regional Plan Element.

ATTACHMENTS:

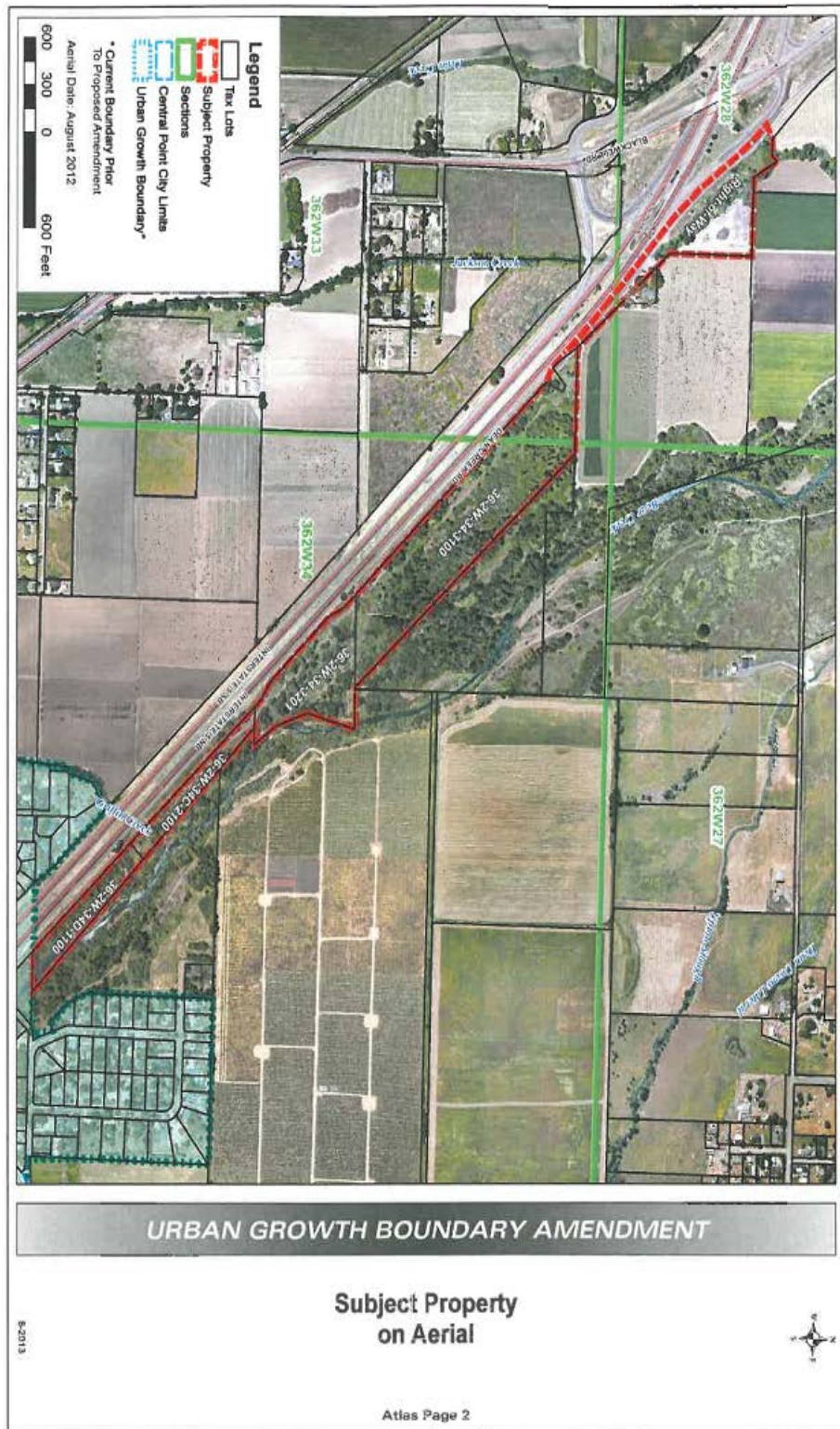
Attachment "A" – Ordinance No. ____ An Ordinance Amending the Comprehensive Plan Map (Minor) to Add Approximately 48 acres to the Central Point Urban Growth Boundary east of Interstate 5, north of Upton Road to the Seven Oaks Interchange (Exit 35) including Dean Creek Road.

ACTION:

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

RECOMMENDATION:

Direct Staff to schedule the second reading for the next regularly scheduled City Council meeting (January 22, 2015) to approve an amendment to the UGB.



ORDINANCE NO. _____

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN MAP (MINOR) TO ADD APPROXIMATELY 48 ACRES TO THE CENTRAL POINT URBAN GROWTH BOUNDARY EAST OF INTERSTATE 5, NORTH OF UPTON ROAD TO THE SEVEN OAKS INTERCHANGE (EXIT 35) INCLUDING DEAN CREEK ROAD.

Recitals:

- A. The City of Central Point (City) is authorized under Oregon Revised Statute (ORS) Chapter 197 to prepare, adopt and revise comprehensive plans and implementing ordinances consistent with the Statewide Land Use Planning Goals.
- B. The City has coordinated its planning efforts with the State in accordance with ORS 197.040(2)(e) and OAR 660-030-0060 to assure compliance with goals and compatibility with City Comprehensive Plans.
- C. Pursuant to authority granted by the City Charter and the ORS, the City may amend the Central Point Urban Growth Boundary with Jackson County which was originally adopted on September 26, 1984 and has been amended at various times since.
- D. Pursuant to the requirements set forth in CPMC Chapter 17.96.100 Comprehensive Plan and Urban Growth Boundary Amendments – Purpose and Chapter 17.05.010, Applications and Development Permit Review Procedures, the City has accepted an application and conducted the following duly advertised public hearings to consider the proposed amendment:
 - a) Planning Commission hearing on November 20, 2014
 - b) City Council hearings on January 8, 2015 and January 22, 2015.

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

Section 1. Based upon all the information received, the City Council adopts the findings of fact and conclusions of law set forth in the City staff report, File No. 14003 and public records; determines that changing community conditions, needs and desires justify the amendments and hereby adopts the changes entirely.

Section 2. The City Urban Growth Boundary (UGB) is hereby amended as set forth in Exhibit 1 which is attached hereto and by this reference incorporated herein.

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

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

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

Mayor Hank Williams

ATTEST:

City Recorder

ACTUAL AREA OF UGB AMENDMENT



ORDINANCE

Congregate Housing Amendments

**STAFF REPORT**

January 6, 2015

AGENDA ITEM: File No. 14022

Consider amendments to the Central Point Municipal Code, Chapter 17.08 .010 Definitions, Specific, defining the term "Congregate (Senior) Housing"; 17.64.040, Off-Street Parking Requirements, Table 17.64.02A adjusting parking requirements for Congregate (Senior) Housing, 17.65.050 Zoning Regulations, TOD District, Tables 1 through 3, and 17.65.070 Zoning Regulations, TOD Corridor, Tables 4 and 5, to delete the term "Senior Housing" and replace the term "Senior Housing" with the term "Congregate (Senior) Housing"; Applicant: City of Central Point.

STAFF SOURCE:

Don Burt, AICP

BACKGROUND:

As the result of a recent application three issues came to the attention of the Community Development Department as follows:

1. Section 17.65.050, Tables 1 and 4 refers to "Senior Housing" as a use; however, the term "Senior Housing" is not defined. It is proposed that the term "Senior Housing" be replaced with "Congregate (Senior) Housing" a more generally acknowledged and accepted term within the housing industry. Additionally, Congregate (Senior) Housing will be listed under the multifamily dwelling housing category in Tables 1 through 5 in Sections 17.65.050 and 17.65.070.

It is proposed that Section 17.08.010 Definitions be amended to add the term "Congregate (Senior) Housing" to mean a multi-family living arrangement, with common dining facilities, designed for healthy older adults in which residents live in their own living unit and have various opportunities for socialization with other residents. Housekeeping and maintenance services are provided, but health maintenance services are scheduled independently by the residents.

2. Section 17.65.050, Tables 1 and 4 prohibits "Senior Housing" within the LMR district. The proposed amendment will allow Congregate (Senior) Housing within the LMR district, but only when part of an existing or proposed congregate housing project located on abutting property under the same ownership within the MMR or HMR district.
3. Table 17.64.02A Residential Off-Street Parking Requirements currently requires 1 parking space per dwelling unit. It is proposed that the required parking be reduced to .5 spaces per dwelling unit per the Institute of Transportation Engineers, Parking Generation, 3rd Edition.

On January 6, 2015 the Planning Commission review the proposed amendments and by Resolution No. 812 forward to the City Council a recommendation to approve.

ISSUES:

It is recognized that congregate housing, as a use, has employees for housekeeping, administration, common dining, etc., which sets it apart from an apartment complex. For this reason the allowance of congregate housing within the LMR zone has been restricted to those incidences where it is part of, and under the same ownership of, an abutting congregate

housing project in the MMR or HMR zoning district. The design of a congregate housing project in the LMR district will be subject to the LMR residential design and development standards, including density.

EXHIBITS/ATTACHMENTS:

Exhibit "A – Resolution No. 812"

Exhibit "B – Proposed Ordinance"

ACTION:

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

RECOMMENDATION:

Direct Staff to schedule the second reading for the next regularly scheduled City Council meeting (January 22, 2015) to approve amendments to the zoning ordinance per the January 6, 2015 Staff Report.

PLANNING COMMISSION RESOLUTION NO. 812

A RESOLUTION FORWARDING A FAVORABLE RECOMMENDATION TO THE CITY COUNCIL TO AMEND TO THE CENTRAL POINT MUNICIPAL CODE, CHAPTER 17.08.010 DEFINITIONS, SPECIFIC, DEFINING THE TERM "CONGREGATE HOUSING"; 17.64.040, OFF-STREET PARKING REQUIREMENTS, TABLE 17.64.02A ADJUSTING PARKING REQUIREMENTS FOR CONGREGATE HOUSING, 17.65.050 ZONING REGULATIONS, TOD DISTRICT, TABLES 1 THROUGH 5, AND 17.65.070 ZONING REGULATIONS, TOD CORRIDOR, TABLES 1 THROUGH 5, TO DELETE THE TERM "SENIOR HOUSING" AND REPLACE THE TERM "SENIOR HOUSING" WITH THE TERM "CONGREGATE HOUSING"

FILE NO. 14022

Applicant: City of Central Point;

WHEREAS, the Planning Commission has reviewed the above noted amendments ("Amendments") to the Zoning Ordinance determined necessary to clarify and update regulations relative to senior housing; and

WHEREAS, the Amendments as proposed do not alter regulations, or preclude senior housing, but only serves to replace the term "senior housing" with the term "congregate housing" and update parking standards related to senior housing.

NOW, THEREFORE, BE IT RESOLVED, that the City of Central Point Planning Commission, by this Resolution No. 812, does recommend that the City Council amend the Central Point Municipal Code, Chapter 17.08 .010 Definitions, Specific, defining the term "Congregate Housing"; 17.64.040, Off-Street Parking Requirements, Table 17.64.02A adjusting parking requirements for Congregate Housing, 17.65.050 Zoning Regulations, TOD District, Tables 1 through 5, and 17.65.070 Zoning Regulations, TOD Corridor, Tables 1 through 5, to delete the term "Senior Housing" and replace the term "Senior Housing" with the term "Congregate (Senior) Housing". This decision is based on the Staff Report dated January 6, 2015 attached hereto by reference and incorporated herein.

PASSED by the Planning Commission and signed by me in authentication of its passage this 6th day of January 2015.

Planning Commission Chair

ATTEST:

City Representative

Approved by me this 6th day of January 2015.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CENTRAL POINT ZONING ORDINANCE,
CHAPTER 17.08 .010 DEFINITIONS; 17.64.040, LAND USE – TOD DISTRICT;
17.65.050 ZONING REGULATIONS - TOD DISTRICT; 17.65.070 ZONING
REGULATIONS - TOD CORRIDOR

Recitals:

- A. The City of Central Point (City) is authorized under Oregon Revised Statute (ORS) Chapter 197 to prepare, adopt and revise comprehensive plans and implementing ordinances consistent with the Statewide Land Use Planning Goals.
- B. The City has coordinated its planning efforts with the State in accordance with ORS 197.040(2)(e) and OAR 660-030-0060 to assure compliance with goals and compatibility with City Comprehensive Plans.
- C. Pursuant to the requirements set forth in CPMC Chapter 17.10.100 Zoning Map and Zoning Code Text Amendments – Purpose and Chapter 17.05.010, Applications and Development Permit Review Procedures, the City has accepted an application and conducted the following duly advertised public hearings to consider the proposed amendment:
 - a) Planning Commission hearing on January 6, 2015
 - b) City Council hearings on January 8, 2015 and January 22, 2015.

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

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

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

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

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

Passed by the Council and signed by me in authentication of its passage this _____ day of _____, 2015.

Mayor Hank Williams

ATTEST:

City Recorder

EXHIBIT “A”

Chapter 17.08 DEFINITIONS

17.08.010 Definitions, specific

“Congregate (Senior) Housing” means a multi-family living arrangement, with common dining facilities, designed for healthy older adults in which residents live in their own living unit and have various opportunities for socialization with other residents. Housekeeping and maintenance services are provided, but health maintenance services are scheduled independently by the residents.

“Dwelling Unit, **Living Unit**” means one or more rooms designed for occupancy by one family and having no more than one cooking facility.

Chapter 17.64 Off-Street Parking and Loading

17.64.040 Off-Street parking requirements

TABLE 17.64.02A

RESIDENTIAL OFF-STREET PARKING REQUIREMENTS

Use Categories	Minimum Vehicle Parking Requirement (fractions rounded down to the closest whole number)
RESIDENTIAL	
Single-Family Residential	2 spaces per dwelling unit, both of which must be covered.
Accessory Dwelling Unit	1 space per accessory dwelling unit.
Two-Family	2 spaces per dwelling unit, both of which must be covered.
Multiple-Family	1 space per studio or 1-bedroom unit;
	1.5 spaces per 2-bedroom unit; and
	2 spaces per 3+-bedroom unit.
	plus 1 guest parking space for each 4 dwelling units or fraction thereof.
Mobile Home Parks	2 spaces per dwelling unit on the same lot or pad as the mobile home (may be tandem); plus 1 guest space for each 4 mobile homes.
Residential Home	2 spaces per dwelling unit, both of which must be covered.
Residential Facility	.75 spaces per bedroom

EXHIBIT “A”

TABLE 17.64.02A

RESIDENTIAL OFF-STREET PARKING REQUIREMENTS

Use Categories	Minimum Vehicle Parking Requirement (fractions rounded down to the closest whole number)
Congregate (Senior) Housing	4 .5 spaces per dwelling unit
Boarding Houses, Bed and Breakfast	1 space per guest unit; plus 1 space per each 2 employees

CHAPTER 17.65 TOD DISTRICTS AND CORRIDORS

17.65.050 Zoning regulations – TOD district

Table 1 TOD District Land Uses							
Use Categories	Zoning Districts						
	LMR	MMR	HMR	EC	GC	C	OS
Residential							
Dwelling, Single-Family							
Large and standard lot	P	L5	N	N	N	N	N
Zero lot line, detached	P	P	N	N	N	N	N
Attached row houses	P	P	P	C	N	N	N
Dwelling, Multifamily							
Multiplex, apartment	P	P	P	L1	L1	N	N
Congregate (Senior) Housing	L6	P	P	L1	L1	N	N
Accessory Units	P1	P1	P1	C	N	N	N
Boarding/Rooming House	N	C	C	N	N	N	N

EXHIBIT “A”

Table 1 TOD District Land Uses							
Use Categories	Zoning Districts						
	LMR	MMR	HMR	EC	GC	C	OS
Family Care							
Family day care	P	P	P	N	N	N	N
Day care group home	C	C	P	N	N	N	N
Adult day care	C	C	C	N	N	N	N
Home Occupation	P	P	P	P	N	N	N
Residential Facility	P	P	P	N	N	N	N
Residential Home	P	P	P	N	N	N	N
Senior Housing	N	P	P	L1	N	C	N
Commercial							
Entertainment	N	N	C	P	P	N	N
Professional Office	C	L3	L3, L4	P	P	P	N
Retail Sales and Service							
Sales-oriented	C	L3	L3	P	P	N	N
Personal service-oriented	C	C	C	P	P	N	N
Repair-oriented	N	N	N	P	P	N	N
Drive-through facilities	N	N	N	P	P	N	N
Quick vehicle service	N	N	N	P	P	N	N
Vehicle sales, rental and repair	N	N	N	P	P	N	N
Tourist Accommodations							
Motel/hotel	N	N	C	P	P	N	N
Bed and breakfast inn	C	C	P	P	P	N	N
Industrial							
Manufacturing	N	N	N	N	P	N	N

EXHIBIT “A”

Table 1 TOD District Land Uses							
Use Categories	Zoning Districts						
	LMR	MMR	HMR	EC	GC	C	OS
Industrial Service							
Light	N	N	N	N	P	N	N
Heavy	N	N	N	N	C	N	N
Wholesale Sales	N	N	N	N	P	N	N
Civic							
Community Services	C	C	C	N	N	P	C
Hospital	C	C	C	C	N	C	N
Public facilities	C	C	C	C	C	C	N
Religious assembly	C	C	C	C	N	P	N
Schools	C	C	C	N	N	P	L2
Utilities	C	C	C	C	C	C	C
Open Space							
Parks and Open Space	P	P	P	P	P	P	P

N--Not permitted.

P--Permitted use.

P1--Permitted use, one unit per lot.

C--Conditional use.

L1--Only permitted as residential units above ground floor commercial uses.

L2--School athletic and play fields only. School building and parking lots are not permitted.

L3--Ground floor business within a multifamily building. Maximum floor area of ten thousand square feet per tenant.

L4--Second story offices may be permitted in areas adjacent to EC zones as a conditional use.

EXHIBIT “A”

L5--Only permitted as a transition between lower density zones and/or when adjacent to an environmentally sensitive area.

L6—Permitted only when part of an existing or proposed congregate housing project on abutting property under the same ownership within the MMR or HMR district..

Table 2 TOD District Zoning Standards							
Standard	Zoning Districts						
	LMR	MMR	HMR	EC	GC	C	OS
Density--Units Per Net Acre (f)							
Maximum	12	32	NA	NA	NA	NA	NA
Minimum	6	14	30	NA	NA	NA	NA
Dimensional Standards							
Minimum Lot or Land Area/Unit							
Large single-family	5,000 SF	NA	NA	NA	NA	NA	NA
Standard single-family	3,000 SF	NA	NA	NA	NA	NA	NA
Zero lot line detached	2,700 SF	2,700 SF	NA	NA	NA	NA	NA
Attached row houses	2,000 SF	1,500 SF	1,200 SF	NA	NA	NA	NA
Multifamily and senior housing	NA	NA	NA	NA	NA	NA	NA
Average Minimum Lot or Land Area/Unit							
Large single-family	7,500 SF	NA	NA	NA	NA	NA	NA
Standard single-family	4,500 SF	NA	NA	NA	NA	NA	NA
Zero lot line detached	3,000 SF	3,000 SF	NA	NA	NA	NA	NA
Attached row houses	2,500 SF	2,000 SF	1,500 SF	NA	NA	NA	NA
Multifamily and senior	NA	NA	NA	NA	NA	NA	NA

EXHIBIT “A”

<p>Table 2</p> <p>TOD District Zoning Standards</p>							
Standard	Zoning Districts						
	LMR	MMR	HMR	EC	GC	C	OS
housing							
Minimum Lot Width							
Large single-family	50'	NA	NA	NA	NA	NA	NA
Standard single-family	50'	NA	NA	NA	NA	NA	NA
Zero lot line detached	30'	30'	NA	NA	NA	NA	NA
Attached row houses	24'	22'	18'	NA	NA	NA	NA
Multifamily and senior housing	NA	NA	NA	NA	NA	NA	NA
Minimum Lot Depth	50'	50'	50'	NA	NA	NA	NA
Building Setbacks							
Front (min./max.)	10'/15'	10'/15'	0'/15'	0'	15'	5'	15'
Side (between bldgs.) (detached/attached)	5' detached 0' attached (a)(c)	5' detached 0' attached (a)(c)	5' detached 0' attached (a)	0' 10' (b)	0' 15' (b)	0' 20' (b)	5'
Corner (min./max.)	5'/10'	5'/10'	0'/10'	5'/10'	15'/30'	5'/10'	15'/NA
Rear	15'	15'	10'	0' 10' (b)	15' (b) 0'	0' 20' (b)	5'
Garage Entrance	(d)	(d)	(d)	(e)	(e)	(e)	NA
Maximum Building Height	35'	45'	60'	60'	60'	45'	35'
Maximum Lot Coverage (g)	80%	80%	85%	100%	100%	85%	25%
Minimum Landscaped Area (i)	20% of site area	20% of site area	15% of site area	0% of site	15% of site	15% of site area	NA

EXHIBIT “A”

Table 2 TOD District Zoning Standards							
Standard	Zoning Districts						
	LMR	MMR	HMR	EC	GC	C	OS
			(j)	area (h)	area		
Housing Mix							
Required housing types as listed under Residential in Table 1.	<p>< 16 units in development: 1 housing type.</p> <p>16--40 units in development: 2 housing types.</p> <p>> 40 units in development: 3 or more housing types (plus approved master plan)</p>						

Notes:

NA--Not applicable.

- (a) The five-foot minimum also applies to the perimeter of the attached unit development.
- (b) Setback required when adjacent to a residential zone.
- (c) Setback required is ten feet minimum between units when using zero lot line configurations.
- (d) Ten feet behind front building facade facing street.
- (e) Garage entrance shall not protrude beyond the face of the building.
- (f) Net acre equals the area remaining after deducting environmental lands, exclusive employment areas, exclusive civic areas and right-of-way.
- (g) Lot coverage refers to all impervious surfaces including buildings and paved surfacing.

EXHIBIT “A”

(h) Parking lot landscaping and screening requirements still apply.

(i) Landscaped area shall include living ground cover, shrubs, trees, and decorative landscaping material such as bark, mulch or gravel. No pavement or other impervious surfaces are permitted except for pedestrian pathways and seating areas.

(j) Rooftop gardens can be used to help meet this requirement.

Table 3 TOD District and Corridor Parking Standards	
Use Categories	Minimum Required Parking
Residential	
Dwelling, Single-Family Large and standard lot Zero lot line, detached Attached row houses	2 spaces per unit.
Dwelling, Multifamily Plexes Apartments and condominiums Congregate (Senior) Housing	1.5 spaces per unit. 1.5 spaces per unit .5 spaces per dwelling unit
Dwelling, Accessory Unit	1 space per unit.
Boarding/Rooming House	1 space per accommodation, plus 1 space for every 2 employees.
Family Care Family day care Day care group home Adult day care	1 space for every 5 children or clients (minimum 1 space); plus 1 space for every 2 employees.
Home Occupation	Shall meet the parking requirement for the residence.
Residential Facility	1 space per unit.
Residential Home	1 space per unit.
Senior Housing	1 space per unit.

EXHIBIT “A”

Table 3 TOD District and Corridor Parking Standards	
Use Categories	Minimum Required Parking
Commercial	
Entertainment	1 space per 250 square feet of floor area, except for theaters which shall provide 1 space per 4 seats.
Professional Office	1 space per 400 square feet of floor area.
Retail Sales and Service	
Sales-oriented	1 space per 500 square feet of floor area.
Personal service-oriented	1 space per 500 square feet of floor area.
Repair-oriented	1 space per 500 square feet of floor area.
Drive-through facilities	Parking as required by the primary use.
Quick vehicle service	1 space per 750 square feet of floor area.
Vehicle sales, rental and repair	1 space per 1,000 square feet of floor area.
Tourist Accommodations	1 space per guest unit, plus 1 space for every 2 employees.
Motel/hotel	
Bed and breakfast inn	
Industrial	
Manufacturing	1 space per employee of the largest shift.
Industrial Service	1 space per employee of the largest shift.
Light	
Heavy	
Wholesale Sales	1 space per employee of the largest shift.
Civic	
Community Services	Number to be determined as part of site plan or conditional use review.
Hospital	1 space per 500 square feet of floor area.
Public Facilities	Number to be determined as part of site plan or conditional use

EXHIBIT “A”

Table 3 TOD District and Corridor Parking Standards	
Use Categories	Minimum Required Parking
Religious Assembly	review. 1 space per 100 square feet of floor area for the main assembly area.
Schools	2 spaces per classroom.
Utilities	Number to be determined as part of site plan or conditional use review.
Open Space	
Parks and Open Space	Number to be determined as part of site plan or conditional use review.

(Ord. 1981 §4 (Exh. D), 2014; Ord. 1971 §4 (Exh. C) (part), 2013; Ord. 1867 §4(part), 2006; Ord. 1815 §1(part), Exh. B(part), 2000).

Table 4 TOD Corridor Land Uses				
Use Categories	Zoning Districts			
	LMR	MMR	EC	GC
Residential				
Dwelling, Single-Family				
Large and standard lot	P	L4	N	N
Zero lot line, detached	P	P	N	N
Attached row houses	P	P	N	N
Dwelling, Multifamily				
Multiplex, apartment	P	P	L1	L1
Congregate (Senior)Housing	L5	P	L1	N
Accessory Units	P1	P1	C	N

EXHIBIT “A”

Table 4 TOD Corridor Land Uses				
Use Categories	Zoning Districts			
	LMR	MMR	EC	GC
Boarding/Rooming House	N	C	N	N
Family Care				
Family day care	P	P	N	N
Day care group home	C	C	N	N
Adult day care	C	C	N	N
Home Occupation	P	P	P	N
Residential Facility	P	P	N	N
Residential Home	P	P	N	N
Senior Housing	N	P	L4	N
Commercial				
Entertainment	N	N	P	P
Professional Office	C	L3	P	P
Retail Sales and Service				
Sales-oriented	C	L3	P	P
Personal service-oriented	C	C	P	P
Repair-oriented	N	N	P	P
Drive-through facilities	N	N	P	P
Quick vehicle service	N	N	P	P
Vehicle sales, rental and repair	N	N	N	P
Tourist Accommodations				
Motel/hotel	N	N	P	P
Bed and breakfast inn	C	C	P	P
Industrial				

EXHIBIT “A”

Table 4 TOD Corridor Land Uses				
Use Categories	Zoning Districts			
	LMR	MMR	EC	GC
Manufacturing	N	N	N	P
Industrial Service				
Light	N	N	N	P
Heavy	N	N	N	C
Wholesale Sales	N	N	N	P
Civic				
Community Services	C	C	N	N
Hospital	C	C	C	N
Public Facilities	C	C	C	C
Religious Assembly	C	C	C	N
Schools	C	C	N	N
Utilities	C	C	C	C
Open Space				
Parks and Open Space	P	P	P	P

N--Not permitted.

P--Permitted use.

P1--Permitted use, one unit per lot.

C--Conditional use.

L1--Only permitted as residential units above ground floor commercial uses.

L2--School athletic and play fields only. School building and parking lots are not permitted.

L3--Ground floor business within a multifamily building. Maximum floor area of ten thousand square feet per tenant.

EXHIBIT “A”

L4--Only permitted as a transition between adjacent lower density zones and/or when adjacent to an environmentally sensitive area.

L5—Permitted only when part of an existing or proposed congregate housing project on abutting property under the same ownership within the MMR or HMR district.

Table 5 TOD Corridor Zoning Standards				
Standard	Zone Districts			
	LMR	MMR	EC	GC
Density--Units Per Net Acre (f)				
Maximum	12	32	NA	NA
Minimum	6	14	NA	NA
Dimensional Standards				
Minimum Lot Area or Land Area/Unit				
Large single-family	5,000 SF	NA	NA	NA
Standard single-family	3,000 SF	NA	NA	NA
Zero lot line detached	2,700 SF	2,700 SF	NA	NA
Attached row houses	2,000 SF	1,500 SF	NA	NA
Multifamily and senior housing	2,000 SF NA	2,000 SF NA	1,000 SF NA	NA
Average Minimum Lot or Land Area/Unit				
Large single-family	7,500 SF	NA	NA	NA
Standard single-family	4,500 SF	NA	NA	NA
Zero lot line detached	3,000 SF	3,000 SF	NA	NA
Attached row houses	2,500 SF	2,000 SF	NA	NA
Multifamily and senior housing	2,000 SF NA	2,000 SF NA	1,000 SF NA	NA

EXHIBIT “A”

Table 5 TOD Corridor Zoning Standards				
Standard	Zone Districts			
	LMR	MMR	EC	GC
Minimum Lot Width				
Large single-family	50'	NA	NA	NA
Standard single-family	50'	NA	NA	NA
Zero lot line detached	30'	30'	NA	NA
Attached row houses	24'	22'	NA	NA
Multifamily and senior housing	NA	NA	NA	NA
Minimum Lot Depth	50'	50'	NA	NA
Building Setbacks				
Front (min./max.)	10'/15'	10'/15'	0'	15'
Side (between bldgs.) detached/attached)	5' detached 0' attached (a) (c)	5' detached 0' attached (a) (c)	0' 10' (b)	0' 15' (b)
Corner (min./max.)	5'/10'	5'/10'	5'/10'	15'/30'
Rear	15'	15'	0' 10' (b)	0' 15' (b)
Garage Entrance	(d)	(d)	(e)	(e)
Maximum Building Height	35'	45'	60'	60'
Maximum Lot Coverage (g)	80%	80%	100%	85%
Minimum Landscaped Area (i)	20% of site area	20% of site area	0% of site area	15% of site area
Housing Mix				
Required housing types as listed under Residential in Table 3.	< 16 units in development: 1 housing type 16--40 units in development: 2 housing types		NA	NA

EXHIBIT “A”

Table 5				
TOD Corridor Zoning Standards				
Standard	Zone Districts			
	LMR	MMR	EC	GC
	> 40 units in development: 3 or more housing types (plus approved master plan).			

NA--Not applicable

Notes:

- (a) The five-foot minimum also applies to the perimeter of the attached unit development.
- (b) Setback required when adjacent to a residential zone.
- (c) Setback required is ten feet minimum between units when using zero lot line configurations.
- (d) Ten feet behind building facade facing street.
- (e) Garage entrance shall not protrude beyond the face of the building.
- (f) Net acre equals the area remaining after deducting environmental lands, exclusive employment areas, exclusive civic areas and right-of-way.
- (g) Lot coverage refers to all impervious surfaces, including buildings and paved surfacing.
- (h) Parking lot landscaping and screening requirements still apply.
- (i) Landscaped area shall include living ground cover, shrubs, trees, and decorative landscaping material such as bark, mulch or gravel. No pavement or other impervious surfaces are permitted except for pedestrian pathways and seating areas.

Ordinance

Chapter 6.08 Animal Control



STAFF REPORT

December 11, 2014

AGENDA ITEM:

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

STAFF SOURCE:

Kristine Allison, Chief of Police

BACKGROUND/SYNOPSIS:

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

FISCAL IMPACT:

There is no financial impact to the City.

ATTACHMENTS:

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

RECOMMENDATION:

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

PUBLIC HEARING REQUIRED:

Yes

"Dedicated To Service, Committed To Excellence"

SUGGESTED MOTION:

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



"Dedicated To Service, Committed To Excellence"

ORDINANCE NO. _____

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

RECITALS:

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

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

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

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

Chapter 6.08
Animal Control

Sections:

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

6.08.005- Definitions

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

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

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

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

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

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

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

(b) in response to pain or injury;

(c) in protection of its nursing offspring; or

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

6.08.010 - Animal Control

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

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

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

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

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

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

3. Keep a wild or dangerous animal.

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

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

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

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

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

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

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

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

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

6.08.020- Control of Dogs

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

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

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

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

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

6. inflict physical injury on another person or animal.

B. Violation of this section constitutes a Violation.

6.08.030 - Impoundment

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

6.08.040- Failure to Control Dangerous Dog

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

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

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

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

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

6.08.050 - Additional Conditions

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

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

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

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

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

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

Mayor Hank Williams

ATTEST:

City Recorder

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

ORDINANCE

Twin Creeks Zone Change



STAFF REPORT

January 8, 2015

AGENDA ITEM: File No. 14017

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

STAFF SOURCE:

Stephanie Holtey, Community Planner II

BACKGROUND:

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

On October 7, 2014 the Planning Commission considered and approved an amendment to the Twin Creeks Master Plan (Attachment A), including a favorable recommendation to change the zoning for Lot 33 from HMR to LMR. Given the action taken by the Planning Commission, the proposed zone change would be consistent with the amended Master Plan. The City Council conducted a public hearing in December at which no one opposed this proposal. Consequently the Minor Zone Map Amendment and ordinance was moved to this second reading.

APPROVAL CRITERIA:

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

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

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

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

Public facilities and services, including transportation network, have been established pursuant to the Twin Creeks Master Plan. The Master Plan initially identified this site as part of the "Mixed-Use" prototype to provide ground floor retail and commercial uses with high

density residential units above. As stated in the findings (Attachment “A”), the proposed zone change through a reduction in density, reduces the intensity of development allowed on the site and subsequently the demand on public facilities. Public facilities and services are sufficient to serve the proposed use.

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

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

ISSUES & NOTES:

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

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

CONDITIONS OF APPROVAL:

None.

ATTACHMENTS:

Attachment “A” - Findings of Fact and Conclusions of Law for File No. 14017

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

ACTION:

Consider the proposed admendment to the zoning map, and 1) approve the ordinance; 2) approve the ordinance with revisions; 3) deny the proposal.

RECOMMENDATION:

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

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

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

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

**PART 1
INTRODUCTION**

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

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

Applicable development code criteria for this Application include:

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

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

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

PART 2 STATEWIDE PLANNING GOALS

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

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

Conclusion: Consistent with Statewide Planning Goals.

PART 3 COMPREHENSIVE PLAN

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

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

Conclusion: Consistent.

PART 4 STATEWIDE TRANSPORTATION RULE

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

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

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

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

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

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

Table 1. Proposed Zone Change Impact to Average Daily Trips							
Zoning	Site Acreage	Min Density	Min Units	Min ADT	Max Density	Min Units	Max ADT
HMR	1.81	30	54.3	361.10	40	72.4	481.46
LMR	1.81	6	10.86	37.36	12	21.72	74.72

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

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

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

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

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

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

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

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

¹ Twin Creeks Transit-Oriented Development, Part III, Community Design Features
CAP010815 Page 72

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

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

PART 5 ZONING ORDINANCE

17.10.300 Quasi-judicial amendments.

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

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

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

Conclusion 17.10.300(A): Consistent.

B. Criteria for Quasi-Judicial Amendments. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

- 1. Approval of the request is consistent with the applicable statewide planning goals;*

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

Conclusion 17.10.300(B)(1): Consistent

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

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

Conclusion 17.10.300(B)(2): Consistent.

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

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

Conclusion 17.10.300(B)(3): Consistent.

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

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

Conclusion 17.10.300(B)(4): Consistent.

17.10.600 Transportation planning rule compliance.

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

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

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

Conclusion: Consistent.

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

ORDINANCE NO. _____

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

Recitals:

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

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

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

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

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

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

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

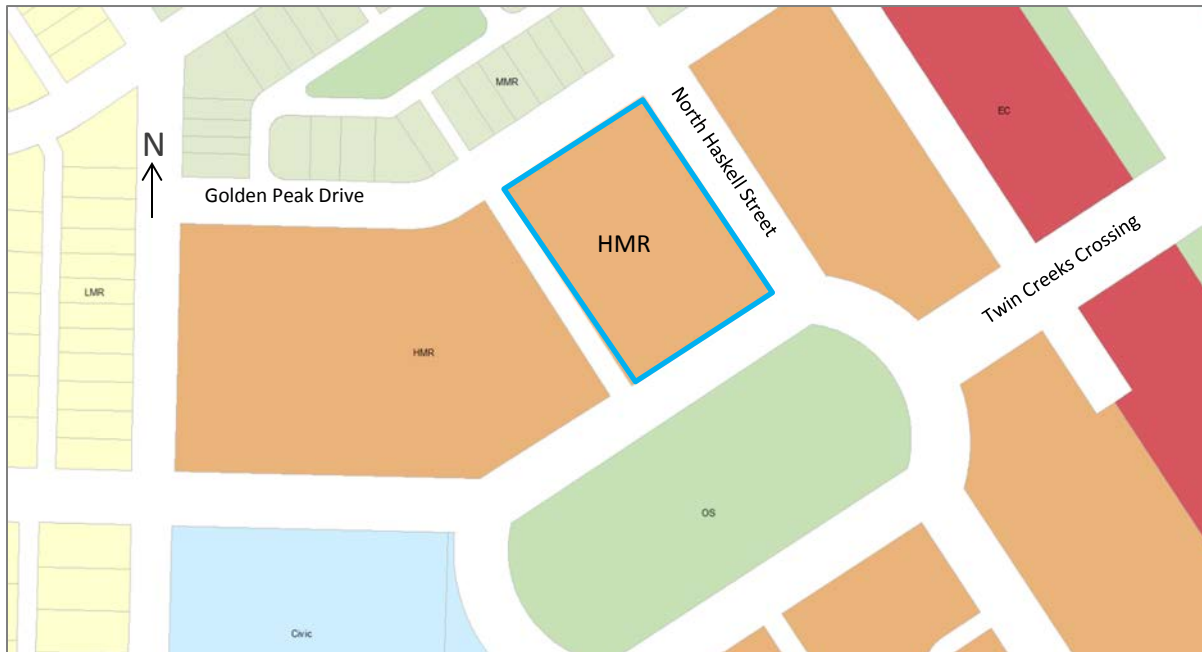
Mayor Hank Williams

ATTEST:

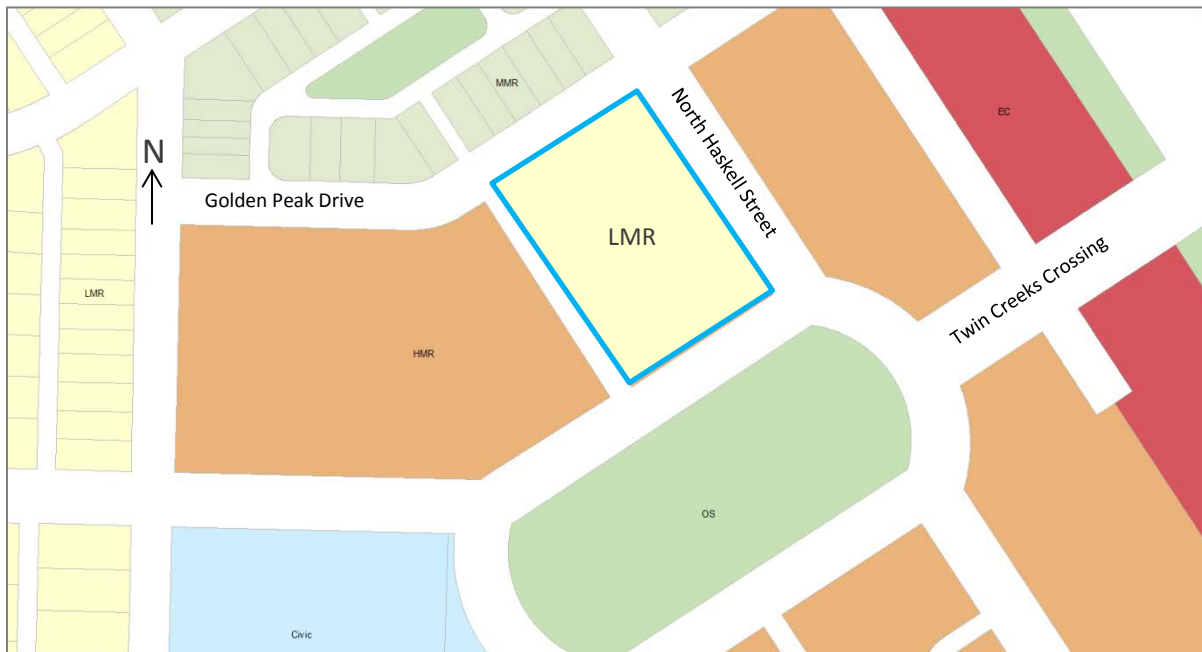
City Recorder

Lot 33 Twin Creeks Crossing Phase I

Current Zoning



Proposed Zone Change



The proposed zone change on Lot 33 of Twin Creeks Crossing, also known as 37 2W 03CA TL 1200 is consistent with the Comprehensive Plan designation (Transit Oriented Development (TOD)) and the Twin Creek Master Plan.