

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

City Council

Mayor
Hank Williams

Ward I
Bruce Dinger

Ward II
Michael Quilty

Ward III
Brandon Thueson

Ward IV
Allen Broderick

At Large
Rick Samuelson
Tanea Browning

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
August 27, 2015**

Next Res. 1433
Next Ord. 2014

- I. **REGULAR MEETING CALLED TO ORDER – 7:00 P.M.**
- 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 August 13, 2015 Council Minutes
- VI. **ITEMS REMOVED FROM CONSENT AGENDA**
- VII. **BUSINESS**

11 - 26 A. Rogue Disposal Rate Adjustment for Green Waste (Clayton/Penning)

28 - 29 B. Fourth of July Fun Run Accounting Donation (Clayton)

31 - 34 C. Sixth Street Pedestrian Crossing (Samitore)

36 - 42 D. End of Year Financial Statement (Adams)
- VIII. **PUBLIC HEARING, ORDINANCES, AND RESOLUTIONS**

44 - 49 A. First Reading – An Ordinance Amending Title 6 Animals to allow Beekeeping within the City Limits (Humphrey\Holtey)

50 - 51 B. First Reading – An Ordinance Amending Section 8.04.090 to Allow Beekeeping within the City Limits (Humphrey/Holtey)

- 53 - 56 C. Resolution No. _____, A Resolution to Request Jurisdictional Exchange of Portions of East Pine Street and Beebe Road (Samitore)
- 58 - 87 D. Ordinance No. _____, An Ordinance Amending Central Point Municipal Code Chapter 17 Zoning Sections to Correct Errors and Inconsistencies (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 Under the provisions of the Oregon Public Meetings Law, the proceedings of an executive session are not for publication or broadcast.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
August 13, 2015**

I. REGULAR MEETING CALLED TO ORDER

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

II. PLEDGE OF ALLEGIANCE

- III. ROLL CALL:** Mayor: Hank Williams
Council Members: Bruce Dingle, Brandon Theuson, Tanea Browning, Rick Samuelson and Mike Quilty were present. Allen Broderick, excused.

City Manager Chris Clayton; Police Captain Dave Croft; Attorney Dan O'Connor, Fire Chief Dan Peterson; Community Development Director Tom Humphrey; Parks and Public Works Director Matt Samitore and Planning Secretary Karin Skelton were also present.

IV. PUBLIC APPEARANCES

Kay Harrison, resident of Central Point
Ms. Harrison commented that the Community garden at Don Jones park has been a great success, not only in growing produce, but in bringing the community together.

Dan Peterson, Fire Chief for Jackson County Fire District 3 provided the Council with copies of the Mid-Year Performance Report. He explained that their target response time is seven to ten minutes. They will be putting in a temporary facility on Table Rock Road to serve the east side of Central Point.

V. CONSENT AGENDA

- A. Approval July 16, 2015 Council Meeting.

Mike Quilty moved to approve the Consent Agenda as presented. Brandon Theuson seconded. Roll Call: Mayor Williams, yes; Bruce Dingle, yes; Rick Samuelson, yes; Brandon, Theuson, yes; Mike Quilty, yes; Tanea Browning, yes. Motion approved.

VI. ITEMS REMOVED FROM CONSENT AGENDA – None

VII. PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS

- A. Resolution No. 1431, A resolution Approving a Franchise Agreement Between the City of Central Point and rogue Valley Sewer Services.**

City Manager Chris Clayton explained that this began at the beginning of the year, and at that time there were legal issues pending as to whether Cities had authority to implement sanitary sewer special district or not. While the courts were contemplating that the City pass a general license ordinance which basically licensed utilities that were not operating in the city on a franchise agreement. It contained a provision for a utility to negotiate a franchise with the city. We have been through a number of versions of the franchise agreement with RVSS while waiting for the Oregon Supreme Court to Rule on this. They affirmed both lower court's decisions that cities can implement a franchise agreement on a sanitary sewer district. We have now have a final agreement. The start date has been moved to September 1, 2015 so that RVSS 's board can meet and review the final agreement next week.

Bruce Dingler made a motion to approve Resolution No. 1433, a Resolution Approving a Franchise Agreement between the City of Central Point and Rogue Valley Sewer Services. Tanea Browning seconded. Roll call: Mayor Williams, yes; Bruce Dingler, yes; Rick Samuelson, yes; Brandon Theuson, yes; Mike Quilty, yes; Tanea Browning, yes. Motion passed.

B. Resolution No. 1432 A Resolution Declaring the City Council's Intent to Initiate an Amendment to the Central Point Urban Growth boundary (UGB) and the Comprehensive Plan (MAP) to Add Land From the City's Urban Reserve Area (URA) CP-3 For Job Creation and Open Space Preservation In The city of Central Point.

Community Development Director Tom Humphrey stated that URA CP-3 is located south of the Family Fun Center and includes land on both sides of Bear Creek and was identified in the Regional Plan mostly for open space and employment based land uses. He stated we have received a request to pursue a UGB amendment. Mr. Humphrey said that a private party cannot initiate an amendment but they can approach the City who can initiate the process by resolution. Should the council approve the Resolution they would direct staff to begin the Comprehensive Plan amendment process. He informed the council that the Planning Department is currently Developing a Conceptual Plan for this area. 48 acres would be involved. It would include 58% open space and 42% would be employment based.

Mayor Williams stated he thought it was a reasonable proposal. He added that he had received information from the head of the DLCD that the process for expanding a City's UGB for residential land use would be streamlined in January 2016 and that it would be worthwhile to wait to expand for residential uses until after those changes took place.

Brandon Theuson moved to approve Resolution 1432 A Resolution Declaring the City Council's Intent to Initiate an Amendment to the Central Point Urban Growth boundary (UGB) and the Comprehensive Plan (MAP) to Add Land From the City's Urban Reserve Area (URA) CP-3 For Job Creation and Open Space Preservation In The city of Central Point. Mike Quilty seconded. Roll call: Mayor Williams, yes; Bruce Dingler, yes; Rick Samuelson, yes; Brandon Thueson, yes; Mike Quilty, yes; Tanea Browning, yes. Motion passed.

C. First Reading - An Ordinance Amending Central Point Municipal Code Chapter 17 Zoning Sections to Correct Errors and Inconsistencies.

Community Development Director Tom Humphrey stated that as development in the City occurs, inconsistencies in the Code are noted. He said that periodically those inconsistencies are assembled and brought to the Planning Commission and the City Council for change. There are 11 amendments presented for Chapter 17. All of the amendments are administrative and necessary for the clear, concise, and consistent use of the Zoning Ordinance. The amendments do not result in policy changes.

Mr. Humphrey added that there was an additional change that he noticed this afternoon regarding the cost for a Conditional Use Permit. The Code section refers people to an adopted fee schedule, however there was language left in the code referencing fee of \$100. This reference should be removed from the code and will be added for the second reading.

Public hearing opened, no one came forward and the Public Hearing was closed.

Mike Quilty made a motion to move to second reading an Ordinance Amending Central Point Municipal Code Chapter 17 Zoning Sections to Correct Errors and Inconsistencies including new section 12. Rick Samuelson seconded. Roll call: Mayor Williams, yes; Bruce Dingler, yes; Rick Samuelsson, yes; Brandon Thueson, yes; Mike Quilty, yes; Tanea Browning, yes. Motion passed.

VIII. BUSINESS

A. Discussion Regarding Beekeeping in the City Limits

Community Development Director Tom Humphrey introduced an ordinance regarding Beekeeping in the City Limits. He stated that there have been inquiries from citizens about keeping bees inside the city limits. Stephanie Holtey prepared a provisional ordinance for discussion. She researched ordinance examples from Ashland and Medford and HB 2653 that the governor is considering which establishes processes for beekeeping in residential areas. The sample ordinance identifies the number of hives permitted, location of hives on property, equipment requirements, maintenance and registration with the City.

Mayor Williams asked for any comments from the public.

John Bickel resident of Central Point

Mr. Bickel is in favor of changing that code to allow for beekeeping. He would love to be able to keep bees on his property.

Jesse Botens resident of Central Point.

Mr. Botens stated he has been keeping bees on and off for 20 years. He stated bees are well suited to an urban environment. He provided some statistics about stinging insects in general to support the fact that bees are not dangerous. He also said that it was fairly expensive to set up beekeeping on property so people who were not serious about it

would not be likely to start. He said that bees are an asset to the community for pollination of gardens.

Ellen Wright a resident of Ashland

Ms. Wright stated that she is member of Southern Oregon Beekeepers. Bees are an asset to a community and an urban environment is a good place for bee hives. She wanted to support what the other citizens said about bees being good for local gardens and agricultural areas. She assured the Council that bees were not dangerous and though people can be allergic to their stings, only 3% of the population is actually allergic to the point where it would be dangerous.

Mr. Humphrey asked about the "screening" mentioned in the provisional ordinance. Ms. Wright explained that if the hives are directly in line with a fence or a hedge, they will fly up high to go over it and they will stay high and be less likely to bother neighbors.

John Jacob Rogue River resident

Mr. Jacob wanted to reiterate that bees are an asset to the community and good for the economy and having skilled beekeepers available for any emergency situations is an asset. He stated that it would be beneficial for Central Point to also look at the bee ordinances of Albany, Salem, Molalla, McMinnville and Kaiser. These cities all deal with beekeeping issues through their nuisance provision in their Code. He knows of no complaints about bees to date.

Chelsea Faris Central Point Resident

Ms. Faris spoke on behalf of Rogue Creamery. They would support beekeeping in Central Point. Currently Rogue Creamery supports 50 hives on about 100 acres in Grants Pass. She stated she had been actively involved in the care of the bees and found it has been a very interesting experience.

Mike Quilty made a motion to direct staff to research the beekeeping ordinances of other cities and prepare an updated ordinance for Council's consideration.

Tanea Browning Seconded. Roll call: Mayor Williams, yes; Bruce Dinger, yes; Rick Samuelson, yes; Brandon Thueson, yes; Mike Quilty, yes; Tanea Browning, yes. Motion passed.

B. 2015 Street Inlay/Preservation Project Bid

Parks and Public Works Director Matt Samitore stated that the only bid received was from Knife River Inc. the estimate was \$255,000 and their bid was \$253,525. A question was asked why there was only one bid. Mr. Samitore answered that when the recession happened the other three paving contractors in the valley went under and there is really no other company around here that can pave large jobs.

Brandon Thueson made a motion to approve the bid of Knife River, Inc. in the amount of \$253,525. Rick Samuelson seconded: Roll call: . Roll call: Mayor Williams, yes; Bruce Dinger, yes; Rick Samuelson, yes; Brandon Thueson, yes; Mike Quilty, yes; Tanea Browning, yes. Motion passed.

C. Battle of the Bones Financial Report

Matt Samitore informed the Council that the total profit from Battle of the Bones (BOB) was \$3,860.90. He stated that they were able to track attendance through the payment schedule and found that when the temperature was in the low 90's or below, attendance was normal. As soon as the temperature hi 95 or so, attendance dropped dramatically. He said there were 25 competitors in the Battle of the Bones competition. All the vendors gave positive feedback. The Council brought up the subject of providing water at the event. Mr. Samitore said that they were not able to obtain a water station this year but they would make sure to reserve that station for next year.

Mayor Williams made a motion to donate \$3,860.90 to the Parks Foundation. Tanea Browning seconded. Roll call: Mayor Williams, yes; Bruce Dinger, yes; Rick Samuelson, yes; Brandon Thueson, yes; Mike Quilty, yes; Tanea Browning, yes. Motion passed.

D. Discussion of the Impacts of HB3400 on City's Current Ordinances and Marijuana Tax

City Attorney Dan O'Connor introduced a discussion of the impacts of HB 3400 on the City's current ordinances and marijuana tax. He stated SB 460 was signed by the Governor on July 28, 2015 allowing dispensaries to sell recreational marijuana temporarily beginning October 1, 2015. Under SB 460 if we did have any dispensaries in the City we could adopt an ordinance prohibiting the selling of recreational marijuana.

HB 3400 makes it clear that the legislature controls the taxation and regulation of marijuana. In Central Point if the Council wants to adopt an ordinance prohibiting the sale of recreational marijuana it would have to be referred to the voters at the next general election. Also it allows the Cities to impose a tax not to exceed 3% and that would also have to be referred to the voters.

City Manager Chris Clayton Informed the Council that at this time Central Point has adopted a tax treating medical and recreational marijuana the same. It put a cap on the tax of up to 25% and the actual rate would be set by Council Resolution. He said that he and the City Attorney had discussed it and at this time even though there are not dispensaries in the City they would recommend having the Council set the rate at 3% by resolution and forward that for voter approval. The council was clear when that was adopted the original ordinance that the tax was to offset public safety issues. Should Central Point have any dispensaries in the future there would be something in place.

Mr. O'Connor stated that the City's ordinance regulating personal grows in consistent with HB 3400 in that it allows grows in all zones and does not limit the amount of marijuana grown or possessed. It simply requires indoor grows, which should continue to be a reasonable time place manner restriction.

He stated that HB 3400 sets out new plant caps for medical marijuana, the new limit for residential zones is a maximum of 12 plants, regardless the number of cards, unless they were growing more than 12 plants on prior to December 31, 2014. They can continue to grow that number of plants.

Chris Clayton mentioned the statewide tax revenue sharing. He said that for the first two years of the program the tax proceeds would be shared statewide based on population. After that 2 year period, it would be shared only with cities that have dispensaries. He added that we have dispensary restrictions in place that we worked very hard on and it doesn't appear that HB3400 is going to require us to make any changes to what we have in place. Although the idea of the tax sharing ending after 2 years for any cities not housing marijuana dispensaries seems not right, as those cities will still be affected by people using marijuana and it will have an impact on the public safety.

Tom Humphrey stated that although there have been inquiries, at this time there are no applications for dispensaries in the City.

IX. MAYOR'S REPORT

Mayor Williams reported he had attended a Water Commission Meeting regarding rate study. A consultant they hired found numerous errors in the study.

- He attended the Oregon Mayor's Conference where he was awarded 2015 Large City Leadership Award.
- He said there was a lot of discussion regarding marijuana.
- He said the Jackson County Fair did quite well this year. He attended their pre fair dinner
- He attended the ground breaking at Jackson County Justice Court Building.
- He attended Quality Fence's 50th celebration.

X. CITY MANAGER'S REPORT

City Manager Chris Clayton reported that:

- Workshop with Medford Water Commission was productive. He was very impressed with the consultants.
- His weekly briefing will be going out tomorrow.
- SOREDI has a site consultant tour coming up at the end of the month
- We had the Destination Boot Camp workshop on Tuesday
- Chambers greeters is here 8/18 in the morning
- Article tomorrow in the Mail Tribune about Costco considering a site in Central Point.

XI. COUNCIL REPORTS

Council Member Mike Quilty reported that:

- Attended an MPO meeting last month. There is concern over Medford UGB that they are proposing to bring in and the lack of transportation detail.

- RVCOG has an opportunity to apply for a grant looking at Brownfield sites. There is no up front cost to the City or a required match.

Council Member Brandon Thueson reported that:

- He attended the study session
- There was a meeting scheduled for the Joint Parks Commission which was continued to next month. They are seeking volunteers to walk the greenway to remove puncture vine.

Council Member Rick Samuelson reported that:

- He thought the fair did well this year
- Attended neighborhood meet and greet session
- Attended the Destination Boot Camp meeting. Thought it was very well done. Good for the business owners coming together and brainstorming.

Council Member Bruce Dingler reported that he attended the study session.

Council Member Tanea Browning reported that she attended:

- the sneak preview for the fair.
- the dirt booth at the fair for 5 days
- the Chamber Mixer
- the Quality Fence 50th
- the Destination Boot Camp seminar
- the groundbreaking for the Justice Court
- the Executive Director position at the Chamber

XII. DEPARTMENT REPORTS

Community Development Director Tom Humphrey reported that:

- Environmental Assessment.
- Destination Boot Camp went well. It was probably the best group yet. Another conference call with Mr. Shallert will be in September for anyone who would like to participate.
- We do have a pre application meeting with people from Costco regarding interest in a site in Central Point.

Captain Dave Croft reported that:

- Approximately \$4,900 was raised at the Dare Cruise August 1, 2015.
- January 30th Citizens event went well. Prior to that even Chief Allison and he took several citizens on a ride along and identified areas of concern. Follow-up has been done, with Dereck More talking to property owners, and increased patrols in those areas.
- Detective Abbott was selected for the Detective process
- Cameron Cunningham our new community service officer will be starting Monday

- The recent homicide was a great group effort. Officer Munoz and Officer Jones were able to have a suspect in custody very quickly.
- The 4th Annual Central Point Open House with Fire District 3 will be on September 12th.

Parks and Public Works Director Matt Samitore reported that:

- A few Friday night events had to be cancelled because of the smoke
- Freeman Road will be graveling and doing curbs. They will be paving at the end of September.

XIII. EXECUTIVE SESSION - None

XIV. ADJOURNMENT

Brandon Thueson made a motion to adjourn. Mike Quilty seconded. All members said "aye". Meeting adjourned at 9:00.

The foregoing minutes of the August 13, 2015 council meeting were approved by the city Council at its meeting of August 27, 2015

Dated:

Mayor Hank Williams

ATTEST:

City Recorder

Business

Rogue Disposal Green Waste Discussion



ADMINISTRATION DEPARTMENT

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

STAFF REPORT

August 27th, 2015

AGENDA ITEM: Review of Rogue Disposal & Recycling's Green Waste Program Rates.

STAFF SOURCE:

Chris Clayton, City Manager

BACKGROUND/SYNOPSIS:

The Franchise Agreement between the City of Central Point and Rogue Disposal allows for special rate review under section 7.3. Any proposed rate adjustment under section 7.3 must be reviewed by the City to ensure accuracy and that all the provisions of the franchise agreement are met. Additionally, the City Council must authorize any rate adjustment considered under section 7.3 of the solid waste franchise agreement.

FISCAL IMPACT:

The proposed green waste program rate increase would impact rates as follows:

Current green waste program rates:

- \$4.50/per month (with garbage service) - \$5.77 (without garbage service).

Proposed green waste program rates:

- \$6.50/per month (with garbage service) - \$8.33 (without garbage service).

This rate adjustment reflects an increase of approximately 45%.

Note: Rogue Disposal & Recycling's green waste program is optional and is currently used by 2,869 customers in the City of Central Point. As reference, the City's current number of utility account customers is approximately 6,500.

ATTACHMENTS:

1. Rogue Disposal & Recycling notification letter.
2. Rogue Disposal & Recycling franchise agreement (section 7).
3. 2007 Rogue Disposal & Recycling franchise agreement renewal ordinance.

RECOMMENDATION:

1. Provide additional comments to Rogue Disposal and Recycling on their proposed Green Waste Program and Rates.
2. Approve Rogue Disposal and Recycling's green waste rate adjustment.

PUBLIC HEARING REQUIRED:

No

SUGGESTED MOTION:

I move to approve (or reject) Rogue Disposal and Recycling's 2015 proposed green waste program rate adjustment.

August 13, 2015



Mr. Christopher Clayton, City Administrator
City of Central Point
140 South Third Street
Central Point, OR 97502

PO Box 3187
Central Point OR 97502
541 779 4161
Fax 541 779 4366

Re: Rogue Disposal & Recycling, Inc.
Special Rate Review Request

Dear Mr. Clayton:

Please accept this letter as our request for a Special Rate Review under section 7.3 of the Solid Waste Collection Franchise Agreement effective January 1, 1996, between the City of Central Point and Rogue Disposal and Recycling, Inc. ("RDR"). We are requesting an increase on our optional subscription green waste program, effective January 1, 2016.

The green waste program was established in 1999 initially as a pilot program in order to increase RDR's landfill waste diversion efforts. The initial rate for this pilot program was \$3.50 per month, and that rate has never been adjusted to reflect changes in the cost of providing the service, it has only had CPI adjustments applied, beginning in 2007. The City of Central Point has approximately 2,869 subscribers.

The cost of service analysis ("COA") done by our independent CPA shows that green waste rates are significantly below what they need to be for providing this service. However, as with the initial program, charging customers the full cost of service for green waste could cause customers to abandon the service, reduce diversion rates, and increase green waste going to the landfill; all negative consequences. To avoid these negative consequences, RDR is asking for a green waste rate increase for an amount that we believe will meet with market acceptance without causing significant loss in customer participation, thus allowing the program to return to financial sustainability while preserving our waste diversion policy objectives. The proposed rate is also consistent with the rates charged by other haulers in our region, and around the state.

The green waste rate is currently \$4.50 per month for customers who are on garbage service, and \$5.77 without garbage service. The requested increase would result in the following new rates; \$6.50 per month for customers who are on garbage service, and \$8.33 without garbage service.

In conclusion, we respectfully request that the City authorize Rogue Disposal & Recycling, Inc. to increase its subscription green waste program rates, effective January 1, 2016.

Thank you for the privilege of serving the City of Central Point.

Sincerely,

A handwritten signature in black ink, appearing to read 'Wendel Smith', with a stylized flourish at the end.

Wendel Smith
General Manager
Rogue Disposal and Recycling, Inc.

Notwithstanding any other provision of this Agreement or the Approved Service Rate Schedule as in effect from time to time hereunder, the Contractor shall be entitled to charge its Customers for the Collection of Special Waste such fees and charges as shall be negotiated between and agreed upon by the Contractor and the Customer generating such Special Waste.

ARTICLE 7

SERVICE RATES AND REVIEW

This Article provides the basis for the Contractor's rates under this Agreement and outlines the rate review process and the associated performance audit. The initial rates are set forth in the Approved Service Rate Schedule included as Exhibit C, which initial rates are those established by City Council Resolution No. 7112. The Approved Service Rate Schedule will be revised from time to time as follows:

(1) At the written request of the Contractor made no later than January 1, 1997, the City and the Contractor shall conduct the Initial Rate Review in accordance with Section 7.2 hereof. Following such rate review, the Approved Service Rate Schedule will be adjusted if approved by resolution of the City Council.

(2) As provided in Section 7.5 hereof, an annual adjustment to the Approved Service Rate Schedule will be done in accordance with the Annual Rate Adjustment Formula set forth in Section 7.5.

(3) The Approved Service Rate Schedule will also be adjusted if approved by resolution of the City Council following a Requested Rate Review conducted at the request of either party in accordance with Section 7.2 hereof.

(4) Unless the City and the Contractor otherwise agree in writing, the Approved Service Rate Schedule will be adjusted on each Fifth Anniversary if approved by resolution of the City Council following a Fifth Anniversary Rate Review conducted in accordance with Section 7.2 hereof, which Fifth Anniversary Rate Review shall be accompanied by a Performance Audit conducted in accordance with Section 7.4 hereof.

(5) The Approved Service Rate Schedule will be adjusted if approved by resolution of the City Council following a Special Rate Review conducted in accordance with Section 7.3 hereof.

In connection with the annual adjustment as described in (2) above and in connection with a rate review undertaken as described in (1), (3), (4) or (5) above, the Contractor will be responsible for submitting various operational and cost data to the City as specified in this Article. In connection with any adjustment to the Approved Service Rate Schedule as provided in this Article, the parties

and prepare and sign a revised Exhibit C incorporating such adjusted Approved Rate Schedule, and such revised Exhibit C shall thereafter supersede and replace the Exhibit C theretofore in effect.

7.1.1 Rules for Adjustments to Approved Service Rate Schedule.

A. Basic Rule. The Approved Service Rate Schedule shall be adjusted from time to time in accordance with the procedures set forth in this Agreement so that, based upon the information available at the time of adjustment and reasonable assumptions about the future costs of providing the services required hereunder, Contractor shall derive from its operations within the Franchise Area, Gross Revenues in an amount sufficient to: (1) cover all Allowable Expenses and Pass-Through Expenses; plus (2) produce an additional amount equal to the Operating Margin.

B. Special Provisions Regarding Tip Fee In Connection With Rate Reviews. Notwithstanding the provisions of Section 7.1.1.A or anything else expressed or implied herein to the contrary, for the purpose of adjusting the Approved Service Rate Schedule in connection with the Initial Rate Review, each Fifth Anniversary Rate Review and any Requested Rate Review or Special Rate Review (if such Special Rate Review involves review of Disposal Costs), Allowable Expenses shall be calculated using the Base Tip Fee and Pass-Through Expenses shall include the Excess Tip Fee.

7.1.2 Rate Categories.

In connection with each adjustment in accordance with the procedures set forth in this Agreement, the Approved Service Rate Schedule shall establish rates for each Rate Category in accordance with the provisions of this Section 7.1.2.

A. Basic Allocation of Gross Revenue Requirement Among Rate Categories. For purposes of determining the Approved Service Rate Schedule resulting from any adjustment pursuant to the terms of this Agreement, the total amount of the Gross Revenues required shall be allocated among the Rate Categories as proposed by the Contractor and approved by the City. Notwithstanding any other provision of this Agreement, the Approved Service Rate Schedule shall be established, modified and adjusted from time to time in a manner such that, based on the Contractor's estimate of its Customer base and the amount of service that will be requested under each Rate Category, the amounts collected under all Rate Categories shall be sufficient to generate Gross Revenues as required under Section 7.1.1.

B. Allocation of Rate Adjustments due to Changes in Allowable Expenses or Pass-Through Expenses. Any adjustment to the Approved Service Rate Schedule that results from an adjustment to Allowable Expenses or Pass-Through Expenses shall, to the extent practicable or appropriate, be made on an equal *pro-rata* basis across all Rate Categories; *provided that:*

(i) any increase in rates due to a Pass-Through Expense shall be limited to the Rate Categories for services or for Customers, as applicable, with respect to which the Pass-Through Expenses are imposed on, or to be collected by, the Contractor; and

(ii) where possible, rate adjustments due to an Allowable Expense increase shall be limited to the Rate Categories for services to which the Allowable Expense is attributable.

Notwithstanding the foregoing, the Contractor will cooperate with the City to make any other allocation of rate adjustments across the various Rate Categories as may be reasonably requested by the City so long as, based on the Contractor's estimate of its Customer base and the amount of service that will be requested under each Rate Category, the rates collected under all Rate Categories pursuant to the resulting Approved Service Rate Schedule will be sufficient to generate Gross Revenues as required under Section 7.1.1.

7.2 Periodic Rate Reviews

A. Initial, Fifth Anniversary and Requested Reviews. The Approved Service Rate Schedule provided in Exhibit C as in effect on the Effective Date of this Agreement shall continue in effect until subsequently adjusted either as a result of the annual adjustment in accordance with the Annual Rate Adjustment Formula set forth in Section 7.5 as provided for in Section 7.4 hereof or as a result of City Council approval of such adjustment following a rate review pursuant to Section 7.2 or Section 7.3 hereof.

Not later than January 1, 1997, Contractor shall provide to the City a written request to commence the Initial Rate Review (the date of such written request being herein called the "Initial Request Date"). Immediately following the Initial Request Date, the City and the Contractor shall conduct the initial rate review (herein called the "Initial Rate Review") in accordance with this Section 7.2. On the Initial Request Date, the Contractor shall provide to the City the information needed for the Initial Rate Review. Within 45 days of the date upon which the Contractor provides the City with the information needed for the Initial Rate Review, the City shall notify the Contractor in writing as to whether the City accepts such information as complete or specifying any respect in which the City deems such information incomplete or deficient. Failure of the City to so notify the Contractor within such 45 day period that the information is incomplete or deficient shall constitute acceptance by the City of such information as complete, which deemed acceptance shall be effective as of such 45th day. The City staff shall review such information and complete all its deliberations in connection therewith within 45 days from the date of acceptance or deemed acceptance by the City of the information provided by the Contractor. Not later than the next regularly scheduled City Council meeting following the end of such 45 day period, the City staff shall place on the City Council meeting agenda a presentation of its recommendations for consideration by City Council, and the City Council shall thereafter act without undue delay to approve or disapprove any proposed adjustment to the Approved Service Rate Schedule. Upon the request of the City or the Contractor, the foregoing time periods may be extended for such additional period of time as the parties shall mutually agree.

Unless otherwise agreed to in writing by the City and the Contractor, a rate review (herein called a "Fifth Anniversary Rate Review") shall be conducted by the City and Contractor so as to make any necessary adjustment to the Approved Service Rate Schedule effective as of each Fifth Anniversary. The Contractor shall provide to the City the information needed for a Fifth

Anniversary Rate Review not less than 135 days prior to the related Fifth Anniversary. Within 45 days of the date upon which the Contractor provides the City with the information needed for the Fifth Anniversary Rate Review, the City shall notify the Contractor in writing as to whether the City accepts such information as complete or specifying any respect in which the City deems such information incomplete or deficient. Failure of the City to so notify the Contractor within such 45 day period that the information is incomplete or deficient shall constitute acceptance by the City of such information as complete, which deemed acceptance shall be effective as of such 45th day. The City staff shall review such information and complete all its deliberations in connection therewith within 45 days from the date of acceptance or deemed acceptance by the City of the information provided by the Contractor. Not later than the next regularly scheduled City Council meeting following the end of such 45 day period, the City staff shall place on the City Council meeting agenda a presentation of its recommendations for consideration by City Council, and the City Council shall thereafter act without undue delay to approve or disapprove any proposed adjustment to the Approved Service Rate Schedule. Upon the request of the City or the Contractor, the foregoing time periods may be extended for such additional period of time as the parties shall mutually agree.

A rate review (herein called a "Requested Rate Review") shall be conducted by the City and the Contractor at any time at the written request of either party (the date of any such written request being herein called the "Request Date"). The Contractor shall provide to the City the information needed for a Requested Rate Review within 90 days following the Request Date. Within 45 days of the date upon which the Contractor provides the City with the information needed for the Requested Rate Review, the City shall notify the Contractor in writing as to whether the City accepts such information as complete or specifying any respect in which the City deems such information incomplete or deficient. Failure of the City to so notify the Contractor within such 45 day period that the information is incomplete or deficient shall constitute acceptance by the City of such information as complete, which deemed acceptance shall be effective as of such 45th day. The City staff shall review such information and complete all its deliberations in connection therewith within 45 days from the date of acceptance or deemed acceptance by the City of the information provided by the Contractor. Not later than the next regularly scheduled City Council meeting following the end of such 45 day period, the City staff shall place on the City Council meeting agenda a presentation of its recommendations for consideration by City Council, and the City Council shall thereafter act without undue delay to approve or disapprove any proposed adjustment to the Approved Service Rate Schedule. Upon the request of the City or the Contractor, the foregoing time periods may be extended for such additional period of time as the parties shall mutually agree.

B. Information Required for Rate Reviews. In connection with the Initial Rate Review, each Fifth Anniversary Rate Review and each Requested Rate Review, each of the following items shall be provided by Contractor to the City at no expense to the City, and in the form prescribed by this Agreement:

- (i) To the extent not previously provided to the City, audited financial statements for the three years immediately preceding the year in which the rate review is conducted, which financial statements shall show the Gross Revenue derived by Contractor from

the service provided by it in the Franchise Area pursuant to this Agreement separate from the revenues derived by Contractor from any and all other Contractor operations.

- (ii) Gross Revenues and Franchise Expenses for the prior three fiscal years by program, Gross Revenues and Franchise Expenses to date for the current fiscal year by program, and projected Gross Revenues and Franchise Expenses for the remainder of the current year and ensuing three (3) years by program.
- (iii) Number of customers and bad debts in each Rate Category.
- (iv) Total costs and allocation methods for Franchise Expenses shared with non-franchise services, operations or activities.
- (v) To the extent not already provided above or disclosed in the Contractor's audited financial statements previously presented to the City, related party transactions between the Contractor and its affiliates as determined in accordance with generally accepted accounting principles.
- (vi) Organization chart reflecting current staffing, job description and salary schedules.
- (vii) Contractor's depreciation and equipment replacement schedules.
- (viii) Schedule of rates charged at each Disposal Site used by the Contractor along with tonnages disposed at each Disposal Site .
- (ix) A survey of collection rates of and services provided by certain other collection and disposal companies to be agreed upon by City and Contractor.
- (x) Operational data for the services to be provided by Contractor under this Agreement.
- (xi) A proposed service fee (rate schedule) for each Rate Category, together with a rationale for how these rates were determined based on the Contractor's calculated Franchise Expenses and Operating Margin and the number and type of services within each Rate Category.
- (xii) Such other information as the City or the Contractor may deem necessary.

C. Rate Review Process. In connection with each rate review under this Section 7.2, any proposed adjustments to the Approved Service Rate Schedule shall be considered by the City Administrator, who shall thereafter make a recommendation to the City Council regarding the proposed adjustment, which recommendation shall propose an adjustment in accordance with the terms, provisions and requirements set forth in this Agreement. The City Administrator shall do the following in reviewing a proposed adjustment to the Approved Service Rate Schedule:

- (i) Take into consideration the Franchise Expenses, any performance incentives and sanctions, rate comparability, and the reasonableness of costs and other information as the City Administrator determines to be appropriate. As used in this subsection, performance incentives and sanctions refer to arrangements that the City and the Contractor may enter into in the future such as: an incentive to the provider of a Recycling service to allow the service provider to keep an increasing percentage of revenues as larger amounts (or a wider range) of materials are Recycled; or a sanction consisting of liquidated damages, as specified in a written agreement, that are assessed against the service provider for failure to meet specified diversion goals.
- (ii) When determining the amount of Gross Revenues required to be produced by the Approved Service Rate Schedule, use the following equation:

$$\text{Gross Revenues} = (\text{Franchise Expenses}) + (\text{Operating Margin})$$

D. City Council Approval. Upon receipt of the City Administrator's recommendation, the City Council of City shall determine whether to approve by resolution any change in the Approved Service Rate Schedule.

7.3 Special Rate Review

A. Application by Contractor. Contractor may apply to City for consideration of a special rate review (herein called a "Special Rate Review") should any of the following occur:

1. Increased Franchise Expenses caused by Force Majeure events.
2. Changes to operations are mandated by the City as permitted under Section 5.1 of this Agreement or an increase in the Franchise Fee initiated by the City pursuant to Section 4.3.A. hereof.
3. Disposal Costs change by more than 110% of the Consumers Price Index Change for any period of 12 consecutive months.
4. A substantial increase in the number of Waste Generators within the Franchise Area, whether caused by Customer growth and/or annexation, to the extent such increase causes the Contractor to incur increased or additional capital expenditures.
5. Any fluctuation in the markets or market price for Recyclable Materials, unforeseen increases in the cost of Collection, handling, processing, storing, transporting, marketing, or sale or other disposition of Recyclable Materials, or the need for increased promotional or educational activities pertaining to recycling or any changes to the definition of "Recyclable Materials" set forth in ORS 459.005 (19).

6. The Contractor desires to provide additional new services or the City requests the Contractor to provide any additional new services, or the Contractor desires or the City requests the Contractor to change the method of providing, or the technology used to provide, existing services under this Agreement.
7. Changes in Disposal methods or sites mandated by any political body which may now or in the future have legal jurisdiction, but only if such changes in Disposal methods or sites result in increased Franchise Expenses other than Disposal Costs.
8. The occurrence of any other event or the development of any other circumstances that the City and the Contractor mutually agree should be the subject of a Special Rate Review.

Upon receipt by the City of a request from the Contractor for a Special Rate Review, the City may, in its discretion, initiate a Requested Rate Review pursuant to Section 7.2.A. hereof, in which event the parties shall proceed with such Requested Rate Review in lieu of the Special Rate Review requested by the Contractor.

B. Scope of Special Rate Review. Should Contractor request a Special Rate Review, the City and the Contractor will only review and consider: (i) those items of Franchise Expenses related to the circumstance(s) which warrant consideration of a Special Rate Review, as specified above, and (ii) those Additional Items of Franchise Expenses (as defined in Section 7.3.C. below), if any, that the City or the Contractor, in accordance with Section 7.3.C. below, may request be part of such Special Rate Review.

C. Procedures for Special Rate Review. A Special Rate Review shall be conducted by the City and the Contractor at any time at the written request of the Contractor (the date of any such written request being herein called the "Special Rate Review Request Date"). In connection with making a written request for a Special Rate Review, the Contractor shall provide to the City the information relevant to consideration of such Special Rate Review. Within 45 days of the Special Rate Review Request Date, the City shall notify the Contractor in writing as to whether the City: (i) accepts such information as complete or specifying any respect in which the City deems such information incomplete or deficient; and (ii) requests that any Additional Item of Franchise Expenses (as defined below) be reviewed and considered as part of such Special Rate Review. If the City requests that any Additional Items of Franchise Expense be so considered and reviewed, the Contractor, at its option, may also add Additional Items of Franchise Expense to be reviewed and considered as part of such Special Rate Review. Failure of the City to so notify the Contractor within such 45 day period that the information is incomplete or deficient or request that any such additional items be reviewed and considered as part of such Special Rate Review, shall constitute acceptance by the City of such information as complete and/or to waive any right to request that any such additional items be reviewed and considered as part of such Special Rate Review, which deemed acceptance and/or waiver shall be effective as of such 45th day. The City staff shall review such information and complete all its deliberations in connection therewith within 45 days from the

date of acceptance or deemed acceptance by the City of the information provided by the Contractor. Not later than the next regularly scheduled City Council meeting following the end of such 45 day period, the City staff shall place on the City Council meeting agenda a presentation of its recommendations for consideration by City Council, and the City Council shall thereafter act without undue delay to approve or disapprove any proposed adjustment to the Approved Service Rate Schedule. Upon the request of the City or the Contractor, the foregoing time periods may be extended for such additional period of time as the parties shall mutually agree.

As used herein, the phrase "Additional Items of Franchise Expense" means any item of Franchise Expense, other than those items of Franchise Expenses related to the circumstance(s) specified in Section 7.3.A. which warrant the Special Rate Review.

7.4 Performance Audit

In connection with the Initial Rate Review, the Contractor shall provide to the City baseline data concerning the performance by the Contractor of collection services within the Franchise Area, which data shall be taken into consideration in evaluating the Contractor's performance hereunder in connection with the first Performance Audit described below.

In connection with each Fifth Anniversary Rate Review conducted during the Term of this Agreement pursuant to Section 7.2, a Performance Audit of the Contractor shall be conducted as set forth below. Each Performance Review shall be commenced and complete during the same period of time that the related Fifth Anniversary Review is commenced and completed.

A. Nature and Scope. The Performance Audit shall:

- (i) Be performed by a qualified certified public accounting or other nationally recognized solid waste industry consulting firm to be selected by the City and agreed to by the Contractor.
- (ii) Be paid for by the Contractor (with the cost thereof constituting an Allowable Expense for purposes of this Agreement).
- (iii) Address all appropriate areas, including those areas requested or identified by the City as well as those listed below, and shall provide specific recommendations, as appropriate, for improvement in each area:
 - (a) Compliance with the terms of this agreement and applicable codes, laws, and regulations.
 - (b) Overall organizational structure and management systems and procedures.
 - (c) Efficiency of Collection operations, including an analysis of routes, schedules and the impact of franchise requirements.

- (d) Staffing practices, including the deployment of management and supervisory personnel.
- (e) Financial management practices, including the Contractor's billing and Collection system and its policies with regard to uncollected accounts.
- (f) Personnel management practices, including compensation policies and the resolution of employee grievances.
- (g) Employee job and safety training with respect to the management of Hazardous Waste to the extent necessary to enable Contractor's employees to make initial identifications of Hazardous Waste and to ensure that Hazardous Waste inadvertently collected by Contractor within the Franchise Area is properly handled and disposed.
- (h) Procedures for receiving and resolving customer complaints and concerns, including damage to customer-owned containers and disappearance of container covers.
- (i) Procedures for the acquisition, maintenance and replacement of equipment; types of equipment; rationale for recent capital investments; and financing options.
- (j) Utilization and management of facilities.
- (k) Comparison with practices of solid waste collection companies in Oregon conducting operations and providing services similar to those of Contractor under this Agreement and operating in communities similar to the City and comparison with accepted industry standards in the State of Oregon.
- (l) An analysis of the financial and rate impact of any recommendations made by the consultant conducting the Performance Audit.

Contractor is expected to cooperate fully with the Performance Audit, and provide all operational, financial and other information deemed reasonable and necessary by the City for purposes of conducting the Performance Audit. Contractor's failure to cooperate or track or provide all information necessary to conduct the Performance Audit shall be considered an event of default. The results of the Performance Audit shall be compiled in a report prepared by the consulting firm selected to conduct the Performance Audit, which report shall be delivered in writing simultaneously to both the City and the Contractor.

7.5 Annual Adjustment of Approved Service Rate Schedule

On each Anniversary Date (other than an Anniversary Date that is immediately preceded by a Fifth Anniversary Rate Review), commencing with the Anniversary Date that falls on January 1, 1998, there shall be an annual adjustment of the Approved Service Rate Schedule pursuant to and in accordance with this Section 7.5. If the City and the Contractor agree, the annual adjustment pursuant to this Section 7.5 may be waived for any year.

Unless such annual adjustment for a given year is waived by the Contractor and the City, the Contractor shall be required to deliver to the City, not less than 90 days prior to such Anniversary Date, a detailed calculation of the adjustment to each Rate Category Rate in the Approved Service Rate Schedule then in effect calculated in accordance with the Annual Rate Adjustment Formula set forth in this Section 7.5, together with all supporting information. The City Administrator shall review such information and not less than 60 days prior to the related Anniversary Date, the City shall inform the Contractor as to whether or not it agrees with the Contractor's calculation of such adjustment. The City shall specify to the Contractor in writing the particulars of any disagreement with the Contractor's calculation of such adjustment, and the City and Contractor shall meet in order to resolve any such differences. Effective as of each Anniversary Date for which an annual adjustment is made pursuant to this Section 7.5, each Rate Category Rate in the Approved Service Rate Schedule shall be adjusted in accordance with the Annual Rate Adjustment Formula set forth in this Section 7.5.

For purposes of this Section 7.5, the Annual Rate Adjustment Formula for each Rate Category Rate shall be as follows:

$$\text{ARCR} = (\text{RCR multiplied by CPIC}) \text{ plus RCR}$$

RCR = the service rate for a particular Rate Category as set forth in the Approved Service Rate Schedule in effect immediately prior to the Anniversary Date .

CPIC = the percentage change (increase or decrease) between the Consumer Price Index published in August of the current year and and the Consumer Price Index published in August of the immediately preceding year; *provided that* if the Approved Service Rate Schedule has been adjusted pursuant to a Requested Rate Review or a Special Rate Review since the last annual adjustment of the Approved Service Rate Schedule pursuant to this Section 7.5, then "CPIC" shall mean the percentage change (increase or decrease) between the Consumer Price Index published in August of the current year and and the Consumer Price Index published immediately prior to the date upon which the Approved Service Rate Schedule was been adjusted pursuant to such Requested Rate Review or Special Rate Review.

ARCR = the RCR as adjusted pursuant to the Annual Rate Adjustment Formula.

7.6 Publication of Rates

Contractor shall provide a minimum of 30 days written notice to customers of rate changes. The notice shall cite the enabling legislation and may be provided with, or as part of the regular billing. In the case of interim rate changes pursuant to enabling legislation, Contractor shall file an intended notice of change to City Recorder or other official of City not less than seven (7) days prior to the effective date of the rate change.

ARTICLE 8 REPORTS AND RECORDS; INDEMNITY AND INSURANCE BOND

8.1 Annual Audited Financial Statements and Annual Report

A. Audited Financial Statements. Contractor shall submit to the City the Contractor's annual audited financial statements. All such financial statements shall be submitted not later than four (4) months following the end of Contractor's fiscal year. Such annual audited financial statements shall show the Gross Revenue derived by Contractor from the service provided by it in the Franchise Area pursuant to this Agreement separate from the revenues derived by Contractor from any and all other Contractor operations.

Annual financial statements submitted by Contractor pursuant to Section 8.1 shall be audited and certified to by an independent certified public accounting firm selected by the Contractor and approved by the City Administrator; *provided that* Contractor's current public accounting firm, Moss Adams LLP, shall be deemed approved unless and until the City, for good cause, notifies Contractor that such approval is revoked. Contractor will bear the expense of said audit.

In conjunction with the annual audit of Contractor's financial statements, the independent certified public accountant shall conduct an annual audit of billings by the Contractor to Waste Generators within the Franchise Area. The intent of this audit is to verify that Waste Generators served by the Contractor are receiving the service for which they are billed. The results of the audit shall be provided to the City with the Contractor's audited financial statements and reports. In addition, the Contractor's audited financial statements shall be accompanied by the annual Franchise Fee report required by Section 4.3.B. hereof.

ORDINANCE NO. 1905

AN ORDINANCE AUTHORIZING A TEN-YEAR EXTENSION OF THE EXISTING SOLID WASTE AGREEMENT WITH ROGUE DISPOSAL INC. TO DECEMBER 31, 2016 AND INCREASING THE FRANCHISE FEE FROM FIVE PERCENT (5%) TO SIX PERCENT (6%) NO LATER THAN JANUARY 1, 2008.

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


Section 1. A ten-year extension of the existing Solid Waste Collection Franchise agreement with Rogue Disposal and Recycling, Inc. to December 31, 2016, is hereby authorized.

Section 2. A increase in the franchise fee from five percent (5%) to six percent (6%) no later than January 1, 2008 is hereby authorized.

Passed by the City Council and signed by me in authentication of its passage this 10th day of May, 2007.


Mayor Hank Williams

ATTEST:


City Recorder

Approved by me this 11th day of May, 2007.


Mayor Hank Williams

Business

Fun Run Donation



STAFF REPORT

DATE: AUG 19, 2015
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: JENNIFER BOARDMAN, MANAGER

SUBJECT: RUN 4 FREEDOM REPORT

The Central Point Parks and Recreation Department in conjunction with Anytime Fitness held the 5th annual Run 4 Freedom and Kids Fun Run on July 4, 2015. Below are the details regarding event including true costs.

First, the run was very successful in spite of the high temperatures and lower numbers. We had many positive comments which always makes this worthwhile. While we didn't have as large of turn out, we did have very enthusiastic runners and everyone seemed to have a great time.

The kids run had a total of 116. The adult run 139 entries. We again offered pre-race bag pick up which was helpful to cut down on staff costs on the day of the race. The pre-race pickup also helps to make the race day much smoother.

In addition to the bag pick up we were again able to cut down on costs this year by using all of Pine Street as part of the run route which saves money on traffic cones.

Even with the cost saving measures in place the run did not make as much as anticipated. The Funds left after the adult run was \$746.00 and \$362.19 for the kids run. The total donation to the Comet Club will be \$1108.19.

Recommendation: Add more volunteers and use fewer staff to cut costs. Provide shirts for the adult run as an option and not for each racer. Change race route to include more of the parade route to further cut down on number of cones and staff needed on the route. These measures could potentially provide a race that nets closer to \$2000 for donation each year.

Adult Run Budget 2014

Revenue

online Revenue	\$ 1,957.50
Cash Pre Reg	\$ 710.00
Cash Day of Race	\$ 740.00
Total Revenue	\$ 3,407.50
Expenses	
Cone Rental	\$ 240.00
Fire District	\$ 232.50
Toilet	\$ 132.00
Bibs/bags	\$ 157.00
Stuffers	\$ 200.00
Shirts	\$ 715.00
Prizes	\$ 26.18
Employee PW	\$ 464.64
Employee Parks	\$ 720.00
Expenses	\$ 2,167.32
Parks Donation	\$ (157.00)
Total expenses	\$ 2,010.32
Net revenue	\$ 1,397.18

Kids Run

Kids Shirts	\$ 1,300.00
Ribbons	\$ 70.00
Expenses	\$ 1,370.00
Donation Grange	\$ 2,000.00
Net Revenue	\$ 630.00

Adult Run Budget 2015

Revenue

online Revenue	\$ 1,720.00
Cash Pre Reg	\$ 136.00
Cash Day of Race	\$ 850.00
Total Revenue	\$ 2,706.00
Expenses	
Cone Rental	\$ 240.00
Stuffers/water	\$ 320.00
Toilet	\$ 40.00
Bibs/bags	\$ 57.00
Stuffers	\$ 150.00
Shirts	\$ 1,293.00
Prizes	\$ 92.35
Employee PW	\$ 432.00
Employee Parks	\$ 864.00
Expenses	\$ 2,259.35
Parks Donation	\$ (299.35)
Total expenses	\$ 1,960.00
Net revenue	\$ 746.00

Kids Run

Kids Shirts	\$ 580.00
Ribbons	\$ 57.81
Expenses	\$ 637.81
Donation Grange	\$ 1,000.00
Net Revenue	\$ 365.19

Runners 2015

1 Mile	14
5 K	125
5K Track Kids-No Pay	13
Kids Run	116

Total Runners 268

Runners 2014

1 Mile	0
5 K	180
5K Track Kids-No Pay	2
Kids Run	199

Total Runners 381

Difference -113

Total Donation- \$1,108.19

Business

Discussion of Pedestrian Crossing at 6th Street



STAFF REPORT

August 19, 2015

AGENDA ITEM: Discussion of 6th Street pedestrian crossing.

STAFF SOURCE:

Matt Samitore, Director

BACKGROUND/SYNOPSIS:

The city council asked to potential move up the construction of the pedestrian crossing at the intersection of 6th and E. Pine Street between the Malot Building and the US Post office.

Design: The Design was completed by RH2 Engineering and Southern Oregon Transportation. The design uses what was conceptually planned for in the East Pine Street Refinement plan – revised four lane configurations. Additionally, it was determined that the best fit for this section of street based on the revised four lane layout and speed was a flashing beacon similar to what was installed on Highway 99 at the Creamery and on Haskell/W. Vilas at Don Jones Memorial Park.

The design entails installation of new bulb outs and flashing beacons on both sides of the street. The bulb outs are necessary to facilitate a shorter movement for pedestrians.

East Pine Street Design: The Central Point Development Commission is currently planning on having the design for East Pine Street Completed during the winter of 2016, if revenues meet estimated values. It is anticipated that if revenues for the Urban Renewal district continue to rise to potentially have the refine plan construction completed in 2017 or 2018.

FISCAL IMPACT:

Construction could commence on this project this fall or wait to coincide with the full improvements of E. Pine/Downtown in the 2017/2018 Urban Renewal project.

COST:

The current estimate for the project is between \$65,000-\$85,000.

RECOMMENDATION:

No recommendation at this time.

PINE STREET

6TH STREET

RRFB

SCALE: 1"=20'





EXISTING CONDITION



PROPOSED IMPROVEMENTS



EXISTING CONDITION



PROPOSED IMPROVEMENTS

Business

End of Year

Financial Statement



Staff Report

Finance Department
Bev Adams, Finance Director

To: Mayor & Council
From: Bev Adams, Finance Director
Date: August 27, 2015
Subject: June 30, 2015 financial statement presentation

Background:

Attached are the final 2014/15 fiscal year (unaudited) financial statements for your review.

Now that the expense and revenue accruals are complete, the year-end financial picture is fairly established with little or no significant change between these and the audited statements.

All funds considered we ended the year very well, with revenues coming in strong and expenses within budgeted appropriations.

Isler CPA's have scheduled this week to begin the annual audit review work and will be onsite for most of the week. If all goes according to schedule we will present the completed audit at the November 12th council meeting.

Recommended Action:

That the Mayor and Council accept the unaudited 2014/15 financial statements.

City of Central Point
Council Financial Statements
For period ending June 30, 2015

Fiscal Year to date 100.00%

	2014/15 Budget	Year to Date Revenues & Expenditures	Difference	Percentage Received/Used
General Fund - 10				
Revenues				
Taxes	\$6,125,000	\$6,098,085	\$26,915	99.56%
Licenses & Fees	59,500	63,355	(3,855)	106.48%
Intergovernmental	497,100	492,382	4,718	99.05%
Charges for Service	994,500	1,019,538	(25,038)	102.52%
Fines and Forfeitures	105,000	99,301	5,699	94.57%
Interest Income	32,500	20,850	11,650	64.15%
Miscellaneous	137,000	178,936	(41,936)	130.61%
Transfers In	0	0	0	0.00%
Total Revenues	7,950,600	7,972,447	(21,847)	100.27%
Expenditures by Department				
Administration	701,100	677,503	23,597	96.63%
City Enhancement	383,100	159,307	223,793	41.58%
Technical Services	548,400	508,615	39,785	92.75%
Mayor & Council	61,250	44,748	16,502	73.06%
Finance	775,600	726,430	49,170	93.66%
Parks & Recreation - Parks	801,350	787,956	13,394	98.33%
Parks & Recreation - Recreation	522,740	462,346	60,394	88.45%
Planning	403,850	357,188	46,662	88.45%
Police	4,130,910	3,870,632	260,278	93.70%
Interdepartmental	125,000	123,774	1,226	99.02%
Transfers Out	44,000	44,000	0	100.00%
Contingency	160,000	0	160,000	0.00%
Total Expenditures by Department	8,657,300	7,762,498	894,802	89.66%
Net Change in Fund Balance		209,949		
Beginning Fund Balance	2,346,060	2,635,169	289,109	
Ending Fund Balance	1,639,360	2,845,118	1,205,758	

	2014/15 Budget	Revenues & Expenditures	Difference	Percentage Received/Used
High Tech Crime Task Force Fund				
Revenues				
Intergovernmental Revenue	\$40,000	\$4,377	\$35,623	10.94%
Charges for Services	0	0	0	0.00%
Miscellaneous	0	0	0	0.00%
Interfund Transfers	0	0	0	0.00%
Total Revenues	40,000	4,377	35,623	10.94%
Expenditures				
Operations	78,500	58,040	0	0.00%
Capital Outlay	0	0	0	0.00%
Contingency	0	0	0	0.00%
Total Expenditures	78,500	58,040	0	0.00%
Net Change in Fund Balance		(53,663)		
Beginning Fund Balance	177,755	181,928	4,173	
Ending Fund Balance	139,255	128,265	(10,990)	

**City of Central Point
Council Financial Statements
For period ending June 30, 2015**

Fiscal Year to date 100.00%

	2014/15 Budget	Revenues & Expenditures	Difference	Percentage Received/Used
Street Fund - 20				
Revenues				
Franchise Tax	\$240,000	\$240,000	\$0	100.00%
Charges for Services	550,000	666,382	(116,382)	121.16%
Intergovernmental Revenue	990,000	1,002,001	(12,001)	101.21%
Interest Income	11,000	8,268	2,732	75.17%
Miscellaneous	5,000	148,540	(143,540)	2970.81%
Transfers In	0	0	0	0.00%
Total Revenues	1,796,000	2,065,192	(269,192)	114.99%
Expenditures				
Operations	1,772,200	\$1,697,585	74,615	95.79%
SDC	253,000	30,519	222,481	12.06%
Contingency	100,000	0	100,000	0.00%
Total Expenditures	2,125,200	1,728,104	397,096	81.31%
Net Change in Fund Balance		337,088		
Beginning Fund Balance	1,594,730	1,737,201	142,471	
Ending Fund Balance	1,265,530	2,074,289	808,759	

Capital Improvement Fund - 30

Revenues				
Intergovernmental	\$0	\$0	\$0	0.00%
Charges for Services	60,000	185,382	(125,382)	308.97%
Interest Income	700	672	28	96.02%
Total Revenues	60,700	186,054	(125,354)	306.51%
Expenditures				
Parks Projects	0	0	0	0.00%
Parks Projects - SDC	10,000	8,302	1,698	83.02%
Transfers Out	100,000	100,000	0	0.00%
Total Expenditures	110,000	108,302	1,698	98.46%
Net Change in Fund Balance		77,752		
Beginning Fund Balance	68,625	139,392	70,767	
Ending Fund Balance	19,325	217,144	197,819	

City of Central Point
Council Financial Statements
For period ending June 30, 2015

		<i>Fiscal Year to date</i>	<u>100.00%</u>
	2014/15 Budget	Year to Date Revenues & Expenditures	Difference
			Percentage Received/Used
Reserve Fund- 35			
Revenues			
Interest	\$4,000	\$2,847	\$1,153 71.18%
Transfers In	0	0	0 100.00%
Total Revenues	4,000	2,847	0 71.18%
Expenditures			
Facility Improvements	40,000	0	40,000 0.00%
Total Expenditures	40,000	0	40,000 0.00%
Net Change in Fund Balance		2,847	
Beginning Fund Balance	569,800	569,969	169
Ending Fund Balance	533,800	572,816	39,016
Debt Service Fund- 40			
Revenues			
Charges for Service	\$224,000	\$222,007	\$1,993 99.11%
Interest Income	100	619	(519) 619.17%
Intergovernmental	162,870	162,864	6 100.00%
Special Assessments	60,000	34,540	25,460 57.57%
Miscellaneous Revenue	0	55,900	(55,900) 0.00%
Transfers In	199,000	199,000	0 100.00%
Total Revenues	645,970	674,930	(28,960) 104.48%
Expenditures			
Debt Service	645,600	643,383	2,217 99.66%
Total Expenditures	645,600	643,383	2,217 99.66%
Net Change in Fund Balance		31,547	
Beginning Fund Balance	45,800	41,943	(3,857)
Ending Fund Balance	46,170	73,490	27,320
Building Fund- 50			
Revenues			
Charges for Service	\$144,500	\$228,860	(\$84,360) 158.38%
Interest Income	1,500	1,486	14 99.10%
Miscellaneous	0	1,183	(1,183) 0.00%
Total Revenues	146,000	231,530	(85,530) 158.58%
Expenditures			
Personal Services	156,300	125,819	30,481 80.50%
Materials and Services	16,300	14,243	2,057 87.38%
Contingency	3,000	0	3,000 0.00%
Total Expenditures	175,600	140,062	35,538 79.76%
Net Change in Fund Balance		91,469	
Beginning Fund Balance	133,495	182,632	49,137
Ending Fund Balance	103,895	274,101	170,206

City of Central Point
Council Financial Statements
For period ending June 30, 2015

Fiscal Year to date 100.00%

	2014/15 Budget	Year to Date Revenues & Expenditures	Difference	Percentage Received/Used
Water Fund - 55				
Revenues				
Charges for Services	\$2,885,500	\$3,061,863	(\$176,363)	106.11%
Interest Income	6,000	7,670	(1,670)	127.83%
Miscellaneous	10,000	27,566	(17,566)	275.66%
Total Revenues	2,901,500	3,097,098	(195,598)	106.74%
Expenditures				
Operations	3,038,300	2,884,576	153,724	94.94%
SDC Improvements	16,000	0	16,000	0.00%
Contingency	145,000	0	145,000	0.00%
Total Expenditures	3,199,300	2,884,576	314,724	90.16%
Net Change in Fund Balance		212,523		
Beginning Fund Balance	1,794,160	1,697,619	(96,541)	
Ending Fund Balance	<u>1,496,360</u>	<u>1,910,142</u>	<u>413,782</u>	
Stormwater Fund - 57				
Revenues				
Charges for Services	\$841,150	\$876,371	(\$35,221)	104.19%
Interest Income	4,000	4,384	(384)	109.60%
Miscellaneous	184,600	5,673	178,927	3.07%
Total Revenues	1,029,750	886,428	143,322	86.08%
Expenditures				
Operations	1,011,250	726,272	284,978	71.82%
SDC	25,000	24,136	864	96.54%
Contingency	43,000	0	43,000	0.00%
Total Expenditures	1,079,250	750,407	328,843	69.53%
Net Change in Fund Balance		136,021		
Beginning Fund Balance	731,390	850,205	118,815	
Ending Fund Balance	<u>681,890</u>	<u>986,226</u>	<u>304,336</u>	

City of Central Point
Council Financial Statements
For period ending June 30, 2015

Fiscal Year to date 100.00%

	2014/15 Budget	Year to Date Revenues & Expenditures	Difference	Percentage Received/Used
Internal Services Fund - 60				
Revenues				
Charges for Services	\$1,115,800	\$1,141,273	(\$25,473)	102.28%
Interest Income	2,000	1,562	438	78.08%
Miscellaneous	10,000	12,097	(2,097)	120.97%
Total Revenues	1,127,800	1,154,932	(27,132)	102.41%
Expenditures				
Facilities Maintenance	254,000	248,208	5,792	97.72%
PW Administration	674,200	652,971	21,229	96.85%
PW Fleet Maintenance	307,100	293,221	13,879	95.48%
Contingency	0	0	0	0.00%
Interfund Transfers	0	0	0	0.00%
Total Expenditures	1,235,300	1,194,400	40,900	96.69%
Net Change in Fund Balance		(39,467)		
Beginning Fund Balance	139,000	239,394	100,394	
Ending Fund Balance	31,500	199,927	168,427	

City of Central Point
Budget Compliance Report
For period ending June 30, 2015

Fiscal Year to date 100.00%

		2014/15 Budget	Year to Date Expenditures	Percent Used	Difference
General	Administration	\$701,100	\$677,503	96.63%	\$23,597
	City Enhancement	383,100	159,307	41.58%	223,793
	Technical Services	548,400	508,615	92.75%	39,785
	Mayor and Council	61,250	44,748	73.06%	16,502
	Finance	775,600	726,430	93.66%	49,170
	Parks & Recreation - Parks	801,350	787,956	98.33%	13,394
	Parks & Recreation - Recreation	522,740	462,346	88.45%	60,394
	Community Development	403,850	357,188	88.45%	46,662
	Police	4,130,910	3,870,632	93.70%	260,278
	Interdepartmental	125,000	123,774	99.02%	1,226
	Transfers	44,000	44,000	100.00%	0
	Contingency	160,000	0	0.00%	160,000
		8,657,300	7,762,498	89.66%	894,802
HTCU	Materials and Services	78,500	58,040	73.94%	20,460
		78,500	58,040	73.94%	20,460
Street	Operations	1,772,200	1,697,585	95.79%	74,615
	SDC Improvements	253,000	30,519	12.06%	222,481
	Contingency	100,000	0	0.00%	100,000
		2,125,200	1,728,104	81.31%	397,096
Capital Projects	Park Projects	0	0	0.00%	0
	Park Projects - SDC	10,000	8,302	83.02%	1,698
	Transfers	100,000	100,000	0.00%	0
		110,000	108,302	98.46%	1,698
Debt Service	Debt Service	645,600	643,383	99.66%	2,217
Building	Personnel Services	156,300	125,819	80.50%	30,481
	Materials and Services	16,300	14,243	87.38%	2,057
	Contingency	3,000	0	0.00%	3,000
		175,600	140,062	79.76%	35,538
Water	Operations	3,038,300	2,884,576	94.94%	153,724
	SDC Improvements	16,000	0	0.00%	16,000
	Contingency	145,000	0	0.00%	145,000
		3,199,300	2,884,576	90.16%	314,724
Stormwater	Operations	1,011,250	726,272	71.82%	284,978
	SDC Improvements	25,000	24,136	96.54%	864
	Contingency	43,000	0	0.00%	43,000
		1,079,250	750,407	69.53%	328,843
Internal Services	Facilities Maintenance	254,000	248,208	97.72%	5,792
	PW Administration	674,200	652,971	96.85%	21,229
	PW Fleet Maintenance	307,100	293,221	95.48%	13,879
		1,235,300	1,194,400	96.69%	40,900
Total City Operations		\$17,306,050	\$15,269,771	88.23%	\$2,036,279

Ordinance

Adopting Beekeeping Ordinance



STAFF REPORT

August 27, 2015

AGENDA ITEM: IV-

Consideration of various amendments to the Central Point Municipal Code (Chapter 6.05, Section 6.06.020, and Section 8.04.090) to allow beekeeping within the city limits.

STAFF SOURCE:

Stephanie Holtey, Community Planner II

BACKGROUND:

On August 13, 2015 the City Council discussed potential amendments to the Central Point Municipal Code to allow beekeeping in the city limits. Example code language served the basis of the discussion. Several members of the community attended the meeting and spoke in favor of pursuing amendments to allow beekeeping in the city. At that time, the City Council directed staff to initiate the code amendments.

At this time, staff recommending amendments to Tittle 6—Animals and Title 8—Health and Safety as follows:

Amendment 1, Chapter 6.05 Beekeeping

This amendment would add Chapter 6.05 establishing regulatory provisions for beekeeping. The proposed amendments establish requirements relative to hive registration, the number of hives permitted, and equipment and maintenance provisions. Language developed is consistent with similar programs in the cities of Medford and Ashland.

Amendment 2, Section 6.06.020 Exemptions

Section 6.06.020 establishes exemptions from restrictions or prohibitions for the keeping of animals per Title 6. The proposed amendment would provide an exemption for beekeeping activities established and operated in accordance with the provisions of Chapter 6.05.

Amendment 3, Section 8.04.090 Keeping Bees

Section 8.04.090 declares beekeeping as a public nuisance. Proposed amendments to this section would eliminate the public nuisance declaration when permitted in accordance with the bee keeping requirements in Section 6.05.020.

ISSUES:

None.

ATTACHMENTS/EXHIBITS:

Attachment "A" – Ordinance No. ____ Amending Title 6 to Allow Beekeeping within the City Limits

Attachment "B" - Ordinance No. ____ Amending Section 8.04.090 to Allow Beekeeping within the City Limits

ACTION:

Consider proposed amendments and 1) forward the ordinances to a second reading; 2) make revisions and forward the ordinances to a second reading; or, 3) deny the ordinances.

RECOMMENDATION:

Discuss the ordinance proposals and forward each ordinance and any amendments to a second reading.

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 6 ANIMALS TO ALLOW
BEEKEEPING WITHIN THE CITY LIMITS

RECITALS:

- A. The City Wide Strategic Plan recognizes the importance of agriculture to the City's economy both past and future. Maintaining opportunities for small scale agriculture is identified as a strategy for protecting agricultural land and managing Growth.
- B. Small scale urban agriculture, including beekeeping, provides opportunities for residents to continue the tradition of producing locally grown food products while supporting the presence and health of local honeybee populations.
- C. It is the purpose and intent of this ordinance to provide for the safe and orderly keeping of bees in the City of Central Point by establishing certain minimum standards for the keeping of bees to protect the public health, safety and welfare of the residents of the City of Central Point.
- D. Words ~~lined through~~ in the following ordinance are to be deleted and words **in bold** are added.

The people of the City of Central Point do ordain as follows:

Section 1. A new Chapter 6.05 Bee Keeping is hereby added to read as follows:

**Chapter 6.05
BEE KEEPING**

- 6.05.010 Definitions**
- 6.05.020 Bee Keeping**

6.05.010 Definitions

"Apiary" and "apiary property" includes bees, honey, beeswax, bee comb, hives, frames and other equipment, appliances and material used in connection with an apiary.

"Bees" means honey-producing insects of the genus Apis and includes the adults, eggs, larvae, pupae or other immature stages thereof, together with such materials as are deposited into hives by their adults, except honey and beeswax in rendered form.

“Beekeeper” includes any individual, partnership, association or corporation, but does not include any common carrier when engaged in the business of transporting bees, hives, appliances, bee cages or other commodities which are the subject of this chapter, in the regular course of business.

“Colony” or **“colonies of bees”** refers to any hive occupied by bees.

“Disease” means pests, diseases or any condition affecting bees or their brood

“Hive” means any receptacle or container made or prepared for use of bees, or box or similar container taken possession of by bees.

“Honeycomb” means a mass of hexagonal wax cells built by bees to contain their brood and stores of honey.

6.05.020 Bee Keeping

The keeping or maintaining of bees, colonies of bees, hives, honeycombs, or containers of any kind of character wherein bees are hived is subject to the following:

- A. Registration with the city is required prior to establishing any hive or other beekeeping activity on any lot or parcel within the city limits and the Director of Community Development shall provide a beekeeping application and registration process.**
- B. Number of Hives Permitted**
 - 1. A maximum of three (3) bee hives shall be kept or maintained on a lot or parcel less than one acre in size.**
 - 2. A maximum of six (6) hives shall be kept or maintained on a lot or parcel greater than one acre in size.**
 - 3. A beekeeper who owns five or more hives is required by the state to register them with the Oregon Department of Agriculture.**
- C. Hives shall consist of removable frames, which shall be kept in sound and usable condition.**
- D. Hives shall not be placed within a required front, side or rear yard setback area.**

- E. In each instance where a hive is kept less than twenty five (25) feet from a property line, a flyway barrier at least six (6) feet in height shall be maintained parallel to the property line for a minimum of ten (10) feet in either direction from the hive. The flyway barrier may consist of a wall, fence, dense vegetation or a combination thereof, such that bees will fly over rather than through the material to reach the colony.**
- F. A constant supply of fresh water shall be provided for the colonies on site within fifteen (15) feet of each hive.**
- G. Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees are left upon the grounds of the property. Such materials once removed from the site shall be handled and stored in sealed containers or placed within a building or other insect proof container.**
- H. The sale of surplus honey or bee's wax produced on site shall be permitted on the property where the keeping of bees is permitted per applicable business license and/or home occupation regulations. However, outdoor sales are prohibited.**
- I. Only docile common honey bees shall be permitted. African bees or any hybrid thereof are prohibited.**
- J. A beekeeper shall immediately replace the queen in a hive that exhibits aggressive characteristics, including stinging or attempting to sting without provocation.**

Section 2. Central Point Municipal Code Section 6.06.020 regarding exemptions is hereby amended to read as follows regarding bee keeping:

Title 6
ANIMALS

6.06.020 Exemptions

6.06.020 Exemptions.

- A. Notwithstanding any restrictions or prohibitions of this chapter, animals of any kind and any number may be kept by a school, museum or zoo for educational purposes; or the exhibition for amusement purposes, temporarily, by a circus, carnival, or other exhibition licensed in accordance with the applicable city

ordinance. All rules as to sanitation and humane treatment contained in this title shall govern the keeping of the animals and maintenance of the premises or buildings where such animals are kept.

- B. Police service dogs, while in the exercise of their law enforcement duties, are exempt from any restrictions or prohibitions of this title.
- C. **Bee keeping established and operated in accordance with the provisions of Chapter 6.05 are exempt from the prohibitions of this title.**
- D. ~~C.~~ Any prohibited animal in the possession of an owner or custodian at the time the owner or custodian's real property is annexed into the city limits of Central Point may be kept as a nonconforming use provided the owner or custodian registers the animal(s) with the code enforcement officer. The animal(s) may be kept until such time as the owner chooses to remove them from the property. No animal so described may then be replaced by another animal.

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

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

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

Mayor Hank Williams

ATTEST:

City Recorder

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 8.04.090 TO ALLOW
BEEKEEPING WITHIN THE CITY LIMITS

RECITALS:

- A. The City Wide Strategic Plan recognizes the importance of agriculture to the City's economy both past and future. Maintaining opportunities for small scale agriculture is identified as a strategy for protecting agricultural land and managing growth.
- B. Small scale urban agriculture, including beekeeping, provides opportunities for residents to continue the tradition of producing locally grown food products while supporting the presence and health of local honeybee populations.
- C. It is the purpose and intent of this ordinance to provide for the safe and orderly keeping of bees in the City of Central Point by establishing certain minimum standards for the keeping of bees to protect the public health, safety and welfare of the residents of the City of Central Point.
- D. Words ~~lined through~~ in the following ordinance are to be deleted and words **in bold** are added.

The people of the City of Central Point do ordain as follows:

Section 1. Central Point Municipal Code Section 8.04.090 Keeping bee's shall be amended as follows:

8.04.090 Keeping bees.

- A. No person shall have, keep or maintain or permit to be kept or maintained upon land under his control, any hives, swarms or colonies of bees, **except as permitted in accordance with the Bee Keeping requirements in Section 6.05.020.**
- B. **A violation of Section 6.05.020 is declared to be a public nuisance, and may be abated as provided for in this Chapter.** ~~The keeping or maintaining of any hives, colonies or swarms of bees is declared to constitute a public nuisance and may be abated as provided in this chapter. (Ord. 817 §6, 1966).~~

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

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

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

Mayor Hank Williams

ATTEST:

City Recorder

Resolution

Jurisdictional Exchange for Section of Beebe and Pine



STAFF REPORT

August 18, 2015

AGENDA ITEM: A resolution for jurisdictional exchange of a portion of E. Pine Street and Beebe Road.

STAFF SOURCE:

Matt Samitore, Director

BACKGROUND/SYNOPSIS:

The City has immediate plans for installation of a right turn lane on the west side of Beebe Road. The Road is currently owned by Jackson County. In order to construct the project the City needs to assume jurisdiction. It also came to our attention that one block of E. Pine Street between 10th Street and the I-5 on and off ramps is not owned by the City. The City has been maintaining that area and also has future improvements plans for this block.

FISCAL IMPACT:

Beebe Road turn lane is budgeted on the 2015/17 budget. Beebe has recently been chip sealed by Jackson County. The one block of East Pine street is currently paved and in good condition. Some additional striping will be needed in the next few years.

RECOMMENDATION:

Staff recommends approving the resolution.

PUBLIC HEARING REQUIRED:

No

SUGGESTED MOTION:

I move to approve the resolution requesting jurisdictional exchange for a portion of East Pine Street from 10th Street to the ODOT jurisdiction and 200 feet of Beebe Road west of Hamrick Road.

RESOLUTION NO. _____

A RESOLUTION TO REQUEST JURISDICTIONAL EXCHANGE OF PORTIONS OF
EAST PINE STREET AND BEEBE ROAD

Recitals:

- A. The City owns all the right of way of E. Pine Street except for the block between 10th Street and Interstate 5 on-ramps and has future plans for improvements within this block.
- B. The City currently owns all of Hamrick Road right of way and has plans within its Transportation System Plan for improvements at the intersection of Beebe and Hamrick Roads
- C. The City is requesting jurisdictional exchange for the block of E. Pine Street between 10th Street and the Oregon Department of Transportation on and off-ramps and a 200 feet of Beebe Road West of Hamrick Road right of way.

The City of Central Point resolves as follows:

Section 1.

The City of Central Point Council requests jurisdictional exchange of E. Pine Street between 10th Street and the Oregon Department of Transportation on and off-ramps. The right of way width varies between 1000-135 feet. The length of the exchange is 625 feet (Exhibit A);

Section 2.

The City of Central Point Council requests jurisdictional exchange of 200 feet of Beebe Road West of Hamrick Road right of way. The width of Beebe Road is 60'. The width of the exchange is 200 feet (Exhibit B).

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

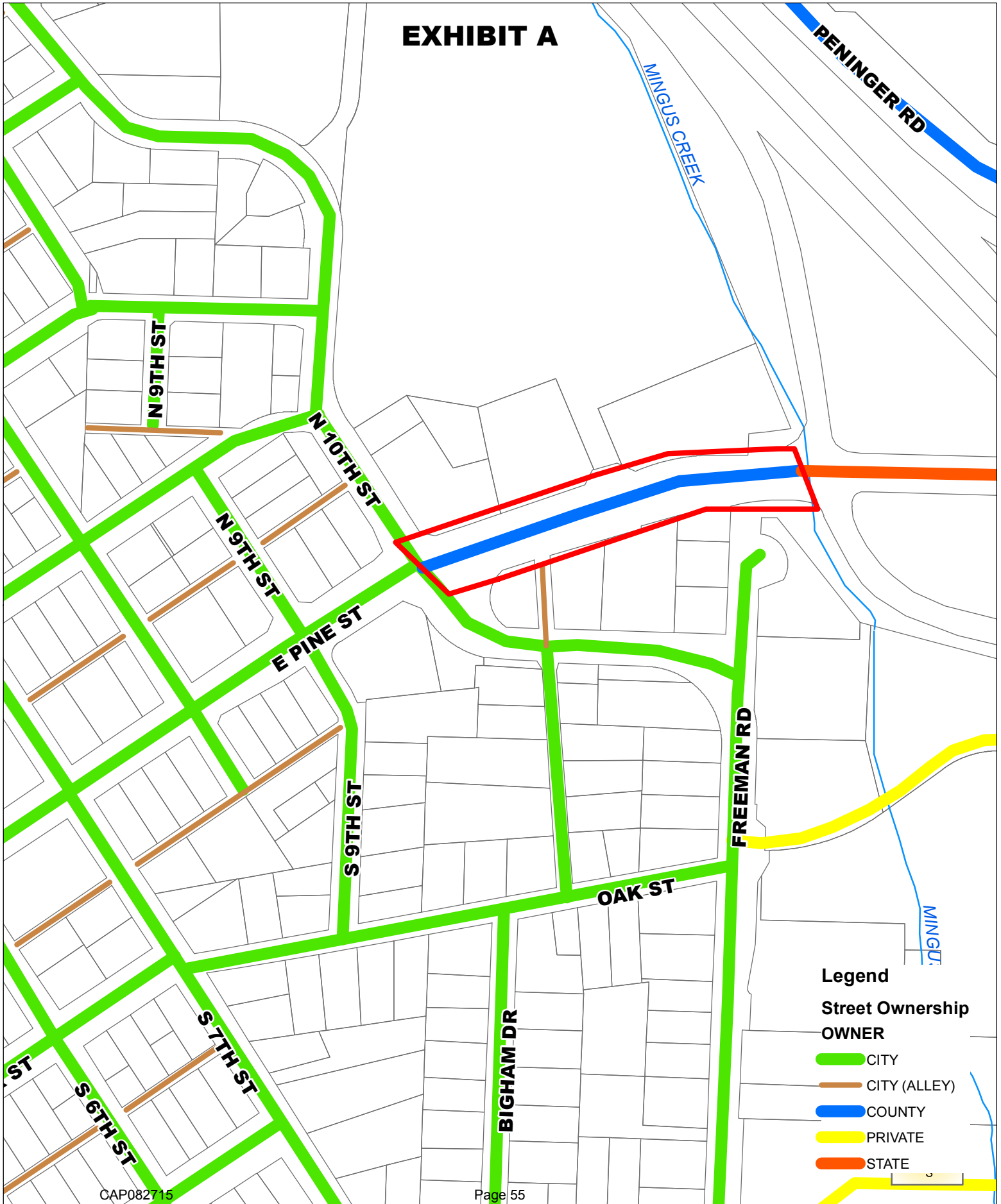
Mayor Hank Williams

ATTEST:

City Recorder

Street Section Being Taken Over By the City

EXHIBIT A



Street Section Being Taken Over By the City



Ordinance

Amending CPMC Chapter 17 Zoning



STAFF REPORT

August 27, 2015

AGENDA ITEM: IV-A

Second Reading to consider miscellaneous amendments to the Central Point Municipal Code, Zoning Ordinance (Sections 17.08 Definitions; 17.24 R-2 District; 17.28 R-3 District; 17.32 C-N District; 17.37 C-2(M) District; 17.44 C-4 District; 17.46 C-5 District; 17.57 Fences; 17.60 General Regulations; 17.65 TOD District Zoning Regulations; 17.75 Off-Street Parking) and 17.76 Conditional Use Permits.

STAFF SOURCE:

Don Burt, Planning Manager
Tom Humphrey, Community Development Director

BACKGROUND:

During the first reading and public hearing City staff introduced various sections of the Zoning Code in which it was necessary to make some minor adjustments to improve clarity and code administration. Staff is proposing twelve (12) minor amendments as follows:

Amendment 1, Section 17.08.010 Definitions, specific and 17.08.410 TOD District and Corridor Definitions and Uses

Added the following definitions:

- “NAICS - North American Industrial Classification System”. This term is being used in Amendment 9.
- “Senior Housing” previously not defined in either 17.08.010 or 17.08.410, but used in the Zoning Ordinance.
- “Independent Living” defined as a type of Senior Housing
- “Assisted Living” defined as a type of Senior Housing
- “Personal Care” defined as a type of Senior Housing
- “Nursing Facility” currently not defined, but used in the Zoning Ordinance.

The definitions related to Senior Housing have been added to address the different types of senior housing being provided in today’s market. The proposed change does not alter current policy.

Amendment 2, Section 17.24 R-2 District

17.24.020 Permitted Uses amended to clarify that all permitted residential uses must comply with the R-2 districts minimum and maximum density standards, lot coverage and setbacks.

17.24.020(A) amended to read “Single-family detached” eliminating the language “One single-family dwelling”. This was done to clarify that single-family detached dwellings are permitted but subject to compliance with density standards. This is necessary to assure that the City meets its density objectives as set forth in the Regional Plan Element.

17.24.020(C) amended to remove reference to “One two-family dwelling” and replace with “Duplex and single-family attached dwellings” as used in the R-3 district.

Amendment 3, Section 17.28 R-3 District

Section 17.28.020(A) and (B) Permitted Uses amended to eliminate as permitted uses single-family detached dwellings and manufactured homes. These two uses cannot meet the density requirements of the R-3 district and are therefore not a use consideration.

Amendment 4, Section 17.32 C-N District

17.32.020(A) Permitted Uses amended to remove “other than those related to health care” for professional and office uses. There was no rational reasoning for this restriction.

17.32.020(H) Permitted Uses amended to add statement regarding “Other uses not specified. . .” used in other zoning districts.

Amendment 5, Section 17.37 C-2(M) District

17.37.020(A) Permitted Uses amended to delete “including” to be replaced with “such as” to convey similarity in intended use.

17.37.020(E) Permitted Uses amended to add statement regarding “Other uses not specified. . .” used in other zoning districts.

Amendment 6, Section 17.44 C-4 District

17.44.020(A) Permitted Uses amended to add veterinary clinics as a permitted use as previously approved by the Planning Commission (File No. 15007).

17.44.020(B) Permitted Uses amended to include the following language to the general description of permitted uses “but not limited to”. This clarifies the intent of the language to provide examples of uses permitted.

Amendment 7, Section 17.46 C-5 District

17.46.020(A)(B)(C)(D) amended to include the “but not limited to language”

17.46.020(F) amended to remove the word “including” and replace with “such as” which is broader in application, but retains the descriptive intent in permitted light industrial use types.

Amendment 8, Section 17.57 Fences

17.57.020(C) General Regulations, Table “Fence Regulations” amended to add a maximum height limitation of six (6) feet.

17.57.020(C) General Regulations, Table “Fence Regulations” amended to delete language “Chain Link Fencing, Apace-Board-Type Fencing, etc.” to be replaced with “Fences in Floodplain or Drainage Easements”. The intent is to regulate fencing in a floodplain or drainage easement, not the type of fencing.

17.57.020(C) General Regulations, Table “Fence Regulations” amended to add a maximum height limitation of six (6) feet. The six (6) foot maximum height limitation has been standard practice.

17.57.020(C) General Regulations, Table “Fence Regulations” explanation (a-1) amended to remove reference to “6’ fence” and replaced with “7’ fence” per prior modifications.

17.57.020(C) General Regulations, Table “Fence Regulations” explanations (b, c, & d) to remove the asterisks. The asterisks have no known meaning or reference.

17.57.020(C) General Regulations, Table “Fence Regulations” explanation (c) added language referencing sight distance code section.

17.57.020(C) General Regulations, Table “Fence Regulations” explanation (e) added language regarding impeding or diverting water through drainage easements.

17.57.020(C) General Regulations, Table “Fence Regulations” explanation (f) modified language regarding variances.

Amendment 9, Section 17.60 General Regulations

17.60.140(A)(1) Authorization for Similar Use amended to add reference to the NAICS. This legitimizes the City’s prior use of the NAICS as a source for determining use similarity.

17.60.140(A)(2) Authorization for Similar Use amended removing the “not anticipated . . .” criteria. This particular criterion is not of value in determining use similarity. It is impracticable for a land use code to consider and track all uses.

Amendment 10, 17.65.050 Zoning Regulations – TOD District and 17.65.060 Land Use – TOD Corridors

17.65.050, Table 1 amended to allow personal service oriented uses in the MMR and HMR district subject to being located on the ground floor of a multiple-family building or as second story offices when located adjacent to an EC district. This applies the same criteria as used for professional offices in the MMR and HMR district.

17.65.060, Table 4 amended to allow personal service oriented uses in the MMR district subject to being located on the ground floor of a multiple-family building. This applies the same criteria as used for professional offices in the MMR TOD Corridor.

17.65.050, Table 1 and 17.65.060, Table 4 amended explanation L3 to read “Permitted in existing commercial building or new construction and clarified area limitation of 10,000 sq. ft. as a maximum. The intent of this amendment is for clarification, particularly as pertains to existing commercial buildings.

Amendment 11, Section 17.75.039 Off-Street Parking Design and Development Standards

17.75.039 Off-Street Parking Design and Development Standards amended to add minimum compact parking spaces. The Zoning Ordinance currently refers to and allows compact parking, but does not identify the minimum dimensions for compact parking.

Amendment 12, Section 17.76.020 Conditional Use Permits

17.76.020 Information required is amended to delete a reference to a specific fee that is not longer applicable and which has been addressed in Section 17.76.011.

ISSUES:

All of the above amendments are administrative amendments necessary for the clear, concise, and consistent use of the Zoning Ordinance. The amendments do not result in policy changes.

EXHIBITS/ATTACHMENTS:

Attachment “A” – Ordinance No. _____, An Ordinance Amending Central Point Municipal Code Chapter 17 Zoning Sections to Correct Errors and Inconsistencies.

ACTION:

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

RECOMMENDATION:

Approve Ordinance No. ___ An Ordinance Amending Central Point Municipal Code Chapter 17 Zoning Sections to Correct Errors and Inconsistencies

ORDINANCE NO. _____

AN ORDINANCE AMENDING CENTRAL POINT MUNICIPAL CODE CHAPTER 17 ZONING SECTIONS TO CORRECT ERRORS AND INCONSISTENCIES.

RECITALS:

- A. Words ~~lined through~~ are to be deleted and **words in bold** are added.
- B. Pursuant to CPMC, Chapter 1.01.040, the City Council, may from time to time make revisions to its municipal code which shall become part of the overall document and citation.
- C. On July 7, 2015, the Central Point Planning Commission recommended approval of code amendments to CPMC Chapters 17.08; Chapter 17.24; Chapter 17.28; Chapter 17.32; Chapter 17.37; Chapter 17.44; Chapter 17.46; Chapter 17.57; Chapter 17.60; Chapter 17.65 and Chapter 17.75. (zoning) .
- D. On August 13, 2015, the City of Central Point City Council held a property advertised public hearing; reviewed the Staff Report and findings; heard testimony and comments, and deliberated on approval of the Municipal Code Amendment.

THE PEOPLE OF CENTRAL POINT DO ORDAIN AS FOLLOWS:

SECTION 1. Amendments to Sections 17.08 Definitions adds language to the zoning code that is currently being used but not listed.

TITLE 17 ZONING
Chapter 17.08 DEFINITIONS

17.08.010 Definitions, specific

17.08.410 TOD District and corridor Definitions and Uses

17.08.010 Definitions, specific.

“NAICS” means the North American Industry Classification System (NAICS), the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy.

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“Senior Housing” means housing designed and constructed to accommodate the needs of seniors and includes the following as defined herein: independent living facility, personal care facility, and assisted living facility. Senior housing does not include nursing facilities.

“Independent Living” means a multi-unit senior housing development, also known as congregate housing that provides supportive services such as meals (common dining), housekeeping, social activities, and transportation.

“Assisted Living” means a state-licensed program offered at senior residential facilities with services that include meals, laundry, housekeeping, medication reminders, and assistance with Activities of Daily Living (ADLs) and Instrumental Activities of Daily Living (IADLs).

“Personal Care Facility” means a state licensed facility that specializes in caring for the memory impaired resident.

“Nursing Facility” means a facility licensed by the state that provides 24-hour nursing care, room and board, and activities for convalescent residents and those with chronic and/or long-term illnesses. The availability of regular medical supervision and rehabilitation therapy is required. This alternative may be referred to as a Nursing or Convalescent Home.

17.08.410 TOD district and corridor Definitions and uses.

“Senior Housing” means housing designed and constructed to accommodate the needs of seniors and includes the following as defined in Section 187.08 Definitions; independent living, senior apartments, and assisted living facilities. Senior housing does not include nursing facilities.

SECTION 2. Amendments to Title 17.24.020 R-2 District clarifies language to the zoning code regarding permitted.

CHAPTER 17.24
R-2, RESIDENTIAL TWO-FAMILY DISTRICT

17.24.020 Permitted uses.

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17.24.020 Permitted Uses

The following uses and their accessory uses are permitted in the R-2 district:

Residential. The following residential uses are permitted subject to compliance with all the code requirements such as lot coverage, setbacks, etc.the density standards in Section 17.24.055:

- A. ~~One s~~**One s**Single-family **detached** dwellings;
- B. Single-family manufactured home, as defined in Section [17.08.010](#), and subject to the following conditions:
 1. The manufactured home shall be multi-sectional and enclose a space of not less than one thousand square feet,
 2. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than twelve inches above grade,
 3. -The manufactured home shall have a pitched roof, with a minimum slope of three feet in height for each twelve feet in width,
 4. The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within Central Point or which is comparable to the predominant materials used on surrounding dwellings as determined by the city,
 5. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS [455.010](#),
 6. The manufactured home shall have a garage or carport constructed of like material. The city may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of dwellings in the immediately surrounding area,
 - ~~4-7.~~ In addition to the foregoing, a manufactured home and the lot upon which it is sited shall comply with any and all development standards,

architectural requirements and minimum size requirements with which conventional single-family residential dwellings on the same lot would be required to comply.

C. ~~One two-family dwelling~~ ~~One two-family dwelling~~ **Duplex and single-family attached dwellings**~~One two-family dwelling~~;

SECTION 3. Amendments to Title 17.28.020 R-3 District clarifies language to the zoning code regarding permitted.

CHAPTER 17.28
R-3, RESIDENTIAL MULTIPLE-FAMILY DISTRICT

17.28.020 Permitted uses.

17.28.020 Permitted Uses. The following uses and their accessory uses are permitted in the R-3 district:

A. ~~Single family dwellings~~;

B. ~~Single family manufactured home, as defined in Section [17.08.010](#), and subject to the following conditions:~~

- ~~1. The manufactured home shall be multi-sectional and enclose a space of not less than one thousand square feet,~~
- ~~2. The manufactured home shall be placed on an excavated and back filled foundation and enclosed at the perimeter such that the manufactured home is located not more than twelve inches above grade,~~
- ~~3. The manufactured home shall have a pitched roof, with a minimum slope of three feet in height for each twelve feet in width,~~
- ~~4. The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within Central Point or which is comparable to the predominant materials used on surrounding dwellings as determined by the city,~~

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~~5. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS [455.010](#),~~

~~6. The manufactured home shall have a garage or carport constructed of like material. The city may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of dwellings in the immediately surrounding area,~~

~~7. In addition to the foregoing, a manufactured home and the lot upon which it is sited shall comply with any and all development standards, architectural requirements and minimum size requirements with which conventional single-family residential dwellings on the same lot would be required to comply;~~ **B. Single-family manufactured home, as defined in Section [17.08.010](#), and subject to the following conditions:**

~~1. The manufactured home shall be multi-sectional and enclose a space of not less than one thousand square feet,~~

~~2. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than twelve inches above grade,~~

~~3. The manufactured home shall have a pitched roof, with a minimum slope of three feet in height for each twelve feet in width,~~

~~4. The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within Central Point or which is comparable to the predominant materials used on surrounding dwellings as determined by the city,~~

~~5. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS [455.010](#),~~

~~6. The manufactured home shall have a garage or carport constructed of like material. The city may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of dwellings in the immediately surrounding area;~~

~~7. In addition to the foregoing, a manufactured home and the lot upon which it is sited shall comply with any and all development standards, architectural requirements and minimum size requirements with which conventional single-family residential dwellings on the same lot would be required to comply;~~

- C** A. Duplex and single-family attached dwellings;
- D** B. Multiple-family dwellings and dwelling groups;
- E** C. Boardinghouses and rooming houses;
- F** D. Public schools, parochial schools, kindergartens, but not including business, dance, music, art, trade, technical or similar schools;
- G** E. Public parks and recreational facilities;
- H** F. Churches and similar religious institutions;
- I** G. Developer's project office and sales office including mobile homes and trailers adapted to that purpose during construction of the project only;
- J** H. Residential facilities, as that term is defined in Oregon Revised Statutes 197.660(1); provided that the city may require an applicant proposing to site a residential facility to supply the city with a copy of the entire application and supporting documentation for state licensing of the facility, except for information which is exempt from public disclosure under ORS [192.496](#) to [192.530](#);
- K** I. Residential homes; and
- L** K. Other uses not specified in this or any other district, if the planning commission finds them to be similar to those listed above and compatible with other permitted uses and with the intent of the R-2 district as provided in Section [17.60.140](#).

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SECTION 4. Amendments to Title 17.32.020 C-N District clarifies language to the zoning code regarding permitted.

CHAPTER 17.28
R-3, RESIDENTIAL MULTIPLE-FAMILY DISTRICT

17.28.020 Permitted uses.

17.32.020 Permitted uses.

The following uses and their accessory uses are permitted outright, subject to compliance with all applicable municipal, state and federal environmental, health, and safety regulations as well as the requirements for site plans in Chapter [17.72](#):

- A. Professional and financial offices and personal service establishments ~~other than those related to health care~~ [other than those related to health care](#);
- B. Retail stores, shops and offices supplying commodities or performing services other than vehicle and fuel sales;
- C. Eating and drinking establishments that do not possess a liquor license;
- D. Desktop publishing, xerography, copy centers;
- E. Temporary tree sales, from November 1st to January 1st;
- F. Public and quasi-public utility and service buildings, structures and uses;
- G. Neighborhood shopping centers, which may include any of the permitted uses in this section. (Ord. 1881 (part), 2006; Ord. 1709 §1(part), 1994).
- H. Other uses not specified in this or any other district, if the planning commission finds them to be similar to the uses listed above and compatible with other permitted uses and with the intent of the C-4 district as provided in [Section 17.60.140](#), Authorization for similar uses.**

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SECTION 5. Amendments to Title 17.37.020 C-2(M), Commercial –Medical District clarifies language to the zoning code regarding permitted.

CHAPTER 17.37
C-2 (M), COMMERCIAL-MEDICAL DISTRICT

17.37.020 Permitted uses.

17.37.020 Permitted uses.

The following uses are permitted in the C-2(M) district:

A. Professional and financial **when such uses are in conjunction with health care facilities located in the area, such as**, ~~including, including:~~

1. Hospitals;
2. Health care facilities required to be licensed by the state of Oregon;
3. Professional medical offices; and
4. Medical services, clinics and laboratories.

B. Personal services when the primary use is in conjunction with related health care facilities in the zone, **includingsuch as** including:

1. Barber and beauty shops;
2. Counseling services; and
3. Day care centers.

C. Retail outlets, when such uses are in conjunction with health care facilities located in the area, **includingsuch as** including:

1. Drugstore;
2. Health food;
3. Gifts, notions and variety;
4. Sit-down restaurant;
5. Delicatessen, pastry, confectionery, bakery;

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- 6. Jewelry; and
- 7. Books and stationery.

D. Residential purposes, when developed to the standards of the TOD-LMR, low mix residential district as set forth in Chapter [17.65](#).

E. Other uses not specified in this or any other district, if the planning commission finds them to be similar to the uses listed above and compatible with other permitted uses and with the intent of the C-4 district as provided in Section [17.60.140](#), Authorization for similar uses.

SECTION 6. Amendments to Title 17.44.020 C-4 Tourist and Office-Professional District clarifies language to the zoning code regarding permitted.

CHAPTER 17.44
C-4 TOURIST AND OFFICE-PROFESSIONAL DISTRICT

17.44.020 Permitted uses.

17.44.020 Permitted uses.

The following uses are permitted in the C-4 district:

A. General professional and financial offices, including, but not limited to:

- 1. Banks and similar financial institutions;
- 2. Accounting and bookkeeping offices;
- 3. Real estate offices;
- 4. Insurance company offices;
- 5. Legal services;
- 6. Architectural and engineering services;
- 7. Professional photo or art studios;
- 8. Counseling services;
- 9. Corporate or government offices;

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10. Medical/dental offices;

11. Veterinary Clinics

B. Tourist and entertainment-related facilities, including **but not limited to**:

1. Convenience market, meat, poultry, fish and seafood sales; fruit and beverage stands;

2. Drugstores;

3. Automobile service station, automobile and recreational vehicle parts sales and repairs, and truck rentals;

4. Motel and hotel;

5. Walk-in movie theater;

6. Bowling alley;

7. Photo and art galleries;

8. Photo processing pickup station;

9. Travel agencies;

10. Barber and beauty shops;

11. Sit-down restaurants or dinner houses (including alcohol);

12. Cocktail lounges and clubs serving alcoholic beverages;

13. Tavern with beer only;

14. Commercial parking lot;

15. Community shopping centers which may include any of the permitted uses in this section and may also **including but not limited to** ~~the following uses~~:

a. Supermarkets;

b. Department stores;

c. Sporting goods;

d. Books and stationery;

e. Gifts, notions and variety;

- f. Florists;
 - g. Leather goods and luggage;
 - h. Pet sales and related supplies;
 - i. Photographic supplies;
 - j. Health food;
 - k. Self-service laundry;
 - l. Antique shop;
 - m. Delicatessen;
 - n. Pastry and confectionery;
 - o. General apparel;
 - p. Shoes and boots;
 - q. Specialty apparel;
 - r. Jewelry;
 - s. Clocks and watches, sales and service;
 - t. Bakery, retail only;
 - u. Bicycle shop;
 - v. Audio, video, electronic sales and service;
 - w. Printing, lithography and publishing;
16. Mobile food vendors;
17. State-regulated package liquor stores;
18. Other uses not specified in this or any other district, if the planning commission finds them to be similar to the uses listed above and compatible with other permitted uses and with the intent of the C-4 district as provided in Section [17.60.140](#), Authorization for similar uses;
19. Large retail establishments.

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SECTION 7. Amendments to Title 17.46.020 C-5, Thoroughfare Commercial District clarifies language to the zoning code regarding permitted.

CHAPTER 17.46
C-5, THOROUGHFARE COMMERCIAL DISTRICT

17.46.020 Permitted uses.

17.46.020 Permitted uses.

The following uses are permitted in the C-5 district:

A. Professional and financial, including **but not limited to**:

1. Banks and similar financial institutions,
2. Real estate, insurance, and similar offices,
3. Contractor's offices,
4. Medical services, clinics and laboratories;

B. Personal services, including **but not limited to**:

1. Self-service laundry and laundry pickup stations,
2. Photo processing pickup stations,
3. Photo processing laboratories,
4. Small appliance service,
5. Printing, lithography and publishing,
6. Locksmith,
7. Taxicab dispatch office,
8. Ambulance/emergency services,
9. Art and music schools,
10. Business/vocational schools,
11. Physical fitness/conditioning center, martial arts schools,
12. Carwash,

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13. Automobile and truck service stations and repair shops,
14. Auto and furniture upholstery shops,
15. Veterinary clinics (within enclosed structure),
16. Barber shops,
17. Beauty salons,
18. Manicure salons;

C. Retail outlets, including **but not limited to**:

1. Auto and truck sales (new and used),
2. Tire sales and service,
3. Glass and mirror sales and service,
4. Wallcovering, floorcovering, curtains, etc.,
5. Major appliances sales and service,
6. Hardware sales,
7. Monument sales,
8. Supermarket,
9. Convenience market,
10. Drugstore,
11. Feed, seed and fuel (within enclosed structure),
12. Electrical and plumbing supplies,
13. Heating and air-conditioning equipment,
14. Stone, tile and masonry supplies,
15. Nursery and gardening materials and supplies,
16. Antique shop,
17. Art and engineering supplies,
18. Pawnshop,

19. Sit-down restaurants, including service of beer, wine and liquor,
20. Drive-in fast food establishments,
21. Tavern, beer sales only,
22. Public/quasi-public utilities and services,
23. Florist sales,
24. Pet sales,
25. General apparel,
26. Furniture sales, including used furniture,
27. Sporting goods sales, including firearms,
28. State-regulated package liquor stores,
29. Community shopping centers, which may include any of the permitted uses in this section and the C-4 district,
30. Large retail establishment eighty thousand square feet or less as defined in Section [17.08.010](#), Retail establishment, large;

D. Tourist/recreational-oriented uses, including **but not limited to**:

1. Hotel and motel,
2. Walk-in theater (fully enclosed),
3. Bowling alley,
4. Ice and roller skating rinks,
5. Dancehalls (nonalcoholic),
6. Billiard/pool hall,
7. Miniature golf,
8. Club and organizational meeting facilities;

E. Commercial parking lots:

1. Recreational vehicle storage lots;

F. Light fabrication, including **includingsuch as**:

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1. Light fabrication, assembly, packaging, mail-order sales and wholesale sales of consumer goods, and

2. Light fabrication and repair shops such as blacksmith, cabinet, electric motor, heating, machine, sheetmetal, signs, stone monuments, upholstery and welding;

G. Other uses not specified in this or any other district, if the planning commission finds them to be similar to the uses listed above and compatible with other permitted uses and within the intent of the C-5 district.

SECTION 8. Amendments to Title 17.57.020 General regulations clarifies language to the zoning code regarding fences.

CHAPTER 17.57 FENCES

17.57.020 General regulations.

17.57.020 General regulations.

A. Fence Permits. A fence permit is required for all fences constructed within a public right-of-way, per Section [12.20.020](#). Fences in the floodplain are regulated in accordance with the provisions established in Section [8.24.260\(A\)](#).

B. Building Permits. A building permit for the following structures shall be accompanied by a permit fee and a plan review fee in an amount based on valuation per the building department fee schedule as adopted by the city:

1. Barriers around swimming pools, as required by the 2003 State of Oregon Dwelling Specialty Code, Chapter 41 and Appendix G; and the 1998 Oregon Structural Specialty Code, Appendix Chapter 4;

~~2. Fences over six feet tall~~³². Masonry walls;

~~2~~ ³⁴. Retaining walls over four feet in height measured from the bottom of the footing to the top of the wall; and

~~3~~ ⁴⁵. Retaining walls, any height, supporting a surcharge.

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C. Setbacks and Design Criteria.

Table 17.57.01
Fence Regulations

	R- L	R- 1	R- 2	R- 3	C- N	C- 2(M)	C- 4	C- 5	M- 1	M- 2
Maximum Fence Height	6'	6'	6'	6'	6'	6'	6'	6'	6'	6'
Fence Permit Required	a, a-1	a, a-1	a, a-1	a, a-1	a, a-1	a, a-1	a, a-1	a, a-1	a, a-1	a, a-1
Front Yard Setback For 6' Fence	20' b	20' b	20' b	20' b	20' b	20' b	20' b	20' b	20' b	20' b
Side Yard Setback	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'
Rear Yard Setback	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'
Corner Lot	10' c	10' c	10' c	10' c	10' c	10' c	10' c	10' c	10' c	10' c
Masonry Walls, Retaining Walls, Fences Over 6' in Height	e	e	e	e	e	e	e	e	e	e
Chain Link Fencing, Space Board Type Fencing etc. Chain Link Fencing, Space-Board-Type Fencing, etc. Fences in Floodplain or drainage easements	e	e	e	e	e	e	e	e	e	e
Setbacks for Gates	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'
Variances	f	f	f	f	f	f	f	f	f	f

a: **An encroachment fence** fence permit is required ~~if for if-fences is to be~~ **is to be** constructed in **the** public right-of-way.

a-1: A building permit is required for fencing around swimming pools, ~~fences over six feet in height~~ **fences over six feet in height**, masonry walls and retaining walls.

*b: Forty-two-inch-high maximum fences **height** allowed within front **yard** setback area.

*c: No fencing will conflict with the sight distance requirements set by **Section 17.60.110 and 17.60.**~~the public works department~~**the public works department.**

*d: Fence height will be measured from the finished grade on the side nearest the street.

e: See Section 8.24.260(A) for specific fence construction standards for fences located in or adjacent to a recognized floodplain. **No fence shall impede or divert the flow of water through any drainage easement unless it can be determined that the fence will not adversely impact any property owner and will not adversely impact the overall drainage system.**

f: Requests for ~~variances~~ **variances exceptions to the standards in Table 17.57.01** shall be made by application ~~on such form as designed by the city manager~~ and will be reviewed in ~~on such form as designated by the city manager and will be reviewed in~~ accordance with Chapter ~~17.05~~ **17.0517.13**.

SECTION 9. Amendments to Title 17.60.140 General Regulations for similar uses is clarified the zoning code.

CHAPTER 17.60 GENERAL REGULATIONS

17.60.140 Authorization for similar uses.

17.60.140 Authorization for similar uses.

The planning commission may rule that a use, not specifically named in the examples of allowed uses of a district shall be included among the allowed uses, if the use is of the same general type and is similar to the permitted uses.

A. The planning commission in ruling upon similar uses shall find as follows:

1. That the use is closely related to listed uses **in the NAICS** and can be shown to exist compatibly with those uses;

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~~2. That the use was not anticipated or known to exist on the effective date of the ordinance codified in this title, either because it involves products, services or activities not available in the community at that time or the use involves new products, services or activities that are nonetheless similar to permitted uses in size, traffic, impact, appearance and other attributes;~~

~~2. That the use was not anticipated or known to exist on the effective date of the ordinance codified in this title, either because it involves products, services or activities not available in the community at that time or the use involves new products, services or activities that are nonetheless similar to permitted uses in size, traffic, impact, appearance and other attributes;~~

~~3~~ 3. That the use is treated under local, state or national codes or rules in the same manner as permitted uses. Except that these codes or rules shall not include land use or zoning regulations; **and**;

~~4~~ 4. That the use is consistent with the purpose of the district and the comprehensive plan map and policies.

B. The planning commission may rule upon similar uses for one or more districts either when a similar use is proposed or at the time of amendments to the zoning text or zoning map. The city shall maintain a record of rulings on similar uses.

SECTION 10. Amendments to Title 17.65 TOD Districts Amends Tables in the TOD District zoning code.

CHAPTER 17.65 TOD DISTRICTS AND CORRIDORS

17.65.050 Zoning regulations – TOD Districts.

17.65.060 – TOD Corridor, Table 4

17.65.050 Zoning Regulations – TOD Districts

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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 Congregate	P	P	P	L1	L1	N	N
(Congregate (sSenior)) 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
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
Commercial							
Entertainment	N	N	C	P	P	N	N
Professional Office	C	L3	L3, L4	P	P	P	N
Retail Sales and Service							

Table 1
TOD District Land Uses

Use Categories	Zoning Districts						
	LMR	MMR	HMR	EC	GC	C	OS
Sales-oriented	C	L3	L3	P	P	N	N
Personal service-oriented	C	€ CL3	€ CL3,L4	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
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

Table 1 TOD District Land Uses							
Use Categories	Zoning Districts						
	LMR	MMR	HMR	EC	GC	C	OS
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—**Permitted in existing commercial buildings or new construction with ground floor businesses within with multifamily dwellings building above ground floor.** Maximum floor area of **of for commercial use not to exceed** ten thousand square feet per tenant.

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

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~~ **congregate housing senior housing** project on abutting property under the same ownership within the MMR or HMR district.

17.65.060 – TOD Corridor, Table 4

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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
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
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	GL3	P	P

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Table 4
TOD Corridor Land Uses

Use Categories	Zoning Districts			
	LMR	MMR	EC	GC
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				
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.

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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--**Permitted in existing commercial buildings or new construction with ground floor business with in a multifamily dwellings above ground floor building building.** Maximum floor area **for commercial uses not to exceed** of ~~of~~ ten thousand square feet per tenant.

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 **seniorecongregate** congregate housing project on abutting property under the same ownership within the MMR or HMR district.

SECTION 11. Amendments to Title 17.75 Design and Development Standards in the TOD District zoning code is amended as follows.

CHAPTER 17.75
DESIGN AND DEVELOPMENT STANDARDS

17.75.039 Off-street parking design and development standards.

17.75.039 Off-street parking design and development standards.

All off-street vehicular parking spaces shall be improved to the following standards:

A. Connectivity. Parking lots for new development shall be designed to provide vehicular and pedestrian connections to adjacent sites unless as a result of any of the following such connections are not possible:

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1. Topographic constraints;
2. Existing development patterns on abutting property which preclude a logical connection;
3. Traffic safety concerns; or
4. Protection of significant natural resources.

B. Parking Stall Minimum Dimensions. Standard parking spaces shall conform to the following standards and the dimensions in Figure 17.75.03 and Table 17.75.02-

provided that compact parking spaces permitted in accordance with Section 17.64.040(G), shall have the following minimum dimensions:

1. Width – Shall be as provided in Column “B” in Table 17.75.02;

Length - Shall reduce column "C" in the table 17.75.02 by no more than three (3) feet.

SECTION 12. Amendments to Title 17.76 Conditional Use Permits is amended to remove the required fee which is set by resolution:

CHAPTER 17.76
CONDITIONAL USE PERMITS

17.76.020 Information required.

17.76.020 Information required

An Application for a conditional use permit shall include the following information:

- A. Name and address of the applicant;
- B. Statement that the applicant is the owner of the property or is the authorized agent of the owner;
- C. Address and legal description or the assessor’s parcel number of the property;
- D. An accurate scale drawing of the site and improvements proposed. The drawing must be adequate to enable the planning commission to determine the compliance of the proposal with the requirements of this title;
- E. A statement indicating the precise manner of compliance with each of the applicable provisions of this title together with any other data pertinent to the findings prerequisite to the granting of a use permit.

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~~The application shall be accompanied by a fee of one hundred dollars.~~

SECTION 13. 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 14. 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

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