

**CITY OF CENTRAL POINT
City Council Meeting Minutes
March 10, 2016**

I. REGULAR MEETING CALLED TO ORDER

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

II. PLEDGE OF ALLEGIANCE

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

City Manager Chris Clayton; City Attorney Sydnee Dreyer; Police Chief Kris Allison; Community Development Director Tom Humphrey; Community Planner Stephanie Holtey; Finance Director Bev Adams; Parks and Public Works Director Matt Samitore; Police Captain Dave Croft; and City Recorder Deanna Casey were also present.

IV. PUBLIC APPEARANCES - None

V. SPECIAL PRESENTATION

Fire District No. 3 Annual Report – Captain Dan Peterson presented the 2015 Annual Report. He explained response times, and the Fire Wise Program they have implemented for rural areas. They have received a grant to build a simulation house that can be used by 26 partner agencies. The structure has movable walls, can simulate scenarios for training of police departments and fire departments. This will be a great learning tool for the agencies in our area.

VI. CONSENT AGENDA

- A. Approval of February 11, 2016 City Council Minutes

Mike Quilty moved to approve the Consent Agenda as presented. Tanea Browning seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Tanea Browning, yes; Brandon Thueson, yes; Allen Broderick, yes; Rick Samuelson, yes; and Mike Quilty, yes. Motion approved.

VII. ITEMS REMOVED FROM CONSENT AGENDA - None

VIII. CONSOLIDATED PUBLIC HEARING

Mayor Williams read the rules governing this appeal hearing. The hearing consists of two consolidated appeals filed by L. Calvin Martin and David J. Smith regarding the Planning Commission's approval of a Conditional Use Permit for the development of a membership warehouse and a fuel facility on property within the M-1 zoning district. The council will make a determination based on

evidence and issues that were submitted in the record. No new evidence may be submitted. Arguments are limited to those issues that were raised in the proceedings with the Planning Commission and in any notice of appeal. He explained the amount of time the appellants and the applicant will have to present their case and there will be time allowed for the public to be heard regarding the issues on the record.

Mayor Williams explained Conflict of Interest and Ex parte contact. No City Council members had a Conflict of Interest. Mayor Williams stated that on November 28, 2015 he attended a Memorial Service for Georges St. Laurent III at the St. Laurent ranch east of Eagle Point, Oregon. At that service both Georges St Laurent and Williams St Laurent were in attendance. When asked about the Costco project he told them that He had not seen the proposal and had no opinion about it. Council Members Allen Broderick, Tanea Browning, Brandon Thueson stated that they had talked with various citizens regarding the project, but did not learn anything that was not already included in the record. Most of the Council members have driven by the site on regular day to day travels.

City Attorney Sydnee Dreyer explained how the hearing would proceed. Any concern about the appeal must be brought forward at this meeting.

Mayor Williams opened the public hearing.

A. City Staff Report

Community Planner Stephanie Holtey presented the staff report. This meeting is in regards to two appeals of the Planning Commission decision regarding a Costco Project on the corner of Table Rock and Hamrick. In 2009 the Planning Commission approved membership warehouse clubs as similar to other uses permitted in the M-1 zone as a conditional use. After the State appealed that decision the City Council affirmed the Planning Commission's similar use determination. The Council decision was not appealed further.

Costco Wholesale submitted a Conditional Use Permit (CUP) application in 2015, to develop a membership warehouse and fuel facility on 18.28 acres in the M-1 zone. On February 2, 2016 the Planning Commission, in accordance with CPMC 17.76, approved the CUP application. L. Calvin Martin and David J. Smith filed appeals on February 16, 2016. Both appeals raise similar issues alleging that the Planning Commission erred in approving the application based upon the following issues:

Martin Appeal:

- Use is not compatible
- Not consistent with the development ordinance
- Traffic impacts far reaching
- Heavy vehicle/freight route conflicts
- Airport/Biddle Road intersection congestion
- Vilas & Crater Lake Highway

- Statement of Values Conflicts

Smith Appeal:

- Applicant's Traffic Impact Study is flawed
- Heavy vehicle/freight route conflicts
- No evidence that I-5 NB Off-ramp project has been funded and scheduled.
- Approval of the Costco CUP requires further study
- Statement of values conflict

The Council's consideration must be based on the evidence and issues that were presented to the Planning Commission and are in the record. The Council must determine whether there is substantial evidence in the record to support the Planning Commission decision, or whether the Planning Commission erred as a matter of law.

Staff has reviewed the issues raised in both appeals and the evidence in the record in the context of the standards and criteria that apply to Conditional Use Permits per CPMC 17.76. There are no issues raised that have not already been addressed by the Planning Commission as stated in the Findings of Fact and Conclusions of Law.

In an appeal of a Type III land use decision the City Council has four options:

1. Affirm the decision of the Planning Commission. If the Council does so, it must specify the basis for its decision;
2. Reverse the decision of the Planning Commission. If the Council reverses the decision they must specify the reasons for the reversal;
3. Modify the decision of the Planning Commission and specify the reasons for the modification; or
4. Remand the decision to the Planning Commission with an explanation of the error and the action necessary to rectify the error. Given the constraints of the 120-day rule, this is not an option unless the applicant concurs and agrees to extend the 120 day limit.

Mrs. Holtey presented the CUP Approval Criteria set forth in CMPC 17.76.040.

1. Site is adequate to accommodate the use and meet all development requirements.
2. Site has adequate access to public street/highway.
3. Establishment, operation and maintenance of the use has no significant adverse effect on abutting property.
4. The use will comply with local, state and federal health and safety regulations and therefore not detrimental to the public health, safety and general welfare.
5. Any conditions required for approval are deemed necessary to protect the public health, safety and general welfare.

She presented the appeal issues and evidence in the record for each concern.

Martin Appeal:

- Use is not compatible with M-1 zone: Not consistent with the development ordinance – Membership warehouses are permitted as a conditional use under the City's 2009 similar use determination. The application was processed as a conditional use.
- Traffic – Planning Commission relied on the TIA, agency comments and testimony, no other expert testimony or analysis was submitted into the record; based on the evidence in the record, the proposal complies with the CUP criteria as conditioned and traffic impacts will be funded or mitigated prior to opening.
- Statement of Values Conflicts – Planning Commission applied the standards and criteria in CPMC 17.76. The Mission statement does not serve as a standard or criteria.

Smith Appeal:

- Applicant's Traffic Impact Study is flawed – The TIA was reviewed by Southern Oregon Transportation Engineers and other agencies including City, ODOT, Jackson County and Medford. Trip distribution pattern developed using zip code data from current memberships at the existing Costco on Hwy 62.
- Airport Master Plan not identified in the TIA – The evidence in the record is limited to the TIA and agency comments. The Airport was included in the noticing but did not submit comment for the record.
- Heavy vehicle/freight route conflicts – Heavy vehicles were evaluated in the TIA, there were no problems identified with the mix of light and heavy vehicles.
- Requires further study – There have been no further traffic studies or testimony submitted by a traffic engineer or other traffic expert refuting the substance of the TIA.

Staff recommends the City Council affirm the Planning Commission decision for both appeals.

B. Testimony of Appellant L. Calvin Martin regarding Planning Commission approval of Costco Conditional Use Permit

Mr. Martin stated that it sounded like everything was in order and thought through but he doesn't agree with the outcome. He read a statement into the record and asked why we would have a difference between industrial and commercial zones. He explained the reason for traffic impact studies. Why does the City allow conditional use permits and why do we separate commercial zone by intensity. Traffic is different for the industrial zones versus the commercial zones, and zoning rules should try and keep traffic separate.

In 2009 the city decided that they wanted to have a Costco type business located in Central Point and found a way to justify the use of a warehouse membership store to fit in an M-1 zoning. This type of store creates a lot of traffic that Central Point cannot handle. Does the City really believe they can mitigate their way to accepting this type of traffic? Costco is not an industrial use, the number of

parking spaces allowed shows that the city realizes there will be an intense amount of traffic coming to this location. Costco is rushing the timeline because they want to get a new store up and running right away. The findings of fact will make the city liable for any loss of life because of traffic accidents. If you approve the application as is, there will be accidents and the city will be liable for allowing it to go in. When the building is finished and opened the traffic will get worse because other businesses will want to build in the area.

No other Costco in the state has been approved in an industrial zone, they need a commercial zone. He stated that he plans to file with LUBA and beyond if necessary if the city continues in this zoning.

There were no questions from the Council.

C. Testimony of Appellant David J. Smith regarding Planning Commission Decision of Costco Conditional Use Permit

Mr. David J. Smith stated that the cost of the Planning Commission appeal was too high. He researched many other cities and the City of Central Point fees are high in comparison. It should not be so hard to bring an item to the City Council. They are the decision makers and the citizens should have access to them.

Mr. Smith stated that the traffic study was done by a firm hired by Costco. That in itself makes it in favor of Costco. This is the same firm that designated Exit 33 as a freight corridor many years ago. He doesn't agree with how the traffic study was done. People don't travel according to their zip code. A survey should have been done by the current members at the Hwy 62 Costco asking how they would be traveling to the new site. There is no evidence showing that members will go one way or another. One newspaper article stated that other traffic studies were done, but none were used.

City staff has indicated that at one time this zoning was designated as residential but was switched to industrial to match the other side of Table Rock Road. He quoted CPMC 17.64 where it refers to Warehouse buildings and says that parking spaces are decided by square footage or number of employees. He pointed out the tables in the code book in regards to warehouses and industrial buildings. The amount of parking spaces approved exceeds the code requirements.

Issues regarding the traffic caused by a Costco in this location are very concerning. Costco members are not going to want to share the traffic lanes with the commercial trucks. There are no funds currently available to complete the traffic mitigation at the I-5 off ramp and many other areas of concern. He hopes that the Council takes their time to seriously think about the impact this will have on Central Point Citizens.

He has talked with the manager of the Airport and Mr. Case is not happy with the idea of all the traffic that will be competing with travelers. There are several things that didn't get considered in regards to this application. He feels the

application was rushed through because they want to have a new building soon. The application should go back to the drawing board to reconsider many things.

There were no questions from the Council.

COSTCO representatives Peter Kahn, Wayne Kittelson, and David Petersen.

Mr. Cahn believes that the Planning Commission acted appropriately. The appeals are exaggerations. The appellant's record lacks any facts or evidence that this decision should not be approved. Costco's studies were done legally and with the community in mind.

Wayne Kittelson from Kittelson and Associates had a slide presentation explaining the traffic study and mitigation planned in regards to the Costco Application. The traffic study was done using zip codes of current Costco members and the area's population. Land use and road characteristics were taken into consideration for the study. The mitigation that was approved will work for this site. The Airport Master Plan is from 2001. There is no mitigation identified in the master plan that pertains to the Biddle/Airport Road intersection. The assertion that the development will cause a traffic disaster is erroneous. The truck traffic is 5 to 10% of all total traffic. Table Rock Road will be upgraded to take care of any issues. The Pine Street Interchange upgrades are scheduled for 2023, ODOT will be working to upgrade at the earliest possible date.

Costco Attorney David Petersen stated that the evidence the Council can use is what was available to the Planning Commission. None of the traffic speculation is fact. There is no evidence that says the mitigation proposed will not work for this project. He reviewed what happened in 2009 when the City Council agreed with the Planning Commission decision to allow Membership Warehouses as a Conditional Use in the M-1 Zone. The state appealed the PC decision but did not go further after the Council decision.

Mayor Williams opened the hearing to the audience.

Brad Bennington, Jacksonville City Council

Mr. Bennington stated that Central Point has done a great job of approving growth for the good of the community. Our County is growing and we are all responsible for helping to keep the growth manageable. He agrees that the traffic impacts will need to be improved and has confidence that the area will manage well. The Planning Commission has done a good job of reviewing the rules and laws regarding land use and applied them appropriately. The City of Central Point has smart, educated people and the Council should listen to their experts.

Mark Haneberg, Ashland Resident

Mr. Haneberg explained the findings of fact and conclusions of law on page 192 state that the intersection of Table Rock and Airport Road is currently at LOS F and states that a lower level of service is acceptable. He explained that Planning Commissions must decide if the site has adequate access to traffic. Lowering the level of service is not adequate access.

Linda Borum, Central Point East Resident

Mrs. Borum stated that she uses Table Rock Road all the time and sees all the semi-trucks and smaller cars fighting for a lane. Costco is not a storage warehouse and belongs on a highway not a small road like Table Rock.

Charles Bolen

Mr. Bolen stated that he represents property owners in the area. Staff has made a lot of work and found good evidence in the record. There is no contrary evidence in the record. The only contrary comments are opinions of the appellants. Findings of Fact are in the record, and those who have done the research are qualified people. The Council should rely on their experts.

Beverly Cone, Old Stage Road Resident

Mrs. Cone stated that she is a property owner and travels the roads in question. If the staff is competent enough to do their jobs the Council should listen to their advice.

REBUTTAL:

Mr. Martin reminded the Council of the impact of the decision that was done in 2009 and the traffic issue that will happen because of the appeal and decision made by the Council. The project is going to cost the city because of the rushed improvements to the intersections and traffic mitigation. There are no plans set up yet. Some of the items were agreed upon the day before the Planning Commission meeting. He is not criticizing the city or staff members but he feels that the final decisions were rushed. No one knows what the final plan will be or what the cost will be to the city. He is suggesting that the project be delayed until the road improvements are done. The construction and traffic for Costco will be a mess. The city should not inconvenience everyone because they want to push the project forward. This is a huge undertaking and the council will be putting people at risk. It is not the right fit.

Mr. Smith stated that the parking spaces allowed are more in line for a commercial property than for a warehouse in the M-1 zone. The parking spaces allowed are targeted more towards retail space than industrial. The city is allowing spot zoning with this application, not a conditional use. The City Council should use their common sense. There is still a lot to be considered with this application. He understands the enthusiasm to begin the project but it was not reviewed according to the zoning.

Community Development Director Tom Humphrey explained that Kittelson has worked on several traffic studies in the area but has not worked for the City of Central Point on a study. The project for Table Rock Road was scoped for improvements for the 2015-18 budget years by the County. The application process was not rushed, extra time was given to other jurisdictions in order to review the Traffic Study and provide comments and concerns. He explained the positive effect of growth with this project as the city generates revenue from new

growth we can begin work on new projects and maintain the streets that we currently have.

Mrs. Holtey explained that when the Planning Commission and Council considered allowing this use in the M-1 zone they took into consideration available parking. Costco submitted a parking demand analysis to justify the requested spaces. The Planning Commission found that the request was justified. If this were judged on retail space they would have been allowed more spaces than they are asking for.

Council Member Mike Quilty asked if the state funding through ODOT for the improvements qualify for the mitigation proposal on Exit 33. Staff answered that they do qualify.

Mayor Williams closed the public hearing.

Bruce Dingler moved to affirm the Planning Commission Decision adopted as Resolution 827 and direct Staff to prepare a resolution approving the application for a Costco Wholesale Membership Warehouse and fuel facility on 18.28 acres within the M-1 zoning district as per the staff reports as Exhibits A and B hereto and the draft findings at exhibit C-2 for the Council's next meeting on March 24, 2016. Rick Samuelson seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Tanea Browning, yes; Brandon Thueson, yes; Allen Broderick, yes; Rick Samuelson, yes; and Mike Quilty, yes. Motion approved.

Bruce Dingler moved to affirm the Planning Commission Decision adopted as Resolution 827 and direct Staff to prepare a resolution approving the application for a Costco Wholesale membership Warehouse and fuel facility on 18.28 acres within the M-1 zoning district as per the staff reports as Exhibits A and B hereto and the draft findings at exhibit D-2 for the Council's next meeting on March 24, 2016. Mike Quilty seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Tanea Browning, yes; Brandon Thueson, yes; Allen Broderick, yes; Rick Samuelson, yes; and Mike Quilty, yes. Motion approved.

IX. MAYOR'S REPORT

Mayor Williams reported that:

- He attended two Medford Water Commission Meetings
- He attended the Medford Rod and Custom Show and presented the Mayor's Choice Award.
- He attended the RVMPO meeting in place of Council Member Mike Quilty. They discussed the future of fuel.

X. CITY MANAGER'S REPORT

City Manager Chris Clayton reported that:

- he will be sending video footage of the Greenway clean up.

- They received the CPIU Information today. The CPI is 1.4 for the General Services Union Employees.
- Staff has been working with the Super 8 Managers and we are hopeful they will be able to rectify their tax issues with the city.
- He has been working on parking issues between the Senior Center and RVCOG.
- Mrs. Holtey has done a great job in the Planning Department and wanted to thank her publically for the great work.

XI. COUNCIL REPORTS

Council Member Allen Broderick reported that he attended:

- The Parks and Recreation Commission meeting.
- The Study Session.
- His health issues are on the mend thanks to the Mayo Clinic in AZ. The infrastructure in AZ is amazing and so clean.

Council Member Tanea Browning reported that she attended the Fire District Board meeting, and participated on in the brainstorming session for streetscapes. Staff did a great job on the appeal process and explaining the rules.

Council Member Bruce Dingler had no report.

Council Member Rick Samuelson reported that:

- He attended the Study Session.
- He attended an RVCOG Board meeting. The Options Counseling is a great program, and they are discussing the idea of a Convention Center in the area.
- RCC is looking for a new President and will be seeking a bond for a new building.

Council Member Brandon Thueson reported that he attended the Study Session and the Crater Board meeting. He will be out of town for the March Study Session and the March 24th Council Meeting.

Council Member Mike Quilty reported that:

- He is very thankful that the Mayor was able to attend the RVMPO meeting in his place, evidently he has been appointed as Chair.
- He will be attending several transportation meetings in Salem next week.

XII. DEPARTMENT REPORTS

Parks and Public Works Director Matt Samitore reported that the Sutton Wall is complete. We received word that the Table Rock right-of-way and Twin Creeks Engineering have gotten through the Department of Justice reviews. We should be scheduling kick off meetings in the next week or so.

Police Chief Kris Allison stated that they will be swearing in new officers at the next Council meeting.

Community Development Director Tom Humphrey stated that Stephanie Holtey has done a great job as a Community Planner. He is very lucky to have qualified people working in his department right now. She has done a great job in the application process with Costco and other applications that are in the works. Explained the benefits generated by the SDC's by projects like the Costco.

City Attorney Sydnee Dreyer explained the process and time line if the decision tonight and the final order gets appealed to LUBA. She directed the Council to limit their opinions on the decision. She also commented that Mrs. Holtey has done a great job for Central Point she is one of the best planners in the valley and she is very gifted at presenting the details.

Community Planner Stephanie Holtey stated that she is thankful for all the teachings from Community Development Director Tom Humphrey and Planning Manager Don Burt. They have done a great job of mentoring her.

XIII. EXECUTIVE SESSION - None

XIV. ADJOURNMENT

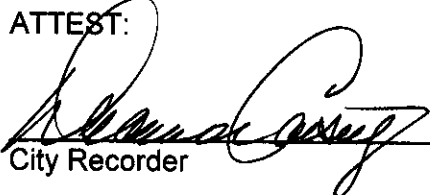
Mike Quilty moved to adjourn, Brandon Thueson seconded, all said "aye" and the Council Meeting was adjourned at 9:44 p.m.

The foregoing minutes of the March 10, 2016, Council meeting were approved by the City Council at its meeting of March 24, 2016.

Dated: 3/24/16


Mayor Hank Williams

ATTEST:


City Recorder