



**CITY OF CENTRAL POINT  
PLANNING COMMISSION AGENDA  
January 6, 2015 - 6:00 p.m.**

**I. MEETING CALLED TO ORDER**

**II. ROLL CALL**

Planning Commission members Chuck Piland, Mike Oliver, Tim Schmeusser, Tom Van Voorhees, Susan Szczesniak, Craig Nelson Sr. and Kay Harrison

**III. CORRESPONDENCE**

**IV. MINUTES**

Review and approval of November 4, 2014 Planning Commission Minutes

Review and approval of November 20, 2014 Joint Planning Commission Minutes  
(Meeting with Jackson County)

**V. PUBLIC APPEARANCES**

**VI. BUSINESS**

- A.** Consideration of Resolution No. 812 forwarding a favorable recommendation to the City Council to approve Amendments to the Central Point Municipal Code to add Chapter 17.08.010-Definition, "Congregate Housing"; Chapter 17.64.040, Off-Street Parking Requirements, Table 17.64.02A adjusting parking requirements for Congregate Housing; Chapter 17.65.050 Zoning Regulations, TOD District, Tables 1 through 3; and Chapter 17.65.070 Zoning Regulations, TOD Corridor, Tables 4 and 5, to delete the term "Senior Housing" and replace the term "Senior Housing" with the term "Congregate Housing" **File No. 14022**
- B.** Consideration of Resolution No. 813 forwarding a favorable recommendation to the City Council to Change approximately 5 acres of land in City core area designated low density residential to civic to reflect actual land uses as a park, a park service yard and a city corporation yard. **File No. 14020**
- C.** Consideration of Resolution No. 814 forwarding a favorable recommendation to the City Council to approve A Conceptual Land Use and Transportation Plan for CP-1B (Tolo), An Urban Reserve Area of Central Point, **File No. 14009**

- D.** Consideration of Resolution No. 815 authorizing Testing Laboratories as a similar and compatible use within the C-2(M), C-5 and M-1 zoning districts, Applicant Kenevir Research.

**VII. DISCUSSION**

**VIII. ADMINISTRATIVE REVIEWS**

**IX. MISCELLANEOUS**

**X. ADJOURNMENT**

**City of Central Point  
Planning Commission Minutes  
November 4, 2014**

**I. MEETING CALLED TO ORDER AT 6:00 P.M.**

**Kay Harrison led the pledge of allegiance.**

**II. ROLL CALL**

Commissioners Chuck Piland, Mike Oliver, Tim Schmeusser, Susan Szczesniak, and Kay Harrison were present. Tom Van Voorhees and Craig Nelson were absent. Also in attendance were: Tom Humphrey, Community Development Director, and Karin Skelton, Planning Secretary.

**III. CORRESPONDENCE**

None

**IV. MINUTES**

Mike Oliver s made a motion to approve the October 7, 2014 minutes. Kay Harrison seconded the motion. Roll Call: Mike Oliver, yes; Susan Szczesniak, yes; Tim Schmeusser, yes; Kay Harrison, yes. Motion passed.

**V. PUBLIC APPEARANCES**

None

**VI. BUSINESS**

Tom Humphrey introduced Resolution 809 forwarding a favorable recommendation to the City Council to approve a Conceptual Land Use and Transportation Plan for CP-4D, an Urban Reserve Area of the City of Central Point. The City's Regional Plan Element includes a provision that prior to expansion of the urban growth boundary into an urban reserve area it is necessary to adopt a concept plan for the affected urban reserve. Given the pending urban growth boundary application that includes parts of CP-4D, it is necessary that a concept plan be prepared and adopted for CP-4D. The Planning Commission has previously reviewed a draft of the CP-4D Concept Plan and directed staff to distribute the document to affected agencies for comment. RVMPO, the Rogue River Valley Irrigation District, Jackson County and ODOT have all provided their comments which have been incorporated into the plan. The Citizen's Advisory Committee has also reviewed and recommended approval of the plan. Mr. Humphrey explained that the CP-4D is mostly parks and open space. He stated that the Concept

Plan is for the entire area, but the City was only taking in approximately 50 acres. It would be a narrow strip of land leading to the CP-1B. Kay Harrison asked if the equestrian groups had been included in the notice. Mr. Humphrey responded that he had informed Jenna Steinke about the CP-4D Concept Plan.

Mike Oliver made a motion to approve Resolution 809. Kay Harrison seconded the motion. ROLL CALL: Mike Oliver, yes; Kay Harrison, yes; Tim Schmeusser, yes. Chuck Piland, yes. Motion Passed

## **DISCUSSION**

Mr. Humphrey introduced a Conceptual Land Use and Transportation Plan for CP-1B, an urban Reserve area of the City of Central Point. He explained that Cardmore Trucking was planning to build their facility in CP-1B. The area would be “employment” land, including retail, industrial and public use. The retail facilities would be specifically to serve the immediate area and not as a draw from the freeway. They would purposely be located so as not to be viewed from the freeway. ODOT had been concerned about this and also about maintaining the interchange as it is.

Mr. Humphrey informed the Planning Commission that there were currently portions of this parcel that were residential and farm use, and that those residences and farms would become legal nonconforming uses. He stated that the land is not part of the irrigation district. Mike Oliver asked if there was a plan for getting water to the area. Hanging pipes were discussed as an option for bringing the water to the area. Mr. Humphrey stated that the city has been pursuing objectives to help them until water is brought out there. He stated that it would probably cost around a million dollars to connect and might be funded by grants and/or loans. He informed the Planning Commission that at this point it was merely a discussion and the Concept Plan would be reviewed and refined prior to presenting it for approval.

Mr. Humphrey introduced the second item for discussion, the Agreement between the City of Central point and Jackson County for the joint management of the Central Point Urban Growth Boundary. He explained that the City’s Regional Plan Element includes a provision that prior to expansion of the urban growth boundary into an urban reserve area it is necessary to adopt conceptual land use and transportation plans for the affected urban reserve. A second urban growth boundary application has been submitted to Jackson County on behalf of Cardmore Trucking that includes 50 acres of CP-1B. The consultant for the applicant has prepared a rudimentary conceptual plan for their application but the City has initiated its own. The rough draft of the CP-1B conceptual plan is being submitted to the Planning Commission to discuss and critique. Pending the Planning Commission’s direction the draft will be completed with findings and distributed to the affected agencies for comment. After that it will return to the Commission for further review and recommendation to the City Council.

The foregoing minutes of the November 4, 2014 Planning Commission meeting were approved by the Planning Commission at its meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Planning Commission Chair

**City of Central Point  
Planning Commission Minutes  
November 20, 2014**

**I. MEETING CALLED TO ORDER AT 6:00 P.M.**

**Chuck Piland led the pledge of allegiance.**

**II. ROLL CALL**

Commissioners Chuck Piland, Mike Oliver, Craig Nelson, Tom Van Voorhees, Susan Szczesniak, and Kay Harrison were present. Tim Schmeusser was absent. Also in attendance from Jackson County Planning Commission were Commissioners, Don Greene, Dick Theriof, Joel Ockunzie, Brad Bennington, Craig Anderson, and Kelly Madding. .

Also in attendance were Central Point Community Development Director Tom Humphrey, Karin Skelton, Central Point Planning Secretary, Laura Marshall, Jackson County Planning Secretary and Craig Anderson, Jackson County Planner.

**III. CORRESPONDENCE**

None

**IV. MINUTES**

**V. PUBLIC APPEARANCES**

None

**VI. BUSINESS**

Kelly Madding explained the structure of the meeting, breaking it down into two parts, part one a legislative hearing and part two, a quasi-judicial application. The processes for each would be done separately. She stated that after the staff presentation and the public testimony, in each matter, Jackson County would retire from the room while Central Point deliberated and came to a decision.

Tom Humphrey addressed the Planning Commissions regarding Resolution 810, consideration of forwarding a favorable recommendation to the Central Point City Council to Revise the Urban Growth Boundary Management Agreement (UGBMA) between the City of Central Point and Jackson County to improve consistency with the Greater Bear Creek Valley Regional Plan and the City's Regional Plan Element. He

stated that the agreement added Gibbon Acres and the Expo to the agreement as areas of mutual planning concern.

He stated the adoption of this proposed Major Text Amendment would amend the County's Urban Growth Boundary Agreement with the City of Central Point. The proposed amendment would effectively result in new policy and/or implementation strategies within the Urban Growth Boundary Management Agreement with the City of Central Point and therefore falls within the definition of a Major Text Amendment.

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

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

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

He addressed the audience to inform them that this would not affect anyone in forest Gibbon Acres with regard to their property or taxes in any way, nor would it bring them into the City limits.

Mike Oliver asked for clarification regarding the Seven Oaks area. He asked if it was currently an area of mutual planning concern or was it now being designated as an area of mutual planning concern? Mr. Humphrey responded that it has been as area of mutual planning concern, however it would be affected the development of CP-1B and so the City and County will continue to collaborate regarding the area.

Don Greene asked for clarification regarding the language in the agreement on page 12 regarding including the irrigation districts in the conceptual stage of the planning process. Kay Harrison stated she was glad to see them included in land use decisions.

Kelly Madding explained that the language in the agreement allowed for the irrigation districts to be included in any discussions regarding land development.

Joel Occunzi asked if in the future there were changes to the agricultural element would the existing infrastructure be preexisting non-conforming or would there be a requirement to bring it up to new standards. Mr. Humphrey replied that he believed the state would

manage that. We are simply inviting the irrigation district to be part of the conceptual planning process.

Mr. Humphrey addressed the new language relating to periodic review. He indicated the language in the agreement was taken directly from the County's Comprehensive Plan.

Mike Oliver asked about reference to Erickson Air Crane on page 14 of the Agreement. Mr. Humphrey explained that that language indicated that taking water to Erickson was originally done by a "reasons exception". Now that there is a URA out there and a proposal to develop in the Seven Oaks area, the question becomes "who is entitled to use the water along that route ". The language was defining who would be eligible to use the water along the route to the CP-1B area.

Mr. Oliver suggested a change to the language in the lower portion of page 15 paragraph (A). He suggested adding language so it would read "CAC and planning commissions review and make recommendation to the City Council and Board of County Commissioners."

Mr. Occunzi expressed concern that Medford was mentioned in relation to the Forest Gibbon Acres area. Mr. Humphrey stated that it would remain under the County's jurisdiction and that only the County and Central Point would be involved in any discussions regarding the area.

The Public Portion of the meeting was opened.

Arnold Strite asked a question regarding Richey Lane, located between Gibbon Road and West Gregory Rd. He asked who would be responsible for upkeep of the road and mentioned water buildup.

Ms. Madding informed him that it would remain under the County's jurisdiction and that nothing regarding Richey Rd. would change unless someone wanted to develop there.

Jay Harlan addressed the Commissioners. He suggested adding language to paragraph 14 so that it would read "Except for URAs, no other land **or non-municipal** improvements"

Mr. Humphrey agreed that would be a good change.

The public portion of the meeting was closed.

Jackson County recessed while Central Point Planning Commission deliberated.

The Central Point Planning Commission discussed Resolution 810. Mr. Humphrey stated that it would be making the language in the agreement with Jackson County clearer with regard to the processes for transitioning County land into the City of Central Point and would not affect any of the City's current projects.



Mike Oliver moved to approve Resolution 810 with the two amendments (pg. 14 & 15 of the Agreement). Kay Harrison seconded the motion. ROLL CALL: Mike Oliver, yes, Susan Szczesniak, yes; Tom Van Voorhees, yes; Craig Nelson, yes; Kay Harrison, yes. Motion Passed.

Jackson County Planning Commission Returned. They were informed of the decision to approve Resolution 810.

There was a 5 minute recess of the joint meeting.

7:30 p.m. Commission Don Greene call the joint meeting back to order. He introduced the second item on the agenda., Consideration to amend the Comprehensive Plan Map (Minor) to add approximately 48 acres to the City of Central Point Urban Growth Boundary (UGB) along and northeast of Interstate 5; along, and including Dean Creek Road; between the Seven Oaks Interchange (Exit 35) to the northwest and Old Upton Road to the southeast.

Craig Anderson presented a summary of the proposal. The adoption of the proposed Minor Map Amendment would amend the County's Comprehensive Plan Map by adding approximately 48 acres of Bear Creek Greenway and Open Space lands to the Central Point Urban Growth Boundary. The land situated between the northern extent of the existing Central Point Urban Growth Boundary and the Seven Oaks interchange and is under City of Central Point and Jackson County ownership. The area to be amended includes approximately 10 acres of ODOT road Right of way.

The properties will retain the County's Plan designations and zoning following inclusion in the UGB until such time as the properties are annexed and the appropriate City of Central Point zoning is applied the subject property is within Urban Reserve Area CP-4D.

The City of Central Point has prepared a Concept Plan for the CP-4D Urban Reserve Area. This plan has been reviewed by the Rogue Valley Metropolitan Planning Organization, the Rogue River Valley Irrigation District, Jackson County, ODOT, DLCD and 1000 Friends of Oregon and their comments have been incorporated into the plan. The City of Central Points Citizens Advisory Committee has also reviewed and recommended approval of the plan. The plan satisfies the Regional Plan requirements.

Approval of CP-4D would benefit the city by connecting it to the CP-1B. The development of CP-1B would be an economic benefit to the city.

Tom Humphrey addressed the Commissioners regarding the Conceptual Plan for CP-4D. He stated it would be primarily open space which would include the bike path and Dean Creek Road. He indicated that the long term objective is to provide a physical connection with CP-1B. There is a one acre tax lot included in CP-4D which will be re-zoned R-L. The owner would like to be in the city.

Mike Oliver asked what the police patrol situation would be. Mr. Humphrey stated that the police chief is aware of the area and that the city currently patrols the greenway within the City limits.

Joel Occunzi asked when the one acre parcel would be annexed into the city.

Mr. Humphrey indicated possibly within the next 12 months.

The public portion of the meeting was opened.

Greg Holmes of 1000 Friends of Oregon addressed the Commissioners. He stated that they did support the application and the projected outcome. He said that this was the first conceptual plan in any jurisdiction and could serve as a template for other jurisdictions to ensure orderly expansion. He expressed concern that the process was being done in 2 minor amendments instead of one major one which would include both CP-4D and CP-1B. He stated his concern that the current process might possibly be open to being challenged. He reiterated that he did support this process, just that it would have been cleaner to have done it in one step.

Mr. Humphrey stated he agreed with Mr. Holmes and explained that the reason they were doing it as they were was because all the lands involved were almost exclusively owned by the County and the City.

The Public portion of the meeting was closed.

Jackson County Planning Commission recessed while Central Point deliberated.

Kay Harrison made a motion to approve Resolution 811. Tom Van Voorhees seconded the motion. ROLL CALL: Mike Oliver, yes, Susan Szczesniak, yes; Tom Van Voorhees, yes; Craig Nelson, yes; Kay Harrison, yes. Motion Passed.

Jackson County Planning Commission returned and was informed that Central Point had approved Resolution 811.

Don Green adjourned the joint meeting of the City of Central Point and Jackson County Planning Commissioners at 8:50 p.m.

The foregoing minutes of the November 20, 2014 Joint Planning Commission meeting of Jackson County and the City of Central Point were approved by the Planning Commission at its meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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Planning Commission Chair

**CONSIDERATION OF RESOLUTION NO. 812 FORWARDING A FAVORABLE RECOMMENDATION TO THE CITY COUNCIL TO APPROVE AMENDMENTS TO THE CENTRAL POINT MUNICIPAL CODE TO ADD CHAPTER 17.08.010-DEFINITION,"CONGREGATE HOUSING"; CHAPTER 17.64.040, OFF-STREET PARKING REQUIREMENTS, TABLE 17.64.02A ADJUSTING PARKING REQUIREMENTS FOR CONGREGATE HOUSING; CHAPTER 17.65.050 ZONING REGULATIONS, TOD DISTRICT, TABLES 1 THROUGH 3; AND CHAPTER 17.65.070 ZONING REGULATIONS, TOD CORRIDOR, TABLES 4 AND 5, TO DELETE THE TERM "SENIOR HOUSING" AND REPLACE THE TERM "SENIOR HOUSING" WITH THE TERM "CONGREGATE HOUSING" FILE NO. 14022 . AMEND CHAPTER 17.77.040(D) ACCESSORY DWELLING UNITS (ADU), GENERAL PROVISIONS, MAXIMUM FLOOR AREA**

## STAFF REPORT



Planning Department

Tom Humphrey, AICP,  
Community Development Director

## STAFF REPORT

January 6, 2015

### **AGENDA ITEM: File No. 14022**

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

### **STAFF SOURCE:**

Don Burt, AICP

### **BACKGROUND:**

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

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

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

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

### **ISSUES:**

It is recognized that congregare housing, as a use, has employees for housekeeping, administration, common dining, etc., which sets it apart from an apartment complex. For this reason the allowance of congregare housing within the LMR zone has been restricted to those incidences where it is part of, and under the same ownership of, an abutting congregare housing project in the MMR or HMR zoning district. The design of a congregare housing project in the LMR district will be subject to the LMR residential design and development standards, including density.

### **EXHIBITS/ATTACHMENTS:**

Attachment "A – Draft Ordinance"

**ACTION:**

Consideration of Resolution No. 812

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**RECOMMENDATION:**

Approve Resolution No. 812 forwarding a favorable recommendation to the City Council.

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**EXHIBIT "A"**

**Chapter 17.08 DEFINITIONS**

**17.08.010 Definitions, specific**

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

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

**Chapter 17.64 Off-Street Parking and Loading**

**17.64.040 Off-Street parking requirements**

**TABLE 17.64.02A**

**RESIDENTIAL OFF-STREET PARKING REQUIREMENTS**

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

**EXHIBIT "A"**

**TABLE 17.64.02A**

**RESIDENTIAL OFF-STREET PARKING REQUIREMENTS**

Use Categories	Minimum Vehicle Parking Requirement (fractions rounded down to the closest whole number)
Congregate (Senior) Housing	<del>4.5</del> spaces per dwelling unit
Boarding Houses, Bed and Breakfast	1 space per guest unit; plus 1 space per each 2 employees

**CHAPTER 17.65 TOD DISTRICTS AND CORRIDORS**

**17.65.050 Zoning regulations – TOD district**

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

**EXHIBIT "A"**

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



**EXHIBIT "A"**

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

N--Not permitted.

P--Permitted use.

P1--Permitted use, one unit per lot.

C--Conditional use.

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

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

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

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

## EXHIBIT "A"

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

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

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

**EXHIBIT "A"**

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

**EXHIBIT "A"**

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

Notes:

NA--Not applicable.

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

## EXHIBIT "A"

- (h) Parking lot landscaping and screening requirements still apply.
- (i) Landscaped area shall include living ground cover, shrubs, trees, and decorative landscaping material such as bark, mulch or gravel. No pavement or other impervious surfaces are permitted except for pedestrian pathways and seating areas.
- (j) Rooftop gardens can be used to help meet this requirement.

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

**EXHIBIT "A"**

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

**EXHIBIT "A"**

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

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

<b>Table 4 TOD Corridor Land Uses</b>				
<b>Use Categories</b>	<b>Zoning Districts</b>			
	<b>LMR</b>	<b>MMR</b>	<b>EC</b>	<b>GC</b>
<b>Residential</b>				
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
<u>Congregate (Senior) Housing</u>	<u>L5</u>	<u>P</u>	<u>L1</u>	<u>N</u>
Accessory Units	P1	P1	C	N

**EXHIBIT "A"**

<b>Table 4 TOD Corridor Land Uses</b>				
<b>Use Categories</b>	<b>Zoning Districts</b>			
	<b>LMR</b>	<b>MMR</b>	<b>EC</b>	<b>GC</b>
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
<del>Senior Housing</del>	<del>N</del>	<del>P</del>	<del>L4</del>	<del>N</del>
<b>Commercial</b>				
Entertainment	N	N	P	P
Professional Office	C	L3	P	P
Retail Sales and Service				
Sales-oriented	C	L3	P	P
Personal service-oriented	C	C	P	P
Repair-oriented	N	N	P	P
Drive-through facilities	N	N	P	P
Quick vehicle service	N	N	P	P
Vehicle sales, rental and repair	N	N	N	P
Tourist Accommodations				
Motel/hotel	N	N	P	P
Bed and breakfast inn	C	C	P	P
<b>Industrial</b>				



**EXHIBIT "A"**

<b>Table 4</b>				
<b>TOD Corridor Land Uses</b>				
<b>Use Categories</b>	<b>Zoning Districts</b>			
	<b>LMR</b>	<b>MMR</b>	<b>EC</b>	<b>GC</b>
Manufacturing	N	N	N	P
Industrial Service				
Light	N	N	N	P
Heavy	N	N	N	C
Wholesale Sales	N	N	N	P
<b>Civic</b>				
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
<b>Open Space</b>				
Parks and Open Space	P	P	P	P

N--Not permitted.

P--Permitted use.

P1--Permitted use, one unit per lot.

C--Conditional use.

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

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

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

**EXHIBIT "A"**

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

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

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

**EXHIBIT "A"**

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

**EXHIBIT "A"**

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

NA--Not applicable

Notes:

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



**PLANNING COMMISSION RESOLUTION NO. 812**

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

**FILE NO. 14022**

Applicant: City of Central Point;

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

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

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

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

\_\_\_\_\_  
Planning Commission Chair

ATTEST:

\_\_\_\_\_  
City Representative  
Approved by me this 6<sup>th</sup> day of January 2015.

**CONSIDERATION OF RESOLUTION NO. 813 FORWARDING A FAVORABLE RECOMMENDATION TO THE CITY COUNCIL TO CHANGE APPROXIMATELY 5 ACRES OF LAND IN CITY CORE AREA DESIGNATED LOW DENSITY RESIDENTIAL TO CIVIC TO REFLECT ACTUAL LAND USES AS A PARK, A PARK SERVICE YARD AND A CITY CORPORATION YARD**



## STAFF REPORT

January 6, 2015

### **AGENDA ITEM: File No. 14020**

Consideration of a Comprehensive Plan (map) Amendment and Zoning (map) Amendment application from Residential Low Density to Civic and from R-1-6 and Park to Civic zoning for approximately five (5) acres located east of South Fourth Street, north of Bush Street and South of Ash Street. The Project Site is identified on the Jackson County Assessor's map as 37S2W 11BA, Tax Lot 2200 and 37S2W11BB, Tax Lots 6300, 8200, 8300 and 8301. **Applicant:** City of Central Point.

### **STAFF SOURCE:**

Tom Humphrey AICP, Community Development Director

### **BACKGROUND:**

During the course of evaluating the above referenced properties as the site for a prospective Community Center and/or other uses, it came to City staff's attention that the zoning would not only restrict the development of such uses but that the zoning and land use designations were inconsistent with one another. The Parks maintenance yard is a legally non-conforming use in 'Park' zoning and the Public Works maintenance yard is a legally non-conforming use in R-1-6, Residential Single Family zoning. Should these uses continue or should the properties be redeveloped for a use like a Community Center, the 'Civic' zoning would be more compatible and appropriate.

### **ISSUES & NOTES:**

There are 4 issues/Notes relative to this application as follows:

1. **Zoning Map and Zoning Code Text Amendments, CPMC Chapter 17.10.** This municipal code section provides standards and procedures for major and minor amendments to the Central Point city zoning map. In this case, the application was initiated by the City for property in its ownership and the action is considered a 'minor' amendment and a Type III process. The amendment should be based on the following criteria; 1) its consistency with the City's Comprehensive Plan, 2) findings demonstrating that adequate public services and transportation networks will serve the property and 3) compliance with the State's Transportation Planning Rule.
2. **Comprehensive Plan Compliance.** Approval of the proposed zone change must be found consistent with the City's Comprehensive Plan Land Use Plan Map. If the Comprehensive Plan designation is changed to Civic on the five lots in question, then Tax Lot 2200 would immediately be compliant (the skate park is already zoned civic) and the other four lots will become compliant when they are rezoned from R-1-6 and Park to a 'Civic' zoning (refer to Attachment A).
3. **Compatibility with Surrounding Land Uses and Zoning.** The proposed land use designation to the west is School District #6 property (CPE and District Administration) which is already designated 'Civic' in the City's Comprehensive Plan Map. Land to the



north, south and east is designated residential and is typically compatible with schools, churches, parks and other public uses.

4. **Transportation Planning Rule (TPR) Compliance, OAR 660-012-0060.** Criteria for TPR compliance is addressed in the City findings (Attachment B) demonstrating adequate public services and transportation networks. In this case, Plan Amendments will legitimize existing uses on the properties involved and which are already receiving public services and are part of a transportation network. Public facilities master plans identify various future public improvements including the replacement of a traffic signal at Fourth and Pine Streets.

**CONDITIONS OF APPROVAL:**

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Although a recommendation of a decision to approve a minor amendment may include conditions, staff has not identified the need to impose any conditions at this time.

**ATTACHMENTS:**

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Attachment "A" – Comprehensive Plan and Zoning Maps  
Attachment "B" – Planning Department's Findings  
Attachment "C" – Resolution No. 813

**ACTION:**

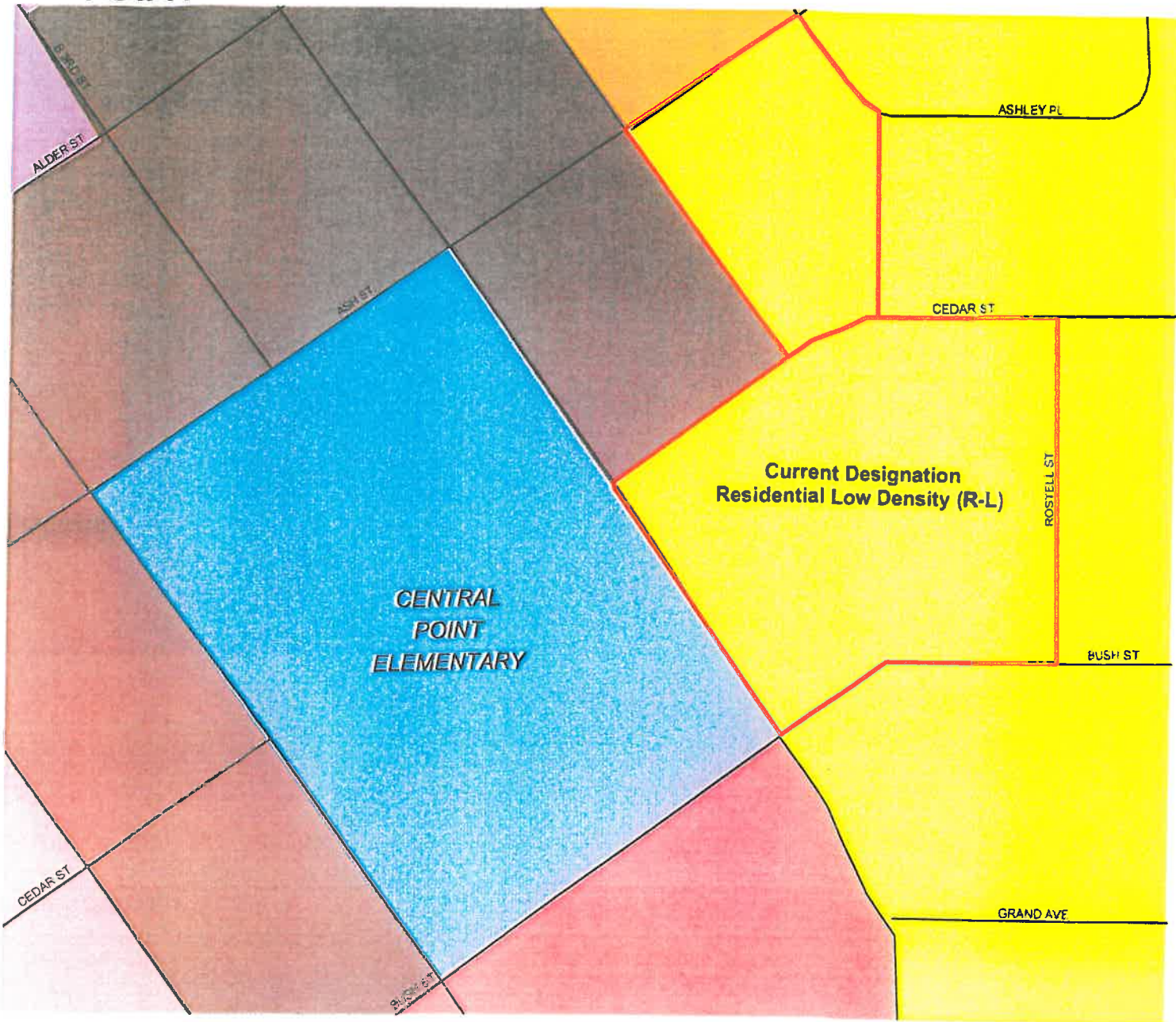
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Open public hearing and consider the proposed amendment to the Comprehensive Plan and Zoning maps, close public hearing and 1) recommend approval to the City Council; 2) recommend approval with revisions; or 3) deny the application.

**RECOMMENDATION:**

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Recommend approval or Resolution No. 813. Per the Staff Report dated January 6, 2015 and supported by Findings of Fact.



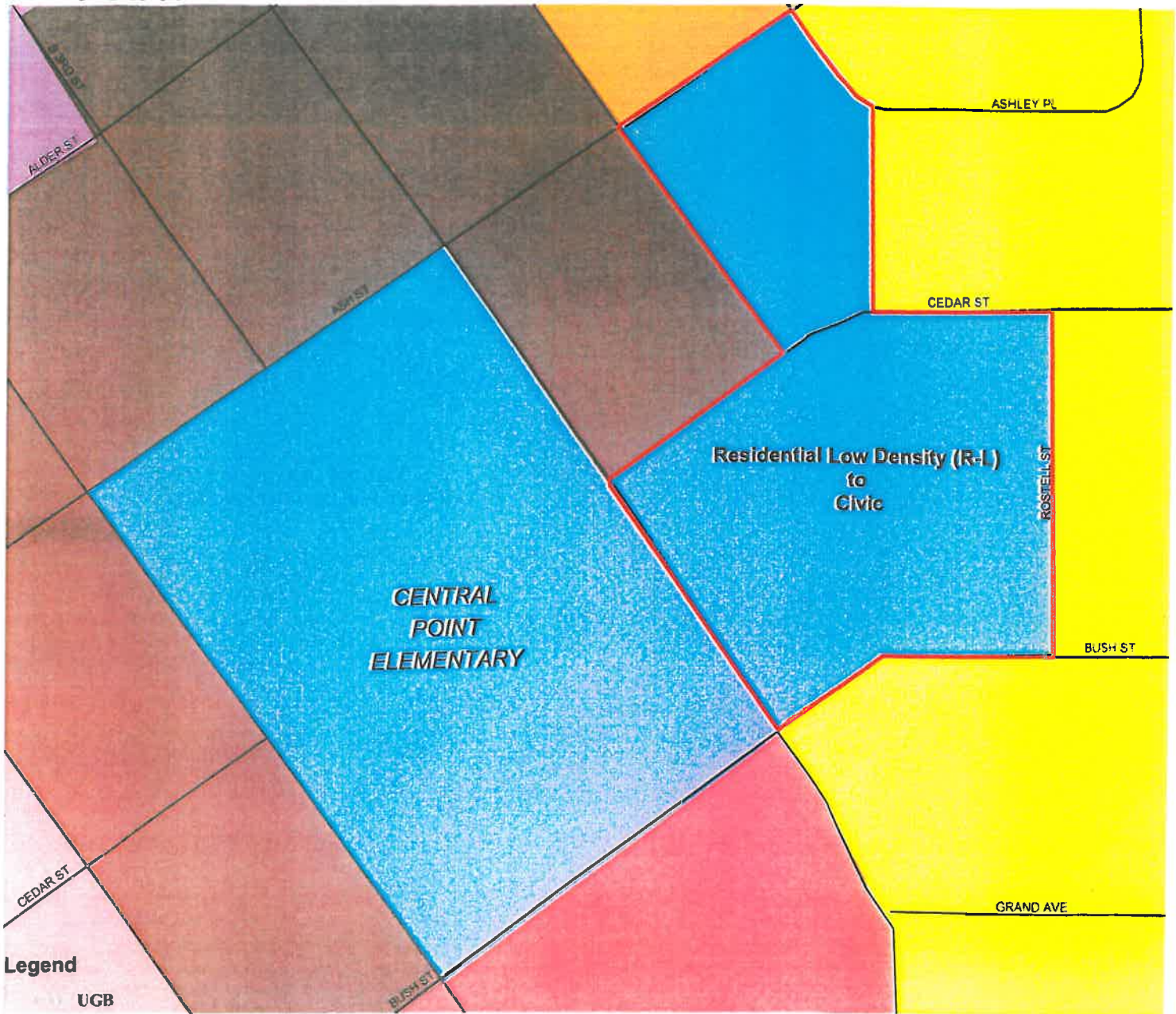
**Legend**

<p>--- UGB</p>					
<p><b>Mixed Use</b></p> <ul style="list-style-type: none"> <li> TOD Corridor</li> <li> TOD District</li> </ul>	<p><b>East Side TOD</b></p> <ul style="list-style-type: none"> <li> Civic* (C)</li> <li> Low Mix* (LMR)</li> <li> Medium Mix* (MMR)</li> </ul>	<p><b>Residential</b></p> <ul style="list-style-type: none"> <li> Very Low Density</li> <li> Low Density</li> <li> Medium Density</li> <li> High Density</li> </ul>	<p><b>Commercial</b></p> <ul style="list-style-type: none"> <li> Neighborhood Convenience Center</li> <li> Tourist and Office Professional</li> <li> Thoroughfare Commercial</li> </ul>	<p><b>Industrial</b></p> <ul style="list-style-type: none"> <li> Light</li> <li> General</li> </ul>	<p><b>Civic and Open Space</b></p> <ul style="list-style-type: none"> <li> Parks and Open Space</li> <li> Civic</li> </ul>

\*All development with the ETOD subject to special conditions per CPMC Section 17.65.25(A), ETOD Trip Cap.

**Comprehensive Land Use Plan  
2008-2030**

Last Updated: Ord. No. 1960 Aug. 2012  
Ord. No. 1971 May 2013



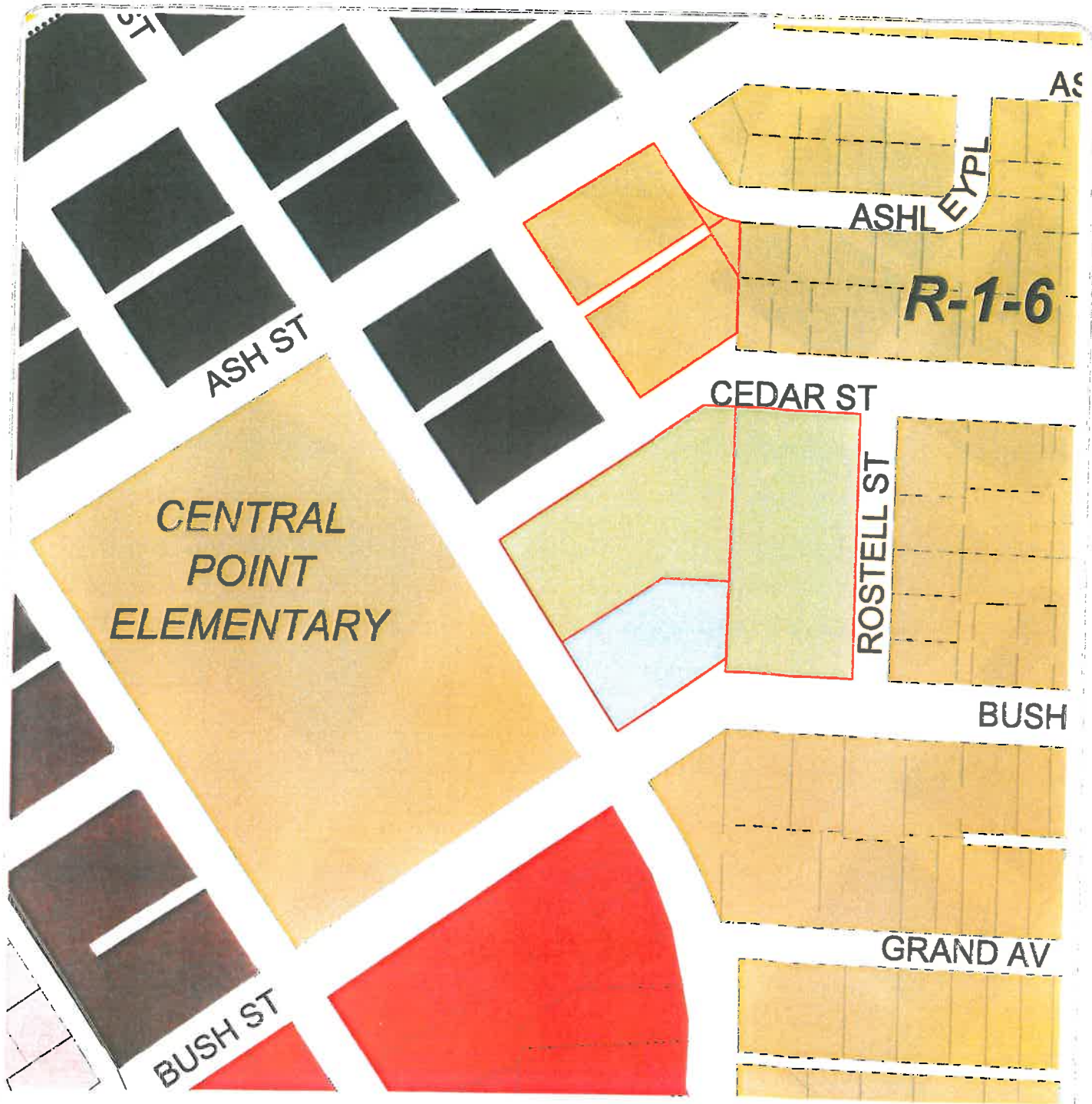
**Legend**  
UGB

Mixed Use	East Side TOD	Residential	Commercial	Industrial	Civic and Open Space
TOD Corridor	Civic* (C)	Very Low Density	Neighborhood Convenience Center	Light	Parks and Open Space
TOD District	Low Mix* (LMR)	Low Density	Tourist and Office Professional	General	Civic
	Medium Mix* (MMR)	Medium Density	Thoroughfare Commercial		
		High Density			

\*All development with the ETOD subject to special conditions per CPMC Section 17.65.25(A), ETOD Trip Cap.

## Comprehensive Land Use Plan 2008-2030

Last Updated: Ord. No. 1960 Aug. 2012  
Ord. No. 1971 May 2013




# CENTRAL POINT

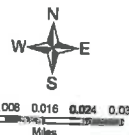
## Zoning Map

Population 17,235

Source:  
City of Central Point Planning Department  
Jackson County Smartmap

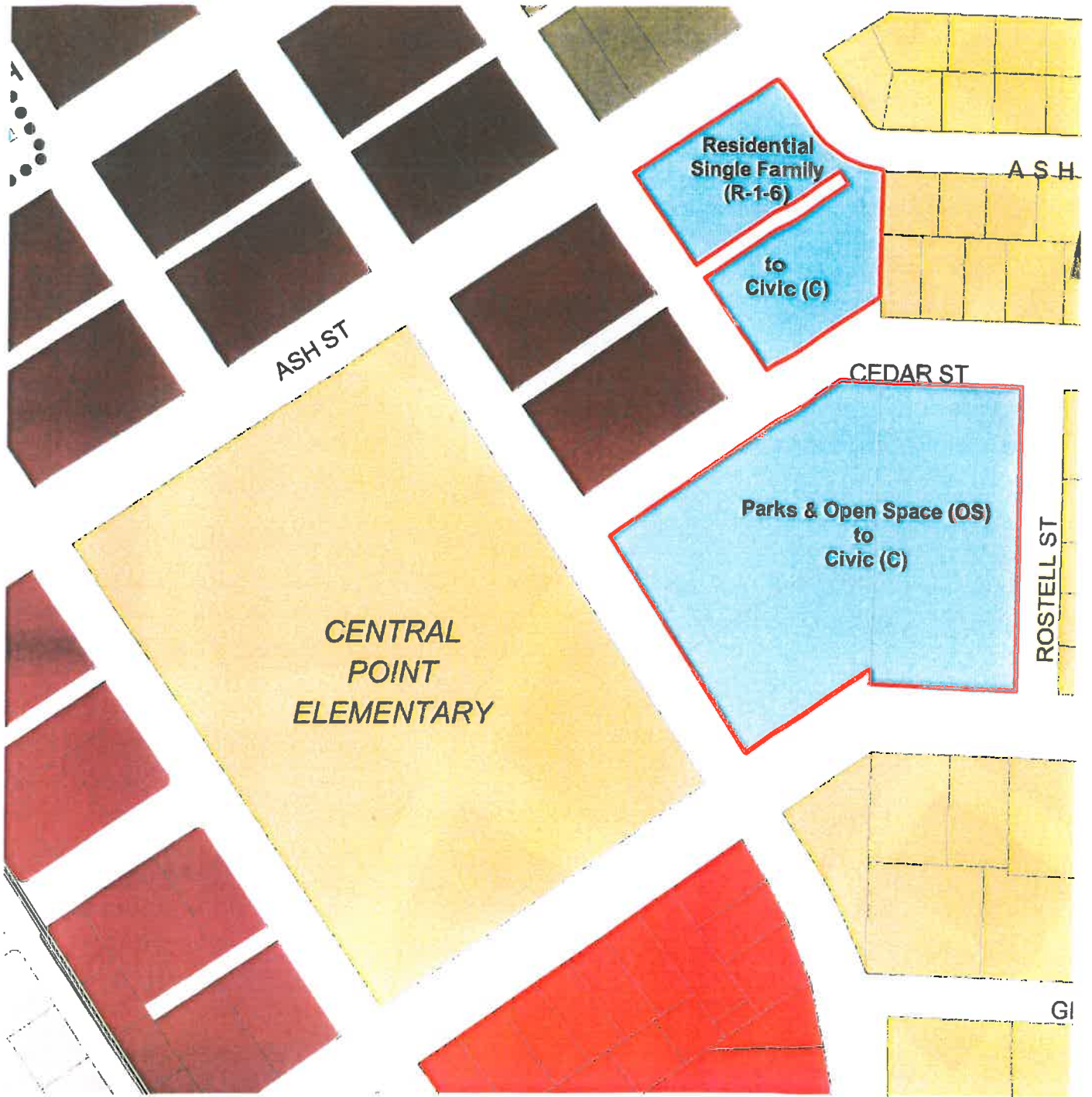
This map is intended for graphic display and reference purposes only. Some parcels are not represented in this map.  
REV 23 OCT 2012  
cityoning 24-18.mxd

Legend	
	BCG = Bear Creek Greenway
	C-2 (M) = Commercial - Medical District
	C-4 = Tourist and Office
	C-5 = Thoroughfare Commercial
	CN = Neighborhood Commercial
	Cwic (TOD)
	EC = Employment Commercial (TOD)
	GC = General Commercial (TOD)
	HMR = High Mix Residential/Commercial (TOD)
	LMR = Low Mix Residential (TOD)
	M-1 = Industrial
	M-2 = Industrial General
	MMR = Medium Mix Residential (TOD)
	OS = Open Space (TOD)
	R-3 = Multiple Family Residential
	R-2 = Two-Family Residential
	R-1-6 = SF Residential - 6,000
	R-1-8 = SF Residential - 8,000
	R-1-10 = SF Residential - 10,000
	R-L = Low Density Residential



0 0.008 0.016 0.024 0.032 Miles

	City Hall/Police		Parks
	Fire Department		UGB
	TOD Corridor		citylimits
	TOD District		
	Highway 99		
	Streams		
	Railroad		



**CENTRAL POINT**  
**Zoning Map**

Population 17,235

Source:  
City of Central Point Planning Department  
Jackson County SmartMap

This map is intended for graphic display and reference purposes only. Some parcels are not represented in this map.  
MHO 20 OCT 2012  
cityzoning 24x18.mxd

Legend	
	BCO = Bear Creek Greenway
	C-1 (E) = Commercial - Medical District
	C-4 = Tourist and Office
	C-5 = Thoroughfare Commercial
	CM = Neighborhood Commercial
	C-30 (TOD)
	EC = Employment Commercial (TOD)
	GC = General Commercial (TOD)
	HMR = High Density Residential/Commercial (TOD)
	LMR = Low Density Residential (TOD)
	M-1 = Industrial
	M-2 = Industrial General
	MHR = Medium Density Residential (TOD)
	OS = Open Space (TOD)
	R-3 = Multiple Family Residential
	R-2 = Two-Family Residential
	R-1-8 = SF Residential - 8,000
	R-1-10 = SF Residential - 10,000
	R-4 = Low Density Residential



	City Hall/Police		Parks
	Fire Department		UGB
	TOD Corridor		citylimits
	TOD District		
	Highway 99		
	Streams		
	Railroad		

**FINDINGS OF FACT  
AND CONCLUSIONS OF LAW  
File No.: 14020**

**Before the City of Central Point Planning Commission**  
**Consideration of a Comprehensive Plan (Map) and Zone Change (Map) Amendment Application**  
**on approximately five (5) acres located east of South Fourth Street, north of Bush Street and**  
**South of Ash Street. The property is identified on the Jackson County Assessor's map as 37S2W**  
**11BA, Tax Lot 2200 and 37S2W11BB, Tax Lots 6300, 8200, 8300 and 8301.**

**Applicant:** ) Findings of Fact  
City of Central Point, Oregon ) and  
) Conclusion of Law

**PART 1  
INTRODUCTION**

It is requested that the above referenced tax lots be redesignated and rezoned to a Civic use to reflect current land use activities and to minimize land use limitations for future uses contemplated by the City. These findings have been prepared with the understanding that both the Comprehensive Plan (Map) and Zoning Map will be changed to become consistent with one another.

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

Applicable development code criteria for this Application include:

- 1. Statewide Planning Goals
- 2. Comprehensive Plan
- 3. State Transportation Planning Rule
- 4. CPMC, Chapter 17.10

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

- 1. Introduction
- 2. Statewide Planning Goals
- 3. Comprehensive Plan
- 4. Summary Conclusion

**PART 2  
STATEWIDE PLANNING GOALS**

A finding of consistency with the applicable statewide planning goals is generally reserved for major amendments only (reference CPMC, Chapter 17.10.400 Approval criteria).

**Finding:** The proposed Comprehensive Plan (Map) designation and zone change constitute a *minor* amendment and are consequently not subject to the Statewide Planning Goals. The Oregon Department of Land Conservation and Development was notified and has chosen not to comment on this amendment.

**Conclusion:** Consistent with Statewide Planning Goals.

### PART 3 COMPREHENSIVE PLAN

The Comprehensive Plan Land Use Map currently designates five acres of land as Low Density Residential this is being used for Civic purposes (City Corporation Yard, Parks Maintenance Yard, Skate Park and soccer field). The Civic land use designation will legitimize these legal non-conforming uses and be more consistent with plans that the City has discussed relative to a Community Center.

**Finding:** The project site consists of approximately five (5) acres of Low Density Residential land being used for various civic purposes. The Plan Amendment and Zone Change to Civic uses will make legal non-conforming uses, permitted uses and will also be more compatible with long range plans the City has discussed relative to other community-related uses.

**Conclusion:** Consistent.

### PART 4 STATEWIDE TRANSPORTATION RULE

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

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

**Finding 660-012-0060(1)(a):** The proposed plan amendment and zone change does not change the functional classification of an existing or planned transportation facility. The proposed zone change may increase Average Daily Trip (ADT) generation over time, as shown in Table 1. The current trips being generated by the City-related uses provide the minimum ADT while a heavier use (i.e. a community center or school campus) provide the maximum ADT. The proposed zone change will not cause any changes to the functional classification of any existing or planned transportation facilities.

Zoning	Site Acreage	Min Density	Min Units	Min ADT	Max Density	Min Units	Max ADT
Civic	5.00	N/A	N/A	389.5	N/A	60K GFA	1649.4
R-1-6	5.00	4	20.0	190.4	6	30.0	285.6

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

**Finding 660-012-0060(1)(b):** The proposed plan amendment and zone change could increase the ADTs over time (Table 1). However, the proposed amendments will not cause a change to standards implementing the City’s transportation system.

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

**Finding 660-012-0060(1)(c)(A):** The proposed plan amendment and zone change will not cause an increase in land uses that would result in levels of travel or access that would be inconsistent with the City’s functional street classification system for existing and planned transportation facilities. As shown in Table 1, the proposed changes may increase ADTs over time but not significantly more than those non-conforming uses already generating trips.

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

**Finding 660-012-0060(1)(c)(B):** The proposed plan amendment and zone change may result in a gradual increase in ADTs over time and as property redevelops as demonstrated in Table 1. The proposed zone change will not reduce the performance of any existing or planned transportation facilities below the minimum acceptable performance standard identified in the Master Plan, or in the City’s Transportation System Plan.

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

**Finding 660-012-0060(1)(c)(C):** The proposed plan amendment and zone change will not cause the worsening of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the Master Plan or Comprehensive Plan. Captital improvements are scheduled in the City’s TSP that are anticipated to mitigate the impacts of redevelopment in this sector of the community.

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



**PART 5  
ZONING ORDINANCE**

**17.10.300 Quasi-judicial amendments.**

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

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

**Finding 17.10.300(A):** A plan amendment and zone change application has been submitted to redesignate five acres from Low Density Residential to Civic and to rezone R-1-6, SF Residential to Civic District. The proposal will be considered by the planning commission and a recommendation will be made to the City Council for final decision.

**Conclusion 17.10.300(A):** Consistent.

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

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

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

**Conclusion 17.10.300(B)(1):** Consistent

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

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

**Conclusion 17.10.300(B)(2):** Consistent.

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

**Finding 17.10.300(B)(3):** Public facilities, services and transportation networks have been established pursuant to the City's TSP and are sufficient to serve the allowable uses. The proposal will not significantly increase the demand on public facilities over the current uses.

**Conclusion 17.10.300(B)(3):** Consistent.

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

**Finding 17.10.300(B)(4):** The proposed plan amendment and zone change are consistent with Strategic Planning goals, are in the interest of the community, are compatible with surrounding land uses and correct inconsistencies in the Comprehensive Plan and zoning maps.

**Conclusion 17.10.300(B)(4):** Consistent.

**17.10.600 Transportation planning rule compliance.**

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

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

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

**Conclusion:** Consistent.

**Summary Conclusion:** As evidenced in findings and conclusions, the proposed plan amendment and zone change are consistent with applicable standards and criteria in the Central Point Municipal Code, including the Statewide Planning Goals (where applicable), Comprehensive Plan, and Statewide Transportation Planning Rule.

**PLANNING COMMISSION RESOLUTION NO. 813**

**A RESOLUTION FORWARDING A FAVORABLE RECOMMENDATION TO THE CITY COUNCIL TO APPROVE THE COMPREHENSIVE PLAN (MAP) AMENDMENT AND REZONING OF APROXIMATELY FIVE (5) ACRES EAST OF SOUTH FOURTH STREET BETWEEN BUSH AND ASH STREETS FROM LOW DENSITY RESIDENTIAL TO CIVIC  
FILE NO. 14020**

Applicant: City of Central Point;

**WHEREAS**, the proposed Comprehensive Plan (Map) designation and zone change constitute a *minor* amendment; and

**WHEREAS**, Section 17.50.400 of the municipal code dictates that the City Planning Commission shall make a recommendation to the City Council on an application for a comprehensive plan map amendment; and

**WHEREAS**, the Plan Amendment and Zone Change from Residential to Civic uses will make existing legal non-conforming uses, permitted uses in the zone and will also be more compatible with long range plans the City has discussed relative to other community-related uses; and

**WHEREAS**, As evidenced in findings and conclusions, the proposed plan amendment and zone change are consistent with applicable standards and criteria in the Central Point Municipal Code, including the Statewide Planning Goals (where applicable), the Comprehensive Plan, and Statewide Transportation Planning Rule.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Central Point Planning Commission, by this Resolution No. 813, does recommend that the City Council approve the Comprehensive Plan (Map) amendment and zone change from Low Density Residential to Civic. This decision is based on the Staff Report dated January 6, 2015 attached hereto by reference and incorporated herein.

**PASSED** by the Planning Commission and signed by me in authentication of its passage this 6<sup>th</sup> day of January, 2015.

\_\_\_\_\_  
Planning Commission Chair

ATTEST:

\_\_\_\_\_  
City Representative  
Approved by me this 6<sup>th</sup> day of January, 2015

Planning Commission Resolution No. 813 (01/06/2015)

**CONSIDERATION OF RESOLUTION NO. 814 FORWARDING A FAVORABLE RECOMMENDATION TO THE CITY COUNCIL TO APPROVE A CONCEPTUAL LAND USE AND TRANSPORTATION PLAN FOR CP-1B (TOLO), AN URBAN RESERVE AREA OF CENTRAL POINT**

## STAFF REPORT



Planning Department

Tom Humphrey, AICP,  
Community Development Director

## STAFF REPORT

January 6, 2015

### **AGENDA ITEM: File No. 14009**

Open and continue public hearing for a Conceptual Land Use and Transportation Plan for Urban Reserve Area CP-1B;  
**Applicant:** City of Central Point.

### **STAFF SOURCE:**

Tom Humphrey AICP, Community Development Director

### **BACKGROUND:**

The City's Regional Plan Element includes a provision that prior to expansion of the urban growth boundary into an urban reserve area it is necessary to adopt conceptual land use and transportation plans for the affected urban reserve. A second urban growth boundary application has been submitted to Jackson County on behalf of Cardmore Trucking that includes 50 acres of CP-1B. The consultant for the applicant has prepared a rudimentary conceptual plan for their application but the City has initiated its own (refer to attachments).

City staff introduced a rough draft of the CP-1B conceptual plan at the Planning Commission meeting in November and is distributing this document for public review and comment. Revisions are still being made to the Concept Plan in anticipation of final Planning Commission review in February. In the meantime, it is recommended that the Commission take preliminary public testimony in January and then continue the hearing to their meeting in February.

### **ISSUES:**

Public Comment on the CP-1B Conceptual Plan will be received at the Citizen Advisory Committee (CAC) next week and then again at the Planning Commission meeting in February. Pending land owner and CAC input, the Planning Commission will make a recommendation to the City Council next month.

### **EXHIBITS/ATTACHMENTS:**

Attachment "A – CP-1B Concept Plan Maps"

### **ACTION:**

Open Public Hearing and invite those who may not be able to attend in February to comment on the City's Concept Plan.

### **RECOMMENDATION:**

Continue public hearing to next regular Planning Commission meeting in February.

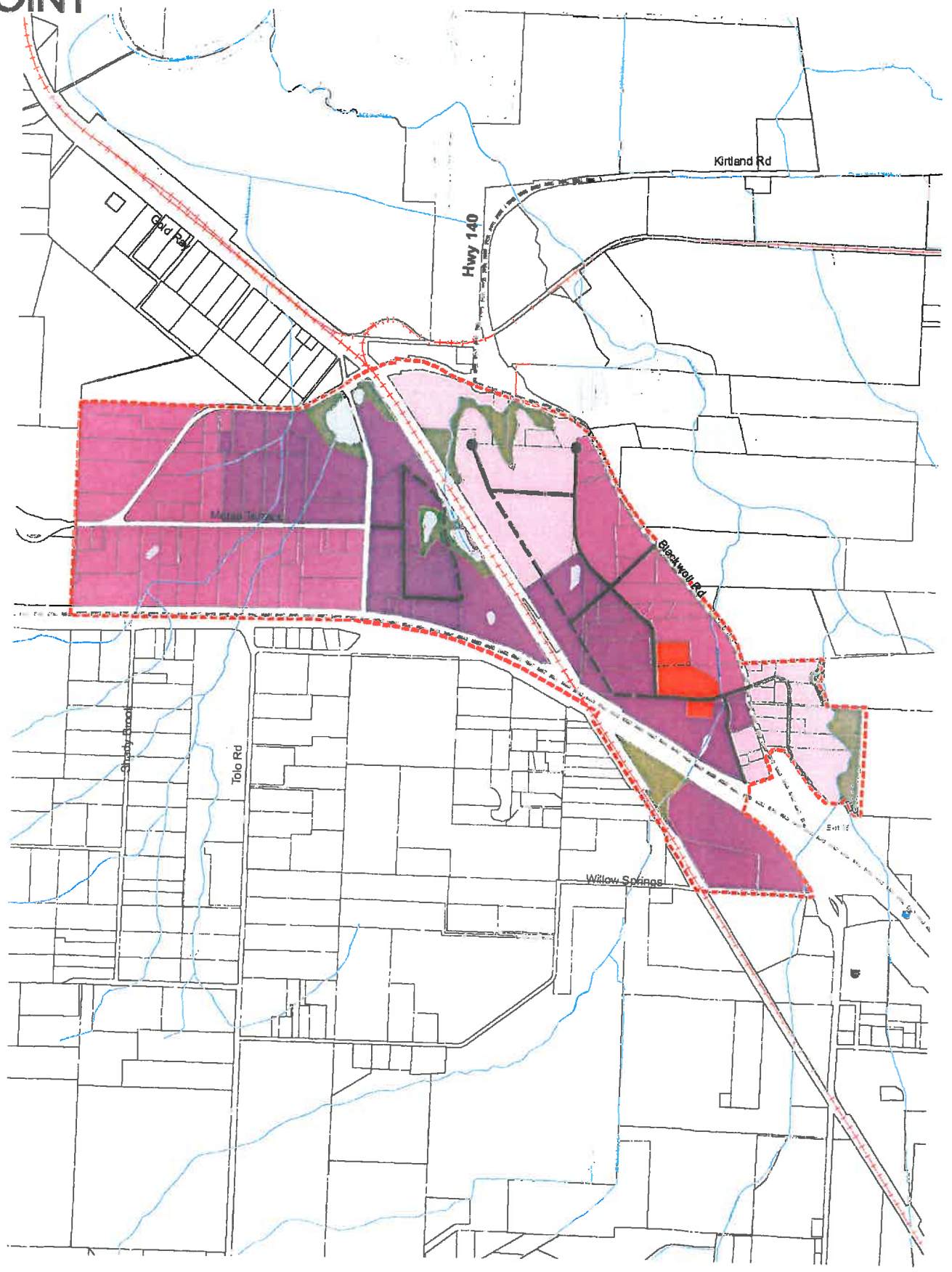


Figure 2. Concept Plan

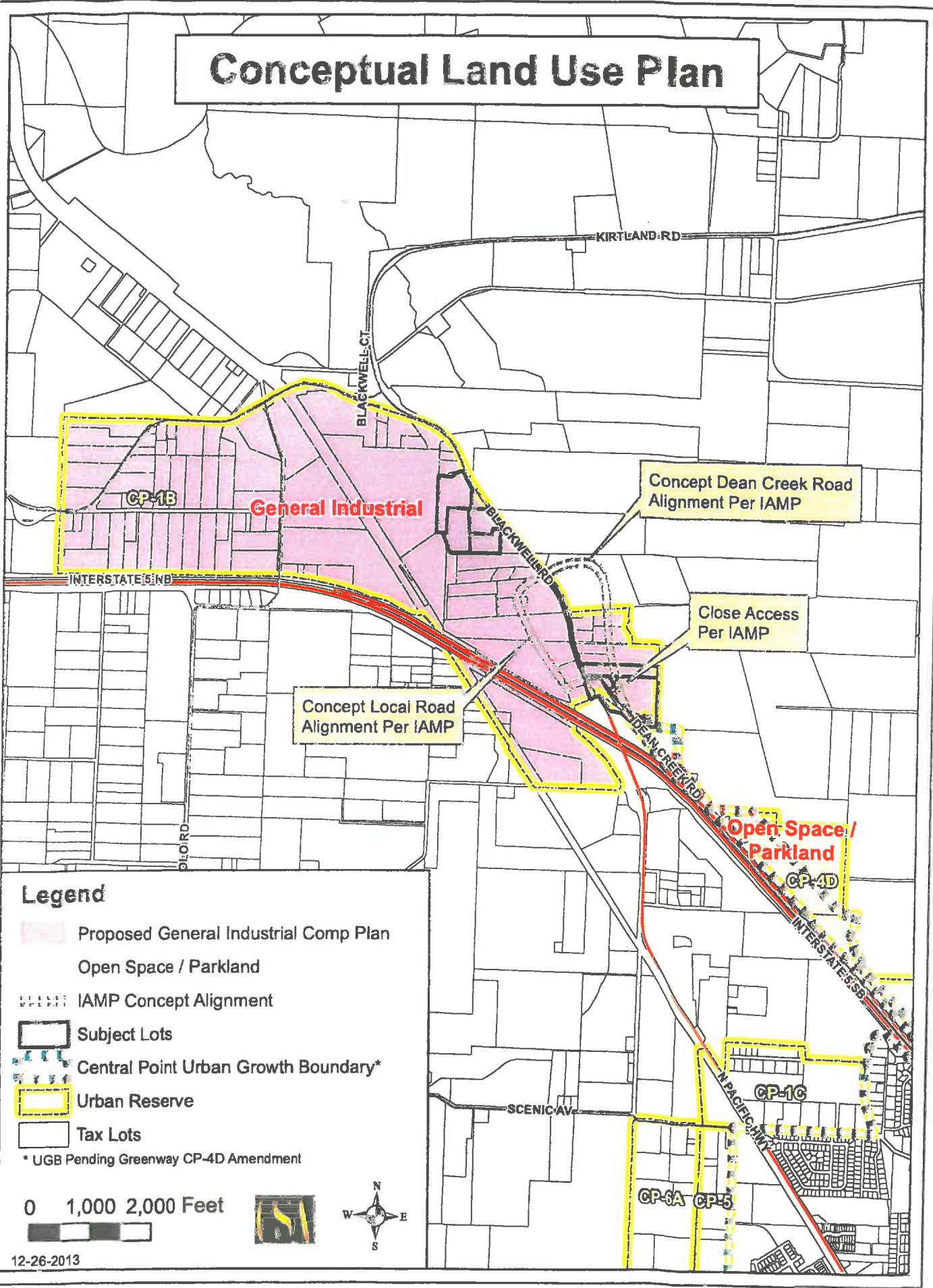
Legend

- AREA
- Class 2 Railroad
- Streams
- PROPOSED ROAD
- PROPOSED ACCESS ROAD
- ZONE\_TYPE
- OPEN SPACE



Tolo Area (CP-1B)

# Conceptual Land Use Plan



## Legend

- Proposed General Industrial Comp Plan
  - Open Space / Parkland
  - IAMP Concept Alignment
  - Subject Lots
  - Central Point Urban Growth Boundary\*
  - Urban Reserve
  - Tax Lots
- \* UGB Pending Greenway CP-4D Amendment

0 1,000 2,000 Feet



12-26-2013

**CONSIDERATION OF RESOLUTION NO. 815 AUTHORIZING TESTING LABORATORIES AS A SIMILAR AND COMPATIBLE USE WITHIN THE C-2(M), C-5 AND M-1 ZONING DISTRICTS**





**STAFF REPORT**  
January 6, 2015

**AGENDA ITEM: File No. 14025**

Consideration of Resolution No. 815 authorizing Testing Laboratories as a similar and compatible use within the C-2(M), C-5, and M-1 zoning district; **Applicant:** Kenevir Research.

**STAFF SOURCE:**

Don Burt, AICP

**BACKGROUND:**

The City has recently received a request (Attachment "A") to operate a testing laboratory (Proposed Use) within the C-2(M), C-5, and M-1 zoning districts. The products tested are herbal medicines, vitamins, and nutraceutical products. It should also be noted that one product to be tested is cannabis. The Proposed Use receives small quantities of product to be tested for mold, insecticides, etc. and reports on the purity of the product. Because of the nature of one of the products tested (cannabis) the Applicant and staff want to be very transparent in addressing the question of "similarity".

Testing laboratories are not specifically named as a permitted use in the C-2(M), C-5, and M-1 districts. The M-1 district does permit engineering/research laboratories, but not specifically testing laboratories, which are different. Under Section 17.60.140 the Planning Commission has the authority to allow similar uses, subject to making findings per Section 17.40.140(A)(1-4).

For purposes of determining use similarity the North American Industrial Classification System (NAICS) will be used as a reference. The NAICS is used by businesses and governments throughout Canada, Mexico and the United States to classify business establishments according to type of economic activity. The NAICS uses a six-digit coding system to classify all economic activity. Establishments using similar raw material inputs, capital equipment, and labor, and doing similar things in similar ways are classified together.

As noted in Attachment "A" the Proposed Use is classified in the NAICS as a Testing Laboratory (54138) and defined as:

*"Establishments primarily engaged in performing physical, chemical, and other analytical testing services, such as acoustics or vibration testing, assaying, biological testing (except medical and veterinary), calibration testing, electrical and electronic testing, geotechnical testing, mechanical testing, nondestructive testing, or thermal testing. The testing may occur in a laboratory or on-site."*

For purposes of this report use similarity will be determined based on the Subsector (3 digit) classification, 541 Professional, Scientific & Technical Services. The NAICS defines this subsector as follows:

*"Industries in the Professional, Scientific, and Technical Services subsector group establishments engaged in processes where human capital is the major input. These establishments make available the knowledge and skills of their employees, often on an assignment basis, where an individual or team is responsible for the delivery of services to the client. The individual industries of this subsector are defined on the basis of the particular expertise and training of the services provider."*

*The distinguishing feature of the Professional, Scientific, and Technical Services subsector is the fact that*

most of the industries grouped in it have production processes that are almost wholly dependent on worker skills. In most of these industries, equipment and materials are not of major importance, unlike health care, for example, where "high tech" machines and materials are important collaborating inputs to labor skills in the production of health care. Thus, the establishments classified in this subsector sell expertise. Much of the expertise requires degrees, though not in every case."

Table 1 illustrates the coding used by the NAICS to classify Testing Laboratories.

Table 1

Sector	Subsector	Industry	NAICS Industry	Industry Description
54				Professional, Scientific & Technical Services
	541			Professional, Scientific & Technical Services
		5413		Architectural, Engineering & Related
			54138	Testing Laboratory

The 54138 classification is within the Professional, Scientific & Technical Services sector and includes laboratories/services for such uses as Food Testing, Biological (except medical, veterinary) Testing, Soil Testing, Electrical Testing, Mechanical Testing, Product Testing, etc. Medical related industries are classified in the 62 Sector – Health Care and Social Services.

**ISSUES:**

It has been noted that one of the products the Applicant proposes to test is cannabis the findings presented in this Staff Report are limited to the use Testing Laboratories. The products tested are not a consideration.

In identifying permitted uses the Zoning Ordinance is very general, and quite specific. As an example in the C-2(M) and C-5 districts Professional and Financial<sup>1</sup> uses are permitted. As written the reference to "Professional and Financial" uses convey the meaning that all professional and financial uses are permitted. However, both zoning districts proceed to identify a subcategory of uses within the "Professional and Financial" category referred to as "including" uses. The term "including" is specific to the listed uses and is not presented in an explanatory "such as", or a delimiting "in addition to" manner. Technically, not only are "Professional and Financial" uses allowed in the C-2(M) and C-5 districts, but also hospitals, licensed health care facilities, professional medical offices, and medical services, clinics and laboratories<sup>2</sup>, as well as banks and similar financial institutions, real estate, insurance and similar offices, contractor's offices, and medical services<sup>3</sup>.

It appears that the intent may have been that the term "including" was meant to mean "such as". Section 17.60.140 adds support to this interpretation in allowing that 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." This more restrictive interpretation will be used in preparing the findings presented in this report.

The M-1 District is more specific in its listing of permitted uses. For purposes of determining "similarity" the closest use within the M-1 district to the Proposed Use is "Scientific research or experimental development of materials, methods of product(ion), including engineering and laboratory research<sup>4</sup>".

**FINDINGS:**

The Planning Commission, in responding to the "similar" use question is required to make four (4) findings. Those findings and their conclusions are:

<sup>1</sup> CPMC 17.37.020(A) and 17.46.020(A)

<sup>2</sup> CPMC 17.37.020(A)(1-4)

<sup>3</sup> CPMC 17.46.020(A)(1-4)

<sup>4</sup> CPMC 17.48.020(K)

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

The NAICS classifies uses based on similarity in raw material inputs, similar capital equipment and labor, and doing similar things in similar ways. The basis of the NAICS classification system is consistent with the purpose of Section 17.60.140 in addressing the issue of similar (closely related) uses. Therefore, if uses are within a designated NAICS sector they are considered to be similar, and that similarity improves as the uses progress from sector to subsector to industry classification.

The NAICS places Testing Laboratories in the Professional, Scientific & Technical Services subsector (541). Consequently, uses within Sector 54 should be similar. Table 2 lists permitted uses within the C-2(M) and C-5 districts that have a NAICS 541 subsector classification. Within the C-2(M) district only Counseling Services are considered similar, and then only if accessory to a primary use. In the C-5 district there are numerous uses that are similar to the Proposed Use.

**Table 2**

Sector	Subsector	Industry	Industry Description	C-2(M)	C-5
54	541	5412	Accounting & Bookkeeping Offices	NA	P
54	541	5411	Legal Services	NA	P
54	541	5413	Architectural & Engineering Services	NA	P
54	541	5419	Professional Photo or Art Studios	NA	P
54	541	5419	Counseling Services	P <sup>1</sup>	P

The M-5 district allows as a permitted use “Scientific research or experimental development of materials, methods of product(ion), including engineering and laboratory use.”<sup>5</sup> The NAICS classifies these uses as being in the Professional, Scientific & Technical Services sector (54). Similar uses include in this category are:

**541712 Research and Development in the Physical, Engineering, and Life Sciences (except Biotechnology) -** *This U.S. Industry comprises establishments primarily engaged in conducting research and experimental development (except biotechnology research and experimental development) in the physical, engineering, and life sciences, such as agriculture, electronics, environmental, biology, botany, computers, chemistry, food, fisheries, forests, geology, health, mathematics, medicine, oceanography, pharmacy, physics, veterinary and other allied subjects.*

This classification includes research facilities and laboratories for such uses as Agricultural research and development laboratories/services, Food research and development laboratories/services, Physical science research and development laboratories/services. etc.

**541711 Research and Development in Biotechnology -** *This U.S. industry comprises establishments primarily engaged in conducting biotechnology research and experimental development. Biotechnology research and experimental development involves the study of the use of microorganisms and cellular and bio-molecular processes to develop or alter living or non-living materials. This research and development in biotechnology may result in development of new biotechnology processes or in prototypes of new or genetically-altered products that may be reproduced, utilized, or implemented by various industries.*

This classification includes research facilities and laboratories for such uses as Biotechnology research and development laboratories/services in botany, Cloning research and experimental laboratories, Recombinant DNA research and experimental development laboratories, etc.

Finding 1 also includes the need for a determination of “compatibility”. As defined compatibility is the capability of living or performing in harmonious, agreeable association with others. In general similar uses tend to be harmonious with other similar uses. This is particularly true when the uses are conducted wholly within an enclosed environment. This is further reinforced when the built environment is regulated by zoning standards for setbacks, coverage, parking/loading, etc.

<sup>5</sup> CPMC 17.48.020(K)

**Conclusion 1:** Within the C-2(M) district, with the exception of Counseling Services, uses within the Professional, Scientific & Technical Services sector are not listed. The “including” uses are classified in other sectors of the NAICS. Therefore Testing Laboratories are not considered a similar use to permitted uses in the C-2(M).

Within the C-5 district the list of “including” uses are all within the Professional, Scientific & Technical Services sector. As such the Proposed Use is similar and closely related to other subsector 541 uses permitted in the C-5 district. Therefore Testing Laboratories are considered a similar use to permitted uses in the C-5 district.

Within the M-1 district the “Scientific research or experimental development of materials, methods of product(ion), including engineering and laboratory use” is within the Professional, Scientific & Technical Services sector and as such the Proposed Use is similar and closely related to other subsector 541 uses permitted in the C-5 district. Therefore Testing Laboratories are considered a similar use to permitted uses in the M-1 district.

**Finding 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 the 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.*

Testing laboratories have been in existence prior to adoption of the Zoning Ordinance. Further, there is no record of testing laboratories being intentionally excluded from the Zoning Ordinance. Consequently, the only rational conclusion is that testing laboratories, as a use, were not anticipated at the time the Zoning Ordinance was prepared.

**Conclusion 2:** Testing Laboratories, as a use, were not anticipated at the time the Zoning Ordinance was adopted, and therefore qualify for consideration as a similar use per CPMC 17.60.140.

**Finding 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.*

The Proposed Use (Testing Laboratories) will be subject to all local, state, and national code requirements that apply to similar uses in the City. This includes complies to local, state, and federal laws regulating the processing of controlled substances.

**Conclusion 3:** The Proposed Use will be subject to all local, state, and national code requirements that apply to similar uses in the City.

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

The purpose of the C-2(M) district is “. . . to assure that adequate medical care will be available to the residents of Central Point and enhance Central Point’s attractiveness as a location for private medical practices and other health facilities, both public and private, that may be directly or indirectly related to hospital-type activities.” In Finding 1 it was concluded that the Proposed Use was not similar to the permitted uses in the C-2(M) district, and as such is not consistent with the purpose of the C-2(M) district. This is further supported by the finding that uses consistent with the purpose of the C-2(M) district have an NAICS classification of 62 – Health Care and Social Services.

The purpose of the C-5 district is “. . . to provide for commercial and business uses that are most appropriately located along or near major highways or thoroughfares, and are largely dependent upon highway visibility and easy vehicular access”. Not all uses permitted in the C-5 district require, or are most appropriately located on, major highways or thoroughfares, i.e. contractor’s offices, insurance offices, medical laboratories, personal services, physical fitness centers, auto/furniture upholstery, heating and air conditioning, etc.

The purpose of the M-1 district is “. . . to provide areas suitable for the location of light industrial uses involved in service, manufacturing or assembly activities and having high standards of operation of such character as to permit their location and operation in close proximity to nonindustrial areas of the community.” It has already been determined that the Proposed Use is similar to the permitted use “Scientific research or experimental development of materials, methods of product(ion), including engineering and laboratory use”.

**Conclusion 4:** Within the C-2(M) district testing laboratories are not consistent with the purpose of the C-2(M) district.

Within the C-5 district testing laboratories, based on other permitted uses, can be consistent with the purpose of the C-5 district.

Within the M-1 district testing laboratories are consistent with the purpose of the C-5 district.

**Concluding Findings:** The Proposed Use (testing laboratories) is found NOT to meet the findings for similar use in the C-2(M) district. Within the C-5 district the Proposed Use can be found to generally meet all the findings for similarity and can be considered a similar use. Within the M-1 district the Proposed Use meets all the findings for similarity and can be considered a similar use.

**EXHIBITS/ATTACHMENTS:**

Resolution No. 815

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**ACTION:**

Consideration of Resolution No. 815

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**RECOMMENDATION:**

Approve Resolution No. 815 denying Testing Laboratories as a permitted use in the C-2(M) district and accepting Testing Laboratories as a permitted use within the C-5 and M-1 districts.

ATTACHMENT "A"



Don Burt, *Planning Manager*

Tom Humphrey, *Community Development Manager*

City of Central Point

140 S. 3<sup>rd</sup> St.

Central Point, Oregon 97502

Tom and Don,

Thanks for all the helpful information you've shared. As briefly discussed, my partners and I are interested in relocating my biotechnology business, Kenevir Research, to Central Point. Kenevir Research is a full service natural product analytical laboratory. In addition to Quality Assurance testing for mold, pathogens, pesticides and contaminants, we also assay active phytochemicals, vitamins and nutritional information. Because of our trusted expertise in herbal medicines, vitamins and nutraceutical products, Kenevir also serves Oregon Medical Marijuana Dispensaries, producers and consumers with a full suite of laboratory services and technology consulting for cannabis and cannabis businesses. At Kenevir Research, we recognize the importance of clean, effective cannabis medications and seek to enable our customers and partners with application tailored high quality cannabis analytics. I think it's important to state clearly that the lab storefront does not look like a "cannabis business", nor does it buy/sell/trade/stock/distribute cannabis, nor does cannabis consumption occur on site. The analytical arm of the business focusses on high quality analytical services delivered via instrumentation. The R&D and consulting arm of the business provides biotechnology applications, formulation, standardization, product and IP development and research support to legitimate cannabis businesses and research entities. Industrially, Kenevir Research is primarily described by the following NAICS Code:

**541380 Testing Laboratories**-- This industry comprises establishments primarily engaged in performing physical, chemical, and other analytical testing services, such as acoustics or vibration testing, assaying, biological testing (except medical and veterinary), calibration testing, electrical and electronic testing, geotechnical testing, mechanical testing, nondestructive testing, or thermal testing. The testing may occur in a laboratory or on-site.

At this time, I would like to request CP's feedback on the possibility of two separate, but specific proposals that could be submitted. One proposal would be for the present time frame, focused on seeking approval to rent or lease a suitable laboratory and R&D facility in CP in early 2015. The second proposal would be focused on a plan for future acquisition of real estate for development of a dedicated laboratory and R&D facility.



**Proposal #1 Draft:**

Kenevir Research proposes to rent or lease a suitable laboratory and R&D facility in CP. The search would be limited to C-5, C-2 and M-1 zoned sites including the TOD overlays on the C-5/M-1 corridor along Hwy 99. Some candidate properties I have looked at so far are: 620 S. Front St.; 476 N. Front St.

**Proposal #2 Draft:**

Kenevir Research, or its financial partners, proposes to acquire real estate within the Eastern M-1 zone of CP for the purposes of developing a Kenevir Research cannabis biotechnology facility.

I'd really like to thank you for your help and assistance in this process. We're really excited and looking forward to working in this. Please consider these ideas to be the earliest form of draft proposals. We would like to begin working with CP Planning on developing these plans to fruition.

Kindest regards,

Digitally signed by Anthony Smith  
DN: cn=Anthony Smith, o=Smith Scientific, LLC, ou,  
email=smitha@smithscientific.net, c=US  
Date: 2014.12.19 01:19:44 -08'00'

Anthony Smith, Ph.D  
Owner, Executive Scientist  
Kenevir Research / Kenevir Technologies, LLC  
KenevirReserch.com  
anthony@kenevirtech.com  
m. 541-908-3618

**PLANNING COMMISSION RESOLUTION NO. 815**

**A RESOLUTION APPROVING TESTING LABORATORIES AS A SIMILAR USE TO  
OTHER USES IN THE C-5 AND M-1 ZONING DISTRICTS**

**FILE NO. 14025**

Applicant: Kenevir Research

**WHEREAS**, the Planning Commission has the authority to allow a use, not specifically named in the examples of allowed uses of a district, to be permitted provided that the findings as set forth CPMC 17.60.140 Authorization for Similar Use, can be made; and

**WHEREAS**, on January 6, 2015 the Planning Commission, at a regularly scheduled meeting, considered allowing testing laboratories as a permitted use in the C-2(M), C-5, and M-1 districts; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Central Point Planning Commission, by this Resolution No. 815, does hereby authorize Testing Laboratories as a permitted use in the C-5 and M-1 zoning districts and denies authorization of Testing Laboratories in the C-2(M) district. This decision is based on the Staff Report dated January 6, 2015 attached hereto by reference and incorporated herein.

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

\_\_\_\_\_  
Planning Commission Chair

ATTEST:

\_\_\_\_\_  
City Representative  
Approved by me this 6<sup>th</sup> day of January 2015.