

CITY COUNCIL MEETING AGENDA

September 12, 2024

6:00 PM

Central Point City Hall, Council Chambers

140 S 3rd St, Central Point, OR

www.centralpointoregon.gov



10. Meeting Called to Order

20. Pledge of Allegiance

30. Roll Call

40. Presentation

- A. Envision Bear Creek Presentation
Matt Samitore, Parks and Public Works Director

50. Public Comments

The City Council sets aside 20 minutes for in-person public comments on non-agenda items. Comments are limited to three (3) minutes per individual, five (5) minutes per group or organization. Please complete a public comment form before speaking.

The City Council encourages written comments. Please submit your comments by regular mail to City Council, 140 S Third St, or by email to meetings@centralpointoregon.gov. Comments must be received by noon on the date of the meeting to be noted in the record. Please include the date of the Council meeting with your comments.

60. Consent Agenda

- A. Approval of August 22, 2024, Meeting Minutes

70. Items Removed from the Consent Agenda

80. Ordinances and Resolutions

- A. Second Reading Ordinance Amending CPMC 8.08.020.E
Sydnee Dreyer, City Attorney

90. Business

- A. League of Oregon Cities 2024 Legislative Priorities
Chris Clayton, City Manager

B. Planning Commission Report

100. Mayor's Report

110. City Manager's Report

120. Council Reports

130. Department Reports

140. Adjournment

Individuals needing special accommodations such as sign language, foreign language interpreters or equipment for the hearing impaired must request such services at least 72 hours prior to the City Council meeting. To make your request, please contact the City Recorder at 541-423-1015 (voice), or by e-mail to rachel.neuenschwander@centralpointoregon.gov. Si necesita traductor en español o servicios de discapacidades (ADA) para asistir a una junta pública de la ciudad por favor llame con 72 hora de anticipación al 541-664-3321 ext. 201.



DEPARTMENT: Public Works

MEETING DATE: September 12, 2024

STAFF CONTACT: Matt Samitore, Parks and Public Works Director

SUBJECT: Envision Bear Creek Presentation

SUMMARY AND BACKGROUND:

Following the Alameda Fire, Jackson County led a process to look at options for long-term funding, priority of maintenance, and safety for the Bear Creek Greenway. Central Point, in collaboration with the County and the other cities along Bear Creek, has actively been involved in considering the available options. The City had representation on the Greenway subcommittee consisting of Councilmember Taneea Browning and Public Works/Parks Director Matt Samitore.

The purpose of this presentation is to have Jackson County, with their consultant Mike Sellinger from Alta Consulting, present the recommendations from the Committee to the Council.

ATTACHMENTS/EXHIBITS:

None

CITY COUNCIL MEETING MINUTES

August 22, 2024

6:00 PM

Central Point City Hall, Council Chambers

140 S 3rd St, Central Point, OR

www.centralpointoregon.gov



1 Meeting Called to Order

2 Pledge of Allegiance

3 Roll Call

The following members were present: Mayor Hank Williams, At Large Rob Hernandez, At Large Michael Parsons, Ward IV Tanea Browning, Ward II Kelley Johnson, Ward I Neil Olsen, Ward III Melody Thueson.

The following staff were also present: Parks and Public Works Director Matt Samitore, City Attorney Sydnee Dreyer, Police Chief Scott Logue, Public Works Operations Manager Mike McClenathan, Public Works Supervisor Water, and City Recorder Rachel Neuenschwander.

4 Public Comments

5 Consent Agenda

Motion: Approve

Moved By: Melody Thueson

Seconded by: Michael Parsons

Roll Call: Members Tanea Browning, Hank Williams, Rob Hernandez, Michael Parsons, Kelley Johnson, Neil Olsen, Melody Thueson voted yes. None voted no.

A. Approval of August 8, 2024, Meeting Minutes

B. Citizens Advisory Committee Appointment

Motion: Approve

Moved By: Melody Thueson **Seconded by:** Michael Parsons

Roll Call: Members Tanea Browning, Hank Williams, Rob Hernandez, Michael Parsons, Kelley Johnson, Neil Olsen, Melody Thueson voted yes. None voted no.

6 Items Removed from the Consent Agenda

7 Ordinances and Resolutions

A. First Reading Ordinance Amending CPMC 8.08.020.E

City Attorney Sydnee Dreyer presented the first reading of an Ordinance Amending CPMC 8.08.020.E regarding weed abatement liens to the council. The current chapter refers to Chapter 11.04, which enforces a lien to collect such charges. The purpose of the amendment is to update the code reference for lien enforcement, as Chapter 3.40 deals expressly with lien enforcement.

Rob Hernandez moved to forward the Ordinance Amending in Part CPMC Chapter 8.08.020.E Regarding Weed Abatement Liens to a second reading.

Motion: Approve

Moved By: Rob Hernandez **Seconded by:** Tanea Browning

Roll Call: Members Tanea Browning, Hank Williams, Rob Hernandez, Michael Parsons, Kelley Johnson, Neil Olsen, Melody Thueson voted yes. None voted no.

B. Water Conservation Plan

Parks and Public Works Director Matt Samitore introduced Tim Henkle from GSI Water Solutions Inc. to present the water conservation plan to the council. The plan's purpose is to highlight the city's stewardship of its water resources, assess the adequacy and reliability of its water supply relative to the projected future demand, document the city's approach to managing its water resources, and confirm that the city meets its obligation to maintain a curtailment plan in alignment with Medford Water's plan.

Taneea Browning moved to approve Resolution No. 1797 a Resolution Adopting the Water Management and Conservation Plan Dated June 2024 Prepared by GSI Water Solutions Inc.

Motion: Approve

Moved By: Taneea Browning **Seconded by:** Melody Thueson

Roll Call: Members Taneea Browning, Hank Williams, Rob Hernandez, Michael Parsons, Kelley Johnson, Neil Olsen, Melody Thueson voted yes. None voted no.

8 Business

A. Homeowner's Association Irrigation Audit Review

Parks and Public Works Director Matt Samitore presented the Homeowner's Association Irrigation Audit review to the council. This past spring, the water customer service technicians reviewed the highest HOA water users and audited their systems. The vast majority of the issues arose within the Twin Creeks area, which has several associations and a variety of maintenance levels. As part of the audit, changes were recommended to reduce water consumption. Since reaching out to the associations to assist in reviewing their irrigation system, they have yet to request a follow-up review. Based on the existing use, all the HOAs will be affected by the Tier 4 rates in the spring/summer of 2025.

9 Mayor's Report

Mayor Williams reported that he attended Congressman Cliff Bentz's Town Hall meeting at the Fairgrounds.

10 City Manager's Report

Parks and Public Works Director Matt Samitore reported that:

- Chris had a successful surgery and will be in the office next week.
- The Jackson County Fair was a successful event this year.
- He and Stephanie met with Rogue Valley Transportation District. They will start a circular route in Central Point, with routes transporting to Providence, LaClinica, all three grocery stores, and Costco, and they will start transit service in Twin Creeks.
- ODOT sent notices to residents along West Pine regarding the

design of the West Pine St. corridor, and there have been a few angry residents who incorrectly believe the city is taking their front yard which is not the case. The city does not have a formal design, and these options will be presented to the council and at open houses this winter.

11 Council Reports

Council Member Melody Thueson attended the school board meeting.

Council Member Michael Parsons reported that he attended the:

- Central Point Parks and Recreation Commission meeting.
- Rogue Valley Sewer Services Board meeting.

Rob Hernandez reported that he attended the:

- Airport Advisory Committee meeting.
- Congressman Cliff Bentz's elected officials portion of the Town Hall meeting.

Council Member Taneea Browning reported that:

- She attended the LOC Executive Committee Call.
- She attended the SOREDI Board Meeting and is on the Strategic Overview Committee.
- She participated in the City Hall Selfie photo at City Hall.
- She attended the Open House at Rogue Retreat Crossing property.
- She attended the Visitors Center Information meeting.
- She will miss the joint study session on Monday.

12 Department Reports

None.

13 Adjournment

Neil Olsen moved to adjourn, all said aye and the meeting was adjourned at 6:57 PM.

The foregoing minutes of the August 22, 2024, Council meeting were approved by the City Council at its meeting of _____, 2024.

Dated:

Mayor Hank Williams

ATTEST:

City Recorder



DEPARTMENT: Administration

MEETING DATE: September 12, 2024

STAFF CONTACT: Sydnee Dreyer, City Attorney

SUBJECT: Second Reading Ordinance Amending CPMC 8.08.020.E

SUMMARY AND BACKGROUND:

CPMC Chapter 8.08.020 sets forth the process to abate violations of Chapter 8.08, and assess and lien properties where the violation is not corrected, and the city is required to abate the nuisance and collect its abatement costs. The chapter makes reference to Chapter 11.04 for purposes of enforcing a lien to collect such charges. The purpose of this amendment is to update the code reference for enforcement of liens as Chapter 3.40 deals expressly with lien enforcement.

FINANCIAL ANALYSIS:

LEGAL ANALYSIS:

The proposed amendment is a matter of updating a cross-reference within the code. When Chapter 3.40 was added to the code, the cross-reference contained in Chapter 8.08 was not updated. This amendment will make the process of enforcing liens more consistent and provide more clarity as to the required procedures.

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

GOAL 2 - Invite Public Trust.

STRATEGY 2 – Work with partner agencies and stakeholders to eliminate redundancy and maximize efficiency in all areas.

STRATEGY 1 – Be a trusted source of factual information.

STRATEGY 3 – Celebrate our successes and admit our mistakes.

STRATEGY 5 – Communicate effectively and transparently with the public.

ATTACHMENTS/EXHIBITS:

1. ORD - Amending Ch 8.08.020 Weed Abatement Proceedings

STAFF RECOMMENDATION:

Approve

RECOMMENDED MOTION:

I move to approve Ordinance No. _____ a Ordinance Amending in Part CPMC Chapter 8.08.020.E Regarding Weed Abatement Liens.

ORDINANCE NO. _____

AN ORDINANCE AMENDING IN PART CPMC CHAPTER 8.08.020.E REGARDING WEED ABATEMENT LIENS

FINDINGS:

- A. Pursuant to CPMC, Chapter 1.01.040, the City Council, may from time to time make revisions to its municipal code which shall become part of the overall document and citation.
- B. CPMC Chapter 8.08.020 sets forth the process to abate violations of Chapter 8.08, and assess and lien those properties where the violation is not corrected, and the city is required to abate the nuisance and collect its abatement costs.
- C. The proposed amendment is intended to update a reference in the code for enforcement of liens.
- D. Words ~~lined through~~ are to be deleted and words **in bold** are added.

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

SECTION 1. CPMC 8.08.020.E is amended as follows:

8.08.020 Notice and abatement--Proceedings.

E. If a lien is filed, the lien shall be enforced in the same manner as **provided in Chapter 3.40** liens for special assessments in Section ~~11.04.070~~, and shall bear **fees, interest and collection costs, as provided in Chapter 3.40** interest at the rate established for special assessments per Section ~~11.04.080~~, beginning ten days after the entry of the lien in the lien docket. **All such assessment liens of the city shall be superior and prior to all other liens or encumbrances of property as permitted by state law.** An error in the name of the owner or occupant shall not void the lien and it shall remain a valid lien against the property.

The above remedy shall not be exclusive and, in addition to proceeding by abatement, the city may proceed against the responsible owner or occupant in city court in the manner prescribed by law, or, if the condition is permanent, substantial or continuing, may proceed by suit in equity for mandatory injunction or such other relief as may be afforded by a court of equity. (Ord. 2051 §1(part), 2019; Ord. 1952 §1, 2011; Ord. 1420 §2, 1981; Ord. 1071 §2, 1972).

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

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

PASSED by the Council and signed by me in authentication of its passage this ____ day of _____ 2024.

Mayor Hank Williams

ATTEST:

City Recorder



DEPARTMENT: Administration

MEETING DATE: September 12, 2024

STAFF CONTACT: Chris Clayton, City Manager

SUBJECT: League of Oregon Cities 2024 Legislative Priorities

SUMMARY AND BACKGROUND:

Each even-numbered year the LOC appoints members to serve on 7 policy committees. These policy committees are the foundation of the LOC's policy development process. Composed of city officials, these committees are charged with analyzing policy and technical issues and recommending positions and strategies for the LOC. Each committee provides a list of recommended policy positions and actions for the LOC to take in the coming two year legislative cycle. This year, all 7 committees identified between 3 to 5 legislative policy priorities to advance to the full membership and LOC Board of Directors. Every registered city is being asked to review the recommendations from the 7 policy committees and provide input to the LOC Board of Directors as it prepares to adopt the LOC's 2024 legislative agenda. After Central Point has had an opportunity to review the proposals, we will submit an electronic ballot indicating the top 5 issues that our city would like to see the LOC focus on during the 2024 legislative session.

FINANCIAL ANALYSIS:

NA

LEGAL ANALYSIS:

NA

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

NA

ATTACHMENTS/EXHIBITS:

1. 2024_Legislative_Voter_Guide_FINAL

STAFF RECOMMENDATION:

Staff recommends that the City Council review, discuss, and decide on 5 legislative priorities to be forward to the League of Oregon Cities (LOC).

RECOMMENDED MOTION:

I move to approve the 2024 LOC legislative priorities as presented.



League of Oregon Cities

2024 LOC Member Voter Guide

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2024 Member Voter Guide

Background: Each even-numbered year, the LOC appoints members to serve on seven policy committees, which are the foundation of the League's policy development process. Composed of city officials, these committees analyze policy and technical issues and recommend positions and strategies for the upcoming two-year legislative cycle. This year, seven committees identified 23 legislative policy priorities to advance to the full membership and LOC Board of Directors. It's important to understand that the issues that ultimately do not rise to the top based on member ranking are not diminished with respect to their value to the policy committee or the LOC's advocacy. These issues will still be key component of the LOC's overall legislative portfolio for the next two years.

Ballot/Voting Process: Each city is asked to review the recommendations from the seven policy committees and provide input to the LOC Board of Directors, which will formally adopt the LOC's 2025-26 legislative agenda. While each city may have a different process when evaluating the issues, it's important for cities to engage with your mayor and entire council to ensure the issues are evaluated and become a shared set of priorities from your city. During its October meeting, the LOC Board will formally adopt a set of priorities based on the ranking process and their evaluation.

Each city is permitted one ballot submission. **Once your city has reviewed the proposed legislative priorities, please complete the electronic ballot to indicate the top 5 issues that your city would like the LOC to focus on during the 2025-26 legislative cycle.** The lead administrative staff member (city manager, city recorder, etc.) will be provided with a link to the electronic ballot. If your city did not receive a ballot or needs a paper option, please reach out to Meghyn Fahndrich at mfahndrich@orcities.org or Jim McCauley at jmccauley@orcities.org.

Important Deadline: The deadline for submitting your city's vote is **5 p.m. on September 27, 2024.**

Community and Economic Development Committee

Contact: Jim McCauley, jmccauley@orcities.org

INFRASTRUCTURE FUNDING (CO-SPONSORED BY WATER AND WASTEWATER COMMITTEE)

RECOMMENDATION: *The LOC will advocate for a comprehensive infrastructure package to support increased investments in water, sewer, stormwater and roads. This includes: funding for system upgrades to meet increasingly complex regulatory compliance requirements; capacity to serve needed housing and economic development; deferred maintenance costs; seismic and wildfire resiliency improvements; and clarity and funding to address moratoriums. The LOC will also champion both direct and programmatic infrastructure investments to support a range of needed housing development types and affordability.*

Background: Cities continue to face the challenge of how to fund infrastructure improvements – to maintain current, build new, and improve resiliency. Increasing state resources in programs that provide access to lower rate loans and grants will assist cities in investing in vital infrastructure. Infrastructure development impacts economic development, housing, and livability. The level of funding for these programs has been inadequate compared to the needs over the last few biennia, and the funds are depleting and unsustainable without significant program modifications and reinvestments. This priority will focus on maximizing both the amount of funding and the flexibility of the funds to meet the needs of more cities across the state to ensure long-term infrastructure investment. The 2024 LOC Infrastructure Survey revealed the increasing need for water and road infrastructure funding. The results show \$11.9 billion of infrastructure funds needed (\$6.4 billion for water and \$5.5 billion for roads).

Combined with the federal-cost share decline on water infrastructure projects – despite the recent bi-partisan infrastructure law investment – cities face enormous pressure to upgrade and maintain water infrastructure. At the same time, cities across the state are working urgently to address Oregon’s housing crisis. To unlock needed housing development and increase affordability, the most powerful tool the Legislature can deploy is targeted investments in infrastructure to support needed housing development.

SHELTER AND HOMELESS RESPONSE

RECOMMENDATION: *The LOC will support a comprehensive homeless response package to fund the needs of homeless shelter and homeless response efforts statewide. Funding should include baseline operational support to continue and strengthen coordinated regional homeless response and include a range of shelter types and services, including alternative shelter models, safe parking programs, rapid rehousing, outreach, case management, staffing and administrative support, and other related services. The LOC will also support capital funding for additional shelter infrastructure and site preparation. Oregon's homeless response system must recognize the critical role of cities in homeless response and meaningfully include cities in regional funding and decision-making, in partnership with counties, community action agencies, continuums of care, housing authorities, and other service provider partners.*

Background: The LOC recognizes that to end homelessness, a cross-sector coordinated approach to delivering services, housing, and programs is needed. Despite historic legislative investments in recent years, Oregon still lacks a coordinated, statewide shelter and homeless response system with stable funding. Communities across the state have developed regional homeless response collaboratives, beginning with the HB 4123 pilot communities funded by the Legislature in 2022 and the more recently established Multi-Agency Collaboratives and Local Planning Groups created by Governor Kotek's [Executive Order on Affordable Housing and Homelessness](#). As Oregon continues to face increasing rates of unsheltered homelessness, the LOC is committed to strengthening a regionally based, intersectional state homeless response system to ensure all Oregonians can equitably access stable housing and maintain secure, thriving communities.

EMPLOYMENT LANDS READINESS AND AVAILABILITY

Legislative Recommendation: *The LOC will support incentives, programs and increased investment to help cities with the costs of making employment lands market-ready, including continued investment in the state brownfields programs. The LOC also recognizes the deficit of industrial land capacity in strategic locations and will support efforts to build a more comprehensive industrial lands program by strengthening the connection between the DLCDC Goal 9 Program and Business Oregon IL programs and resources.*

Background: Infrastructure cost is a significant barrier for cities that are looking to increase the supply of market-ready industrial land. Cities require a supply of industrial land that is ready for development to recruit and retain business operations. For sites to be attractive to site selectors, the basic infrastructure must be built out first. For example, the Regionally Significant Industrial Site (RSIS) program within Business Oregon is designed to help cities with the cost of readiness activities

through a reimbursement program, but many cities are not able to take advantage of this program due to a lack of staff capacity and up-front capital for investments.

FULL FUNDING AND ALIGNMENT FOR HOUSING PRODUCTION

RECOMMENDATION: *The LOC will advocate to maintain and increase state investments to support the development and preservation of a range of needed housing types and affordability, including: publicly supported affordable housing and related services; affordable homeownership; permanent supportive housing; affordable modular and manufactured housing; middle housing types; and moderate-income workforce housing development. In addition, the LOC will seek opportunities to address structural barriers to production of different housing options at the regional and state level. This includes: streamlining state agency programs, directives, funding metrics, and grant timelines that impact development; aligning state programs with local capital improvement and budget timelines; and increasing connections between affordable housing resources at Oregon Housing and Community Services (OHCS) with the land use directives in the Oregon Housing Needs Analysis (OHNA) and Climate Friendly and Equitable Communities (CFEC) programs at the Department of Land Conservation and Development (DLCD).*

Background: Recent legislation and executive orders have made significant changes to the state's land use planning process, including new housing production directives for cities and counties. These updates have resulted in extensive, continuous, and sometimes conflicting efforts that are not supported by adequate state funding. Cities do not have the staff capacity or resources needed to implement existing requirements. Additional state support is needed to assist local implementation, including technical assistance and education for local staff and decision makers, and workforce development. The state should prioritize implementation and coordination of existing programs in the 2025-2026 legislative sessions before considering any new policies.

General Government Committee

Contact: Scott Winkels, swinkels@orcities.org

RESTORATION OF RECREATIONAL IMMUNITY

RECOMMENDATION: *The LOC will introduce legislation to protect cities and other landowners who open their property for recreational purposes from tort liability claims.*

Background: An adverse court ruling stemming from a recreational injury sustained on a city owned trail opened cities and other public and private landowners to tort claims for injuries sustained by people who are recreating. The Legislature enacted a temporary restoration of the immunity in 2024 that will expire

on July 1, 2025. Legislation to make the immunity permanent will be needed for cities to offer recreational amenities without fear of tort liability lawsuits or excessive risk premiums.

BEHAVIORAL HEALTH ENHANCEMENTS

RECOMMENDATION: *The LOC will introduce and support legislation to expand access to behavioral health treatment beds and allow courts greater ability to direct persons unable to care for themselves into treatment through the civil commitment process.*

Background: While Oregon has historically ranked at or near the bottom nationally for access to behavioral healthcare, the state has made significant investments over the past four years. It will take time for investments in workforce development and substance abuse treatment to be realized, and areas for improvement remain. The standard for civilly committing a person into treatment remains very high in Oregon, and as a result, individuals who present a danger to themselves or others remain untreated, often producing tragic results. Additionally, the number of treatment beds for residential care does not meet demand, with services unavailable in multiple areas of the state.

CONTINUED ADDICTION POLICY REFORM

RECOMMENDATION: *The LOC will Introduce and support legislation to allow drug related misdemeanors to be cited into municipal court; provide stable funding for services created in HB 4002 in 2024; allow more service providers to transport impaired persons to treatment; establish the flow of resources to cities to support addiction response; and monitor and adjust the implementation of HB 4002.*

Background: The Legislature passed significant changes to Oregon's approach to the current addiction crisis with the creation of a new misdemeanor charge designed to vector defendants away from the criminal justice system and into treatment. Changes also included: sentencing enhancements for drug dealers; investments in treatment capacity; and expanded access to medical assisted addiction treatment. HB 4002 did not include stable funding for the services created or provide cities with direct access to resources, or the ability to cite the new offense into municipal courts. Additionally, the new law will likely require adjustments as the more complicated elements get implemented.

Energy and Environment Committee

Contact: Nolan Pleše, nplese@orcities.org

BUILDING DECARBONIZATION, EFFICIENCY, AND MODERNIZATION

RECOMMENDATION: *The LOC will support legislation to protect against any rollback and preemptions to allow local governments to reduce greenhouse gas emissions from new and existing buildings while ensuring reliability and affordability. In addition, the LOC will lead and back efforts that support local governments, including statewide capacity, expertise, and resources to allow local governments to pursue state and federal funding and continue to support off-ramps for local governments unable to meet the state's new building performance standards.*

Background: Homes and commercial buildings consume nearly one-half of all the energy used in Oregon, according to the Oregon Department of Energy. Existing buildings can be retrofitted and modernized to become more resilient and efficient, while new buildings can be built with energy efficiency and energy capacity in mind.

Oregon cities, especially small to mid-sized and rural communities, require technical assistance and financial support to meet the state's goals. Without additional support, some communities will be unable to meet the state's building performance standards. Off-ramps are necessary to protect cities unable to meet the state's goals to ensure they are not burdened by mandates they can't meet.

Some initiatives may include local exceptions for building energy codes and performance standards, statewide home energy scoring, or financial incentives from the Infrastructure Investment and Jobs Act (IIJA), the Inflation Reduction Act (IRA), state incentives, and other financial incentives like CPACE (Commercial property-assessed clean energy).

For cities to meet their climate resilience and carbon reduction goals while maintaining home rule authority, their flexibility must be preserved to allow for a successful transition from fossil fuels. State pre-emptions should not prohibit cities from exceeding state goals and achieving standards that align with their values.

INVESTMENT IN COMMUNITY RESILIENCY AND CLIMATE PLANNING RESOURCES

RECOMMENDATION: *The LOC will support investments that bring resiliency and climate services (for mitigation and adaptation) together in coordination with public and private entities, and work to fill the existing gaps to help communities get high-quality assistance. These resources are needed for local governments to effectively capture the myriad of available state and federal funding opportunities that cannot be accessed due to capacity and resource challenges. The LOC will work with partners to identify barriers and potential*

solutions towards resiliency opportunities, such as local energy generation and battery storage, and to support actions that recognize local control.

Background: Oregon communities have unique resources and challenges, and increasingly need help to plan for climate and human-caused impacts and implement programs to reduce greenhouse gases. Oregon should focus on maintaining the reliability of the grid while supporting safe, healthy, cost-effective energy production that includes external costs.

Although many opportunities for building resiliency exist, not all will not be built or managed by cities. Cities support efforts to build resiliency hubs in coordination with public, private, and non-profit interests and will seek more investments in programs that support resiliency hubs.

Cities also have a broad range of perspectives on how to address the impacts of the climate crisis. Concerns about costs and reliability during this energy transition have surfaced in many cities. At the same time, others who share those concerns also aim to have stronger requirements that meet their cities' climate goals. To meet these challenges, cities oppose additional mandates but support exceptions and additional support that recognize each city's unique perspectives, resources, and experience while preserving local authority.

Oregon's small to mid-sized communities and rural communities are particularly in need of technical assistance, matching funds, and additional capacity to address climate impacts. Without assistance, these communities face unfunded mandates due to low resources and capacity challenges to go after many available opportunities.

ADDRESS ENERGY AFFORDABILITY CHALLENGES FROM RISING UTILITY COSTS

RECOMMENDATION: *The LOC will: support actions to maintain affordable and reliable energy resources; invest in programs and new technology that support energy efficiency, renewable energy, and battery storage to help reduce overall energy costs and demands; and address grid challenges during peak energy demand and the associated rising costs, while balancing the pace of energy production and power supply that impact rates.*

Background: In recent years, rising utility costs have increased the energy burden on Oregonians, particularly low-income Oregonians, those with fixed incomes, and those who are unable to work. Costs contributing to these increases include, infrastructure upgrades, maintenance, and modernization, climate impacts from increased extreme weather events (wildfires, ice storms, snowstorms, flooding, etc.) and mitigation costs associated with them, fuel costs, inflation, legislative and gubernatorial actions, and investments in new energy-producing technology, and battery storage, are some of many reasons that are impacting utility rates.

While many investment opportunities exist, more cooperation and collaboration

needed to find a path forward that reduces the need for large rate increases that impact Oregonians. Rate increases should balance and prioritize vital labor, infrastructure, and mitigations necessary to sustain present and future energy demands with compensation.

In addition, the LOC would advocate for new tools and utilizing existing tools to modernize rate structures to provide flexibility and account for the time of year of rate increases (phasing in of rate increases) and recognize the higher burden for low and moderate-income and fixed-income Oregonians.

Finance and Taxation Committee

Contact: Lindsay Tenes, ltenes@orcities.org

LODGING TAX FLEXIBILITY

RECOMMENDATION: *The LOC will advocate for legislation to increase flexibility to use locally administered and collected lodging tax revenue to support tourism-impacted services.*

Background: In 2003, the Legislature passed the state lodging tax and restricted local transient lodging tax (TLT) by requiring that revenue from any new or increased local lodging tax be spent according to a 70/30 split: 70% of local TLT must be spent on “tourism promotion” or “tourism related facilities” and up to 30% is discretionary funds.

Tourism has created an increased demand on municipal service provision. Some of the clearest impacts are on roads, infrastructure, public safety, parks, and public restrooms. Short term rentals and vacation homes also reduce the housing supply and exacerbate housing affordability issues.

Cities often play an active role in tourism promotion and economic development efforts, but requiring that 70% of lodging tax revenue be used to further promote tourism is a one-size fits all approach that does not meet the needs of every tourism community. Cities must be allowed to strike the balance between tourism promotion and meeting the needs for increased service delivery for tourists and residents.

MARIJUANA TAX

Legislative Recommendation: *The LOC will advocate for legislation that increases revenue from marijuana sales in cities. This may include proposals to restore state marijuana tax losses related to Measure 110 (2020), and to increase the 3% cap on local marijuana taxes.*

Background: The state imposes a 17% tax on recreational marijuana products. Until

the end of 2020, cities received 10% of the state's total tax revenues (minus expenses) on recreational marijuana products. Measure 110 largely shifted the allocation of state marijuana revenue by capping the amount that is distributed to the recipients that previously shared the total amount (the State School Fund, the Oregon Health Authority, the Oregon State Police, cities and counties) and diverted the rest to drug treatment and recovery services. Starting in March of 2021, quarterly revenue to cities from state marijuana taxes saw a decrease of roughly 74%. Marijuana revenue has also been on a downward trend because the market is oversaturated, which has continually reduced sale prices (high supply, steady demand). Marijuana is taxed on the price of the sale and not on volume.

ALCOHOL TAX

RECOMMENDATION: *The LOC will advocate for increased revenue from alcohol taxes. This includes support for any recommendation by the HB 3610 Task Force on Alcohol Pricing to increase the beer and wine tax that maintains 34% shared distribution to cities. This may also include legislation to lift the pre-emption on local alcohol taxes.*

Background: Cities have significant public safety costs related to alcohol consumption and must receive revenue commensurate to the cost of providing services related to alcohol.

Oregon is a control state and the Oregon Liquor and Cannabis Commission (OLCC, formerly known as the Oregon Liquor Control Commission) acts as the sole importer and distributor of liquor. Cities and other local governments are preempted from imposing alcohol taxes. In exchange, cities receive approximately 34% share of net state alcohol revenues. The OLCC has also imposed a 50-cent surcharge per bottle of liquor since the 2009-2011 biennium, which is directed towards the state's general fund. Oregon's beer tax has not been increased since 1978 and is \$2.60 per barrel, which equates to about 8.4 cents per gallon, or less than 5 cents on a six-pack. Oregon's wine tax is 67 cents per gallon and 77 cents per gallon on dessert wines. Oregon has the lowest beer tax in the country and the second lowest wine tax.

Broadband, Cybersecurity, Artificial Intelligence (AI), and Telecommunications Committee

Contact: Nolan Plese, nplese@orcities.org

DIGITAL EQUITY AND INCLUSION

RECOMMENDATION: *The LOC will support legislation and policies that help all individuals and communities have the information technology capacity needed for full participation in our society, democracy, and economy through programs such as digital*

navigators, devices, digital skills, and affordability programs like the Affordable Connectivity Program (ACP) and the Oregon Telephone Assistance Program (OTAP – also known as Lifeline) that meet and support community members where they are.

Background: Connectivity is increasingly relied on for conducting business, learning, and receiving important services like healthcare. As technology has evolved, the digital divide has become more complex and nuanced. Now, the discussion of the digital divide is framed in terms of whether a population has access to hardware, to the Internet, to viable connection speeds, and to the skills they need to effectively use it. Recognizing individual knowledge and capacity, abilities, and lived experience is now vital, and programs that offer devices, digital literacy skills, cybersecurity, and support for internet affordability, are critical to closing the digital divide.

CYBERSECURITY & PRIVACY

RECOMMENDATION: *The LOC will support legislation that addresses privacy, data protection, information security, and cybersecurity resources for all that use existing and emerging technology like artificial intelligence (AI) and synthetic intelligence (SI), including, but not limited to: funding for local and state government cyber and information security initiatives; interagency and government coordination and cooperative arrangements for communities that lack capacity; statewide resources for cyber and AI professionals and workforce development; vendor and third-party vendor accountability; regulations of data privacy; or standards for software/hardware developers to meet that will make their products more secure while ensuring continued economic growth. The LOC will oppose any unfunded cybersecurity and/or AI mandates and support funding opportunities to meet any unfunded insurance requirements.*

Background: Society's continued reliance on technology will only increase with the emergence of artificial intelligence (AI) and synthetic intelligence (SI). This will mean an increased risk for cybercrimes. Cybersecurity encompasses everything that pertains to protecting our sensitive and privileged data, protected health information, personal information, intellectual property, data, and governmental and industry information systems from theft and damage attempted by criminals and adversaries.

Cybersecurity risk is increasing, not only because of global connectivity but also because of the reliance on cloud services to store sensitive data and personal information. As AI and SI technology and adoption accelerate, the ability to guard against cyber threats and threats created through AI will increase. Strengthening coordination between the public and private sectors at all levels is essential for decreasing risks and quickly responding to emerging threats. This ensures resilience is considered to reduce the damage caused by cyber threats.

RESILIENT, FUTUREPROOF BROADBAND INFRASTRUCTURE AND PLANNING INVESTMENT

RECOMMENDATION: *The LOC will support legislation to ensure broadband systems are built resiliently and futureproofed, while also advocating for resources to help cities with broadband planning and technical assistance through direct grants and staff resources at the state level. The LOC will oppose any preemptions that impede local government's ability to maintain infrastructure standards in the local rights-of-way. Municipalities' have a right to own and manage access to poles and conduit and to become broadband service providers.*

Background:

Broadband Planning and Technical Assistance

Most state and federal broadband infrastructure funding requires communities to have a broadband strategic plan in place in order to qualify. Many cities do not have the resources or staff capacity to meet this requirement. Cities will need to rely on outside sources or work with the state for assistance and support the state setting up an office to aid local governments.

Resilient and Long-Term Systems

As broadband continues to be prioritized, building resilient long-term networks will help Oregonians avoid a new digital divide as greater speeds are needed with emerging technologies like artificial intelligence (AI). Important actions that will ensure resilient broadband include: dig once policies; investing in robust middle-mile connections; ensuring redundancy and multiple providers in all areas' sharing current and future infrastructure to manage overcrowding in the right-of-way (ROW); and undergrounding fiber instead of hanging it on poles. Additionally, infrastructure should be built for increased future capacity to avoid a new digital divide by allowing Oregon to determine speeds that reflect current and future technology.

Optional Local Incentives to Increase Broadband Deployment

Cities need flexibility to adequately manage public rights-of-ways (ROW). Instead of mandates, the state should allow cities the option to adopt incentives that could help streamline broadband deployment. Flexibility for cities to fund conduit as an eligible expense for other state infrastructure (most likely water or transportation projects) would reduce ROW activity. Additionally, local governments can work with state and federal partners to streamline federal and state permitting to reduce delays in broadband deployment.

Regulatory Consistency Amidst Convergence

With rapid changes in communication, standards and policy should keep pace. When a converged technology utilizes differing communications technologies, it may be

required to adhere to multiple standards and regulations, or providers may argue that some parts of their service is not subject to regulations. The LOC will support legislation that addresses the inconsistency of regulations applied to traditional and nontraditional telecommunications services as more entities move to a network-based approach.

ARTIFICIAL INTELLIGENCE (AI)

RECOMMENDATION: *The LOC will support legislation that promotes secure, responsible and purposeful use of artificial intelligence (AI) and synthetic intelligence (SI) in the public and private sectors while ensuring local control and opposing any unfunded mandates. Cities support using AI for social good, ensuring secure, ethical, non-discriminatory, and responsible AI governance through transparent and accountable measures that promotes vendor and third-party vendor accountability, improving government services while protecting sensitive data from use for AI model learning, and fostering cross-agency, business, academic, and community collaboration and knowledge sharing.*

Background: While artificial intelligence (AI) and synthetic intelligence (SI) are not new, the recent advancements in machine learning and the exponential growth of artificial and synthetic intelligence require governments and providers to be responsible and purposeful in the use of this technology. The opportunities and risks that AI and SI present demand responsible values and governance regarding how AI systems are purchased, configured, developed, operated, or maintained in addition to ethical policies that are transparent and accountable. Policies should also consider the implication of AI on public records and retention of information on how AI is being used. Additionally, governments need to consider how procurements are using AI, how they are securing their systems, and any additional parties being used in the process.

AI systems and policies should:

- Be Human-Centered Design - AI systems are developed and deployed with a human-centered approach that evaluates AI-powered services for their impact on the public.
- Be Secure & Safe - AI systems should maintain safety and reliability, confidentiality, integrity, and availability through safeguards that prevent unauthorized access and use to minimize risk.
- Protect Privacy - Privacy is preserved in all AI systems by safeguarding personally identifiable information (PII) and sensitive data from unauthorized access, disclosure, and manipulation.
- Be Transparent - The purpose and use of AI systems should be proactively communicated and disclosed to the public. An AI system, its data sources,

operational model, and policies that govern its use should be understandable, documented, and properly disclosed publicly.

- Be Equitable - AI systems support equitable outcomes for everyone; urban, rural, suburban, frontier, and historically underrepresented communities. Bias in AI systems should be effectively managed to reduce harm to anyone impacted by its use.
- Provide Accountability - Roles and responsibilities govern the deployment and maintenance of AI systems. Human oversight ensures adherence to relevant laws and regulations and ensures the product's creator is ultimately responsible for reviewing the product prior to release and held accountable.
- Be Effective - AI systems should be reliable, meet their objectives, and deliver precise and dependable outcomes for the utility and contexts in which they are deployed.
- Provide Workforce Empowerment - Staff are empowered to use AI in their roles through education, training, and collaborations that promote participation and opportunity.

Transportation Committee

Contact: Jim McCauley, jmccauley@orcities.org

2025 TRANSPORTATION PACKAGE

RECOMMENDATION: *The LOC supports a robust, long-term, multimodal transportation package focused on: stabilizing funding for operations and maintenance for local governments and ODOT; continued investment in transit and bike/ped programs, safety, congestion management, and completion of projects from HB 2017. As part of a 2025 package, the funding level must maintain the current State Highway Fund (SHF) distribution formula and increase investments in local programs such as Great Streets, Safe Routes to Schools, and the Small City Allotment Program. In addition, the package should find a long-term solution for the weight-mile tax that stabilizes the program with fees that match heavier vehicles' impact on the transportation system. The funding sources for this package should be diverse and innovative. Additionally, the package should maintain existing choices and reduce barriers for local governments to use available funding tools for transportation investments.*

Background: Oregon has one of the country's most transportation-dependent economies, with 400,000 jobs (1 in 5) related directly to transportation via rail, road, and ports. The State Highway Fund (SHF) is the primary revenue source for the state's transportation infrastructure, and comes from various sources, including gas

and diesel tax, weight mile tax, vehicle registration fees, vehicle title fees, and driver's license fees. These funds are distributed using a 50-30-20 formula, with 50% to the state, 30% to counties, and 20% to cities. Continued investment in transportation infrastructure is critical for public safety objectives such as "[Safe Routes to Schools](#)" and the "[Great Streets](#)" program. The Legislature must develop a plan to match inflationary costs and a plan to transition from a gas tax to an impact fee based on miles traveled to stabilize transportation investment.

FUNDING AND EXPANDING PUBLIC AND INTER-COMMUNITY TRANSIT

RECOMMENDATION: *The LOC supports expanding funding for public transit operations statewide, focusing on inter-community service, service expansion, and a change in policy to allow for the use of funds for local operations and maintenance.*

Background: During the 2017 session, HB 2017 established Oregon's first statewide comprehensive transit funding by implementing a "transit tax," a state payroll tax equal to one-tenth of 1%. This revenue source has provided stable funding of more than \$100 million annually.

These funds are distributed utilizing a formula. Investments made since the 2017 session helped many communities expand and start transit and shuttle services to connect communities and provide transportation options. Many communities, however, still lack a viable public transit or shuttle program and would benefit greatly from expanded services.

SHIFT FROM A GAS TAX TO A ROAD USER FEE

RECOMMENDATION: *The LOC supports replacing Oregon's gas tax with a Road User Fee (RUF) while protecting local government's authority to collect local gas tax fees. An RUF will better measure a vehicle's impact on roads and provide a more stable revenue stream.*

Background: Oregon's current gas tax is 40 cents per gallon. Depending on the pump price, the gas tax represents a small portion of the overall cost of gas. Due to the improved mileage of new vehicles and the emergence and expected growth of electric vehicles, Oregon will continue to face a declining revenue source without a change in the fee structure. Capturing the true impact of vehicles on the transportation system requires a fee structure that aligns with use of roads. The federal tax has remained at 18 cents per gallon since 1993, effectively losing buying power or the ability to keep up with inflation.

COMMUNITY SAFETY AND NEIGHBORHOOD LIVABILITY

RECOMMENDATION: *The LOC supports a strong focus on funding safety improvements on large roads, such as highways and arterials, that run through all communities. This includes directing federal and state dollars toward safety improvements on streets that meet the Great Streets criteria but are not owned by ODOT, and increasing funding for the*

Great Streets program. For those cities that don't qualify for existing programs, ODOT should explore funding opportunities for cities with similar safety needs. Additionally, more funding should be directed to the Highway Safety Improvement Program (HSIP) and All Roads Transportation Safety (ARTS) programs.

Background: Community safety investment remains a critical challenge for local governments, reducing their ability to maintain a transportation system that supports the safe and efficient movement of people and goods. Traffic fatalities and serious injuries continue to grow to record levels in many communities. The lack of stable funding for these basic operations and maintenance functions prevents local governments from meeting core community expectations. Without increases in funding for transportation, this problem is expected to get even worse, as costs for labor and materials continue to increase.

Water and Wastewater Committee

Contact: Michael Martin, mmartin@orcities.org

INFRASTRUCTURE FUNDING (CO-SPONSORED BY COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE)

RECOMMENDATION: *The LOC will advocate for a comprehensive infrastructure package to support increased investments in water, sewer, stormwater and roads. This includes: funding for system upgrades to meet increasingly complex regulatory compliance requirements; capacity to serve needed housing and economic development; deferred maintenance costs; seismic and wildfire resiliency improvements; and clarity and funding to address moratoriums. The LOC will also champion both direct and programmatic infrastructure investments to support a range of needed housing development types and affordability.*

Background: Cities continue to face the challenge of how to fund infrastructure improvements – to maintain current, build new, and improve resiliency. Increasing state resources in programs that provide access to lower rate loans and grants will assist cities in investing in vital infrastructure. Infrastructure development impacts economic development, housing, and livability. The level of funding for these programs has been inadequate compared to the needs over the last few biennia, and the funds are depleting and unsustainable without significant program modifications and reinvestments. This priority will focus on maximizing both the amount of funding and the flexibility of the funds to meet the needs of more cities across the state to ensure long-term infrastructure investment. The 2024 LOC Infrastructure Survey revealed the increasing need for water and road infrastructure funding. The results show \$11.9 Billion of infrastructure funds needed (\$6.4 billion for water and \$5.5

billion for roads).

Combined with federal-cost share decline on water infrastructure projects – despite the recent bi-partisan infrastructure law investment – cities face enormous pressure to upgrade and maintain water infrastructure. At the same time, cities across the state are working urgently to address Oregon's housing crisis. To unlock needed housing development and increase affordability, the most powerful tool the Legislature can deploy is targeted investments in infrastructure to support needed housing development.

PLACE-BASED PLANNING

RECOMMENDATION: *The LOC will advocate for funding needed to complete existing place-based planning efforts across the state and identify funding to continue the program for communities that face unique water supply challenges.*

Background: Oregon's water supply management issues are complex. In 2015, the Legislature created a place-based planning pilot program in Oregon administered through the Oregon Water Resources Department that provides a framework and funding for local stakeholders to collaborate and develop solutions to address water needs within a watershed, basin, surface water, or groundwater. In 2023, the Legislature passed a significant bipartisan Drought Resilience and Water Security package (BiDRAWS), which included \$2 million into a place-based planning water fund to continue efforts to address a basin-by-basin approach.

OPERATOR-IN-TRAINING APPRENTICESHIPS

RECOMMENDATION: *The LOC will advocate for funding for apprenticeship training programs and the expansion of bilingual training opportunities to promote workforce development of qualified wastewater and drinking water operators due to the significant lack of qualified operators.*

Background: Water utilities must resolve a human-infrastructure issue in order to keep our water and wastewater systems running. Currently, water utilities face challenges in recruiting, training, and retaining certified operations employees. In addition, retirements of qualified staff over the next decade will exacerbate the problem.

In 2023, the Legislature approved one-time funding for the development of a training facility for certified operators and technical assistance staff in partnership with the Oregon Association of Water Utilities. Sustained funding for regional training facilities and direct funding for utilities hosting training programs is needed to train the next generation of water and wastewater operators.



Staff Report

DEPARTMENT: Planning

MEETING DATE: September 12, 2024

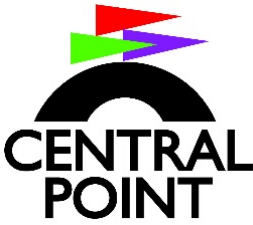
STAFF CONTACT: Stephanie Powers, Planning Director

SUBJECT: Planning Commission Report

SUMMARY AND BACKGROUND:

ATTACHMENTS/EXHIBITS:

1. 09032024 Planning Commission Report



Planning Commission Report

September 3, 2024 Meeting
Stephanie Powers, Planning Director

The Central Point Planning Commission met at their regular meeting on September 3, 2024. There were three (3) quasi-judicial public hearings on the agenda, including a Site Plan and Architectural Review for Grocery Outlet supermarket, and the Sunnybrook Village Master Plan and Tentative Subdivision Plan for property within the Eastside Transit Oriented Development (ETOD) Overlay area.

Grocery Outlet Site Plan & Architectural Review

The Planning Commission conducted a public hearing to consider a Site Plan and Architectural Review application to develop a 2.24 acre site with a 16,000 square foot supermarket together with off-street parking, landscaping and pedestrian access improvements. The project site is within the C-5, Thoroughfare Commercial zoning district at 4951 Biddle Road. Following the staff report, the applicant spoke about the application and addressed proposed landscape plan revisions along the street frontage to promote sight lines to the building while providing a buffer along Biddle Road. He also spoke about their willingness to add architectural detail along the west wall face, which is visible from Biddle Road and the Super 8 hotel. The Planning Commission unanimously approved the Site Plan and Architectural Review application with the revised landscape plan subject to conditions set forth in the Staff Report.

Sunnybrook Village TOD Master Plan

The Planning Commission conducted the public hearing to consider a Master Plan to govern the development of 7.57 acres in the ETOD. Staff provided an overview of the 42-unit residential development proposal, including all required elements of the master plan and issues related to soil contamination, shallow well mitigation, active farm use protection, and fire code requirements concerning fire sprinklers and site access. During the public hearing, the Applicant addressed the fire code issue by stating they would be limiting construction to 30 units until such time a secondary egress is available as necessary to avoid installing costly fire sprinkler systems for all units thereby producing more affordable housing. One citizen spoke during the public hearing to request the Planning Commission impose a condition for the applicant to construct a pedestrian connection to Hamrick Road to break up a long block of lots that are adjacent to Hamrick Road. This would promote better pedestrian access to nearby amenities at Don Jones Park. The Public Works Department responded that no additional access at this location was recommended due to the steep topography and the requirement for engineering that would exceed the impact of the development on the pedestrian network. If the Planning Commission imposed this condition, it was noted that the City would need to contribute System Development Charge credits to compensate the developer for the improvement for it to be legally justifiable. The Planning Commission deliberated on the application and unanimously voted to approve the Master Plan without a condition to add a pedestrian accessway due to concerns about safety and the availability of the public sidewalks system.

Sunnybrook Village Tentative Subdivision Plan

The Planning Commission conducted the public hearing to consider a Tentative Subdivision Plan for Sunnybrook Village. Staff provided an overview of the land division and how it conforms to the Master Plan. No public testimony was provided during the public hearing. The Planning Commission unanimously voted to approve the Tentative Plan subject to conditions of approval set forth in the Staff Report.

Miscellaneous

The Planning Commission received a brief update on current planning applications, including Site Plan and Architectural Review for Parr Lumber and Mae Richardson Elementary School's Gymnasium, both of which will be reviewed administratively.

Staff reminded the Planning Commission about the upcoming Town Hall meeting and open house on Monday, September 16th. An article was included in the most recent newsletter informing all residents of the upcoming meeting and providing a QR code that directs participants to the Climate Friendly & Equitable Communities (CFEC) web page with more information. Commissioners were encouraged to share this information with their network of family, friends, and the business community. This is an opportunity for residents to hear about CFEC, how it will impact Central Point and to provide input on how they think the City can help maintain its small town feel in light of the mandated changes related to CFEC.

The Planning Commission formally welcomed Royce Chambers who attended his first regular meeting as a new Planning Commissioner.

The meeting adjourned at 7:30 p.m.