

CITY COUNCIL MEETING AGENDA

November 14, 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. June 30, 2022, Audit Report Presentation

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 October 24, 2024, Meeting Minutes

B. Quarterly Financial Statements

C. Art Commission Chair Appointment

Nikki Petersen, Recreation Manager

70. Items Removed from the Consent Agenda

80. Public Hearing

Public comments will be allowed on items under this part of the agenda following a brief staff report presenting the item and action requested. The presiding officer may limit testimony.

For land use matters and other quasi-judicial appeals: Comments are limited to a total of 30 minutes for applicants and/or their representatives. They may request a 5-minute rebuttal time. Appellants and/or their representatives are limited to a total of 30 minutes and if the applicant is not the appellant they will also be allowed a total of 30 minutes. All other participants are limited to 4 minutes.

For matters that are legislative or administrative and are not quasi-judicial: Comments are limited to 4 minutes per individual, group or organization.

Please complete a public comment form before speaking.

- A. Ordinance Vacating Public Utility Easements Mendolia Way
Sydnee Dreyer, City Attorney
- B. Land Development Code Amendments
Stephanie Powers, Planning Director

90. Ordinances and Resolutions

- A. Chapter 8.24 Flood Damage Prevention Text Amendments
- B. Resolution Approving Agreement for Property Exchange with School District
Chris Clayton, City Manager

100. Business

- A. Planning Commission Report
Stephanie Powers, Planning Director

110. Mayor's Report

120. City Manager's Report

130. Council Reports

140. Department Reports

150. Executive Session

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 Under the provisions of the Oregon Public Meetings Law, the proceedings of an executive session are not for publication or broadcast.

160. 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.

CITY COUNCIL MEETING MINUTES

October 24, 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: Ward IV Tanea Browning, Mayor Hank Williams, At Large Rob Hernandez, At Large Michael Parsons.

The following staff were also present: City Manager Chris Clayton, City Attorney Garrett West, Police Chief Scott Logue, Parks and Public Works Director Matt Samitore, Planning Director Stephanie Powers, Public Works Operations Manager Mike McClenethan, and City Recorder Rachel Neuenschwander.

4 Public Comments

5 Consent Agenda

A. Approval of October 10, 2024, Meeting Minutes

Motion: Approve

Moved By: Tanea Browning

Seconded by: Michael Parsons

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

6 Items Removed from the Consent Agenda

7 Ordinances and Resolutions

A. Resolution of Intent to Initiate Land Development Code Amendments

Planning Director Stephanie Powers presented to the council a Resolution of Intent to Initiate Land Development Code Amendments. The proposed changes affect Central Point Municipal Code Title 1 (General Provisions), Title 16 (Subdivisions), and Title 17 (Zoning).

Motion: Approve

Moved By: Tanea Browning

Seconded by: Rob Hernandez

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

Tanea Browning moved to approve Resolution No. 1804, a Resolution declaring the City Council's intent to initiate an amendment to various chapters in the Central Point Municipal Code Title 1, Title 16 and Title 17 addressing annexations, land divisions, general provisions and various land use standards and procedures.

B. Resolution Accepting the Lowest Qualified Bid from Greenway Spray LLC

Parks and Public Works Director Matt Samitore presented to the council the lowest qualified bid from Greenway Spray LLC. The total amount of \$265,225.00 for a period of three (3) years.

Motion: Approve

Moved By: Michael Parsons

Seconded by: Rob Hernandez

Roll Call: Members Tanea Browning, Hank Williams, Rob Hernandez, Michael Parsons voted yes. None voted no.

Michael Parsons moved to approve Resolution No. 1805 a Resolution Accepting the Lowest Qualified Bid from Greenway Spray LLC for the Herbicide Spraying contract and Authorizing the City Manager to Execute a Contract.

8 Business

A. Council Member Ward III Appointment

City Manager Chris Clayton presented to the council the appointment of Grey Zimmerman to fill the vacancy in Ward III that had been vacated by Melody Thueson.

Mayor Hank Williams made the recommendation to council to appoint Grey

Zimmerman to fill the Ward III vacancy.

Motion: Approve

Moved By: Michael Parsons

Seconded by: Taneea Browning

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

Mike Parsons moved to approve the appointment of Grey Zimmerman to fill the Ward III vacancy.

B. Don Jones Park Potential Property Sale

Parks and Public Works Director Matt Samitore presented to the council the potential property sale of .07 acres at Don Jones Park to develop a small housing complex on vacant land adjacent to the park. Staff would request that if the property was surplus, the money should go to install additional gazebos in the park.

The council questioned the access to Wind Song Lane from the new development. Staff responded that it would likely be a right-in-right-out off of the Wind Song Lane extension, and Singing Grass Dr would be where a left-hand turn could be made. The council would like the city to move forward with selling the property, as it does not benefit the city and could use an additional gazebo.

C. Drones in Parks

The Parks and Public Works Director presented to the council a discussion on drones in parks. As the city does not currently have a policy on this, staff is seeking direction from the council on how they would like to proceed.

The council would like a policy with some leniency that allows the use of drones. Staff will bring back a few draft options for the council to review.

9 Mayor's Report

Mayor Williams reported that he attended the Medford Chamber Forum meeting.

10 City Manager's Report

City Manager Chris Clayton reported that:

- There was a news article in the RV Times today regarding the use of Jet Boats on the Rogue River.
- He and the Finance Director have been looking at revenues as it is property tax time, property taxes are increasing by 4% this year. The hotel/motel tax was falling short however in the last quarter it has picked up.
- This week the City Managers listserv an issue of City using UTV's on city streets. These are prohibited by state law and has become a very popular conversation.

- On Monday, he, Matt and Sydnee met with the County regarding the joint use agreement of the Community Center. Things are progressing well.
- He and Matt are working on their presentation for the Diesel Tax discussion at the November Study Session.
- Shari's Restaurant closed this week. Central Point isn't the only location closed. All 42 Shari's in the State of Oregon have been closed.

11 Council Reports

Council Member Mike Parsons reported that"

- He attended the Rogue Valley Sewer Service Board Meeting.
- He attended the council study session.
- He completed the training of all the new Police Department Volunteers in Police Service (VIPS).

Council Member Rob Hernandez reported that:

- He attended the Jackson County Fire Dist. 3 meeting.
- He attended the Medford Chamber Forum.
- He attended the council study session

Council Member Tanea Browning reported that:

- She attended the council study session.
- She attended the LOC Board Meeting.
- She attended the Medford Chamber Forum
- She attended a student listening session at Phoenix High School with Senator Wyden.

Council Member Neil Olsen reported that he attended the council study session.

12 Department Reports

Police Chief Scott Logue reported that he attended his granddaughter's first birthday in Hawaii.

Planning Director Stephanie Powers reported that:

- Tomorrow there will be an online survey regarding Climate Friendly Areas and regulations asking the citizens what they think.
- The Planning Commission will be meeting on Tuesday, November 5th on Election Day.
- They will be having a special session with the Citizens Advisory Committee on Tuesday, November 12th.

Parks and Public Works Director Matt Samitore reported that the building for the community center is being bid. There are two different bids, one due at the end of this month and the other due on November 7th.

13 Executive Session

14 Adjournment

Neil Olsen moved to adjourn, all said aye and the meeting was adjourned at 7:05 PM.

The foregoing minutes of the October 24, 2024, Council meeting were approved by the City Council at its meeting of _____, 2024.

Dated:

Mayor Hank Williams

ATTEST:

City Recorder



DEPARTMENT: Finance

MEETING DATE: November 14, 2024

STAFF CONTACT: Steven Weber, Finance Director

SUBJECT: Quarterly Financial Statements

SUMMARY AND BACKGROUND:

Attached are the City's financial statements for the period ending September 30, 2024, which represents 15 months of the biennium. The next 6 pages are the Revenue and Expenditure statements for each of the respective funds, while the last page is the Budget Compliance report which recaps expenses by department. In all funds, revenues and expenditures are on track for the time period.

Although General Fund revenues are slightly below the expected budget (53.96% vs. 62.5%) we should see a significant uptick in tax revenue with hotel/motel tax receipts in October as well as property tax receipts starting in November. Expenditures for the General Fund are at 63.04%%, which is slightly above budget, but there is some reimbursement that will be coming from urban renewal for the Pfaff Park improvements.

Although the Federal Grant Fund is over budget at September 30, 2024, there is a contribution from the Parks Foundation for \$300,000 towards the little league field project in October, as well as additional future contributions if needed. A subsequent supplemental budget will be presented to the City Council at a future meeting to account for both the revenue and expenditures for this project.

The Street Fund revenues are at 103.21% of the budget while expenditures are at 51.93% of the total budget. The revenue total was aided by \$1.865 million in funding from ODOT for the Scenic/Upton/10th Street infrastructure project. The design work for this project will happen late in the 2024-25 fiscal year while the construction costs will be part of the 2025-27 biennial budget. The expenditure total is impacted by the timing of infrastructure projects. In the coming months there should be an uptick in the percentage as the budgeted projects begin. Otherwise, the fund is in a good position.

The Building Fund shows strong revenue totals so far in this biennium, while expenditures are in line with expectations at this point in the budget period.

The Water Fund has shown significant improvement since the implementation of the financial corrective action plan. Total revenues are at 67.15% of the budget due to the rate increase implemented earlier in the year as well as increased water sales due to high late summer temperatures. Water sales will continue to be monitored throughout the rest of the fiscal year. Expenditures are at 50.21%, which is aided, in large part, to the deferral of \$950,000 in infrastructure projects that are part of the 2023-25 biennial

budget. Personnel and Materials & Services costs are also trending below budget due to the cost-saving measures contained in the improvement plan.

Stormwater and Internal Services Funds revenues and expenditures are in line with this point in the biennium. Subsequent budget adjustments will be presented to the City Council for the Stormwater Fund when reimbursement funding from FEMA for the Elk Creek Culvert Project is received as well as reimbursement funding from urban renewal upon completion of the various alley improvement projects.

Overall, the City is in a good financial position with overall revenues at 63.62% of the total budget and expenditures of 59.97% of the total budget.

FINANCIAL ANALYSIS:

N/A

LEGAL ANALYSIS:

N/A

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

Strategic Priority – Responsible Governance

GOAL 1 - Maintain a strong financial position that balances the need for adequate service levels and capital requirements against the affordability that is desired by our citizens.

GOAL 2 - Invite Public Trust.

STRATEGY 1 – Be a trusted source of factual information.

ATTACHMENTS/EXHIBITS:

1. September 30, 2024 Financial Statements

STAFF RECOMMENDATION:

Approve quarterly financial statements as part of the consent agenda.

RECOMMENDED MOTION:

City of Central Point
Council Financial Statements
For period ending September 30, 2024

% of biennial budget 62.50%

	2023/25 Biennial Budget	Biennium to Date Revenues & Expenditures	Difference	Percentage Received/Used
General Fund				
Revenues				
Taxes	\$18,431,065	\$9,728,208	\$8,702,857	52.78%
Licenses & Fees	\$138,000	\$86,904	\$51,096	62.97%
Intergovernmental	\$1,643,925	\$866,552	\$777,373	52.71%
Charges for Service	\$3,353,090	\$1,722,685	\$1,630,405	51.38%
Fines and Forfeitures	\$122,000	\$74,222	\$47,778	60.84%
Interest Income	\$123,350	\$377,143	-\$253,793	305.75%
Miscellaneous	\$621,500	\$328,156	\$293,344	52.80%
Transfers In	\$0	\$0	\$0	0.00%
Total Revenues	24,432,930	13,183,869	11,249,061	53.96%
Expenditures by Department				
Administration	2,145,150	1,303,166	841,984	60.75%
City Enhancement	457,000	241,660	215,340	52.88%
Technical Services	1,524,400	959,715	564,685	62.96%
Mayor & Council	165,870	115,240	50,630	69.48%
Finance	1,628,110	1,012,806	615,304	62.21%
Parks	2,783,525	2,097,852	685,673	75.37%
Recreation	1,297,775	789,292	508,483	60.82%
Planning	1,292,860	599,852	693,008	46.40%
Police	12,428,935	7,688,777	4,740,158	61.86%
Interdepartmental	463,000	512,602	-49,602	110.71%
Transfers Out	660,000	455,000	205,000	0.00%
Contingency	180,000	0	180,000	0.00%
Total Expenditures by Department	25,026,625	15,775,962	9,250,663	63.04%
Net Change in Fund Balance		(2,592,093)		
Beginning Fund Balance	2,647,090	6,003,228	3,356,138	
Ending Fund Balance	2,053,395	3,411,134	1,357,739	

City of Central Point
Council Financial Statements
For period ending September 30, 2024

% of biennial budget 62.50%

	2023/25 Biennial Budget	Biennium to Date Revenues & Expenditures	Difference	Percentage Received/Used
Federal Stimulus Grant Fund				
Revenues				
Intergovernmental Revenue	\$0	\$0	\$0	0.00%
Interfund Transfers	0	0	0	0.00%
Total Revenues	0	0	0	0.00%
Expenditures				
Materials and Services	0	60,000	-\$60,000	0.00%
Capital Outlay	916,570	999,848	-\$83,278	109.09%
Transfers Out	0	0	\$0	0.00%
Contingency	41,860	0	\$41,860	0.00%
Total Expenditures	958,430	1,059,848	-101,418	110.58%
Net Change in Fund Balance	(958,430)	(1,059,848)	\$101,418	
Beginning Fund Balance	1,920,930	1,200,624	(720,306)	
Ending Fund Balance	962,500	140,775	-821,725	

City of Central Point
Council Financial Statements
For period ending September 30, 2024

% of biennial budget 62.50%

	2023/25 Biennial Budget	Biennium to Date Revenues & Expenditures	Difference	Percentage Received/Used
Street Fund				
Revenues				
Franchise Tax	\$309,000	\$110,625	\$198,375	35.80%
Charges for Services	\$1,866,100	\$1,473,294	392,806	78.95%
Intergovernmental Revenue	\$3,085,350	\$3,793,793	-708,443	122.96%
Interest Income	\$50,000	\$122,611	-72,611	245.22%
Miscellaneous	\$24,000	\$13,257	10,743	55.24%
Transfers In	\$250,000	\$250,000	0	0.00%
Total Revenues	5,584,450	5,763,580	-179,130	103.21%
Expenditures				
Operations	4,792,115	3,180,818	1,611,297	66.38%
SDC	500,000	38,856	461,144	7.77%
Transfers	718,000	109,000	609,000	15.18%
Contingency	400,000	0	400,000	0.00%
Total Expenditures	6,410,115	3,328,673	3,081,442	51.93%
Net Change in Fund Balance		2,434,907		
Beginning Fund Balance	1,451,005	1,661,289	210,284	
Ending Fund Balance	625,340	4,096,196	3,470,856	
Capital Improvement Fund				
Revenues				
Charges for Services	\$130,000	\$168,402	-38,402	129.54%
Interest Income	\$20,000	\$56,675	-36,675	283.37%
Total Revenues	150,000	225,077	-75,077	150.05%
Expenditures				
Parks Projects	60,000	76,043	-16,043	126.74%
Total Expenditures	60,000	76,043	-16,043	126.74%
Net Change in Fund Balance		149,033		
Beginning Fund Balance	284,285	999,451	715,166	
Ending Fund Balance	374,285	1,148,484	774,199	

City of Central Point
Council Financial Statements
For period ending September 30, 2024

	% of biennial budget			62.50%
	Biennium to Date			
	2023/25 Biennial Budget	Revenues & Expenditures	Difference	Percentage Received/Used
Reserve Fund				
Revenues				
Interest	\$19,000	\$20,741	-\$1,741	109.16%
Transfers In	\$250,000	\$125,000	125,000	50.00%
Total Revenues	269,000	145,741	125,000	54.18%
Expenditures				
Facility Improvements	200,000	109,641	90,359	54.82%
Total Expenditures	200,000	109,641	90,359	54.82%
Net Change in Fund Balance		36,100		
Beginning Fund Balance	708,385	420,530	(287,855)	
Ending Fund Balance	777,385	456,631	(320,754)	
Debt Service Fund				
Revenues				
Charges for Service	\$704,585	\$309,874	\$394,711	43.98%
Interest Income	\$425	\$940	-515	221.25%
Transfers In	\$878,000	\$439,000	439,000	50.00%
Total Revenues	1,583,010	749,815	833,195	47.37%
Expenditures				
Debt Service	1,513,585	696,119	817,466	45.99%
Total Expenditures	1,513,585	696,119	817,466	45.99%
Net Change in Fund Balance		53,696		
Beginning Fund Balance	57,210	24,039	-33,171	
Ending Fund Balance	126,635	77,734	(48,901)	
Building Fund				
Revenues				
Charges for Service	\$660,000	\$465,866	\$194,134	70.59%
Interest Income	\$39,000	\$81,115	-42,115	207.99%
Miscellaneous	\$0	\$1,720	-1,720	0.00%
Total Revenues	699,000	548,701	150,299	78.50%
Expenditures				
Personal Services	799,585	504,125	295,460	63.05%
Materials and Services	136,760	77,796	58,964	56.89%
Contingency	5,000	0	5,000	0.00%
Total Expenditures	941,345	581,921	359,424	61.82%
Net Change in Fund Balance		-33,220		
Beginning Fund Balance	869,010	1,500,890	631,880	
Ending Fund Balance	626,665	1,467,670	841,005	

City of Central Point
Council Financial Statements
For period ending September 30, 2024

% of biennial budget 62.50%

	2023/25 Biennial Budget	Biennium to Date Revenues & Expenditures	Difference	Percentage Received/Used
Water Fund				
Revenues				
Charges for Services	\$9,120,000	\$6,054,595	\$3,065,405	66.39%
Interest Income	\$3,000	\$23,863	-20,863	795.44%
Miscellaneous	\$0	\$47,473	-47,473	0.00%
Corporation Yard Financing	\$0	\$0	0	0.00%
Total Revenues	9,123,000	6,125,930	2,997,070	67.15%
Expenditures				
Operations	9,273,275	4,828,531	4,444,744	52.07%
SDC Improvements	250,000	3,081	246,919	1.23%
Contingency	100,000	0	100,000	0.00%
Total Expenditures	9,623,275	4,831,612	4,791,663	50.21%
Net Change in Fund Balance		1,294,319		
Beginning Fund Balance	830,375	(955,222)	-1,785,597	
Ending Fund Balance	330,100	339,097	8,997	
Stormwater Fund				
Revenues				
Charges for Services	\$2,060,070	\$1,226,155	\$833,915	59.52%
Interest Income	\$27,000	\$30,896	-3,896	114.43%
Miscellaneous	\$0	\$655	-655	0.00%
Total Revenues	2,087,070	1,257,707	829,363	60.26%
Expenditures				
Operations	2,356,750	1,516,673	840,077	64.35%
SDC	105,000	131,184	-26,184	124.94%
Total Expenditures	2,461,750	1,647,857	813,893	66.94%
Net Change in Fund Balance		(390,150)		
Beginning Fund Balance	2,117,825	577,795	-1,540,030	
Ending Fund Balance	1,743,145	187,645	-1,555,500	

City of Central Point
Council Financial Statements
For period ending September 30, 2024

			% of biennial budget	62.50%
	2023/25	Biennium to Date		
	Biennial Budget	Revenues & Expenditures	Difference	Percentage Received/Used
Internal Services Fund				
Revenues				
Charges for Services	\$3,088,400	\$1,870,323	\$1,218,077	60.56%
Interest Income	\$500	\$989	(489)	197.79%
Miscellaneous	\$0	\$41,088	(41,088)	0.00%
Total Revenues	3,088,900	1,912,401	1,176,499	61.91%
Expenditures				
Facilities Maintenance	531,000	383,924	147,076	72.30%
PW Administration	1,493,945	905,226	588,719	60.59%
PW Fleet Maintenance	1,060,395	462,514	597,881	43.62%
Total Expenditures	3,085,340	1,751,664	1,333,676	56.77%
Net Change in Fund Balance		160,737		
Beginning Fund Balance	188,900	(7,064)	-195,964	
Ending Fund Balance	192,460	153,673	-38,787	

City of Central Point
Budget Compliance Report
For period ending September 30, 2024

% of biennial budget **62.50%**

Fund	Department/ Classification	2023/25 Biennial Budget	Biennium to Date Expenditures	Percent Used	Difference
General	Administration	\$2,145,150	\$1,303,166	60.75%	\$841,984
	City Enhancement	457,000	241,660	52.88%	215,340
	Technical Services	1,524,400	959,715	62.96%	564,685
	Mayor and Council	165,870	115,240	69.48%	50,630
	Finance	1,628,110	1,012,806	62.21%	615,304
	Parks	2,783,525	2,097,852	75.37%	685,673
	Recreation	1,297,775	789,292	60.82%	508,483
	Planning	1,292,860	599,852	46.40%	693,008
	Police	12,428,935	7,688,777	61.86%	4,740,158
	Interdepartmental	463,000	512,602	110.71%	(49,602)
	Transfers	660,000	455,000	0.00%	205,000
	Contingency	150,000	0	0.00%	150,000
	Total Expenditures	24,996,625	15,775,962	63.11%	9,220,663
Fed. Stimulus Grant Fund	Materials and Services	0	60,000	0.00%	(60,000)
	Capital Outlay	916,570	999,848	109.09%	(83,278)
	Transfers	0	0	0.00%	0
	Contingency	0	0	0.00%	0
	Total Expenditures	916,570	1,059,848	115.63%	(143,278)
Street	Operations	5,510,115	3,539,818	64.24%	1,970,297
	SDC Improvements	500,000	38,856	7.77%	461,144
	Contingency	400,000	0	0.00%	400,000
	Total Expenditures	6,410,115	3,578,673	55.83%	2,831,442
Capital Projects	Park Projects	0	0	0.00%	0
	Park Projects - SDC	60,000	76,043	126.74%	(16,043)
	Transfers	0	0	0.00%	0
	Total Expenditures	60,000	76,043	126.74%	(16,043)
Debt Service	Total Expenditures	1,513,585	696,119	45.99%	817,466
Reserve Fund	Total Expenditures	200,000	109,641	54.82%	90,359
Building	Personnel Services	799,585	504,125	63.05%	295,460
	Materials and Services	136,760	77,796	56.89%	58,964
	Contingency	5,000	0	0.00%	5,000
	Total Expenditures	941,345	581,921	61.82%	359,424
Water	Operations	9,273,275	4,828,531	52.07%	4,444,744
	SDC Improvements	250,000	3,081	1.23%	246,919
	Transfers	0	0	0.00%	0
	Contingency	100,000	0	0.00%	100,000
	Total Expenditures	9,623,275	4,831,612	50.21%	4,791,663
Stormwater	Operations	2,356,750	1,516,673	64.35%	840,077
	SDC Improvements	105,000	131,184	124.94%	(26,184)
	Contingency	0	0	0.00%	0
	Total Expenditures	2,461,750	1,647,857	66.94%	813,893
Internal Services	Facilities Maintenance	531,000	383,924	72.30%	147,076
	PW Administration	1,493,945	905,226	60.59%	588,719
	PW Fleet Maintenance	1,060,395	462,514	43.62%	597,881
	Transfers	0	0	0.00%	0
	Total Expenditures	3,085,340	1,751,664	56.77%	1,333,676
	Total City Operations	\$50,208,605	\$30,109,341	59.97%	\$20,099,264



DEPARTMENT: Parks and
Recreation

MEETING DATE: November 14, 2024

STAFF CONTACT: Nikki Petersen, Recreation Manager

SUBJECT: Art Commission Chair Appointment

SUMMARY AND BACKGROUND:

The Arts Commission has agreed to appoint Stephanie Henrickson as commission chair and Lindsey Rice as vice chair through December 2025.

ATTACHMENTS/EXHIBITS:

None



DEPARTMENT: Administration

MEETING DATE: November 14, 2024

STAFF CONTACT: Sydnee Dreyer, City Attorney

SUBJECT: Ordinance Vacating Public Utility Easements Mendolia Way

SUMMARY AND BACKGROUND:

Suncrest Homes, LLC granted a 5-foot wide utility easement for a waterline extension from Donna Way to the City of Central Point across Lot 11 of Mitchell's Landing Subdivision, recorded in the Official Records of Jackson County on April 29, 1998 as Document No. 98-18626. In addition, a public utility easement for a storm water line was dedicated to the City with the platting of Mitchell's Landing Subdivision, located between platted Lots 10 and 11, recorded on April 1, 1998, in Volume 24 at Page 14, of the Plat Records of Jackson County, Oregon as well as across a neighboring City parcel commonly referred to as 372W10BB Tax Lot 800.

The City staff has determined that the foregoing easements on Lots 10 and 11 of Mitchell's Landing Subdivision as well as the neighboring City parcel are not necessary as the waterline was abandoned in the early 2000's, and the storm water line was capped in 2024 following staff's determination that no storm water was using the facility.

Oregon Revised Statutes (ORS) Chapter 271.130 provides for the vacation of public easements pursuant to the City's own motion. The City initiated vacation of the 10-foot wide PUE located between Lots 10 and 11 and on Tax Lot 800, and the 5-foot wide utility easement on Lot 11 pursuant to Resolution No. 1799, which was adopted on September 26, 2024.

The hearing was duly noticed in the Daily Courier, by publishing notice once each week for two consecutive weeks on October 31, 2024 and November 7, 2024. Additionally, the subject easement areas were posted on October 25, 2024.

To approve the vacations, the City must find that the hearing was duly noticed, that no objections to the vacation have been filed with the city and that the easement vacations are in the public interest. Per staff's finding that there is no longer any need for the foregoing easements, staff recommends that it is in the public interest to vacate the foregoing easements.

FINANCIAL ANALYSIS:

LEGAL ANALYSIS:

The City has complied with the initiation and notice requirements of ORS Chapter 271 and may approve the vacations upon a finding that no objections have been filed and the vacations are in the public interest.

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:**ATTACHMENTS/EXHIBITS:**

1. Quit Claim Deed Lot 800 with Exh
2. Quit Claim Deed Lot 10 with Exh
3. Quit Claim Deed Lot 11 with Exh
4. Ordinance Vacating Easements - Mendolia Way

STAFF RECOMMENDATION:

Open a public hearing and at the close of the public hearing make a motion to forward the Ordinance to a second reading.

RECOMMENDED MOTION:

I move to forward the Ordinance vacating two public utility easements over portions of Lots 10 and 11 of Mitchell's Landing Subdivision and that city parcel commonly referred to as Map No. 372W10BB Tax Lot 800 per ORS 271.130.

After recording return to:

City of Central Point
140 S. Third Street
Central Point, OR 97502

**Until a change is requested,
all tax statements shall be sent
to the following address:**

No Change

Grantor:

City of Central Point

Grantee:

City of Central Point

VACATION QUIT CLAIM DEED

City of Central Point, an Oregon municipal corporation, Grantor, does hereby release and quitclaim to City of Central Point, Grantee, all right, title and interest in and to the easement described below, which easement was vacated, and abandoned by Ordinance No. _____ passed and approved by the City Council of the City of Central Point, Oregon on December _____, 2024.

See Exhibit A attached hereto.

There is no monetary consideration involved in this transfer. The true consideration for this conveyance is other consideration.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010. TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this day of _____, 2024.

CITY OF CENTRAL POINT

By: _____
Its: _____

STATE OF OREGON)
) ss.
County of Jackson)

On this ____ day of _____, 2024, personally appeared before me _____, representative of City of Central Point, a municipal corporation, and acknowledged said instrument to be its voluntary act and deed.

Notary Public for Oregon
My Commission Expires: _____

EXHIBIT "A"

**CITY OF CENTRAL POINT UTILITY EASEMENT
VACATION DESCRIPTION SHEET
37 2W 10BB, TAX LOT 800**

That certain 10-foot wide City of Central Point Utility Easement created within Lot 11 of MITCHELL'S LANDING SUBDIVISION, recorded in Volume 24 of Plats at Page 14 of the Official Records of Jackson County, Oregon, also filed as Survey Number 15700 in the Office of the Jackson County Surveyor, being within a portion of Instrument 2001-29478, located in the Northwest One-quarter of Section 10, Township 37 South, Range 2 West of the Willamette Meridian, in the City of Central Point, Jackson County Oregon. Said 10-foot wide easement is along and 10-feet southerly of the common boundary of Lot 10 per MITCHELL'S LANDING SUBDIVISION and Instrument 2001-29478 and more particularly described as follows:

Beginning at the southeast corner of said Lot 10 thence North 90°00'00" West along said common boundary of Lot 10 and Instrument 2001-29478, 30.00 feet.

The sideline of this easement is to be 10.00 feet southerly of the above-described common boundary, to be continuous throughout, beginning at the easterly boundary of said Instrument 2001-29478 and ending at the westerly boundary of said Instrument 2001-29478.

Containing 300 square feet, more or less.

TOGETHER WITH:

That certain 5-foot wide City of Central Point Utility Easement per Instrument 1998-18626 of the Deed Records of Jackson County, Oregon, being within a portion of Instrument 2001-29478, located in the Northwest One-quarter of Section 10, Township 37 South, Range 2 West of the Willamette Meridian, in the City of Central Point, Jackson County Oregon. Said 5-foot wide easement is along and 5-feet southerly of the southerly boundary of the hereinabove described 10-foot wide City of Central Point Utility Easement.

The sideline of this easement is to be 5.00 feet southerly of the south boundary of the 10-foot wide City of Central Point Utility Easement, to be continuous throughout, beginning at the easterly boundary of said Instrument 2001-29478 and ending at the westerly boundary of said Instrument 2001-29478.

Containing 150 square feet, more or less.

Basis of bearings for this description is Survey Number 15700.

Prepared by:
NEATHAMER SURVEYING, INC.,
3126 State Street, Suite 203
PO Box 1584
Medford, OR 97501
Phone: (541) 732-2869
Facsimile: (541) 732-1382
Project: 09002-T-A6
Date: September 17, 2024

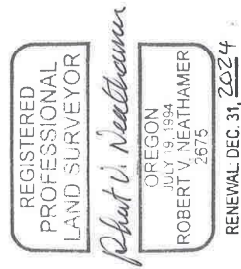
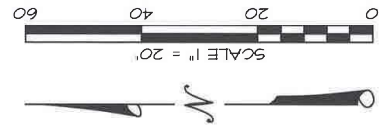
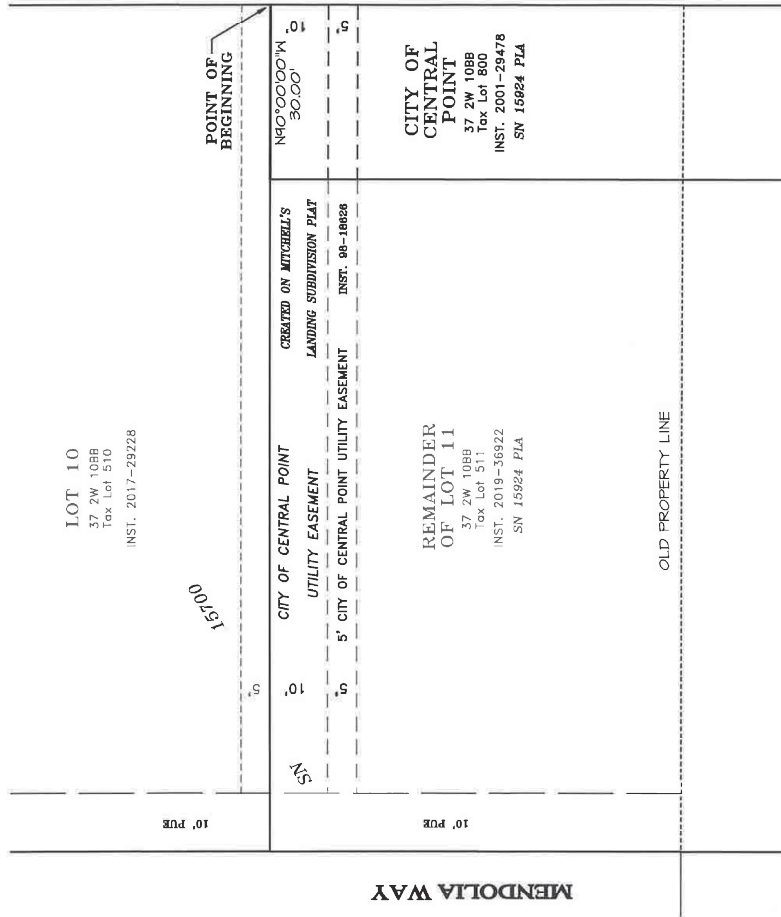


EXHIBIT " "



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Robert V. Neathamer

OREGON
JULY 19 1994
ROBERT V. NEATHAMER
2675

Renewal Date 12/31/24

After recording return to:

City of Central Point
140 S. Third Street
Central Point, OR 97502

**Until a change is requested,
all tax statements shall be sent
to the following address:**

No Change

Grantor:

City of Central Point

Grantee:

Uvolla S. Phillips

VACATION QUIT CLAIM DEED

City of Central Point, an Oregon municipal corporation, Grantor, does hereby release and quitclaim to Uvolla S. Phillips, Grantee, all right, title and interest in and to the easement described below, which easement was vacated, and abandoned by Ordinance No. _____ passed and approved by the City Council of the City of Central Point, Oregon on December _____, 2024.

See Exhibit A attached hereto.

There is no monetary consideration involved in this transfer. The true consideration for this conveyance is other consideration.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this day of _____, 2024.

CITY OF CENTRAL POINT

By: _____
Its: _____

STATE OF OREGON)
) ss.
County of Jackson)

On this ____ day of _____, 2024, personally appeared before me _____,
representative of City of Central Point, a municipal corporation, and acknowledged said
instrument to be its voluntary act and deed.

Notary Public for Oregon
My Commission Expires: _____

EXHIBIT "A"

**CITY OF CENTRAL POINT UTILITY EASEMENT
VACATION DESCRIPTION SHEET
37 2W 10BB, TAX LOT 510**

That certain 5-foot wide City of Central Point Utility Easement created within Lot 10 of MITCHELL'S LANDING SUBDIVISION, recorded in Volume 24 of Plats at Page 14 of the Official Records of Jackson County, Oregon, also filed as Survey Number 15700 in the Office of the Jackson County Surveyor, being located in the Northwest One-quarter of Section 10, Township 37 South, Range 2 West of the Willamette Meridian, in the City of Central Point, Jackson County Oregon. Said 5-foot wide easement is along and 5-foot northerly of the common boundary of Lot 10 and Lot 11 per MITCHELL'S LANDING SUBDIVISION and more particularly described as follows:

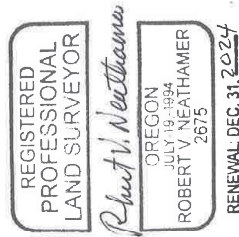
Beginning at the southeast corner of said Lot 10; thence North 90°00'00" West, along said common boundary of Lot 10 and Lot 11 per MITCHELL'S LANDING SUBDIVISION, 135.00 feet to the easterly boundary of that 10-foot wide Public Utility Easement created on MITCHELL'S LANDING SUBDIVISION.

The sideline of this easement is to be 5.00 feet northerly of the above-described common boundary, to be continuous throughout, beginning at the easterly boundary of Lot 10 and ending at the easterly boundary of that 10-foot wide Public Utility Easement created on MITCHELL'S LANDING SUBDIVISION.

Containing 675 square feet, more or less.

Basis of bearings for this description is Survey Number 15700.

Prepared by:
NEATHAMER SURVEYING, INC.
3126 State Street, Suite 203
PO Box 1584
Medford, OR 97501
Phone: (541) 732-2869
Facsimile: (541) 732-1382
Project: 09002-T-A6
Date: September 17, 2024





Phut V. Neathamer

Renewal Date 12/31/24

After recording return to:

City of Central Point
140 S. Third Street
Central Point, OR 97502

**Until a change is requested,
all tax statements shall be sent
to the following address:**

No Change

Grantor:

City of Central Point

Grantee:

Joshua T. Jones and Rebecca L. Jones

VACATION QUIT CLAIM DEED

City of Central Point, an Oregon municipal corporation, Grantor, does hereby release and quitclaim to Joshua T. Jones and Rebecca L. Jones, as Tenants by the Entirety, collectively Grantee, all of its right, title and interest in and to the easement described below, which easement was vacated, and abandoned by Ordinance No. _____ passed and approved by the City Council of the City of Central Point, Oregon on December ____, 2024.

See Exhibit A attached hereto.

There is no monetary consideration involved in this transfer. The true consideration for this conveyance is other consideration.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this day of ____, 2024.

CITY OF CENTRAL POINT

By: _____
Its: _____

STATE OF OREGON)
) ss,
County of Jackson)

On this ____ day of _____, 2024, personally appeared before me _____,
representative of City of Central Point, a municipal corporation, and acknowledged said
instrument to be its voluntary act and deed.

Notary Public for Oregon
My Commission Expires: _____

EXHIBIT "A"

**CITY OF CENTRAL POINT UTILITY EASEMENT
VACATION DESCRIPTION SHEET
37 2W 10BB, TAX LOT 511**

That certain 10-foot wide City of Central Point Utility Easement created within Lot 11 of MITCHELL'S LANDING SUBDIVISION, recorded in Volume 24 of Plats at Page 14 of the Official Records of Jackson County, Oregon, also filed as Survey Number 15700 in the Office of the Jackson County Surveyor, being within a portion of Instrument 2019-36922, located in the Northwest One-quarter of Section 10, Township 37 South, Range 2 West of the Willamette Meridian, in the City of Central Point, Jackson County Oregon. Said 10-foot wide easement is along and 10-feet southerly of the common boundary of Lot 10 per MITCHELL'S LANDING SUBDIVISION and Instrument 2019-36922 (being the remainder of Lot 11 per MITCHELL'S LANDING SUBDIVISION) and more particularly described as follows:

Commencing at the southeast corner of said Lot 10; thence North 90°00'00" West, along the common boundary of said Lot 10 and Instrument 2001-29478, 30.00 feet to the **TRUE POINT OF BEGINNING**; thence leaving said common boundary, North 90°00'00" West, along the common boundary of said Lot 10 and said Instrument 2019-36922, 105.00 feet to the easterly boundary of that 10-foot wide Public Utility Easement created on MITCHELL'S LANDING SUBDIVISION.

The sideline of this easement is to be 10.00 feet southerly of the above-described common boundary, to be continuous throughout, beginning at the easterly boundary of said Instrument 2019-36922 and ending at the easterly boundary of that 10-foot wide Public Utility Easement created on MITCHELL'S LANDING SUBDIVISION.

Containing 1050 square feet, more or less.

TOGETHER WITH:

That certain 5-foot wide City of Central Point Utility Easement per Instrument 1998-18626 of the Deed Records of Jackson County, Oregon, being within a portion of Instrument 2019-36922, located in the Northwest One-quarter of Section 10, Township 37 South, Range 2 West of the Willamette Meridian, in the City of Central Point, Jackson County Oregon. Said 5-foot wide easement is along and 5-feet southerly of the southerly boundary of the hereinabove described 10-foot wide City of Central Point Utility Easement.

The sideline of this easement is to be 5.00 feet southerly of the south boundary of the 10-foot wide City of Central Point Utility Easement, to be continuous throughout, beginning at the easterly boundary of said Instrument 2019-36922 and ending at the easterly boundary of that 10-foot wide Public Utility Easement created on MITCHELL'S LANDING SUBDIVISION.

Containing 525 square feet, more or less.

Basis of bearings for this description is Survey Number 15700.

Prepared by:
NEATHAMER SURVEYING, INC.
3126 State Street, Suite 203
PO Box 1584
Medford, OR 97501
Phone: (541) 732-2869
Facsimile: (541) 732-1382
Project: 09002-T-A6
Date: September 17, 2024



66



Phut V. Neetham

NOJ380

JULY 19 1994

ROBERT V NEATHAMER
JULY 10, 1984

2675

Renewal Date 12/31/24

ORDINANCE NO. _____

AN ORDINANCE VACATING TWO PUBLIC UTILITY EASEMENTS OVER PORTIONS OF LOTS 10 AND 11 OF MITCHELL’S LANDING SUBDIVISION AND THAT CITY PARCEL COMMONLY REFERRED TO AS MAP NO. 372W10BB TAX LOT 800 PER ORS 271.130

RECITALS:

- A. WHEREAS, Suncrest Homes, LLC granted a 5-foot wide utility easement for a waterline extension from Donna Way to the City of Central Point across Lot 11 of Mitchell’s Landing Subdivision, recorded in the Official Records of Jackson County on April 29, 1998 as Document No. 98-18626.
- B. WHEREAS, a public utility easement for a storm water line was dedicated to the City with the platting of Mitchell’s Landing Subdivision, located between platted Lots 10 and 11, recorded on April 1, 1998, in Volume 24 at Page 14, of the Plat Records of Jackson County, Oregon as well as across a neighboring City parcel commonly referred to as 372W10BB Tax Lot 800.
- C. WHEREAS, the City has determined that the foregoing easements on Lots 10 and 11 of Mitchell’s Landing Subdivision as well as the neighboring City parcel are not necessary as the waterline was abandoned in the early 2000’s, and the storm water line was capped in 2024 following staff’s determination that no storm water was using the facility.
- D. WHEREAS, Oregon Revised Statutes (ORS) Chapter 271 provides for the vacation of public easements.
- E. WHEREAS, the City Council of the City of Central Point desires to follow the provisions of ORS Chapter 271 to initiate vacation of the 10-foot wide PUE located between Lots 10 and 11 and the 5-foot wide utility easement on Lot 11.
- F. WHEREAS, pursuant to ORS 271.130, on September 26, 2024, the City Council initiated the vacation of the foregoing public utility easement for a storm water line, and 5-foot wide utility easement for a waterline over the portions of Lots 10 and 11 of Mitchell’s Landing and the neighboring city parcel, on its own motion, per Resolution No. 1799 and set the proposed vacation for public hearing.
- G. WHEREAS, on November 14, 2024, the City Council conducted a duly advertised public hearing in which the Council considered all evidence in favor or opposed to the proposed vacation.
- H. WHEREAS, the City Recording Officer has filed in the Official City Record a certificate verifying that all liens and taxes have been paid on the lands to be vacated.

Now, therefore:

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

SECTION 1. In accordance with ORS 271.130 the City Council makes the following findings:

- A. That the 5-foot wide utility easement for a waterline extension from Donna Way to the City of Central Point across Lot 11 of Mitchell's Landing Subdivision, recorded in the Official Records of Jackson County on April 29, 1998 as Document No. 98-18626 is no longer needed for public purposes as the waterline was abandoned in the early 2000's.
- B. That the public utility easement for a storm water line which was dedicated to the City with the platting of Mitchell's Landing Subdivision, located between platted Lots 10 and 11, recorded on April 1, 1998, in Volume 24 at Page 14, of the Plat Records of Jackson County, Oregon as well as across a neighboring City parcel commonly referred to as 372W10BB Tax Lot 800 is no longer needed for public purposes as the storm water line was capped in 2024 and staff has determined that no storm water is using the facility .
- C. The Council reviewed the staff's agenda report with findings; conducted a public hearing on the proposed vacation on November 14, 2024 and found the vacation of the foregoing public utility easements to be in the public interest.
- D. The City provided notice of the proposed vacation by publication in the Daily Courier, a newspaper of general circulation in Jackson County, Oregon. Notice was published once per week for two consecutive weeks with the first publication on October 31, 2024 and the second publication on November 7, 2024.
- E. Said notice provided, among other things, that a public hearing before the City Council concerning the proposed vacation would be held on November 14, 2024 in the City Council Chambers in Central Point, Oregon, which was the time and place when objections to such proposed vacation would be considered and heard.
- F. The City Council convened at the time and place specified in the public notices and no objections were made to the proposed utility easement vacations.
- G. On October 25, 2024, the City posted at or near each end of the portions of the easements proposed to be vacated, a copy of the notice provided for in ORS 271.
- H. The Council determined that the proposed vacations would not substantially affect the market value of the property upon which the public utility easements are to be vacated.
- I. Vacation of the public utility easements is in the public interest.
- J. The City recording officer has filed a certificate verifying that all liens and taxes have been paid on the easement land to be vacated.

SECTION 2. The Easements described in Exhibit "A" attached hereto and by the reference incorporated herein are hereby vacated pursuant to ORS 271.130.

SECTION 3. The City Manager is directed to record certified true copies of this ordinance in the office of the County Clerk of Jackson County, Oregon, and with the County Assessor and County Surveyor of Jackson County, Oregon.

SECTION 4. For purposes of this vacation, this Ordinance shall be effective upon completion of the conditions provided herein.

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

Mayor Hank Williams

ATTEST:

City Recorder



DEPARTMENT: Planning

MEETING DATE: November 14, 2024

STAFF CONTACT: Stephanie Powers, Planning Director

SUBJECT: Land Development Code Amendments

SUMMARY AND BACKGROUND:

On October 24, 2024, the City Council approved Resolution No. 1804, a resolution of intent authorizing an application to amend various sections of the land development code in Title 1 (General Provisions), Title 16 (Subdivisions) and Title 17 (Zoning) (Attachment 1). The Planning Commission considered the proposed amendments and forwarded a favorable recommendation to the City Council to approve them without changes. The proposed code amendments are part of a larger project to audit and update the land development code to accomplish multiple objectives, including but not limited to:

- Facilitating the community's preferred vision for its future as articulated in the 2040 Strategic Plan;
- Implementing the City of Central Point Comprehensive Plan;
- Expanding opportunities for housing in the City;
- Codifying state rules and legislation;
- Providing a user-friendly format and language.

The first round of code amendments are largely foundational and address several housekeeping corrections and updates, as well as revisions to land use application standards, submittal requirements and approval criteria (annexations, adjustments and variances, conditional use permits, home occupation permits), as well as some land use standards (fences, nonconforming situations). At the November 14, 2024 meeting, staff will review the proposed amendments set forth in Attachment 1 relative to the approval criteria for legislative text amendments.

FINANCIAL ANALYSIS:

There are no costs associated with the proposed text amendments aside from in-kind contributions from staff.

LEGAL ANALYSIS:

Amendments to land use and development regulations that have widespread impact throughout the city are considered Major Amendments pursuant to CPMC 17.10.300(A) and are subject to legislative (Type IV) procedures in CPMC 17.05.500, which require two (2) public hearings and a decision by the City Council. In rendering its decision City

Council may approve or deny the amendments based on written findings and conclusions that find the proposed changes meet the following criteria:

- Are consistent with applicable statewide planning goals;
- Are consistent with the Central Point Comprehensive Plan; and
- Comply with OAR 660-012-0060 of the State Transportation Planning Rule.

The proposed land development code amendments apply requirements from state statutes and existing policies in the Comprehensive Plan as demonstrated in the Findings of Fact and Conclusions of Law provided in Attachment 2.

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

The Central Point 2040 Strategic Plan articulates the community's preferred vision for its future and establishes four strategic priorities with accompanying goals and strategies. The proposed land development code amendments align with the Strategic Priority concerning Community Investment, Goal 4: "Manage growth to provide places that are timeless and loved by the community."

Strategy 2 - Continually monitor and update the community's land use to reflect the community's preferences for how new growth areas will look, feel and function. (As the City grows in response to market demand, this supports the creation of urban form and architectural character informed by the community's vision for its future.)

Comment: The proposed land development code amendments are part of a larger project that responds to this strategy directly by evaluating the current code and proposing revisions to support the community's vision. This is highlighted in proposed revisions to home occupation permit standards and criteria to assure that business activities conducted in residential zones maintain the livability and character of the city's residential neighborhoods. This reflects the community's vision to maintain its small-town feel.

Strategy 3 - Provide a professional land development review process that is efficient, collaborative and solution-oriented.

Comment: A key facet to providing a professional land development review process is to have clear land development regulations that specify the application procedures, submittal requirements, standards and approval criteria that apply. In the case of the proposed land development code amendments, the proposed changes aim to accomplish this objective as necessary to provide the foundation for a more efficient land development review process.

ATTACHMENTS/EXHIBITS:

1. Ordinance Amending Land Development Code (CC Public Hearing Draft)
2. LDO Findings of Fact and Conclusions of Law (CC Public Hearing Draft)

STAFF RECOMMENDATION:

Conduct a public hearing to consider the first reading of an Ordinance approving various amendments to the land development code in Title 1 (General Provisions), Title 16 (Subdivisions) and Title 17 (Zoning) and forward the ordinance to a second reading with or without revisions.

RECOMMENDED MOTION:

I move to forward the ordinance amending various section in the Central Point Municipal Code concerning land development regulations in Title 1 (General Provisions), Title 16 (Subdivisions) and Title 17 (Zoning) to a second reading.

ORDINANCE NO. _____

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE CENTRAL POINT MUNICIPAL CODE TITLE 16 (SUBDIVISIONS) AND TITLE 17 (ZONING); ADDING NEW CHAPTERS 16.14 (MIDDLE HOUSING AND EXPEDITED LAND DIVISIONS), 16.40 (REPLATS), 16.44 (PROPERTY LINE ADJUSTMENTS) AND 17.94 (ANNEXATIONS); AND REPEALING CHAPTERS 1.20 (ANNEXATIONS) AND 17.92 (ENFORCEMENT)

File No. ZC-24001

Recitals:

- A.** Pursuant to CPMC 1.01.040, the City Council, may from time to time revise its municipal code which shall become part of the overall document and citation.
- B.** For consistency with existing policy in the Comprehensive Plan and conciseness and clarity, the City Council finds that annexation procedures and criteria in CPMC 1.20 should be repealed and updated standards and criteria consistent with ORS 222.111 through ORS 222.180 should be added to CPMC 17.94.
- C.** For consistency with existing policy in the Comprehensive Plan, conciseness and clarity, general provisions, the City Council finds that updated definitions and clear and objective standards and procedures should be provided in Chapters 16.04, 16.08, 16.40 and 16.44 for land divisions.
- D.** For consistency with existing policy in the Comprehensive Plan, clarity and conciseness and provision of an efficient land use process, and general provisions, the City Council finds that updated definitions and clear and objective standards should be provided for various land use application types and uses in Chapters 17.04, 17.05, 17.08, 17.12, 17.13, 17.56, 17.57, 17.60 and 17.76.
- E.** For consistency with state housing legislation in SB 1537 that aims to decrease housing cost and promote housing production, the City Council finds that it is in the public interest to add CPMC 17.13 providing Housing Adjustment procedures and criteria.
- F.** Pursuant to HB 4027, the City Council finds it is in the public interest to establish standards that distinguish requirements for electrified and battery operated fences.
- G.** In order to address community concerns about parking and transportation access, the City Council finds it is in the public interest to modify Site Plan and Architectural Review submittal requirements in CPMC 17.72 to clarify the information needed to evaluate applications, including provision of a Mobility Plan.

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- H. In accordance with CPMC 17.05.500, the City of Central Point Citizen's Advisory Committee considered the proposed amendments at their meeting on November 12, 2024 and recommended the City Council approve the amendments.
- I. In accordance with CPMC 17.05.500 the following duly noticed public hearings were conducted:
1. November 5, 2024 Planning Commission meeting, at which time the Planning Commission considered and approved Resolution No. 925 forwarding a favorable recommendation to the City Council to approve the proposed amendments; and,
 2. November 14, 2024 City Council meeting, at which time the City Council considered the first reading of the ordinance revising Central Point Municipal Code Title 1, Title 16 and Title 17.
- J. 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. Chapter 1.20, Annexations, is hereby repealed in its entirety.

SECTION 2. CPMC Title 17 is hereby amended to add Chapter 17.94, Annexations, as set forth below:

**CPMC 17.94, Annexation
Sections:**

- 17.94.010 Purpose and Applicability**
17.94.020 Application Process and Submittal Requirements
17.94.030 Approval Criteria
17.94.040 Zoning of Annexed Areas
17.94.050 Annexation of Territory Surrounded by the City

17.94.010 Purpose and Applicability

Annexation is the action taken to incorporate land into the city. Under State law, land may be annexed to the city only if it is within the Urban Growth Boundary, and is contiguous to the city limits. Applications for annexation may be accompanied by other, concurrent applications, for amendment to the comprehensive plan, amendments to the zoning map and requests for withdrawal from special districts, provided that such concurrent applications meet all requirements therefor.

CPMC 17.94.020 Application Process and Submittal Requirements

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- A. *Application for Annexation.*** Except for the annexation of unincorporated territory surrounded by the city as provided in CPMC 17.94.050 below, applications for annexation shall include all of the requirements listed in Subsection (C) below, and be subject to the provisions of ORS 222.111 to 222.180 (Authority and Procedures for Annexation) or 222.840 to 222.915 (Health Hazard Abatement Law).
- B. *Public Hearing for Annexation.*** A public hearing shall be held prior to the Council's adoption of an ordinance for annexation. The City shall publish notice of the public hearing once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall post notices of the hearing in at least four public places in the city for a like period.
1. **Exception:** A public hearing is not required when all of the owners of land in the unincorporated territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory, and file a statement of their consent with the Council per ORS 222.125.
- C. *Submittal Requirements.*** An application for annexation shall contain the following information:
1. **Vicinity Map** drawn at a scale of 1" = 1,000' identifying the proposed area of annexation and existing city limits.
 2. ***Assessor's Maps of the proposed annexation area.*** The assessor's maps shall have identified those parcels for which consents to annex have been acquired and adjacent right-of-way to be annexed.
 3. **Consent to annex forms** completed and signed by all consenting property owners within the proposed annexation area.
 4. **Legal metes and bounds or lot and block description** of the annexation area. Prior to submittal of the Annexation application, the applicant shall consult with the Public Works Department on the extent of any adjacent right-of-way that is to be included in the legal description. All legal descriptions shall be reviewed and approved by the Public Works Department prior to submittal of the Annexation application.
 5. **Specific information on each parcel within the proposed annexation area:**

- a. **Current assessed valuation shown on County Assessor's tax rolls.**
 - b. **Acreage of both public and private property, and public right-of-way to be annexed.**
 - c. **Map and tax lot number.**
- 6. **Addresses of all dwelling units and businesses located within the annexation area and names of all residents and whether they are registered voters.**
- 7. **The following additional information shall also be supplied by the applicant:**
 - a. **Existing land uses within annexation area.**
 - b. **Existing zoning within the annexation area.**
 - c. **Existing improvements such as:**
 - i. **water system**
 - ii. **streets**
 - iii. **sanitary sewer**
 - iv. **storm drainage**
 - d. **Special Districts within the area, such as:**
 - i. **water district**
 - ii. **irrigation district**
 - iii. **fire district**
 - iv. **school district**
 - v. **Rogue Valley Sewer Services**
 - vi. **other**
 - e. **Written findings indicating compliance with all of the applicable requirements of this chapter and the criteria contained in Section 17.94.030.**

8. Property owners' names, addresses and map and tax lot numbers within 200 feet of the subject site, typed on mailing labels.

9. Payment of the application fee(s).

CPMC 17.94.030 Approval Criteria

The City Council must find that the following requirements are met in order to approve an annexation:

- 1. The land is within the City's Urban Growth Boundary;**
- 2. The land is contiguous to the current city limits;**
- 3. The land is zoned in accordance with CPMC 17.94.040; and,**
- 4. Unless the land being considered for annexation is enclaved by the City or the City chooses to hold an election, a majority of the land owners and/or electors have consented in writing to the annexation per ORS 222.125 or ORS 222.170.**

CPMC 17.94.040 Zoning of Annexed Property

The comprehensive plan of Central Point includes a plan for future land uses within the UGB area. The zoning map described in Section 17.12.030 is consistent with the comprehensive plan and will control the district into which a newly annexed area is placed. The appropriate zoning district shall be applied to the area upon annexation if pre-designated pursuant to the zoning map. If no zoning district has been designated on the zoning map, the applicant shall submit a Zone Map Amendment application in accordance with the requirements in CPMC 17.10 concurrent with the annexation application.

CPMC 17.94.050 Annexation of Territory Surrounded by the City.

- A. As authorized in ORS 222.750, the City Council may, by ordinance, annex territory surrounded by the corporate boundaries of Central Point with or without the consent of any owner of property within the territory or resident of the territory.**
- B. Such annexation may be initiated at the request of the Planning Department or City Council and shall not be subject to the requirements of Chapters 17.05 and 17.94.020 through 17.94.030.**
- C. A public hearing shall be held prior to the Council's adoption of an ordinance for annexation.**

- D. No later than 20 days prior to the public hearing, notification shall be mailed to all owners of property within the area proposed for annexation.
- E. For property that is zoned for, and in, residential use when annexation is initiated by the City, the City shall specify an effective date for the annexation that is at least three years and not more than 10 years after the date the City proclaims the annexation approved.
- F. Cause notice of the delayed annexation to be recorded by the county clerk of the county in which any part of the territory subject to delayed annexation is located within 60 days after the city proclaims the annexation approved.
- G. The City shall notify the Jackson County Clerk of the territory subject to delayed annexation not sooner than 120 days and not later than 90 days before the annexation takes effect.

SECTION 3. Chapter 16.04, General Provisions, is hereby amended in its entirety to read:

CPMC 16.04, General Provisions
Sections:

- 16.04.005 Background**
- ~~16.04.010 Scope of regulations.~~ **Purpose**
- ~~16.04.020 Design standards and principles of acceptability.~~ **Applicability**

16.04.005 Background

The division of land and arrangement of property boundaries is the first step toward establishing a community's development pattern. Before any unit of land can be created by recording a subdivision or partition plat, the City must approve a tentative plan and final plat. This Title sets forth the standards and procedures that apply to tentative and final plats for subdivisions, partitions and replats. It also provides standards and procedures for property line adjustments and missing middle and expedited land divisions.

16.04.010 Purpose

The purpose of this Title is to:

- A. Preserve, protect and promote the public health, safety, convenience and general welfare;
- B. Provide rules, regulations and standards governing the approval of land divisions and replats;
- C. Provide rules, regulations and standards governing the approval of property line adjustments;

- D. Ensure that new lots, parcels and blocks meet the requirements of the underlying zoning district;
- E. Ensure access to streets and utilities;
- F. Ensure safe, economical and efficient routes for pedestrians, bicycles and motor vehicles;
- G. Minimize the negative effects of development on the natural environment and incorporate natural features into proposed development where possible;
- H. Promote energy efficiency; and,
- I. Promote orderly growth and development by implementing the Central Point Comprehensive Plan.

16.04.020 ~~Scope of regulations.~~ **Applicability.**

Units of land must only be created or reconfigured in accordance with the standards in this Title and ORS Chapter 92. Expedited and Middle Housing Land Divisions are subject to the requirements in CPMC 16.14.

~~The provisions of this title shall apply to all subdivisions, partitions, and planned unit developments, and all streets or other ways created thereby, unless otherwise specifically provided. (Ord. 1650 (part), 1990).~~

~~16.04.020 Design standards and principles of acceptability.~~

~~A. The subdivision shall be in conformity with any approved development plans and shall take into consideration any preliminary plans or studies.~~

~~B. In connection with reviewing and making recommendations as to the granting or denial of any application made under this title, city staff may, in its discretion, in such cases as the same is warranted due to relevant but unknown information, require the applicant to furnish to the city, at applicant's expense, technical, architectural, engineering or other professional studies or reports. (Ord. 1684 §5, 1993; Ord. 1650 (part), 1990).~~

SECTION 4. CPMC 16.04, Definitions, is hereby amended to read:

CPMC 16.08, Definitions

As used in this title the masculine gender includes the feminine and neuter gender and the singular includes the plural. The following words and phrases, unless the context otherwise requires, shall have the meanings assigned to them.

1. "Alley" means a narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.

2. "Applicant" means the owner or contract purchaser of the property sought to be subdivided, partitioned or developed, or the person duly authorized in writing by such person or persons to act as agent to seek subdivision, partition or development, and in connection therewith, to bind the property to any conditions thereof.

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3. "Building line" means a line on a plat indicating the limit beyond which buildings or structures may not be erected.

4. "City" means any representative of the city of Central Point authorized to make the decision in question, including but not limited to the public works director, the city manager, the planning commission or the city council.

5. "City utility easement" means an easement that is dedicated or granted for city water, sewer or storm drain.

6. "Cul-de-sac" (dead-end street) means a short street having one end open to traffic and being terminated by a vehicle turn-around.

7. "Development plan" means any plan as defined in Section 15.16.010.

8. "Easement" means a grant of the right to use a strip of land for specific purposes.

9. "Final plat" means the final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a subdivision, and where applicable, includes a partition plat prepared by a registered professional land surveyor.

10. "Flag lot" means a lot or parcel surrounded by other parcels on all sides and connected to the public right-of-way by a privately owned driveway or easement for ingress and egress.

11. "Half street" means a portion of the width of a street, usually along the edge of a subdivision where the remaining portion of the street has been or could later be provided in another subdivision.

12. "Lot" means a parcel of land intended as a unit for transfer of ownership or for development.

13. ~~"Major partition" means a partition which includes the creation of a road or street.~~

14. ~~"Minor partition" means a partition which does not include the creation of a road or street.~~

15. "Partition" means either an act of partitioning land or an area or tract of land partitioned as defined by this chapter.

16. "Partition plat" means the final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a major or minor land partition.

17. "Partitioned land" means to divide **dividing** area or tract of land **to create not more than** ~~into two or three~~ **(3) parcels of land** within a calendar year, **but does not include:**

- a. **Dividing land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property, or the creation of cemetery lots;**
- b. **Adjusting a property line as a property line adjustment is defined in this section;**
- c. **Dividing land as a result of recording a subdivision or condominium plat;**
- d. **Selling or granting by a person to a public agency or public body of property for state highway, county road, city street or other right of way purposes if the road or right of way complies with the applicable comprehensive plan and ORS 215.213 (Uses permitted in exclusive farm use zones in counties that adopted marginal lands system prior to 1993) (2)(p) to (r) and 215.283 (Uses permitted in exclusive farm use zones in nonmarginal lands counties) (2)(q) to (s). However, any property sold or granted for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until the property is further subdivided or partitioned; or,**
- e. **Selling or granting by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the applicable local government. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.**

~~when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partitioned land" does not include divisions of land resulting from lien foreclosures; divisions of land resulting from the creation of cemetery lots; and divisions of land made pursuant to a court order, including but not limited to court orders in proceedings involving the state or intestate succession; and "partitioned land" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by any applicable zoning ordinance.~~

~~18. "Pedestrian way" means a right-of-way for pedestrian traffic.~~

~~19. "Person" means an individual, firm, partnership, corporation, company, association, syndicate or any legal entity, and including any trustee, receiver, assignee or other similar representative thereof.~~

~~20. "Planning commission" means the planning commission of the city.~~

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“Plat” includes a final subdivision plat, replat or partition plat.

“Property line” means the division line between two units of land.

“Property line adjustment” means a relocation or elimination of all of a portion of the common property line between abutting properties that does not create an additional lot or parcel.

“Replat” means the act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.

~~21. “Reversed corner lot” means a corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.~~

~~22. “Right-of-way” means all areas conveyed or dedicated to the public or city, or in actual use by the public or city, for vehicular, pedestrian or utility use.~~

~~23. “Road” or “street” means a public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land.~~

~~24. “Roadway” means the portion or portions of street rights-of-way developed for vehicular traffic.~~

~~25. “Sidewalk” means a pedestrian walkway with permanent surfacing.~~

~~26. “Street” means the entire width between the boundary lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic and the placement of utilities and includes the terms “road,” “highway,” “avenue,” “alley” and other similar designations.~~

~~27. “Structure” means anything built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. This includes, but is not limited to, carports, swimming pools, hot tubs, permanent signs, aboveground gas or liquid storage tanks, fences, railings, sheds, manufactured homes, antennas, satellite dishes, well pump houses, mechanical equipment, and portable buildings. It also includes tents, awnings, stands, carts, and tables, except those used temporarily for an itinerant use. It does not include portable items solely for sale or temporary storage on the premises, including manufactured homes, portable buildings, and vehicles.~~

~~28. “Subdivide land” means to divide a parcel of land into four or more parcels within a **calendar** year.~~

~~29. “Subdivision” means either an act of subdividing land or a tract of land subdivided as defined in this chapter.~~

30. "Through lot" means a lot having frontage on two parallel or approximately parallel streets other than alleys.

31. "Tentative plan" means the diagram and text containing all of the descriptions, locations, specifications, provisions and information concerning a proposed subdivision or partition.

"Utility easement" means an easement noted on a subdivision plat or partition plat for the purpose of installing or maintaining public or private utility infrastructure for the provision of water, power, heat or telecommunications to the public. ~~32. "Underground utilities" include all public and private services including but not limited to electrical power, television cable, gas, telephone, sewer, water and storm sewer. (Ord. 1997 §1, 2014; Ord. 1969 §1(part), 2013; Ord. 1650(part), 1990).~~

SECTION 4. CPMC Title 16 is hereby amended to establish and reserve Chapter 16.14, Middle Housing and Expedited Land Divisions.

CPMC 16.14, Middle Housing and Expedited Land Divisions

SECTION 5. CPMC Title 16 is hereby amended to add Chapter 16.40, Replats, to read as follows:

CPMC 16.40, Replats

16.40.010 Applicability

16.40.020 Replat Process

16.40.010 Applicability

- A. A replat is the act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in a subdivision.**
- B. The relocation of a common boundary line between two lots/parcels within a subdivision or partition shall not be considered a replat. A property line adjustment may occur in a platted subdivision or partition as provided for in CPMC 16.44.**

16.40.020 Replat Process

- A. A replat tentative plan and final plat shall comply with the land division process specified in CPMC 16.10 and CPMC 16.12 with the following**

exceptions:

- 1. The word “Replat” shall be shown in the title block;**
- 2. The name or reference number of the previous plat and any additional recording information shall be retained in the title of the replat;**
- 3. Blocks, lots/parcels and portions thereof, which are being replatted shall be identified where applicable; and,**
- 4. Original plat information being deleted, abandoned or changed by the replat shall be shown lightly sketched or dotted on the drawing with a note of explanation.**

SECTION 6. CPMC Title 16 is hereby amended to add Chapter 16.44, Property Line Adjustments, to read as follows:

CPMC 16.44, Property Line Adjustments (*New*)

- 16.44.010 Purpose**
- 16.44.020 Submittal Requirements**
- 16.44.030 Review Process**
- 16.44.040 Approval Criteria**
- 16.44.050 Recording and Expiration**

16.44.010 Purpose

The purpose of a property line adjustment is to relocate or eliminate a common property line between abutting properties.

16.44.020 Submittal Requirements

Property Line Adjustments are subject to Type I procedures set forth in CPMC 17.05.200. Property Line Adjustment applications shall be on application forms provided by the Community Development Department, be accompanied by the

application fee adopted in the City's current fee schedule and include the following information:

A. Map of Survey prepared by an Oregon registered land surveyor showing the following:

- 1. Existing and proposed property lines, including dimensions and square footage for all properties involved;**
- 2. Assessor's Map and Tax Lot Information for the subject properties;**
- 3. Location of existing utilities on the site, including but not limited to: wells, septic systems, storm drain lines, water, and irrigation facilities;**
- 4. Existing and proposed easements including the location, name and purpose of each easement on the site (if any);**
- 5. Existing streets, both public and private, within or adjacent to the subject properties, including the street names, location and dimensions;**
- 6. Location and dimensions of driveways within or abutting the subject properties**
- 7. Location, height, ground floor area and use of all structures on the subject properties including the distance from all existing and proposed property lines;**
- 8. Location of existing walls and fences;**
- 9. Property owner names as shown on the accompanying deeds;**
- 10. Surveyor's signature attesting to the accuracy of the information provided; and,**
- 11. If any items listed above are not shown on the Map of Survey, a signed statement certifying that specific items listed above do not**

exist.

- B. Legal Description prepared by an Oregon registered land surveyor for the proposed property line adjustment;**
- C. Copy of proposed easements to be recorded, if any;**
- D. Proposed deeds that include a statement that identifies the associated conveyance of property as a property line adjustment. If the property line is being adjusted, the deed shall be labeled, "Property Line Adjustment." If a property line is being eliminated, the deed shall be labeled "Property Line Adjustment – Lot Consolidation."**
- E. Legal descriptions attached to the deeds for the proposed property line adjustment or lot consolidation shall include the names of the parties, the description of the adjusted property line, references to original recorded documents and signatures of all parties with proper acknowledgement.**
- F. Title Report prepared no more than 15-days prior to the application submittal listing the vested owners, easements, encumbrances and other matters for each property; and**
- G. Signatures from all property owners on the application form or letter authorizing the property line adjustment application.**

16.44.030 Review Process

- A. Preliminary City Review. Once the application has been received, the Community Development Department shall send a copy to affected agencies and City departments for review. Within 30- days following submittal, the Planning Department shall send a written notification to the applicant indicating:**
 - 1. The application is missing information required in Section 16.44.020. Once missing information is submitted, the City shall complete its review within 30-days; or,**
 - 2. The application has been preliminarily approved in accordance with the CPMC 16.44.040(A-C); or,**
 - 3. The application has been found to be inconsistent with Section 16.44.040(A-C) and has been denied.**
- B. Jackson County Surveyor Review. Upon preliminary City approval, the applicant shall file the Map of Survey, Deeds and proposed easements with the Jackson County Surveyor as necessary to assure conformance with**

the Oregon Revised Statutes (ORS) 92.

- C. **Final City Review.** Following approval by the Jackson County Surveyor and within one (1) year of filing the property line adjustment, submit the final map of survey, deeds and easement for final review and signature by the Community Development Director or designee. The final review shall verify that the final Map of Survey is substantially the same as preliminarily approved. If the Director finds that they are not substantially the same, the applicant shall be notified in writing within 15-days.

16.44.040 Approval Criteria

The Community Development Director or designee shall approve or deny a request for a property line adjustment in writing based on demonstration that following criteria are met:

- A. The Property Line Adjustment does not result in the creation of any new lots or parcels;
- B. The Property Line Adjustment does not result in a unit of land that overlaps the city limit line, urban growth boundary or a zoning district boundary;
- C. All lots and parcels conform to the applicable lot standards of the zoning district including lot area, dimensions, setbacks and coverage unless a nonconforming lot or parcel is adjusted in a manner that reduces an existing nonconforming situation; and,
- D. Demonstration that the Map of Survey and legal descriptions are consistent with ORS 92 as certified by the Jackson County Surveyor.

16.44.050 Recording and Expiration

Expiration. Within one (1) year of the final decision date, the property line adjustment deeds and Map of Survey and any proposed easements must be filed with the Jackson County Clerk's office to be recorded. If the property line adjustment documents are not recorded within one (1) year, the application approval will expire. Recorded documents shall be filed with the Community Development Department within 60-days of recording or prior to any additional land use approvals or building permit issuance for the reconfigured lots or parcels.

SECTION 7. CPMC Chapter 17.04, Title—Purpose, is hereby amended in its entirety to read as follows:

CPMC 17.04, Title—Purpose **General Provisions**

Sections:

- 17.04.010 Title.**
- 17.04.020 Purpose.**
- ~~**17.04.030 Application and review--Fees.**~~
- ~~**17.04.040 Authority to require professional reports.**~~
- 17.04.030 Scope and Compliance**
- 17.04.040 Rules of Code Construction**
- 17.04.050 Consistency with Comprehensive Plan and Laws**
- 17.04.060 Development Code and Zoning Map Implementation**
- 17.04.070 Coordination of Building Permits**
- 17.04.080 Official Action**
- 17.04.090 Enforcement and Penalties**
- 17.04.100 Fees**

17.04.010 Title.

This title shall be known as the “City of Central Point “Zoning Ordinance” or “Zoning Code.” ~~of 1981.~~ (Ord. 1436 §2(part), 1981).

17.04.020 Purpose.

The purpose of this title is to **promote the public health, safety and welfare of all Central Point residents by managing and regulating land use and development within the City consistent with the following objectives:**

- A. Implement the City of Central Point Comprehensive Plan;**
- B. Manage growth and physical development of the City consistent with its ability to provide adequate and cost-effective public facilities and services;**
- C. Provide a clear land use and development regulatory framework to facilitate the private and public sectors to respond to market demands and the community’s needs for housing, employment and other uses;**
- D. Establish clear and objective standards, where possible, to promote livability through human-scale design that promotes safety, comfort and character in alignment with the community’s preferred vision for its future as articulated in the Central Point Strategic Plan and Central Point Comprehensive Plan;**
- E. Promote development of an interconnected transportation system that supports multiple modes of transportation, including but not limited to**

automobiles, transit, bicycles and pedestrians to accomplish the following objectives:

1. Connecting residential areas with schools, parks and community services;
2. Providing transportation options for those who are unable or choose not to drive a car; and
3. Providing the opportunity for Central Point residents to engage in a more active lifestyle that can contribute to better health outcomes and wellbeing.

F. Implement regulations that safeguard residents from identifiable hazards associated with dissimilar land uses, natural hazards and nuisances that may result from development to the to the maximum extent possible; and,

G. Comply with applicable Oregon Revised Statutes as pertains to the development and use of land. (Ord. 1436 §2(part), 1981).

~~encourage the most appropriate use of land; to conserve and stabilize the value of property; to facilitate fire and police protection; to provide adequate open space for light and air; to minimize congestion of streets; to promote orderly growth of the city; to prevent undue concentrations of population; to facilitate adequate provision of community facilities; and in general to promote in other ways public health, safety, convenience and general welfare. (Ord. 1436 §2(part), 1981).~~

~~17.04.030 Application and review--Fees.~~

~~Applications for any land use permit or approval issued or required to be issued under this Title 17 and review thereof shall conform to the provisions of Chapter 17.05 and all applicable city ordinances and laws of the state. All administrative and legal staff time costs, plans checks, construction inspection, and preparation of agreements, in excess of the filing fee, shall be borne by the applicant and paid within twenty days of billing by city. Failure to timely pay such costs shall constitute grounds for denial of the permit or approval application. For purposes of this section, "land use permit or approval" includes site plans, nonconforming use designations, planned unit developments, conditional use permits, variances, amendments, and any other action taken by application under the terms of Title 17. (Ord. 1684 §13, 1993).~~

~~17.04.040 Authority to require professional reports.~~

~~In connection with reviewing and making recommendations as to the granting or denial of any application made under this title, city staff may, in its discretion, in such cases as the same is warranted due to relevant but unknown information, require the applicant to furnish to the city, at applicant's expense, technical architectural, engineering or other professional studies or reports. (Ord. 1684 §14, 1993).~~

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17.04.030 Scope and Compliance

- A. Applicability.** The requirements of this Title apply to the person(s) undertaking the development (i.e. applicant), owner(s) of record, and any successors of interest.
- B. Compliance.** No structure or lot shall hereinafter be used, developed, occupied, and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged or otherwise altered except as permitted by this Code. Furthermore, annexations and amendments to the Zoning Map and Text, Comprehensive Plan Map and Text shall conform to the applicable provisions of this Code.
- C. Transfer of Development Standards.** Except as otherwise specifically authorized in this title, no lot area, yard, landscaping or open space that is used to satisfy a requirement for one use shall be used to satisfy the requirements for another use.

17.04.040 Rules of Code Construction.

- A. Minimum Requirements.** The provisions of this Title, in their interpretation and application, are minimum requirements that have been adopted for the protection of the public health, safety and general welfare.
- B. Conflicts.** Unless otherwise specified, when there is a conflict between provisions in this Code or with other applicable regulations, the highest standard shall govern. The Planning Director shall decide which Code provision sets the highest standard. Where the applicability of a Code provision is unclear, the Planning Director or Planning Commission may issue a formal interpretation pursuant to CPMC 17.11.
- C. Tenses.** Words used in the present tense include the future; the singular form includes the plural; and the plural includes the singular.
- D. Interpreting Illustrations.** This Code contains illustrations and photographs, code “graphics,” which are intended to serve as examples of development design that either that either meet or do not meet particular code standards. Strict adherence to the graphic is not required except where a graphic contains a specific numerical standard or uses the word “shall,” “must,” “required,” or “prohibited.”
- E. Requirements versus Guidelines.** The use of the word “shall,” “must,” “required,” or similar directive terms means the Code provision is a

requirement. The word “should,” “encouraged,” “recommended,” or similar terms means the provision is a guideline, which may be imposed as a requirement but only where the applicable code criteria allow the Planning Commission to exercise such direction.

- F. **Severability.** The provisions of this Development Code are severable. If any section, sentence, clause or phrase is judged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of the Code.

17.04.050 Consistency with Comprehensive Plan and Laws.

- A. **City of Central Point Comprehensive Plan.** This Code implements the City of Central Point Comprehensive Plan. Except as otherwise required by applicable state or federal law, all provisions of this Code shall be construed in conformity with the Comprehensive Plan including any Comprehensive Plan elements or public facility master plans adopted pursuant to the Comprehensive Plan.
- B. **Compliance with Other Laws Required.** In addition to the requirements set forth in this Code, all uses and development shall comply with all other applicable rules and regulations including but not limited to City, state and federal.
- C. **References to Other Regulations.** All references to other city, state and federal rules and regulations are for informational purposes only and do not constitute a complete list of such requirements. The references do not imply any responsibility by the City of Central Point for enforcement of state or federal regulations. Where a proposal, permit or approval is subject to both City of Central Point and state or federal requirements, the property owner is responsible for contacting the applicable agencies and complying with their rules and regulations.

17.04.060 Development Code and Zoning Map Implementation

- A. **Land Use Consistent with Development Code.** Land and structures in the City of Central Point may only be used or developed in accordance with this Code, including all amendments thereto. A lawful use of land (“use”) is one that is permitted in accordance with this Code or is allowed as a legal non-conforming use pursuant to Chapter 17.56, provided state or federal law does not prohibit the use.

- B. Development Code and Zoning Map.** The City's Official Zoning Map ("Zoning Map"), which may be published, amended and filed separately from this Code, is part of this Code. The zoning districts depicted on the Zoning Map correspond to the zoning districts in this code in Section 17.12.030. In addition, this Code may contain zoning regulations for special areas (e.g. overlay zones), and for certain uses or structures that do not appear on the Zoning Map.
- C. Interpreting the Zoning Map.** Except as otherwise specified by this Code, the City's zoning boundaries are designated on the Official Zoning Map, which is kept on file in the Planning Department at the Central Point City Hall. The City may adopt and publish supplemental zoning maps where it is impractical to illustrate all regulated features on one map. Example of regulated features include, but are not limited to historical landmarks, floodplain boundaries, local wetland inventories, etc. In addition, the City may require field verification and mapping (e.g. survey) of a regulated feature as part of a development application where the feature is thought to exist on or adjacent to the subject property but its exact location is unknown.
- D. Boundary Lines.** Zoning district boundaries are determined pursuant to CPMC 17.12.030
- E. Changes to the Official Zoning Map.** Proposed changes to the Zoning Map are subject to review and approval under CPMC 17.10.

17.04.070 Coordination of Building Permits

A building permit shall not be issued until the Planning Director or designee has confirmed that all applicable requirements of this Code are met, applicable conditions of approval imposed as part of the land use process have been satisfied, or additional conditions are in place to assure compliance.

17.04.080 Official Action

The City of Central Point Planning Director, Planning Commission and City Council are vested with authority to issue permits and grant approvals in conformance with the Land Development Code pursuant to the Application Review Procedures set forth in CPMC 17.05.

17.04.090 Enforcement and Penalties

- A. Violation a Public Nuisance.** Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this title, and any use of any land, building or premises established, conducted, operated or maintained contrary to the provisions of

this title is unlawful and declared a public nuisance and may be abated as provided in Chapter 8.04 of the Central Point Municipal Code, and/or in such other manner as provided by law, and may take such other steps and apply to such courts as may have jurisdiction to grant such relief as will enjoin and remove such violation. The remedies provided for herein shall be cumulative and not exclusive. (Ord. 1436 §2(part), 1981).

B. Penalties. Violation of a provision of Chapters 16 or 17 constitutes a violation and upon conviction thereof shall be punishable by the general penalty set forth in CPMC 1.16. Every day in which a violation is caused or permitted to exist constitutes a separate offense. (Ord. 1684 §75, 1993; Ord. 1436 §2(part), 1981).

17.04.100 Fees

A schedule of permit and service fees shall be established and may be periodically amended by resolution of the City Council.

SECTION 9. CPMC Section 17.05.100 is hereby amended in its entirety to read as follows:

17.05.100 Purpose and applicability of review procedures.

A. Purpose. The purpose of this chapter is to establish standard decision-making procedures that will enable the city, the applicant, and the public to review development permit applications and participate in the local decision-making process in a timely and effective way consistent with the citizen's involvement element of the comprehensive plan. Table 17.05.1 provides a key to identify the review procedures, applicable regulations, and the approving authority for development permit applications.

B. Applicability of Review Procedures. All development permit applications identified in Table 17.05.1 shall be decided by using the appropriate procedures contained in this chapter. The procedural "type" assigned to each development permit application governs the decision-making process for that permit. There are four "types" of procedures: Type I, II, III, and IV, which are described as follows:

1. Type I. Type I procedures apply to administrative decisions made by the community development director or designee without public notice and without a public hearing. Type I procedures are used only when there are clear and objective approval standards and criteria, the application of which does not require the use of discretion.

A Type I decision is the city's final decision. There are no appeals to a Type I procedural decision.

2. Type II. Type II procedures apply to administrative decisions that involve clear and objective approval standards and criteria the application of which requires the use of limited discretion. Type II decisions are made by the community development director or designee with public notice, and an opportunity for a public hearing if appealed. The appeal of a Type II decision is treated as a Type III procedure, except that the appeal is to the planning commission, which is the final decision of the city.

3. Type III. Type III procedures are quasi-judicial decisions that involve the application of existing policies. Type III decisions generally use discretionary approval criteria, and do not have a significant effect beyond the immediate area of the application. Type III decisions are based on special studies or other information which will serve as the factual basis to support the decision. Type III decisions, when made by the planning commission, may be appealed to the city council.

4. Type IV Procedure. Type IV decisions are legislative decisions that establish by law general policies and regulations for future land use decisions, such as the adoption or revision of the comprehensive plan, and revisions to the zoning and the land division ordinance that have widespread and significant impact beyond the immediate area, i.e., quantitative changes producing large volumes of traffic, or a qualitative change in the character of the land use itself, such as conversion of residential to industrial use; or a spatial change that affects large areas or many different ownerships. Unless otherwise noted, all Type IV decisions are considered initially by the citizens advisory committee and the planning commission, with final decisions made by the city council. **For annexation, the City Council makes a decision without a recommendation from the citizens advisory committee or planning commission.**

Table 17.05.1 provides a key to identify the review procedure for each land development permit.

TABLE 17.05.1

LAND DEVELOPMENT PERMIT*	PROCEDURAL TYPE	APPLICABLE REGULATIONS	APPROVING AUTHORITY	120-DAY RULE
Annexation				
Quasi-Judicial	Type III	Chapter 1.20	City Council	No
Legislative	Type IV**	Chapter 1.20-17.94	City Council	No
Code Interpretations	Type II	Chapter 17.11	Director	No
Comprehensive Plan & UGB Amendments				
Major	Type IV	Chapter 17.96	City Council	No

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TABLE 17.05.1

LAND DEVELOPMENT PERMIT*	PROCEDURAL TYPE	APPLICABLE REGULATIONS	APPROVING AUTHORITY	120-DAY RULE
Minor	Type III	Chapter 17.96	City Council	No
Conditional Use Permit	Type III	Chapter 17.76	Planning Commission	Yes
Conversion Plan	Type II	Chapter 16.32	Director	Yes
Extensions				
Type I Procedures	Type I	Section 17.05.200 (G)	Director	Yes
Type II Procedures	Type II	Section 17.05.300 (G)	Director	Yes
Floodplain Development Permit	Type I Type II Type III	Chapter 8.24	Floodplain Manager Director Planning Commission	Yes
Home Occupation Permit	Type I	Section 17.60.190	Director	Yes
Land Division/ Replat				
Tentative Plan, Partition	Type II	Chapter 16.36	Director	Yes
Tentative Plan, Subdivision	Type III	Chapter 16.10	Planning Commission	Yes
Final Plat	Type I	Chapter 16.12	Director	No
Replat	***	Chapter 16.40	***	Yes
Mobile Food Business				
Mobile Food Vendor	Type I	Section 5.44.030 Chapter 17.72	Director	Yes
Mobile Food Pod	Type II	Section 5.44.040 Chapter 17.72	Director	Yes
Mobile Food Court	Type III	Section 5.44.050 Chapter 17.76 Chapter 17.72	Planning Commission	Yes
Specialty Food Vendor	Type I	Section 5.44.060	Director	No

TABLE 17.05.1

LAND DEVELOPMENT PERMIT*	PROCEDURAL TYPE	APPLICABLE REGULATIONS	APPROVING AUTHORITY	120-DAY RULE
Modification of Approval				
Major	Type III	Section 17.09.300	Planning Commission	Yes
Minor	Type II	Section 17.09.400	Director	Yes
Nonconforming Use Designation	Type III	Section 17.56.040	Planning Commission	No
Planned Unit Development	Type III	Chapter 17.68	Planning Commission	Yes
Property Line Adjustment/Consolidation	Type I	Chapter 46.10 16.44	Director	Yes
Right-of-Way Vacation	Type IV	Chapter 12.28	City Council	No
Site Plan and Architectural Review				
Minor	Type I	Chapter 17.72	Director	Yes
Major	Type II	Chapter 17.72	Director	Yes
TOD District/Corridor Overlay Master Plan	Type III	Chapter 17.66	Planning Commission	Yes
Tree Removal	Type II	Chapter 12.36	Director	Yes
Variances and Adjustments				
General Adjustment	Type II	Section 17.13.200(A)	Planning Director	Yes
Housing Adjustment	Type II****	Section 17.13.200(B)	Planning Director	Yes
Variance	Type III	Section 17.13.300	Planning Commission	Yes
Class A	Type II	Section 17.13.300	Director	Yes
Class B	Type III	Section 17.13.400	Planning Commission	Yes
Class C	Type III	Section 17.13.500	Planning Commission	Yes

TABLE 17.05.1

LAND DEVELOPMENT PERMIT*	PROCEDURAL TYPE	APPLICABLE REGULATIONS	APPROVING AUTHORITY	120-DAY RULE
Zoning Map and Zoning and Land Division Code Text Amendments				
Minor	Type III	Chapter 17.10	City Council	Yes
Major	Type IV	Chapter 17.10	City Council	No

* An applicant may be required to obtain approvals from other agencies, such as the Oregon Department of Transportation, or Rogue Valley Sewer. The city may notify other agencies of applications that may affect their facilities or services.

** Except as provided in CPMC 17.94.

*** Procedural type and approving authority based on the land division type as noted in the table.

**** Except as provided in 17.13.200(B).

SECTION 9. CPMC Section 17.08.010 is hereby amended in part to clarify the definition for “Home Occupation” as follows:

“Home occupation” means any occupation **or business** conducted within a residential dwelling unit by a **person lawfully residing in the dwelling** ~~member or members of the family residing in that unit~~, provided such occupation **or business** is clearly incidental and secondary to the primary residential use of that dwelling and is in accordance with Section 17.60.190.

SECTION 10. CPMC Chapter 17.12, Zoning Districts is hereby amended in its entirety to read:

CPMC 17.12, Zoning Districts
Sections:

- 17.12.010 Purpose** ~~Compliance with provisions.~~
- 17.12.020 Zones--Classification.** **Zoning District Classification**
- 17.12.030 District--Location.** **Zoning District Boundary Determination**
- 17.12.040 Zoning maps.**
- 17.12.010 Purpose** ~~Compliance with provisions.~~

The purpose of this chapter is to establish zoning district for every units of land (i.e. parcel, lot, tract, right-of-way) within the City of Central Point consistent with the Comprehensive Plan. Units of land may also be designated within one or

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more overlay zones. It is also the purpose of this chapter to specify how zoning district boundaries are determined. The use of land shall be limited to uses allowed by applicable zone(s).

~~A. A lot may be created or used and a structure or part thereof constructed, reconstructed, altered, occupied or used only as permitted in this code.~~

~~B. No lot shall be created if the effect thereof is to allow the perpetuation of a nonconforming use. (Ord. 1684 §27, 1993; Ord. 1436 §2(part), 1981).~~

17.12.020 Zoning District Classification ~~Zones--Classification.~~

For the purposes of this title, the following zones are established by the city:

Abbreviation	District	Chapter Reference
R-L	Residential low-density	17.16
R-1	Residential single-family	17.20
R-2	Residential two-family	17.24
R-3	Residential multiple-family	17.28
C-N4	Neighborhood convenience shopping	17.32
C-4	Tourist and office-professional	17.44
C-5	Thoroughfare commercial	17.46
M-1	Industrial	17.48
M-2	Industrial general	17.52
B.C.G.	Bear Creek Greenway	17.54
OS	Parks and Open Space	17.30
TOD	Transit oriented development overlay	17.65, 17.66, 17.67
LMR	Low mix residential	17.65
MMR	Medium mix residential	17.65
HMR	High mix residential	17.65
EC	Employment commercial	17.65
GC	General commercial	17.65
C	Civic	17.65
OS	Open space	17.65

(Ord. 2100 § 5, 2023; Ord. 1888, 2006; Ord. 1643 §1, 1990; Ord. 1615 §2, 1989; Ord. 1436 §2(part), 1981).

17.12.030 Zoning District Boundary Determination ~~District--Location.~~

~~The boundaries for each district listed in this title are the boundaries indicated for the district by the city zoning map of 1987, which is adopted by reference. The boundaries shall be modified in accordance with zoning map amendments, which amendments this section subsequently adopts by reference. (Ord. 1615 §3, 1989; Ord. 1436 §2(part), 1981).~~

This section sets forth criteria to be used in determining the location of any zoning district boundary as shown on the Zoning Map. Zoning district boundaries, as shown on the City of Central Point Zoning Map, shall be construed to follow:

- A. City limit lines.**
- B. Platted lot lines or other property lines as shown on the Jackson County Assessor's Plat Maps.**
- C. The centerline of street, railroad or irrigation district rights-of-way.**
- D. The centerline of streams or other water courses as measured at mean low water, and, in the event of a natural change in location of the centerline of such water course, the zoning district boundary shall be construed as moving with the channel centerline.**

~~Where due to the scale, lack of scale, lack of detail, or illegibility of the Zoning Map, or due to any other reason, there is uncertainty, contradiction, or conflict as to the intended location of a zoning district boundary, the Community Development Director or, upon referral, the Planning Commission shall determine the boundary as follows:~~

- ~~A. Right-of-way. Boundaries that that approximately follow the centerlines of a street, highway, alley, bridge, railroad or other right-of-way shall be construed to follow such centerlines. Whenever any public right-of-way is lawfully vacated, the lands formerly within the vacated right-of-way shall automatically be subject to the same zoning district designation that is applicable to lands abutting the vacated areas. In cases where the right-of-way formerly served as a zoning district boundary, the vacated lands within the former right-of-way shall be proportionally allocated to the abutting zoning districts.~~
- ~~B. Parcel, lot, tract. Boundaries indicated as approximately following the boundaries of a parcel, lot, or tract shall be construed as following such boundaries.~~

~~C. Jurisdiction Boundary. Boundaries indicated as approximately following a City or County boundary, or the Urban Growth Boundary, shall be construed as following said boundary.~~

~~D. Natural Features. Boundaries indicated as approximately following a river, stream, topographic contour, or similar feature not corresponding to any feature listed in subsection A-C above shall be construed as following such feature.~~

~~17.12.040 Zoning maps.~~

~~A zoning map or zoning map amendment adopted by Section 17.12.030 or by an amendment to the section shall be prepared by authority of the city planning commission or be a modification by the city council of a map or map amendments so prepared. The map or map amendment shall be dated with the date of its approval by the planning commission or the effective date of the ordinance that adopts the map or map amendment. A certified print of the adopted map or map amendment shall be maintained without change in the office of the city manager as long as the ordinance codified in this title remains in effect. (Ord. 1969 §1(part), 2013; Ord. 1615 §4, 1989; Ord. 1436 §2(part), 1981).~~

~~17.12.050 District Boundaries.~~

~~Unless otherwise specified, district boundaries are lot lines, the centerlines of streets or such lines extended. If a district boundary divides a lot into two districts, the entire lot shall be placed in the district that accounts for the greater area of the lot by the adjustment of the district boundary, provided the boundary adjustment is for a distance not to exceed twenty feet. (Ord. 1436 §2(part), 1981).~~

~~17.12. 060 — Zoning of annexed area.~~

~~All future annexations are expected to include only lands within the city's urban growth boundary (UGB). The comprehensive plan of Central Point includes a plan for future land uses within the UGB area. The zoning map described in Section 17.12.030 is consistent with the comprehensive plan and will determine the district into which a newly annexed area is placed. The appropriate zoning district shall be applied to the area upon annexation. (Ord. 1615 §5, 1989; Ord. 1436 §2(part), 1981).~~

SECTION 11. CPMC Chapter 17.13, Exceptions to Code Standards, is hereby amended in its entirety to read:

CPMC 17.13, Exceptions to Code Standards-Adjustments and Variances

Sections:

~~17.13.100 Variances-Purpose.~~

~~17.13.200 Variances-Applicability.~~

~~17.13.300 Class A variances.~~

~~17.13.400 Class B variances.~~

~~17.13.500 Class C variances.~~

~~17.13.600 Variance application and appeals.~~

~~17.13.100 Variances-Purpose.~~

~~This chapter provides standards and procedures for variances, which are modifications to land use or development standards that are not otherwise permitted elsewhere in this title as exceptions to code standards. This chapter cannot provide standards to fit every potential development situation. The city's varied geography, and complexities of land development, require flexibility. This chapter provides that flexibility, while maintaining the purposes and intent of the code. The variance procedures provide relief from specific code provisions when they have the unintended effect of preventing reasonable development in conformance with all other codes. The variance procedures are intended to provide flexibility while ensuring that the purpose of each development standard is met. (Ord. 1874 §5(part), 2006).~~

~~17.13.200 Variances-Applicability.~~

~~A. Exceptions and Modifications Versus Variances. A code standard or approval criterion ("code section") may be modified without approval of a variance if the applicable code section expressly allows exceptions or modifications. If the code section does not expressly provide for exceptions or modifications, then a variance is required to modify that code section and the provisions of this chapter apply.~~

~~B. Combining Variances with Other Approvals; Permit Approvals by Other Agencies. Variance requests may be combined with and reviewed concurrently by the city approval body with other land use and development applications (e.g., development review, site design review, subdivision, conditional use, etc.); however, some variances may be subject to approval by other permitting agencies, such as ODOT in the case of state highway access.~~

~~C. Types of Variances. As provided in Sections 17.13.300, 17.13.400 and 17.13.500, there are three types of variances (Class A, B, or C). The type of variance required~~

depends on the extent of the variance request and the discretion involved in the decision-making process. (Ord. 1874 §5(part), 2006).

~~17.13.300 Class A variances.~~

~~A. Applicability. The following variances are reviewed using a Type II procedure, as governed by Chapter 17.05, using the approval criteria in subsection B of this section:~~

~~1. Front Yard Setbacks. Up to a ten percent change to the front yard setback standard in the land use district.~~

~~2. Interior Setbacks. Up to a ten percent reduction of the dimensional standards for the side and rear yard setbacks required in the base land use district.~~

~~3. Lot Coverage. Up to five percent increase of the maximum lot coverage required in the base zone.~~

~~4. Landscape Area. Up to five percent reduction in landscape area (overall area or interior parking lot landscape area).~~

~~B. Approval Criteria. A Class A variance shall be granted if the applicant demonstrates compliance with all of the following criteria:~~

~~1. The variance requested is required due to the lot configuration, or other conditions of the site;~~

~~2. The variance does not result in the removal of trees, or it is proposed in order to preserve trees, if trees are present in the development area;~~

~~3. The variance will not result in violation(s) of any other adopted ordinance or code standard. Each code standard to be modified shall require a separate variance request.~~

~~4. An application for a Class A variance is limited to one lot per application.~~

~~5. No more than three Class A variances may be approved for one lot or parcel in twelve months. (Ord. 1874 §5(part), 2006).~~

~~17.13.400 Class B variances.~~

~~A. Applicability. Class B variance requests apply to the types of requests meeting the approval criteria in subsections (B) through (G) of this section, and that conform to subsections (A)(1) through (3) of this section. Class B variances shall be reviewed using a Type III procedure, in accordance with Chapter 17.05:~~

~~1. The Class B variance standards apply to individual platted and recorded lots only.~~

~~2. The Class B variance procedure shall not be used to modify a standard for lots yet to be created through a partition or subdivision process; such requests shall utilize the Class C variance procedure.~~

~~3. A variance shall not be approved that would vary the “permitted uses” or “prohibited uses” of any zoning district.~~

~~B. Variance to Minimum Housing Density Standard. The city may approve a variance to a minimum housing density standard after finding that the minimum housing density cannot be achieved due to physical constraints that limit the division of land or site development. “Physical constraint” means steep topography, unusual parcel configuration, or a similar constraint. The variance approved shall be the minimum variance necessary to address the specific physical constraint on the development.~~

~~C. Variance to Vehicular Access and Circulation Standards. Where vehicular access and circulation cannot be reasonably designed to conform to code standards within a particular parcel, shared access with an adjoining property shall be considered. If shared access in conjunction with another parcel is not feasible, the city may grant a variance to the access requirements after finding all of the following:~~

- ~~1. There is not adequate physical space for shared access, or the owners of abutting properties do not agree to execute a joint access easement;~~
- ~~2. There are no other alternative access points on the street in question or from another street;~~
- ~~3. The access separation requirements cannot be met;~~
- ~~4. The request is the minimum variance required to provide adequate access;~~
- ~~5. The approved access or access approved with conditions will result in a safe access;~~
- ~~6. The visual clearance requirements of this code will be met;~~
- ~~7. Variances for street access deviations shall be subject to review and approval by the roadway authority;~~
- ~~8. Variances for access deviations on an ODOT or Jackson County right-of-way may require approval, respectively, by ODOT or Jackson County.~~

~~D. Variance to Street Tree Requirements (Chapter 12.36). The city may approve, approve with conditions, or deny a request for a variance to the street tree requirements of this code after finding the following:~~

- ~~1. Installation of the tree would interfere with existing utility lines, and no substitute tree with a lower canopy is appropriate for the site;~~
- ~~2. The tree would cause visual clearance problems; or~~
- ~~3. There is not adequate space in which to plant a street tree;~~
- ~~4. The city may require the installation of additional or replacement landscaping elsewhere on the site (e.g., parking lot area trees) to compensate for the street tree variance;~~

~~5. Street tree approval or modification of standards within an ODOT or Jackson County right-of-way may require approval, respectively, by ODOT or Jackson County.~~

~~E. Variance to Parking and Loading Standards.~~

~~1. The city may approve variances to the minimum or maximum standards for off-street parking (quantities and dimensions of parking spaces) in this code upon finding all of the following:~~

~~a. The individual characteristics of the use at that location require more or less parking than is generally required for a use of this type and intensity, or modified parking dimensions, as demonstrated by a parking analysis or other facts provided by the applicant;~~

~~b. The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses; and~~

~~c. All other code standards are met, in conformance with this code.~~

~~2. The city may reduce the number of required bicycle parking spaces as required by this code, if the applicant can demonstrate that the proposed use by its nature would be reasonably anticipated to generate a lesser need for bicycle parking.~~

~~3. The city may allow a reduction in the amount of vehicle stacking area required for drive-through facilities if such a reduction is deemed appropriate after analysis of the size and location of the development, limited services available and other pertinent factors.~~

~~4. The city may modify the loading area standards if such a reduction is deemed appropriate after analysis of the use, anticipated shipping or delivery traffic generated by the use and alternatives for loading/unloading, such as use of on- or off-street parking areas during nonbusiness hours; provided, that traffic is not impeded.~~

~~F. Variance to Maximum or Minimum Yard Setbacks to Avoid or Reduce Impacts to Floodplains, Significant Trees, Wetlands, or Other Natural Features. The city may grant a variance to the applicable setback requirements of this code for the purpose of avoiding or reducing impact to floodplains, significant trees, wetlands, or other natural features. Modification of the standard shall not be more than is necessary for the preservation of the natural feature to be protected.~~

~~G. Variances to Transportation Improvement Requirements. The City may approve, approve with conditions, or deny a variance to a transportation improvement standard when the variance does not exceed ten percent of the standard. When a variance request to the standards exceeds ten percent, then the request shall be reviewed as a Class C variance. (Ord. 1874 §5(part), 2006).~~

~~17.13.500 Class C variances.~~

~~A. Applicability. Class C variance requests are those that do not conform to the provisions of Sections 17.13.300 and 17.13.400 (Class A and Class B), and that meet the criteria in subsections (A)(1) through (4) of this section. Class C variances shall be reviewed using a Type III procedure, in accordance with Chapter 17.05:~~

- ~~1. The Class C variance standards apply to individual platted and recorded lots only.~~
- ~~2. The Class C variance procedure may be used to modify a standard for three or fewer lots, including lots yet to be created through a partition process.~~
- ~~3. An applicant who proposes to vary a standard for lots yet to be created through a subdivision process may not utilize the Class C variance procedure. Approval of a planned unit development shall be required to vary a standard for lots yet to be created through a subdivision process where a specific code section does not otherwise permit exceptions.~~
- ~~4. A variance shall not be approved that would vary the “permitted uses” or “prohibited uses” of a zoning district.~~

~~B. Approval Process. Class C variances shall be processed using a Type III procedure, as governed by Section 17.05.400, using the approval criteria in subsection C of this section. In addition to the application requirements contained in Section 17.05.400, the applicant shall provide a written narrative or letter describing his/her reasoning for the variance, why it is required, alternatives considered, and compliance with the criteria in subsection C of this section.~~

~~C. Approval Criteria. The city shall approve, approve with conditions, or deny an application for a variance based on all of the following criteria:~~

- ~~1. The proposed variance will not be materially detrimental to the purposes of this code, to any other applicable policies and standards, and to other properties in the same zoning district or vicinity;~~
- ~~2. A hardship to development exists which is peculiar to the lot size or shape, topography, or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same zoning district);~~
- ~~3. The use proposed will be the same as permitted under this title and city standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;~~
- ~~4. Existing physical and natural systems, such as but not limited to traffic, drainage, natural resources, and parks, will not be adversely affected any more than would occur if the development occurred as specified by the subject code standard;~~
- ~~5. The hardship is not self-imposed; and~~

~~6. The variance requested is the minimum variance that would alleviate the hardship. (Ord. 1874 §5(part), 2006).~~

~~17.13.600 Variance application and appeals.~~

~~A. Application. The variance application shall conform to the requirements for Type I, II, or III applications (Sections 17.05.200, 17.05.300, 17.05.400), as applicable. In addition, the applicant shall provide a narrative or letter explaining the reason for his/her request, alternatives considered, how the stated variance criteria are satisfied, and why the subject standard cannot be met without the variance.~~

~~B. Appeals to variance decisions shall be processed in accordance with the provisions of Chapter 17.05. (Ord. 1874 §5(part), 2006).~~

Sections:

17.13.100 Purpose

17.13.200 Adjustments

17.13.300 Variances

17.13.400 Expiration

17.13.100 Purpose.

This chapter provides standards and procedures for adjustments and variances, which are deviations from development standards that are not otherwise permitted elsewhere in this Title. The purpose of adjustments and variances is to allow for reasonable use of land when varied geography and complexities of land development require flexibility, especially housing development. The provisions in this chapter do not aim to waive all land use regulations and do not allow uses to be established that are not permitted in the zoning district in which the adjustment or variance is located.

17.13.200 Adjustments.

Adjustments provide relief from specific code provisions when a code provision has the unintended effect of preventing reasonable development in conformance with all other code requirements. There are two categories of adjustments that 1) apply to general development and design standards, and 2) apply to certain housing developments established by SB 1537 and codified in ORS 197A. Adjustments across both categories do not apply to the situations provided in subsection (A). The standards and procedures for each adjustment type are set forth in subsections (B) and (C) below.

A. Exclusions. Adjustments set forth in subsection (B) and subsection (C) below do not include the following:

- 1. Allowing use of property that is not permitted in the zoning district in which the adjustment is located;**

2. Regulations or requirements related to accessibility, fire ingress or egress, safety, tree planting, hazardous or contaminated site remediation, wildlife protection, affordability, or statewide land use goals related to natural resources and natural hazards;
3. A complete waiver of regulations or any changes beyond the explicit requested and allowed adjustments in subsections (B) and (C) below; and
4. Deviations from requirements related to implementation of building or fire codes, federal or state air, water quality or surface, ground or stormwater requirements, or requirements of any federal, state or local law other than a land use regulation.

B. General Adjustments.

1. **Applicability.** General adjustments are minor modifications to Code standards that are intended to provide reasonable flexibility for planned development with the exception of housing developments that meet all of the standards and criteria in CPMC 17.13.400(B). The Community Development Director or designee may adjust the following standards using a Type II procedure set forth in CPMC 17.05.300:
 - i. **Setbacks.** Up to a ten percent change to a minimum/maximum setback.
 - ii. **Lot Coverage:** up to a 10 percent increase to the maximum lot coverage.
 - iii. **Lot Dimensions.** Up to a 10 percent decrease to minimum lot dimensions.
 - iv. **Lot Area.** Up to a 10 percent decrease to minimum lot area.
 - v. **Other standards.** Up to a 10 percent increase or decrease in a quantitative (numerical) standard not listed above.
Adjustments do not apply to building code requirements, engineering design standards, public safety standards, or standards implementing state or federal requirements as determined by the Community Development Director or designee.
2. **Approval Criteria.** The Community Development Director or designee may grant an adjustment upon finding that all of the following criteria are met. The burden is on the Applicant to demonstrate compliance with all of the criteria below:

- i. The Adjustment allows for a site and building plan that does not create a substantial conflict with adjacent uses when compared to development that would be permitted without the adjustment.
- ii. The Adjustment is necessary to allow for normal interior building functions, such as mechanical equipment/utility closets, heating and ventilation systems, restrooms, stockrooms, shelving, and similar interior building functions;
- iii. Approval of the Adjustment does not create (a) violation(s) of any other adopted ordinance or code standard, and does not create the need for a Variance;
- iv. An application for an Adjustment is limited to one pre-existing lot per application;
- v. Requests for more than one Adjustment on the same lot shall be consolidated on one application and reviewed concurrently by the City;
- vi. Not more than two Adjustments may be approved for one lot or parcel; and,
- vii. All applicable building code requirements and engineering design standards shall be met.

17.13.300 Housing Adjustments

The standards and criteria below respond to mandatory requirement to adjust housing development standards pursuant to SB 1537.

A. Applicability. Housing Adjustments are distinct deviations from development and design standards provided in this section. The Community Development Director housing development adjustment requests using Type II procedures set forth in CPMC 17.05.300, except that notice of decision is mailed only to the applicant when an application is denied and only the applicant may appeal the decision. An application qualifies for a housing adjustment under this section only when all of the following conditions are met:

- 1. The application is for a building permit or Type III (quasi-judicial), Type II (limited) or Type I (ministerial) land use decision;
- 2. The housing development site is zoned for residential uses, including mixed-use;

- 3. The residential density is at least 6 units per net acre;**
- 4. The development is within the urban growth boundary on lands that have been annexed into the city;**
- 5. The development provides new housing units within a new housing development including:**
 - a. Single-family or multifamily dwellings;**
 - b. Mixed-use residential projects where at least 75 percent of the developed floor area will be used for residential uses;**
 - c. Manufactured dwelling parks;**
 - d. Accessory dwelling units; or**
 - e. Middle housing as defined in ORS 197A.420;**
- 6. The application requests no more than 10 adjustments to the development and design standards in 17.13.200(C)(2) and meet at least one of the approval criteria listed in 17.13.200(C)(3). Where a development standard includes multiple design or development components, each component standard shall be counted as an individual adjustment.**
- 7. The application provides facts and evidence that demonstrates how at least one of the following criteria apply to the requested adjustments:**
 - a. Are necessary to enable housing development that is not otherwise feasible due to cost or delay resulting from the unadjusted land use regulations;**
 - b. Are necessary to reduce sale or rental prices per residential unit;**
 - c. Result in increased number of housing units within the housing development above what would occur without the requested adjustments;**
 - d. All of the units in the housing development are subject to an affordable housing covenant as described in ORS 456.270 to 456.295, making them affordable to moderate income households as defined in ORS 456.270 for a minimum of 30-**

years;

- e. Enable provision of accessibility or visitability features in housing units that are not otherwise feasible due to cost or delay resulting from the unadjusted land use regulations; or,
- f. All of the units in the housing development are subject to a zero equity, limited equity or shared equity ownership model including resident-owned cooperatives and community land trusts making them affordable to moderate income households as described in ORS 456.270 to 456.295 for a period of 90-years.

B. Development and Design Standard Adjustments. Adjustments to qualified housing developments pursuant to item (A) above shall be granted to the following development and design standards:

- 1. **Setbacks.** Up to a ten percent change to a minimum/maximum setback.
- 2. **Common area, open space or other landscape area.** Up to a 25 percent reduction in the common area, open space or other area required to be landscaped.
- 3. **Minimum Lot Size and Dimensions.** Up to a 10 percent decrease to minimum lot size and up to a 10 percent decrease to minimum lot width or depth requirements.
- 4. **Maximum Lot Size.** Up to a 10 percent increase to maximum lot size and up to a 10 percent increase to maximum lot width or depth only if the adjustment results in:
 - a. More dwelling units than would be allowed without the adjustment; and,
 - b. No reduction in density below the applicable minimum density.
- 5. **Lot Coverage.** Up to a 10 percent increase in building lot coverage.
- 6. **Manufactured Dwelling Parks, Middle Housing as defined in ORS 197A.420, multifamily and mixed use residential housing.**
 - a. **Bicycle Parking.** Minimum bicycle parking may be reduced to 0.5 space per unit provided that bicycle parking is lockable, covered and located within or adjacent to the housing development site;

- b. Middle Housing. Other than cottage clusters, middle housing types defined in ORS 197.420A, may increase maximum building height beyond applicable height bonuses, if any, up to one (1) story or 20 percent of the base zone height.**
- 7. Maximum Density. The maximum density may be exceeded no more than an amount necessary to account for other adjustments granted under this section;**
- 8. Residential Use in Mixed Use Buildings. An adjustment shall be granted to allow:**
 - a. Residential use on the ground floor of a commercial mixed use buildings except that one building within mixed-use development that fronts and is within 20-ft of the street; and**
 - b. Nonresidential uses that support residential uses including lobbies, day care, passenger loading, community rooms, exercise facilities, offices, activity spaces or live work spaces shall be allowed unless specifically and clearly defined mixed-use areas or commercial corridors designated by local governments prohibit them;**
- 9. Design Standards.**
 - a. Facade materials, color or pattern;**
 - b. Facade articulation;**
 - c. Roof form and material requirements;**
 - d. Garage door orientation unless the building is adjacent to or across from a school or public park;**
 - e. Window materials, except for bird-safe glazing requirements;**
 - f. Up to a 30 percent decrease in total window area provided at least 12 percent of the primary facade consists of window area;**
 - g. Manufactured Dwelling Parks, Middle Housing as defined in ORS 197A.420, multifamily housing and mixed-use residential may adjust the following design standards:**

- i. Building orientation requirements, not including transit street orientation requirements;
- ii. Building height transition requirements that are not more than a 50 percent adjustment from the base zone;
- iii. Requirements for balconies and porches; and,
- iv. Requirements for recesses and offsets.

17.13.300 Variances.

A. Applicability. A variance is an exception to a code standard that does not otherwise conform to the provisions of Section 17.13.300 and that meets all of the criteria in Section 17.13.400(B).

B. Approval Criteria. Variance requests are reviewed using a Type III procedure in accordance with CPMC 17.05.400. Approval of a variance must be based upon finding that all of the following criteria are met:

- 1. A hardship to development exists which is unique to the lot size or shape, topography, or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same zoning district);
- 2. The variance is the minimum necessary to address the special or unique physical circumstances that creates the hardship;
- 3. The hardship is not self-imposed;
- 4. Existing physical and natural systems, such as but not limited to traffic, drainage, natural resources, and parks, will not be adversely affected any more than would occur if the development occurred as specified by the subject code standard
- 5. The variance will not be materially detrimental to adjacent property owners or the public; and,
- 6. The variance does not conflict with other applicable city policies or other applicable regulations.

17.13.400 Expiration.

Variance approvals shall expire after two (2) years from the effective date of decision if the project has not been started, as evidenced by building permit approved, and pursued to substantial completion such that the project is nearing

certificate of occupancy. The Applicant may request a one (1) year extension in accordance with the applicable land use procedures set forth in CPMC 17.05.

SECTION 12. CPMC Chapter 17.56, Nonconforming Uses, is hereby amended in its entirety to read as follows:

CPMC 17.56, Nonconforming Uses Situations

Sections:

~~17.56.010 Purpose.~~

~~17.56.020 Definition.~~

~~17.56.030 Classification criteria.~~

~~17.56.040 Procedures for Class A designation.~~

~~17.56.050 Revocation of a Class A designation.~~

~~17.56.060 Regulations pertaining to Class A and Class B nonconforming uses.~~

~~17.56.010 Purpose.~~

~~The zoning map of the city of Central Point is required by law to be consistent with the comprehensive plan map. In order to meet this consistency requirement, the city's zoning districts are established up to twenty years in advance of actual planned development. As a result, many uses and structures in the city will become "nonconforming uses" although they may be sound, well-maintained and attractive assets to the community. The purpose of this chapter is to establish procedures for dealing with nonconforming uses in a manner that will promote the implementation of the comprehensive plan while providing temporary protection for nonconforming uses that are sound, compatible, and not directly in the path of anticipated development. (Ord. 1436 §2(part), 1981).~~

~~17.56.020 Definition.~~

~~"Legal nonconforming uses and structures" are those which do not conform to provisions or requirements of the zoning ordinance or of the zoning districts in which they are located, but were lawfully established prior to the effective date of the ordinance codified in this title. (Ord. 1436 §2(part), 1981).~~

~~17.56.030 Classification criteria.~~

~~All nonconforming uses and structures within the city of Central Point shall be classified as either Class A or Class B nonconforming uses, according to the following criteria:~~

~~A. Properties containing nonconforming uses or structures may be designated Class A by the planning commission based upon findings that all of the following criteria apply:~~

- ~~1. Continuance of the existing use or structure would not be contrary to the public health, safety or welfare, or to the spirit of this title;~~
 - ~~2. The continued maintenance and use of the nonconforming property is not likely to depress the values of adjacent or nearby properties, nor adversely affect their development potential in conformance with present zoning;~~
 - ~~3. The use or structure was lawful at the time of its inception and no useful purpose would be served by strict application of the provisions or requirements of this chapter with which the use or structure does not conform;~~
 - ~~4. The property is not predominantly surrounded by conforming uses or structures and, considering current growth and development trends, is not reasonably expected to come under development pressures during the next five years;~~
 - ~~5. The property is structurally sound, well-maintained, and occupied and used for the purpose for which it was designed;~~
 - ~~6. Continuance of this nonconforming use will not in any way delay or obstruct the development or establishment of conforming uses on the subject property or on any adjacent or nearby properties in accordance with the provisions of the zoning ordinance.~~
- ~~B. All nonconforming uses and structures not designated Class A shall become Class B nonconforming uses or structures. (Ord. 1615 §10, 1989; Ord. 1436 §2(part), 1981).~~

~~17.56.040 Procedures for Class A designation.~~

- ~~A. All properties within the city of Central Point that meet the classification criteria listed in Section 17.56.030(A) or (B) shall be identified on a map of the city kept in and maintained by the planning department.~~
- ~~B. A request to change the designation of a property or group of properties may be initiated by city staff, the planning commission, the city council, or by a property owner or his representative by the following procedure:~~
- ~~1. A written application shall be filed setting forth the name and address of the applicant, legal description of the property or properties affected, and other information as may be necessary or helpful in decision-making;~~
 - ~~2. The applicant shall state in the application the ways in which the property is, or will be, consistent with each of the classification criteria listed in Section 17.56.030(A);~~
 - ~~3. The application shall be scheduled for consideration at a regularly scheduled planning commission meeting. A denial by the planning commission may be appealed to the city council;~~
 - ~~4. The application shall be accompanied by an application fee defined in the city's adopted planning application fee schedule;~~

~~5. Because this procedure involves only a minor change in the designation of a nonconforming use and does not involve a variance, conditional use permit, or amendment to the zoning ordinance, comprehensive plan or related maps, public hearings are not required;~~

~~6. The planning commission, or city council, upon appeal, may attach conditions, including any time limit, where necessary, to assure that the use or structure does not become contrary to the public health, safety or welfare or the spirit and purpose of this title;~~

~~7. Upon approval of a designation change to Class A, such change shall be reflected on the map of nonconforming uses, as described in subsection A of this section. (Ord. 1786 §7, 1998; Ord. 1684 §51, 1993; Ord. 1615 §11, 1989; Ord. 1436 §2(part), 1981).~~

~~17.56.050 Revocation of Class A designation.~~

~~A. Any Class A designation may be revoked, following the same procedure required for designation, upon a finding that, as a result of any change of conditions, trends, use, nearby development, or other circumstances, the use or structure no longer qualifies for Class A designation.~~

~~B. Upon revocation of a Class A designation, the property and its structures and uses shall revert to Class B nonconforming uses and subject to the regulations contained in Section 17.56.060(B). (Ord. 1436 §2(part), 1981).~~

~~17.56.060 Regulations pertaining to Class A and B nonconforming uses.~~

~~A. The following regulations shall apply to all designated Class A nonconforming uses and structures:~~

~~1. Class A nonconforming uses and structures shall be permitted to continue in accordance with the provisions and requirements of the most restrictive zoning district in which the use or structure would normally be listed as a permitted use; or conditional use if not listed as a permitted use in any district;~~

~~2. Existing legal nonconforming structures and uses shall be permitted to expand, remodel, or otherwise be physically or structurally improved, provided such improvements are in accordance with all applicable codes in effect at the time of the improvements;~~

~~3. A Class A nonconforming use shall not be resumed if it has been discontinued for a continuous period of at least twelve months or if it has been changed to a conforming use for any period;~~

~~4. No Class A structure or property shall be used, altered or enlarged in violation of any condition that was imposed by the planning commission or city council at the time of its designation as Class A;~~

~~5. If a nonconforming structure, or structure containing a nonconforming use, is destroyed by any cause to an extent exceeding fifty percent of the appraised value, as determined by the records of the county assessor, a future structure or use on that property shall conform to the regulations for the district in which it is located; provided, however, that this subsection shall not apply to buildings which have been designated by the city as historic buildings pursuant to Chapter 17.70 of this title;~~

~~6. Nothing contained in this title shall require any change in the plans, construction, alteration or designated use of a structure for which a valid building permit existed prior to the adoption of the ordinance codified in this title, except that if the use will be nonconforming and designated Class A, it shall be subject to all appropriate provisions of this section and shall be considered discontinued if not in operation within one year of the date of issuance of the building permit. The owner of such discontinued use may apply for reinstatement of the Class A nonconforming use designation by following the procedure established in Section 17.56.040(B) of this chapter.~~

~~B. The following regulations shall apply to all designated Class B nonconforming uses and structures:~~

~~1. Routine maintenance, upkeep, and structural repairs may be performed on a Class B nonconforming use, site or structure;~~

~~2. In no case shall a nonconforming use be enlarged or otherwise expanded, and no structure, the use of which is nonconforming, shall be moved on the lot, altered or enlarged, nor shall the floor space allocated to a nonconforming use be moved, altered or enlarged, unless required by law or unless such moving on the lot, alteration or enlargement will result in the elimination of the nonconforming use;~~

~~3. The planning commission, or city council, on appeal may grant an application for a change of use, filed in accordance with Chapter 17.76 of this title if, on the basis of the application and the evidence submitted, the following findings are made:~~

~~a. That the proposed use will not more adversely affect the character of the district or neighborhood in which it would be located than did the existing or preexisting use,~~

~~b. That a nonconforming use of a building may be extended throughout those parts of a building which were designed or arranged for such use prior to the date when such use became nonconforming; provided, that no structural alterations are made other than those required by law;~~

~~4. If a Class B nonconforming structure, or structure containing a nonconforming use, is destroyed by any cause to an extent exceeding fifty percent of the appraised value, as determined by the records of the county assessor, any future structure or use on that property shall conform to the regulations for the district in which it is located;~~

~~5. If any Class B nonconforming use has been changed to a conforming use, or if the nonconforming use of any building, structure, or premises ceases for a period of six~~

~~months or more, said use shall be considered abandoned, and said building, structure or premises shall thereafter be used only for uses permitted as a matter of right or as a conditional use in the district in which it is located;~~

~~6. Nothing contained in this title shall require any change in the plans, construction, alteration or designated use of a structure for which a valid building permit existed prior to the adoption of the ordinance codified in this title, except that if the use will be nonconforming and designated Class B, it shall be subject to all appropriate provisions of this section and shall be considered discontinued if not in operation within one year of the date of issuance of the building permit;~~

~~7. If a Class B nonconforming structure containing a nonconforming use is removed from a lot, any future structure on that property shall conform to the regulations for the district in which the lot is located. (Ord. 1762 §1, 1997; Ord. 1615 §47, 1989; Ord. 1451 §1, 1982; Ord. 1436 §2(part), 1981).~~

Sections:

- 17.56.010 Purpose.**
- 17.56.020 Nonconforming Use.**
- 17.56.030 Nonconforming Development.**
- 17.56.040 Nonconforming Lot.**

17.56.010 Purpose.

The purpose of this chapter is to establish standards and procedures for the continuation of uses and developments that are lawfully established but do not comply with the current Code standards (“nonconforming situations”). It is the intent of this Chapter to protect the public health, safety and welfare while allowing reasonable use of private property. There are three nonconforming situations addressed in this chapter as follows:

- A. Nonconforming uses (e.g. industrial use in residential zone) are subject to subsection 17.56.020.**
- B. Nonconforming developments (e.g. a structure does not meet setback, height or other development standards) are subject to subsection 17.56.030.**
- C. Nonconforming lots (e.g. a lot is smaller than the minimum area standards) are subject to subsection 17.56.040.**

17.56.020 Nonconforming Use.

Nonconforming uses that were lawfully established, but that would not be permitted under the current Code, may continue subject to conformance with the following requirements:

- A. Location. The nonconforming use shall not be moved in whole or in part from one lot to another lot, except to bring the use into conformance with this Code.**
- B. Expansion. A nonconforming use may be expanded up to 20% of the subject site or building area provided that the expansion does not create any new, or expand any existing, physical nonconformity of the site or building. Expansions authorized herein shall be processed using Type I land use procedures set forth in CPMC 17.05.200.**
- C. Discontinuation or Abandonment. A nonconforming use that is discontinued for any reason for more than 12 months shall be deemed abandoned and no longer be an allowed use. For purposes of calculating the 12 month period, a use is discontinued when:**
 - 1. The use of land is physically vacated;**
 - 2. The use ceases to be actively involved in the sale of merchandise or the provision of services; for example, as evidenced by the removal of signs, goods, stock or office equipment, or the disconnection of telephone or utility service;**
 - 3. Any lease or contract under which the nonconforming use has occupied the land is terminated; or,**
 - 4. A request for final reading of water and power meters is made to applicable utility districts.**

17.56.030 Nonconforming Development

Nonconforming developments include structures, buildings, and site improvements that were lawfully established but that include conditions that could not be built under the terms of the current Code, due to changes in development standards, such as, lot coverage, setbacks, building height, access, landscaping, parking or other standards. Nonconforming development may remain on the site so long as it remains otherwise lawful and complies with the following regulations:

- A. Alterations. A nonconforming development can be enlarged or altered in a way that does not increase its nonconformity, through a Type I review. For**

example, an addition to an existing building that does not meet a required setback could be approved provided the building line does not further encroach on the nonconforming setback.

- B. Destruction.** In the event a nonconforming development or nonconforming portion of a development is destroyed by fire, flood or other catastrophe beyond the owner's control, the nonconforming development may be reconstructed within 24 months in a manner that does not increase the nonconformity as it existed before the event. If the development is not reconstructed and received certificate of occupancy or is substantially complete within 24 months, the nonconformity shall no longer be allowed and reconstruction shall only be in full conformity with this Code.
- C. Roadway Access.** Notwithstanding the foregoing provisions, the owner of a nonconforming driveway approach or access to a public street or highway, upon receiving land use or development approval, may be required as a condition of approval to bring the nonconforming access into conformance with the standards of the applicable roadway authority.
- D. Relocation or Removal.** Once a nonconforming structure or a portion of a nonconforming structure or development is moved, it shall thereafter conform to current standards.

CPMC 17.56.040 Nonconforming Lot

- A.** A lot of record, or a parcel of land for which a deed or other instrument dividing the land was recorded with Jackson County prior to May 5, 1980, which has an area or dimension less than required by this code, shall be considered legally nonconforming and may be developed and occupied by a permitted use subject to compliance with the minimum standards of this code.
- B.** The taking by eminent domain action of a portion of an existing legal nonconforming lot shall not affect the legal right of the owner to use the remainder of such lot in any manner that would have been legal prior to the taking.
- C.** If, by the taking by eminent domain action of a portion of a lot, which includes a legal non-conforming sign(s), said sign(s) may be moved to another location on the remaining portion of the lot, as permitted by the Planning Director (or designee), with the signs retaining their legal nonconforming status. Such relocated sign shall otherwise be in conformance with all standards of the Zoning Code.

SECTION 13. CPMC Chapter 17.57, Fences, is hereby amended in its entirety to read as follows:

CPMC 17.57, Fences

Sections:

- 17.57.010 **Applicability.** ~~Chapter application.~~
- 17.57.020 General regulations.
- 17.57.030 Fences in the stream setback area.
- 17.57.040 Prohibited fence types.
- 17.57.045 Battery Operated Fences**
- 17.57.050 ~~Violation--Penalty.~~

17.57.010 Chapter application.

This chapter will apply to all zone classifications within the city as listed in this title. All of the provisions of Chapters 12.20 and 17.67 relating to the location, placement, and height of fences are also applicable to fences affected by this chapter. (Ord. 1981 §2 (Exh. B) (part), 2014; Ord. 1846 §2(part), 2003).

17.57.020 General regulations.

- A. Fence Permits. A fence permit is required for all fences constructed within a public right-of-way, per Section 12.20.020. Fences in the floodplain are regulated in accordance with the provisions established in Section 8.24.260(A).
- B. Building Permits. A building permit for the following structures shall be accompanied by a permit fee and a plan review fee in an amount based on valuation per the building department fee schedule as adopted by the city:
 - 1. Barriers around swimming pools, as required by the **2023 Oregon Residential Specialty Code** ~~2003 State of Oregon Dwelling Specialty Code, Chapter 41 and Appendix G;~~ and the **2022 Oregon Structural Specialty Code.** ~~1998 Oregon Structural Specialty Code, Appendix Chapter 4;~~
 - ~~2. Retaining walls over four feet in height measured from the bottom of the footing to the top of the wall; and~~
 - 2. Retaining walls, any height, supporting a surcharge **regulated building or restraining material that, if not restrained could impact a regulated building.**

3. Electrified fences, any height, except where the code provides otherwise.

C. Setbacks and Design Criteria.

Table 17.57.01 – Fence Regulations

	R-L	R-1	R-2	R-3	C-N	C-2(M)	C-4	C-5	M-1	M-2	Civic
Maximum Fence Height	6'	6'	6'	6'	6'	6'	6'	6'	6' 8'	6' 8'	8'
Fence Permit Required	a, a-1	a, a-1	a, a-1	a, a-1	a, a-1	a, a-1	a, a-1	a, a-1	a, a-1	a, a-1	a, a-1
Front Yard Setback For 6' Fences 6' and Greater	20' b	20' b	20' b	20' b	20' b	20' b	20' b	20' b	20' b	20' b	20'
Side Yard Setback	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'
Rear Yard Setback	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'
Corner Lot	10' c	10' c	10' c	10' c	10' c g	10' c e	10' c g	10' c g	10' c g	10' c g	10' c g
Masonry Walls, Retaining Walls, Fences Over 6' in Height	e	e	e	e	e	e	e	e	e	e	e
Fences in Floodplain or Drainage Easements	e	e	e	e	e	e	e	e	e	e	e
Setbacks for Gates	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'	e
Variances	f	f	f	f	f	f	f	f	f	f	e

a: An encroachment permit is required for fences constructed in the public right-of-way.

a-1: A building permit is required for fencing around swimming pools, ~~masonry walls and retaining walls.~~

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

c: No fencing will conflict with the sight distance requirements set by Section 17.60.110 and Chapter 17.60.

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

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

f: Requests for exceptions to the standards in Table 17.57.01 shall be made by application in accordance with Chapter 17.13.

g. Corner setback shall be the street frontage minimum planting area width based on street classification pursuant to CPMC 17.75.039(G), Table 17.75.03.

(Ord. 2014 §8, 2015; Ord. 1981 §2 (Exh. B) (part), 2014; Ord. 1969 §1(part), 2013; Ord. 1948 §1, 2011; Ord. 1846 §2(part), 2003).

17.57.030 Fences in the stream setback area.

Fences are prohibited inside floodways as designated on the Federal Insurance Rate Maps (FIRMs) for the city of Central Point. However, some types of fences and other improvements can be allowed within the recommended building setbacks for properties abutting a stream subject to the criteria set forth in Section 8.24.260(A). (Ord. 1948 §2, 2011; Ord. 1846 §2(part), 2003).

17.57.040 Prohibited fence types.

1. Barbed wire fencing or other like material, which creates an unreasonable or unnecessary risk of injury.
2. Block or retaining walls, which create impervious water barriers within a stream setback area as provided in Section 8.24.260. (Ord. 1948 §3, 2011; Ord. 1846 §2(part), 2003).
3. **It shall be unlawful to install, maintain or operate an electrified fence in violation of this section. The construction and use of electrified fences shall be allowed in the city only as provided in this section, and sections 17.57.010 to 17.57.030 subject to the following standards. For purposes of this section an electrified fence is any fence, barrier or enclosure partially or totally enclosing a building, field or yard, carrying any electrical pulse or charge through any part, section or element thereof. Electrified fence does not include underground wireless fencing (invisible fencing) which consists of an electronic system that uses a buried wire and radio signal to keep dogs or other animals from leaving the yard, which is permitted in any zone. Electrified fence does not include a battery charged fence, as defined in section 17.57.045 below.**
 - a. **Electrified Fences shall be permitted in the M-1 and M-2 zone subject to compliance with the standards below. Electrified fences are prohibited in all other zones.**
 - b. **Permitted Electrified fences shall comply with the following:**

A. Permits Required. Electrified fences shall only be installed under a permit issued by the Building Department. Prior to initially energizing

an electrified fence, the property owner or owner's agent shall contact the Fire Department to ensure fire officials inspect the premise for compliance and the location is added to the Fire Department's electrified fence registration list.

B. Electrification. The electric charge produced by the fence upon contact shall be non-lethal, and shall not exceed the energizer characteristics set forth in the International Electrotechnical Commission (IEC) Standard No. 60335-2-76, 2018 edition. All electrical components shall bear the label of a testing agency recognized by the State of Oregon Department of Consumer and Business Services, Building Codes Division. The electrified fence shall be installed and used in accordance with the Oregon Electrical Specialty Code and Oregon Structural Specialty Code, the listing, and the manufacturer's installation instructions.

i. The energizer for electrified fences shall be driven by a commercial storage battery or batteries, not to exceed 12 volts DC. The storage battery or batteries may be charged either by a solar panel, or a commercial trickle charger, or a combination of both. AC current shall not be used to energize any electrified fence.

C. Fence Details. Electrified fences shall be constructed in the following manner:

i. **Maximum Height.** Electrified fences shall not exceed 8 feet in height.

ii. **Perimeter Fence.** No electrified fence shall be installed or used unless it is completely surrounded by a non-electrified perimeter fence in order to separate the electrified fence from the abutting property line and right-of-way. The non-electrified perimeter fence shall be installed under the regulations and height limitations in CPMC Chapter 17.57. The minimum height for the non-electrified perimeter fence shall be six feet. The electrified and non-electrified perimeter fence shall be separated by no more than 12 inches.

iii. **Setbacks.** Electrified fences shall not be located in the front yard setback, required landscaping areas, or required bufferyard areas. No electrified fence shall be installed within 12 inches/feet

of a property line.

- iv. **Fence Standards in conjunction with a Bufferyard.** When a bufferyard exists, the applicant shall provide photographs of the existing fence or wall and vegetation. When a bufferyard does not exist and is required under current code, the non-electrified fence or wall shall be of solid construction (e.g. wood, concrete, masonry block) and the minimum height shall be eight feet and can be located at the property line.
- D. ***Warning Signs.*** Electrified fences shall be clearly identified with warning signs in English and in Spanish that read: "Warning-Electric Fence" and include the international symbol for an electrical hazard at intervals not to exceed thirty feet. The warning signs shall be mounted on both sides of the electrified fence. The signs shall be reflective with a minimum two-inch letter height, minimum stroke of one-half inch and with a contrasting background.
- E. ***Emergency Access.*** Fire Department access shall be provided in accordance with the Fire Code and the Oregon Structural Specialty Code. When a vehicle gate opens automatically, it shall open using a sensing device approved by the Fire Department. The vehicle gate shall provide a means for the Fire Department to egress through the gate. Power to the electrified fence, excluding gate opening controls, shall be deactivated upon automatic Fire Department access through the gate. In addition, an approved Knox key box or approved equivalent shall be provided at an exterior location for any keyed locks or keyed gates for immediate emergency access necessary for life-saving or fire-fighting purposes. An approved method to manually disconnect electrical power to all portions of the fence and gates, such as a "Knox Remote Shunt Control Station", shall be provided at an exterior location. The method and location of both the key box and the electrical disconnect shall be approved by the Medford Fire Code Official.
- F. ***Hours of Operation.*** An electrified fence shall only be energized during the hours when the general public does not have legal access to the protected property.
- G. ***Surveillance.*** Electrified fences shall be part of a functioning security system and monitored 24 hours a day.

- H. **Compliance.** In addition to the remedies set forth in CPMC 17.57.050, failure to maintain an electrified fence in conformance with the standards set forth in this section may result in the fence being declared a public nuisance subject to abatement under Central Point Municipal Code 8.04.

17.57.045 Battery-charged Fence.

A. Definitions.

1. A “battery charged fence” means a fence that interfaces with an alarm system in a manner that enables the fence to cause the connected alarm system to transmit a signal intended to summon law enforcement in response to an intrusion and has an energizer that is driven by battery.
2. An “alarm system” means any electrical, mechanical or electronic device or sensor used to prevent, detect or alert law enforcement or occupants of burglary, theft, or intrusion of a structure or a vehicle used as a commercial structure.

B. Standards.

1. A battery-charged fence:
 - a. Must use a battery that is not more than 12 volts of direct current;
 - b. Must produce an electric charge on contact that does not exceed energizer characteristics set for electric fence energizers by International Electrotechnical Commission (IEC) standards;
 - c. Must be surrounded by a nonelectric perimeter fence or wall that is not less than five feet in height;
 - d. May not be higher than the greater of 8 feet in height or two feet higher than the height of the nonelectric perimeter fence or wall, whichever is less;
 - e. Must be marked with conspicuous warning signs that are located on the fence at not more than 30-foot intervals and that read: “WARNING: ELECTRIC FENCE.”

- f. **Shall not be installed in any property zoned for, or in use as, residential property; and**
- g. **Must obtain an alarm permit from the city if such permit requirements exist.**

17.57.050 Violation--Penalty.

Upon discovering any violation of the restrictions imposed by this chapter, except a violation of Section 12.20.020, enforcement will be governed by the provisions of Chapter 17.04.090. (Ord. 1969 §1(part), 2013; Ord. 1846 §2(part), 2003).

SECTION 14. CPMC Section 17.60.190 is hereby amended in its entirety to read as follows:

- A. Purpose and Scope. **Home occupations are activities accessory to residential uses.** The intention of the home occupation permit for residential zones is to provide for a limited service-oriented business activity which is conducted in such a manner that the residential character of the building and the neighborhood is preserved. **Home occupations have special regulations that apply to ensure that they will not be a detriment to the character and livability of the surrounding neighborhood and remain subordinate to the residential use, and that the residential viability of the dwelling is maintained.**
- B. Permit Transfers. No permit for a home occupation shall be transferred or assigned, nor shall the permit authorize any person other than **the person** named therein to commence or carry on the occupation for which the permit was issued.
- C. **Prohibited Uses. The following uses are prohibited as a home occupation:**
 - 1. **Any type of business or occupation involving repair, assembly, body work or painting of vehicles, recreational vehicles, boats, or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to automobiles and their parts;**
 - 2. **Motor vehicle sales;**
 - 3. **Junk and salvage operations;**

4. **Headquarters or dispatch centers where employees come to the site and are dispatched to other locations.**
5. **Any home occupation in which one or more employees or more than 3 customers come to the site. Examples are counseling, tutoring, hair cutting/styling, and/or nail salon.**

C. D. Permit Required. ~~The city manager, or his designate, The Planning Director or their designee~~ (the “director”) shall issue a home occupation permit **as a Type I Review** if, and only if, ~~he the Director~~ finds that all of the following ~~the~~ criteria **stated in CPMC 17.60.190.E** are, and will be, met by the individual applicant. The permit may include conditions ~~setting an expiration date, requiring periodic review and renewal, requiring the applicant to sign an acknowledgement of the conditions, or other~~ conditions specifically dealing with the property use involved, where such conditions are found to be reasonably necessary to maintain the criteria herein mentioned. **Home occupation permits are a renewable and revocable permit for a one-year period. Permits may be renewed for one-year periods upon payment of a renewal fee, and continued compliance with this chapter, and further provided that the permit has not been revoked pursuant to the provisions of 17.60.190.G below.**

E. Home Occupation Standards. A home occupation permit must satisfy the following criteria:

1. **Subject to the limitations of subsection E.2 below, the** ~~The home occupation must be conducted solely within the confines of an~~ **completely within enclosed structures on the site** (accessory structure, **garage**, or the main dwelling) and, if within the main dwelling, the home occupation shall not exceed ten percent of the total floor area;
2. ~~Carports shall not be used for the home occupation. A portion of a garage may be used for the home occupation only if the applicant can show that there will be no resulting loss in the number of required off-street parking spaces;~~
3. No signs associated with such a use shall be permitted;
4. The occupation shall be conducted by a ~~member or members of the family~~ **persons lawfully residing in the dwelling** on the property as an incidental use to the primary residential use. No additional person or persons shall be employed;
5. ~~In conducting the home occupation, there shall be no mechanical noise so loud, unusual, or penetrating as to cause discomfort or annoyance to adjacent residents; no such noise shall be perceptible on any adjacent property;~~ **Reserved.**
6. The home occupation shall not have utility services other than those required for normal residential use;

7. There shall be no entrance nor exit specifically provided in the dwelling or on the premises for the conduct of the home occupation;

8. The home occupation use shall not generate more than ten vehicle trips per day **(deliveries and/or customers)**, not counting the vehicle trips not associated with the home occupation use. **Each departure from and each arrival to the property shall be counted as a separate trip;**

9. The electrical, plumbing or structural elements of the dwelling shall not be significantly altered in order to accommodate the home occupation;

10. The yards, landscaping and exterior of the structure shall not be altered from their residential character in order to make the site appear to be a commercial business.

11. Outdoor storage, including but not limited to trailers, inventory, supplies, equipment or goods, visible from the public right-of-way or adjacent properties or common areas is prohibited.

F. Impact-Related Standards

1. Hazardous substances. Hazardous substances are prohibited, except that consumer quantities are allowed. Consumer quantities of hazardous substances are packaged and distributed in a form intended or suitable for sale through retail sales outlets for consumption by individuals for purposes of personal care and household use.

2. Noise. The maximum noise level for a home occupation is 50 dBA. Noise level measurements are taken at the property line. Home occupations that propose to use power tools must document in advance that the home occupation will meet the 50 dBA standard.

3. Vehicles. No more than one vehicle may be used in association with the home occupation. The maximum size of the vehicle used in association with the home occupation is a pickup truck in the medium truck category.

4. Deliveries. Truck deliveries or pick-ups of supplies or products, associated with the home occupation, are allowed at the home only between 8 am and 5 pm. Vehicles used for delivery and pick-up may not include heavy trucks.

F.D. Fee Required. At the time of application to the city manager, or his designate, for a home occupation permit, the applicant is required to pay, in addition to an annual business license fee, a fee defined in the city's adopted planning application fee schedule. This application fee is nonrefundable.

G.E. Revocation/Termination.

1. The permit may be revoked by the ~~city manager~~ director, if the director determines that a violation of the permit requirements or conditions exists. Determinations that a home occupation is in violation include but are not limited to:

- a. Generation of excessive traffic;**
- b. Monopoly of on-street parking spaces;**
- c. Frequent deliveries and pickups by motor freight trucks;**
- d. Excessive noise;**
- e. Smoke, fumes or odors in excess of those created by normal residential use;**
- f. Failure to meet or maintain compliance with this chapter.**
- g. Other offensive activities not in harmony with a residential neighborhood.**

~~. for violation of any conditions imposed or authorized, or when it has been found that the occupation is being conducted in violation of any state statute or city ordinance in a disorderly manner, to the detriment of the public, or when the occupation is being carried out by a person other than that named on the permit. The city manager, before revoking a permit, shall give the permittee reasonable notice and an opportunity to be heard.~~

- h. Failure to pay the renewal fee by the anniversary date of the permit.**

2. Notice of Violation. Upon a determination by the director that a violation exists, the permit holder will be notified of the violation by certified letter at the address listed on the permit, and the time period in which the violation must be corrected. If the alleged violation has not been corrected within 15-days of the date of the letter, or appealed the notice of violation within 10-days as provided in subsection (3) below, the director may revoke said permit.

3. Upon Notice of Violation of the permit, an appeal of the decision may be made to the planning commission, as provided in CPMC 17.60.170. The revocation of the home occupation permit does not take effect until the expiration of the appeal period, or in the event of a timely appeal, final determination of the appeal. The planning commission, upon hearing the evidence may:

a. Approve the use as it exists;

b. Require the use be terminated; or

c. Impose appropriate restrictions such as limiting hours of operation, establishing a phase-out period, or other measure ensuring compatibility with the residential character of the neighborhood.

H.. G-Existing Uses. Persons engaged in home occupations lawfully in existence on residentially-owned premises on the effective date of the amendment codified in this section may continue to thus operate but shall be required to secure a permit hereunder, and any such activity, use, or accessory sign, device or structure, or part thereof, which does not conform to this section shall not be permitted to expand or enlarge and shall be removed or terminated upon (1) change of use or ownership of the premises; ~~or~~ (2) written complaint of adjacent **neighboring** property owners, after due notice and hearing, if the ~~city manager~~ **director** finds that the interference with the use and enjoyment of the neighboring premises is such as to defeat the purpose of the zoning ordinance; **or (3) upon expiration of a permit term issued prior to adoption of this ordinance.**

~~I.H.~~ Nothing in this section or any other code provision shall be construed to require the issuance of a home occupation permit for a “residential home” or a “residential facility,” as those terms are defined in Oregon Revised Statutes 197.660. (Ord. 1969 §1(part), 2013; Ord. 1786 §8, 1998; Ord. 1735 §1, 1996; Ord. 1711 §2, 1994; Ord. 1471 §1, 1982; Ord. 1436 §2(part), 1981).

SECTION 15. CPMC Chapter 17.76, Conditional Use Permits, is hereby amended in its entirety to read as follows:

CPMC 17.76, Conditional Use Permits
Sections:

17.76.010 Purpose.

17.76.011 **Approvals Process** ~~Application and review.~~

17.76.020 **Submittal Requirements** ~~Information required.~~

17.76.040 **Criteria, Standards and Conditions of Approval** ~~Findings and conditions.~~

17.76.060**050** Expiration.

17.76.070**060** Revocation.

17.76.080—Appeal.

17.76.090—Effect.

17.76.110—Mapping.

17.76.120—Change of ownership.

17.76.010 Purpose.

~~In certain districts, conditional uses are permitted subject to the granting of a conditional use permit. Because of their~~ **There are certain uses, which due to the nature of their impacts on surrounding land uses and public facilities require a case-by-case review and analysis. Conditional uses are identified in each zoning district chapter within this title. The purpose of this chapter is to provide procedures and standards for permitting conditional uses and to consolidate conditional use permit and site plan and architectural review as one application when site development is proposed in conjunction with a conditional use. (Ord. 1436 §2(part), 1981).**

17.76.011 **Approvals Process.** ~~Application and review.~~

- A. Review Procedure. In accordance with CPMC 17.05.100, Table 17.05.01, Conditional Use Permits are subject to Type III review procedures in CPMC 17.05.400.**
- B. Exempt from Separate Site Plan and Architectural Review. When an application for conditional use permit includes new construction and/or site development, a separate site plan and architectural review application is not required.**
- C. Modifications. Modifications to an approved conditional use permit are subject to CPMC 17.09, Modifications to Approved Plans and Conditions of Approval. (Ord. 1786 §10, 1998; Ord. 1436 §2(part), 1981).**

17.76.020 **Submittal Requirements.** ~~Information required.~~

In addition to the submittal requirements for Type III review under CPMC 17.05.400, applications for conditional use permits shall include a description of existing conditions, a site plan and information on any recorded and proposed restrictions or covenants and applicable information for Site plan and Architectural Review submittal requirements in CPMC 17.72.030(B) and (C). An application for a Conditional Use Permit shall also contain a narrative report or letter responding to the approval criteria in Section 17.76.040 below.

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

- ~~A. Name and address of the applicant;~~
- ~~B. Statement that the applicant is the owner of the property or is the authorized agent of the owner;~~
- ~~C. Address and legal description or the assessor's parcel number of the property;~~

~~D. An accurate scale drawing of the site and improvements proposed. The drawing must be adequate to enable the planning commission to determine the compliance of the proposal with the requirements of this title;~~

~~E. A statement indicating the precise manner of compliance with each of the applicable provisions of this title together with any other data pertinent to the findings prerequisite to the granting of a use permit. (Ord. 2014 §12, 2015; Ord. 1436 §2(part), 1981).~~

~~17.76.040 Findings and conditions.~~

~~The planning commission in granting a conditional use permit shall find as follows:~~

~~A. That the site for the proposed use is adequate in size and shape to accommodate the use and to meet all other development and lot requirements of the subject zoning district and all other provisions of this code;~~

~~B. That the site has adequate access to a public street or highway and that the street or highway is adequate in size and condition to effectively accommodate the traffic that is expected to be generated by the proposed use;~~

~~C. That the proposed use will have no significant adverse effect on abutting property or the permitted use thereof. In making this determination, the commission shall consider the proposed location of improvements on the site; vehicular ingress, egress and internal circulation; setbacks; height of buildings and structures; walls and fences; landscaping; outdoor lighting; and signs;~~

~~D. That the establishment, maintenance or operation of the use applied for will comply with local, state and federal health and safety regulations and therefore will not be detrimental to the health, safety or general welfare of persons residing or working in the surrounding neighborhoods and will not be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the community based on the review of those factors listed in subsection C of this section;~~

~~E. That any conditions required for approval of the permit are deemed necessary to protect the public health, safety and general welfare and may include:~~

~~1. Adjustments to lot size or yard areas as needed to best accommodate the proposed use; provided the lots or yard areas conform to the stated minimum dimensions for the subject zoning district, unless a variance is also granted as provided for in Chapter 17.13;~~

~~2. Increasing street widths, modifications in street designs or addition of street signs or traffic signals to accommodate the traffic generated by the proposed use;~~

~~3. Adjustments to off-street parking requirements in accordance with any unique characteristics of the proposed use;~~

~~4. Regulation of points of vehicular ingress and egress;~~

- ~~5. Requiring landscaping, irrigation systems, lighting and a property maintenance program,~~
- ~~6. Regulation of signs and their locations,~~
- ~~7. Requiring fences, berms, walls, landscaping or other devices of organic or artificial composition to eliminate or reduce the effects of noise, vibrations, odors, visual incompatibility or other undesirable effects on surrounding properties,~~
- ~~8. Regulation of time of operations for certain types of uses if their operations may adversely affect privacy of sleep of persons residing nearby or otherwise conflict with other community or neighborhood functions,~~
- ~~9. Establish a time period within which the subject land use must be developed,~~
- ~~10. Requirement of a bond or other adequate assurance within a specified period of time,~~
- ~~11. Such other conditions that are found to be necessary to protect the public health, safety and general welfare,~~
- ~~12. In considering an appeal of an application for a conditional use permit for a home occupation, the planning commission shall review the criteria listed in Section 17.60.190. (Ord. 1823 §5, 2001; Ord. 1684 §72, 1993; Ord. 1615 §55, 1989; Ord. 1533 §1, 1984; Ord. 1436 §2(part), 1981).~~

17.76.040 Criteria, Standards and Conditions of Approval

The Planning Commission shall approve, approve with conditions, or deny an application for a conditional use permit, including requests to enlarge or alter a conditional use, when all of the criteria and standards in item (A) can be met outright or as conditioned in accordance with item (B), below.

A. Approval Criteria

- 1. The site size, dimensions, location, topography, and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;**
- 2. The negative impacts of the proposed use, if any, on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval;**
- 3. All required public facilities, including water, sanitary sewer, and streets, have adequate capacity or are to be improved to serve the use,**

consistent with City standards; and,

4. A conditional use permit shall not allow a use that is prohibited or not expressly allowed in the base zoning district; nor shall a conditional use permit grant a variance without a variance application being submitted and reviewed along with the conditional use application.
5. Proposed site development and new construction, if applicable, meets the criteria in CPMC 17.72.040 outright or as conditioned in accordance with CPMC 17.72.050.

B. Conditions of Approval. The City may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, one or more of the following:

1. Limiting the hours, days, place, and/or manner of operation;
2. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor, and/or dust;
3. Requiring larger setback areas, lot area, and/or lot depth or width;
4. Limiting the building or structure height, size, lot coverage, and/or location on the site;
5. Designating the size, number, location, and/or design of vehicle access points or parking and loading areas;
6. Requiring street right-of-way to be dedicated and street improvements made, or the installation of pathways or sidewalks, as applicable;
7. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;
8. Limiting the number, size, location, height, and/or lighting of signs;
9. Limiting or setting standards for the location, type, design, and/or intensity of outdoor lighting;

- 10. Requiring berms, screening, or landscaping and the establishment of standards for their installation and maintenance;**
- 11. Requiring and designating the size, height, location, and/or materials for fences;**
- 12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands;**
- 13. Requiring improvements to water, sanitary sewer, or storm drainage systems, in conformance with City standards;**
- 14. Requiring any conditions for construction or site development pursuant to CPMC 17.72.050; and,**
- 15. The Planning Commission may require review and renewal of conditional use permits annually or in accordance with another timetable as approved pursuant to this chapter. Where applicable, the timetable shall provide for periodic review and renewal, or expiration, of the conditional use permit to ensure compliance with conditions of approval; such period review may occur through a Type III review process, except where the Planning Commission delegates authority to the City Planning Official to issue renewals, who shall do so through a Type I or Type II procedure, as applicable (see Chapter 17.05 for review procedures).**

17.76.050 Expiration.

- A. A conditional use permit shall lapse and become void one year following the date on which it became effective, unless:**
 1. By conditions of the conditional use permit, a greater or lesser time is prescribed as a condition of approval;
 2. Prior to the expiration of one year, a building permit is issued by the city and construction is commenced and diligently pursued toward completion; or
 3. If no building permit is required in the particular case, the conditionally-approved use has been commenced.
- B. The community development director may extend the conditional use permit for an additional period of one year, subject to the requirements of Chapter 17.05.**

C. If the time limit for development expired and no extension has been granted, the conditional use permit shall be void. (Ord. 1941 §10, 2010; Ord. 1684 §73, 1993; Ord. 1436 §2(part), 1981).

~~17.76.070~~**060** Revocation.

A. The commission, on its own motion, at a public hearing, may revoke any conditional use permit for noncompliance with the conditions set forth in granting said permit. Notice of public hearing shall be given as in Chapter 17.05.

~~B. If an established time limit for development expires and no extension has been granted, the conditional use permit shall be considered void. (Ord. 1615 §56, 1989; Ord. 1436 §2(part), 1981).~~

~~17.76.080~~ Appeal.

~~The decision of the planning commission may be appealed to the city council in the manner prescribed by Chapter 17.05. (Ord. 1615 §57, 1989; Ord. 1436 §2(part), 1981).~~

~~17.76.090~~ Effect.

~~No building permit shall be issued in any case where a conditional use permit is required until ten days after the granting of a conditional use permit, and then only in accordance with the terms and conditions of said permit. An appeal from the action of the commission shall automatically stay the issuance of the building or other permit until such appeal has been completed and the council has acted thereon. In the event the council grants said conditional use permit, the building permit may issue immediately in accordance with such terms and conditions as may have been imposed in said permit. (Ord. 1615 §53, 1989; Ord. 1436 §2(part), 1981).~~

~~17.76.110~~ Mapping.

~~Within thirty days after the granting of a conditional use permit, the permit application file number shall be indicated on the zone map on the lot or lots affected by such permit. (Ord. 1436 §2(part), 1981).~~

~~17.76.120~~ Change of ownership.

~~A conditional use permit granted pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the use permit application, except as otherwise provided in this chapter and in Section 17.60.190. (Ord. 1436 §2(part), 1981).~~

SECTION 16. CPMC Chapter 17.92, Enforcement, is hereby repealed in its entirety.

SECTION 17. 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 18. 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

Findings of Fact & Conclusions of Law

Land Development Code Amendments to Various Sections of Title 1, 16 and 17.
File No. ZC-24001

The City of Central Point City Council is considering an application to amend various sections of the Land Development Code in Title 1 (General Provisions), Title 16 (Subdivisions) and Title 17 (Zoning) to clarify existing policy, make corrections, align definitions with State statutes update land use application submittal and approval criteria, and adjust requirements for some land uses.

Applicant:

City of Central Point	)	Findings of Fact
140 South 3 rd Street	)	and
Central Point, OR 97502	)	Conclusions of Law

1 Introduction

The proposed land development code amendments respond changes that have been made to state statutes and best practices in the land use and development regulations. The City's land development codes concerning land divisions and zoning are updated from time to time but has not undergone a comprehensive review and revision since the 1980s. The proposed revisions are the first phase of a larger land development code update project that aims to align the City's land development standards and criteria with the community's vision for its preferred vision while meeting state requirements and providing a more accessible and user friendly code.

The purpose of these findings is to demonstrate that the proposed land development code amendments comply with the Statewide Planning Goals, City of Central Point Comprehensive Plan, the State Transportation Rule and local requirements for Text Amendments to the Zoning Code.

Including this introduction, the findings will be presented in six (6) parts as follows:

1. Introduction
2. Statewide Planning Goals
3. State Transportation Planning Rule
4. City of Central Point Comprehensive Plan
5. CPMC 17.10, Zoning Text and Map Amendments
6. Summary Conclusion

1.1 Application

The proposed land development code amendments are a Major Amendment per Central Point Municipal Code (CPMC) Section 17.10.300(A). In accordance with City Council Resolution No. 1804 (Exhibit 1), the City of Central Point is requesting approval of the following changes, which are summarized below and provided in Exhibit 2:

Amendment 1, Repeal CPMC 1.20, Annexations

Annexations are land use decisions that are subject to land use procedures in Title 17. The proposed amendment would delete the existing standards and procedures for annexations in CPMC 1.20, which are out of date, to be replaced by a new chapter in Title 17 (See Amendment 17, below). The current code language relies on ORS 222.111 through 222.180

Amendment 2, Title 16, Subdivisions

Change the name of Title 16 to “Land Divisions.” Subdivisions are one type of land division action that is addressed in Title 16. The name change aims to clarify that the standards and procedures cover all land division actions and not just subdivisions.

Amendment 3, Chapter 16.04, General Provisions

The proposed amendment replaces the existing language to clarify the background, purpose and applicability of the land division regulations. Current language only addresses applicability and requirements for supplemental information submittal and subdivision compliance with all city plans and standards. These issues are better addressed as part of application submittal requirements and approval criteria, which are set forth elsewhere in the code.

Amendment 4, Chapter 16.08, Definitions

The proposed amendments align the definitions in Title 16 with the definitions in Oregon Revised Statutes (ORS) 92, which govern land divisions. Specifically, definitions for major and minor partitions and underground utilities are eliminated; definitions for “Plat,” “Property Line,” “Property Line Adjustment,” “Replat” and “Utility Easement.” The definition for “Partitioning Land” is modified consistent with ORS 92.

Amendment 5, Chapter 16.14, Middle Housing and Expedited Land Divisions

This adds a placeholder for future regulations concerning middle housing and expedited land divisions, which are required to be addressed by state law.

Amendment 6, Chapter 16.40, Replats

This is a new chapter that specifies when a replat of an existing recorded partition or subdivision is needed and the process under a replat is reviewed and approved. At this time, the City has no regulations addressing replats and relies on statutes in ORS 92. The purpose of this change is to make the land development process clearer and more efficient for prospective development applicants in the future.

Amendment 7, Chapter 16.44, Property Line Adjustments

Similar to Amendment 6, the City is proposing a new chapter to present a clear process, standards and approval criteria for proposals that relocate or consolidate property boundaries. At this time, the City relies on ORS 92.

Amendment 8, Chapter 17.04, General Provisions

The proposed amendment consolidates all general provisions for administration of the Zoning Code, including updating the Title name to eliminate reference the year; clarifying and expanding the purpose statement; addressing the scope and compliance of the Title; providing the rules of code construction; requiring consistency with the Comprehensive Plan; clarifying how the development code and zoning map are implemented; coordinating land use review and decisions with issuance of building permits; establishing authority for permit issuance and decision making as the official actions of the City, as well as enforcement procedures and fees.

Amendment 9, Section 17.05.100, Table 17.05.01

The proposed amendment to the table adds land use actions not previously identified; remove sections that no longer apply and update procedural types.

Amendment 10, Section 17.08.010, Definitions

The proposed change adds a definition for “Home Occupation” that clarifies a home occupation is conducted by a person lawfully residing in the dwelling where the home occupation is located.

Amendment 11, Chapter 17.12, Zoning District Establishment

Proposed amendments to this chapter update the abbreviation for the Neighborhood Commercial zone from C-1 to C-N; add a column in the Zoning District Classification table to identify the Chapter reference for each zoning district; and, add a section clarifying how zoning district boundaries are determined.

Amendment 12, Chapter 17.13, Exceptions to Code Standards

The proposed amendment is to revise the whole chapter, which is renamed to “Adjustments and Variances.” The proposed revisions provide standards, procedures and criteria for adjustments and variances, including elimination of the distinction between Class A, B, and C Variances for clarity and ease of implementation.

Amendment 13, Chapter 17.56, Nonconforming Uses

The proposed amendment replaces the existing chapter with standards and procedures for all nonconforming situations, including nonconforming uses, developments and lots. The revision eliminates the distinction between Class A and B nonconforming uses, which have separate designation processes and regulations under the current code. Proposed changes apply one set of regulations based on the non-conforming situation type.

Amendment 14, Chapter 17.57, Fences

The proposed amendments substantially revise the chapter to align with the building code, increase the allowable fence height from 6-ft to 8-ft in the Civic and Industrial zones and to clarify the allowances and standards for electrified and battery-operated fences.

Amendment 15, Section 17.60.190, Home Occupations

Proposed revisions aim to assure that home based businesses are not detrimental to the character and livability of the surrounding residential neighborhood and remain subordinate to the residential use. The proposed changes prohibit heavy commercial/industrial operations and provide clear and objective standards for hazardous substances, noise, vehicle parking, deliveries and how to count daily trips associated with the business. Finally, the proposed amendments clarify the basis for home occupation permit revocation/termination.

Amendment 16, Chapter 17.76, Conditional Use Permits

A Conditional Use Permit is required for uses that are likely to have impacts on surrounding uses and/or public facilities. The current code language does provide clear approval criteria upon which decisions are rendered. The proposed revisions clarify submittal requirements, approval criteria and the conditions that may be imposed by the City. Additionally, the proposal aims to consolidate a Conditional Use Permit with Site

Plan & Architectural Review when a conditional use involves land development activities. This will streamline the application process for developers and the City.

Amendment 17, Chapter 17.94, Annexations

The proposed amendment adds a new chapter addressing the procedures and standards for annexations consistent with ORS 222.111 through 222.180, including submittal requirements, land use review process, and approval criteria. The code also addresses the standards and procedures for island annexations, which is not currently addressed in the CPMC.

Amendment 18, Chapter 17.92, Violations and Enforcement

The proposed change moves language concerning violations and enforcement to Section 17.04.090.

1.2 Procedural Requirements

Major zoning text amendments are subject to Type IV (Legislative) procedures, which are set forth in CPMC 17.05.500.

1.3 Exhibits

Exhibit 1 – City Council Resolution No. 1804

Exhibit 2 – Proposed Land Development Code Amendments

Exhibit 3 – Citizen’s Advisory Committee Recommendation

Exhibit 4 – Planning Commission Resolution No. _____

2 Statewide Planning Goals

Goal 1 - Citizen Involvement.

To develop a citizen’s involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

***Finding, Goal 1:** The City has implemented its program for citizen involvement by scheduling the proposed land development code amendments for consideration by the CAC on October 4, 2024 (no quorum) and a special meeting on November 12, 2024. The public hearings for Planning Commission on November 5, 2024 and City Council on November 14, 2024 have been published for two consecutive weeks in a newspaper in general circulation, the Daily Courier. Additionally, the City has posted project information on the website, presented the conceptual code amendments to the City Council on October 24, 2024 and hosted sever discussions over the course of 2023 and 2024 as staff began auditing the land development code as part of the larger code update project.*

Conclusion, Goal 1: Consistent.

Goal 2 - Land Use.

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual basis for such decisions and actions.

***Finding, Goal 2:** Based on an audit of the land development code, staff determined that the planning process and framework for application submittal and approval criteria were*

not clear for annexations, conditional use permits and adjustments and variances. In review of the land division regulations, there were no clear procedures and standards established for re-plats and property line adjustments. The proposed amendments clarify submittal requirements, procedures and approval criteria consistent with current policy and legislative requirements (i.e. SB 1537 provisions for housing adjustments). This first round of amendments is therefore consistent with Statewide Planning Goal 2 and provides the framework for a more clear, efficient and professional land use planning process in Central Point.

Conclusion, Goal 2: Consistent.

Goal 3 – Agricultural Lands.

To preserve and maintain agricultural lands.

***Finding, Goal 3:** The proposed land development codes do not include or otherwise effect policies or implementing regulations that would impact agricultural lands conversion of agricultural lands. With the exception of island annexations, requests to annex land are based on landowner application and consent. The proposed amendments do not encourage, promote or coerce annexation of any land in the Central Point UGB nor do amendments to other applications types, definitions, or other land use standards or other housekeeping items.*

Conclusion, Goal 3: Not applicable.

Goal 4 – Forest Lands.

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as a leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

***Finding, Goal 4:** The proposed land development codes do not include or otherwise implicate forest lands because there are no forest land in the city limits or UGB. The proposed code amendments maintain the integrity of existing policies and standards governing the planting of trees and preservation of open space and natural resources.*

Conclusion, Goal 4: Not applicable.

Goal 5 – Open Space, Scenic Areas and Natural Resources.

To protect natural resources and conserve scenic and historic areas and open spaces.

***Finding, Goal 5:** The proposed code amendments do not modify existing policies and standards governing the preservation of open space, natural and historic resources. Proposed amendments to CPMC 17.13 clarifies that adjustments and variances do not authorize exceptions to standards that are required to carry out Goal 5.*

Conclusion, Goal 5: Not applicable.

Goal 6 – Air, Water and Land Resources Quality.

To maintain and improve the quality of the air, water and land resources of the state.

Finding, Goal 6: *As demonstrated in Exhibit 2, the proposed code amendments are largely housekeeping and do not impact or otherwise alter policies or regulatory requirements to maintain and improve air, water and land resource quality.*

Conclusion, Goal 6: *Not applicable.*

Goal 7 - Areas Subject to Natural Hazards.

To protect people and property from natural hazards.

Finding, Goal 7: *The proposed code amendments do not impact or otherwise alter policies or regulatory requirements to mitigate land development activities from the impacts of natural hazards.*

Conclusion, Goal 7: *Not applicable.*

Goal 8 – Recreational Needs.

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Finding, Goal 8: *The proposed amendments to the land development code do not add to, take away from or otherwise impact any implementing standard related to the provision of parks and open space consistent with the Central Point Comprehensive Plan Parks Element.*

Conclusion, Goal 8: *Not applicable.*

Goal 9 – Economic Development.

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Finding, Goal 9: *The Economic Element of the Comprehensive Plan sets forth goals and policies to promote employment opportunities through the provision of needed land and programs to attract, grow and retain businesses in the City consistent with Goal 9. A key facet to the City's Economic Development strategy and policy framework is to provide an efficient land development process based on modern codes that are clear, user-friendly and that apply industry best practices. The proposed land development code amendments constitute the first round to a series of code amendments that will be forthcoming to align the land development code with the City's policies and strategic priorities set forth in the 2040 Strategic Plan. Although none of the provisions in the proposed amendments impact employment opportunities in and of themselves, the changes provide a step toward more clear, predictable and objective requirements for applications and land uses. This is consistent with Goal 9, the City's Economic Element and 2040 Strategic Plan.*

Conclusion, Goal 9: *Consistent.*

Goal 10 – Housing.

To provide for the housing needs of citizens of the state.

Finding, Goal 10: *The proposed code amendments support housing needs by*

establishing a clearer process and requirements for annexations, as well as providing housing adjustment provisions consistent with SB 1537 and clarifying the home occupation permits will only be issued for limited business activities that are incidental to a residence. Future code amendments will go further to expand housing opportunities and encourage increased housing production consistent with Goal 10. However, the scope of impacts for this series of changes is limited to the above changes and is consistent with Goal 10 and the Central Point Comprehensive Plan.

Conclusion, Goal 10: Consistent.

Goal 11 – Public Facilities and Services.

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding, Goal 11: *The proposed code amendments to do impact or otherwise alter any standards or policies related to the provision of public facilities and services.*

Conclusion, Goal 11: Not applicable.

Goal 12 – Transportation.

To provide and encourage a safe, convenient and economic transportation system.

Finding, Goal 11: *The proposed code amendments to do impact or otherwise alter any standards or policies related to the provision of a safe, convenient or economic transportation system.*

Conclusion, Goal 11: Not applicable.

Goal 13 – Energy.

To conserve energy.

Finding, Goal 13: *The proposed amendments do not impact or otherwise alter any standards or policies related to energy conservation in the City. However, the amended purpose statements incorporate the importance of a land development pattern that conserves the energy. This sets the foundation for future amendments to improve energy conservation in the City.*

Conclusion, Goal 13: Not applicable.

Goal 14 – Urbanization.

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Finding, Goal 14: *Amendments to the City's procedures and standards for annexations align with the requirements in ORS 222.111 through 222.180. These amendments govern the transfer of rural land to urban jurisdiction and eventual urban development. No amendments are proposed that would alter land development form in and of itself, rather provides a more clear and efficient process for the transition to urban land use.*

Conclusion, Goal 14: Consistent.

3 State Transportation Planning Rule (OAR 660-012-0060)

Section 660-012-0060 Plan and Land Use Amendments sets forth requirements for evaluating whether or not certain projects will significantly affect existing or planned transportation. As stated in Finding OAR 660-12-0060(2), the City's UGB Amendment is not subject to the requirements herein since the land proposed for inclusion in the UGB will retain the County zoning that is currently in effect. However, City policy and regulations for traffic analysis require that a Traffic Impact Analysis (TIA) be prepared to assess the impacts of the proposed Comprehensive Plan Amendment on affected infrastructure. The following findings are provided to demonstrate how the City's proposal aligns with the State's requirements notwithstanding the exemption in OAR 660-024-0020(1)(d).

OAR 660-012-0060(1). If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. 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 (exclusive of correction of map errors in an adopted plan);

Finding OAR 660-012-0060(1)(a): *The proposed land development code amendments clarify existing policy and do not impact or otherwise effect existing or planned transportation facilities. This is further evidenced by the fact the proposed amendments did not meet the threshold for requiring a Traffic Impact Analysis (TIA) per CPMC 17.05.900(B).*

Conclusion OAR 660-012-0060(1)(a): *The proposed land development code amendments do not result in functional classification changes.*

- (b) Change standards implementing a functional classification system; or

Finding OAR 660-012-0060(1)(b): *The proposed land development code amendments do not change any standards implementing a functional classification system for transportation facilities in the City.*

Conclusion OAR 660-012-0060(1)(b): *The proposal does not result in any change to standards.*

- (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic

generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

- (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

Finding OAR 660-012-0060(1)(c)(A): See Findings OAR 660-012-0060(1)(a-b).

Conclusion OAR 660-012-0060(1)(c)(A): Not applicable.

- (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or,

Finding OAR 660-012-0060(1)(c)(B): See Findings OAR 660-012-0060(1)(a-b).

Conclusion OAR 660-012-0060(1)(c)(B): Not applicable.

- (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

Finding OAR 660-012-0060(1)(c)(C): See Finding OAR 660-012-0060(1)(c)(B).

Conclusion OAR 660-012-0060(1)(C): No applicable.

OAR 660-012-0060(2). If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.

Finding OAR 660-012-0060(2): As demonstrated in Findings for OAR 660-012-0060(1), the proposed land development code amendments have no effect or impact on existing or planned transportation facilities.

Conclusion OAR 660-012-060 (2): Not applicable.

4 City of Central Point Comprehensive Plan

Based on review the Comprehensive Plan, the applicable policies to the proposed land development code amendments are limited to those involving housing, citizen involvement and provision of an efficient and consistent land development process. The four (4) applicable policies are set forth and addressed below.

General Policy 3. Provide flexibility of residential neighborhoods and housing opportunities to meet the changing needs of a growing population.

***Finding, General Policy 3:** Proposed amendments in Chapter 17.13 (Exhibit 2) address adjustments and variances. A key change in the proposal is the addition of adjustment procedures and standards for housing developments consistent with SB 1537 to allow greater flexibility in design and development standard and improve affordability. Given the concerns about inadequate housing supply and unaffordability, the proposed changes align with General Policy 3 to provide flexibility needed to meet changing needs of our community's population.*

***Conclusion, General Policy 3:** Consistent*

Citizen Involvement Policy 3. Whenever possible, citizens shall be given the opportunity to be involved in all phases of the planning process, including (1) data collection, (2) plan preparation, (3) adoption, (4) implementation, (5) evaluation, and (6) revision.

***Finding, Citizen Involvement Policy 3:** The City introduced the larger code audit and revision project to the Citizen's Advisory Committee and Planning Commission in 2021. Since that time, there have been seven (7) public meetings ((4/6/2021, 4/13/2021, 7/13/2021, 10/5/2021, 11/2/2021, 4/12/2023, 7/11/2023) to review code concepts related to zoning administration, housing, and small wireless facilities. During those meetings staff received input from citizens and commissioners regarding the concepts that have informed development of the draft code. Advertised public meetings were held on 11/5/2024, 11/12/2024 and 11/14/2024 during the adoption process. Although not all of the code concepts are part of the current round of amendments, the City has provided opportunities for citizens to be involved in the applicable phases of the planning process for the land development code update project.*

***Conclusion, Citizen Involvement Policy 3:** Consistent.*

Citizen Involvement Policy 5. The City will be responsive to citizens or groups taking part in the planning process and all land use policy decisions will be documented in written form and available for public review.

***Finding, Citizen Involvement Policy 3:** The City is responsive to citizens and groups taking part in the planning process over the phone, via email, website inquiry and in person. We provide written agendas and materials in advance of meetings and we make written and digital copies of decisions available on our website and by request.*

***Conclusion, Citizen Involvement Policy 3:** Consistent.*

Housing Policy 1.3. Provide an efficient and consistent development review process.

Finding, Housing Policy 1.3: *As provided in Exhibit 2, the proposed land development code amendments make several corrections, clarifications and administrative changes to provide clear procedures and standards for annexations, land divisions, variances and adjustments, nonconforming situations, conditional use permits, home occupations and fences. Clear and objective standards and updated general provisions clarify the process and allow for a consistent, efficient and professional land development review that is needed to support housing and other forms of land use and development in the City.*

Conclusion, Housing Policy 1.3: *Consistent.*

5 CPMC 17.10, Zoning Map and Text Amendments

17.10.100 Purpose.

The purpose of this chapter is to provide standards and procedures for major and minor amendments to this code or the Central Point city zoning map (zoning map), herein referred to as “map or text amendments.” (Ord. 1989 §1(part), 2014; Ord. 1874 §3(part), 2006).

17.10.200 Initiation of amendments.

A proposed amendment to the code or zoning map may be initiated by either:

- A. A resolution by the planning commission to the city council;
- B. A resolution of intent by the city council; or for zoning map amendments;
- C. An application by one or more property owners (zoning map amendments only), or their agents, of property affected by the proposed amendment. The amendment shall be accompanied by a legal description of the property or properties affected; proposed findings of facts supporting the proposed amendment, justifying the same and addressing the substantive standards for such an amendment as required by this chapter and by the Land Conservation and Development Commission of the state. (Ord. 1989 §1(part), 2014).

Finding, CPMC 17.10.200: *On October 24, 2024, the Central Point City Council approved Resolution No. 1804 (Exhibit 1), a resolution declaring the Council’s intent to initiate the proposed land development code amendments.*

Conclusion, CPMC 17.10.200: *Consistent.*

17.10.300 Major and minor amendments.

There are two types of map and text amendments:

- A. Major Amendments. Major amendments are legislative policy decisions that establish by law general policies and regulations for future land use decisions, such as revisions to the zoning and land division ordinance that have widespread and significant impact beyond the immediate area. Major amendments are reviewed using the Type IV procedure in Section [17.05.500](#).

- B. Minor Amendments. Minor amendments are those that involve the application of adopted policy to a specific development application, and not the adoption of new policy (i.e., major amendments). Minor amendments shall follow the Type III procedure, as set forth in Section [17.05.400](#). The approval authority shall be the city council after review and recommendation by the planning commission. (Ord. 1989 §1(part), 2014; Ord. 1874 §3(part), 2006).

Finding, CPMC 17.10.300: *The proposed land development code amendments are text amendments that apply to all future land use and development proposals in the City and are considered Major Amendments.*

Conclusion, CPMC 17.10.300: *Consistent.*

17.10.400 Approval criteria.

A recommendation or a decision to approve, approve with conditions or to deny an application for a text or map amendment shall be based on written findings and conclusions that address the following criteria:

- A. Approval of the request is consistent with the applicable statewide planning goals (major amendments only);

Finding CPMC 17.10.400(A): *See Findings in Part 2, Statewide Planning Goals of these Findings of Fact and Conclusions of Law.*

Conclusion CPMC 17.10.400(A): *Consistent.*

- B. Approval of the request is consistent with the Central Point comprehensive plan (major and minor amendments);

Finding CPMC 17.10.400(B): *See Findings in Part 4, City of Central Point Comprehensive Plan, of these Findings of Fact and Conclusions of Law.*

Conclusion CPMC 17.10.400(B): *Consistent.*

- C. If a zoning map amendment, findings demonstrating that adequate public services and transportation networks to serve the property are either available, or identified for construction in the city's public facilities master plans (major and minor amendments); and

Finding CPMC 17.10.400(C): *The proposed land development code amendments do not involve a map amendment.*

Conclusion CPMC 17.10.400(C): *Not applicable.*

- D. The amendment complies with OAR [660-012-0060](#) of the Transportation Planning Rule. (Ord. 1989 §1(part), 2014; Ord. 1874 §3(part), 2006. Formerly 17.10.300(B)).

Finding CPMC 17.10.400(D): See Findings in Part 3, State Transportation Planning Rule, of these Findings of Fact and Conclusions of Law.

Conclusion CPMC 17.10.400(D): Consistent.

17.10.500 Conditions of approval.

- A. Major amendment decisions may only be approved or denied.
- B. Minor amendment decisions may be for denial, approval, or approval with conditions. Conditions shall be based on applicable regulations and factual evidence in the record. (Ord. 1989 §1(part), 2014; Ord. 1874 §3(part), 2006. Formerly 17.10.400).

Finding, CPMC 17.10.500: The decision rendered by the City Council on the proposed Major Amendments will be to approve them as presented or with changes, or to deny them.

Conclusion, CPMC 17.10.500: Consistent.

17.10.600 Record of amendments.

The city recorder shall maintain a record of amendments to the text of this code and the zoning map in a format convenient for public use. (Ord. 1989 §1(part), 2014; Ord. 1874 §3(part), 2006. Formerly 17.10.500).

Finding, CPMC 17.10.600: The City Recorder maintains a record of all land development code amendments using Laserfiche, which has a public portal for ease of access and transparency.

Conclusion, CPMC 17.10.600: Consistent.

6 Summary Conclusion

As evidenced by these Findings of Fact and Conclusions of Law, including all references, exhibits and attachments thereto, the City of Central Point land development code amendment application is consistent with the applicable state, and city criteria governing Major Amendments to the zoning and land development codes.

Exhibit 1 – City Council Resolution No. 1804

RESOLUTION NO. 1804

A RESOLUTION DECLARING THE CITY COUNCIL'S INTENT TO INITIATE AN AMENDMENT TO VARIOUS CHAPTERS IN CENTRAL POINT MUNICIPAL CODE TITLE 1, TITLE 16 AND TITLE 17 ADDRESSING ANNEXATIONS, LAND DIVISIONS, GENERAL PROVISIONS AND VARIOUS LAND STANDARDS AND PROCEDURES.

RECITALS:

- A. An amendment of the Central Point Municipal Code (Zoning) may be initiated by adoption of a resolution of intent by the City Council (Chapter 17.10.200); and
- B. The City Council has reason to believe that current land use policies in Title 1, Title 16 and Title 17 are unclear and out-date, and prospective development applicants would be benefitted by clarifying and updating policies and standards concerning annexations, land divisions and land use; and,
- C. The City Council determines that it is in the City's economic interest and that the public necessity and convenience and general welfare support consideration of such an amendment.

The City of Central Point resolves:

Section 1: By this resolution the City Council authorizes the Community Development Department to proceed with consideration of amendments to Title 1 (General Provisions), Title 16 (Subdivisions) and Title 17 (Zoning), including necessary and related changes to other municipal code sections.

Section 2: Prior to formal application for the actions cited in Section 1 of this resolution the requirements of Section 17.10 et. seq. of the City of Central Point Municipal Code shall be met.

PASSED by the Council and signed by me in authentication of its passage this 24th day of October, 2024.


Mayor Hank Williams

ATTEST:


City Recorder

City Council Resolution No. 1804 (10/24/2024)

Exhibit 2 – Land Development Code Amendments

[Insert final adopted code amendments here]

Exhibit 3 - Citizen's Advisory Committee Recommendation

[Insert written CAC recommendation here.]

Exhibit 4 - Planning Commission Resolution No. 925

PLANNING COMMISSION RESOLUTION NO. 925

A RESOLUTION FORWARDING A FAVORABLE RECOMMENDATION FOR MAJOR AMENDMENTS TO VARIOUS SECTIONS IN TITLE 1 (GENERAL PROVISIONS) TITLE 16 (SUBDIVISIONS) AND TITLE 17 (ZONING)

FILE NO. ZC-24001

Applicant: City of Central Point

WHEREAS, on October 24, 2024 the City of Central Point City Council approved Resolution No. 1804, a resolution of intent initiating an application to amend various sections of the land development code to clarify existing policies, establish general provisions, update application submittal requirements and approval criteria and some land use standards;

WHEREAS, the proposed code amendments are part of a larger project to audit and update the City's land development code to align with the 2040 Strategic Plan, Central Point Comprehensive Plan and State rules and statutes;

WHEREAS, on November 5, 2024, the Planning Commission conducted a duly noticed public hearing on the legislative code amendments as identified in the Staff Report dated November 5, 2024 (Exhibit 1);

WHEREAS, the Planning Commission finds that the above referenced code amendments comply with the approval criteria set forth in CPMC 17.10, including the Statewide Planning Goals, Comprehensive Plan and Transportation Planning Rule as evidenced by the Planning Department Findings of Fact and Conclusions of Law in the Staff Report dated November 5, 2024 (Exhibit 1) and Findings of Fact and Conclusions of Law (Exhibit 2).

NOW, THEREFORE, BE IT RESOLVED, that the City of Central Point Planning Commission, by this Resolution No. 925 does hereby forward a favorable recommendation to the City Council to approve the amendments as set forth in the Staff Report dated November 5, 2024 attached hereto by reference as Exhibit 1 and the Findings of Fact and Conclusions of Law attached hereto by reference as Exhibit 2.

PASSED by the Planning Commission and signed by me in authentication of its passage this 5th day of November 2024.


Planning Commission Chair

ATTEST:


City Representative

Planning Commission Resolution No. ____ (11/052024)



DEPARTMENT: Planning

MEETING DATE: November 14, 2024

STAFF CONTACT: Justin Gindlesperger, Community Planner III

SUBJECT: Chapter 8.24 Flood Damage Prevention Text Amendments

SUMMARY AND BACKGROUND:

As a participating community in the National Floodplain Insurance Program (NFIP), Central Point must maintain consistency with FEMA floodplain development regulations. As a result of consultations between FEMA and the National Marine Fisheries Services (NMFS), and the release of a Biological Opinion and draft Environmental Impact Statement, the regulations for developing in the floodplain are changing. The new regulations are intended to protect endangered and threatened species from development currently permitted in the Special Flood Hazard Areas (SFHA). Communities that wish to remain in the NFIP (and continue to be eligible for flood insurance) are required to choose and implement new Pre-Compliance Implementation Measures (PICM). At the October 21, 2024 Study Session, the City Council considered whether to implement a model ordinance or take a permit-by-permit approach to PICM. At that time, Council directed staff to pursue ordinance changes that would allow for a permit-by-permit evaluation of Endangered Species Act compliance.

Proposed Changes

The proposed code amendments include updating CPMC 8.24, Flood Damage Protection, to include requirements for a “no net loss” approach to floodplain management and for applicants proposing development in the SFHA to complete a Habitat Assessment on a permit-by-permit basis. The proposed amendments include the “no net loss” standards that address mitigation requirements to offset potential negative impacts resulting from floodplain development. Changes to CPMC 8.24 include new definitions, floodplain development permit requirements, additional requirements for the Floodplain Administrator to ensure the new standards are met, and additional documentation and tracking requirements.

FINANCIAL ANALYSIS:

The proposed zoning code text amendment does not generate additional cost to the City beyond in-kind staff expense.

LEGAL ANALYSIS:

In accordance with CPMC 17.10.200(A), the City Council or Planning Commission can initiate land use and zone map amendments, respectively, by Resolution of Intent (ROI). The ROI in and of itself does not guarantee approval of the proposed land use

changes. The City-initiated application will be subject to Type IV Legislative procedures set forth in CPMC 17.05.500 and approval criteria in CPMC 17.96.500 and CPMC 17.10.400. These criteria specify that the proposed modifications conform to Statewide Planning Goals, the State Transportation Planning Rule, and the City's Comprehensive Plan. By approving the ROI, City staff will have the direction needed to allocate staff time to preparing and processing the application.

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

Strategic Priority: Responsible Governance

Goal 6: Prepare as a resilient city with the capabilities required across the whole community to prevent, protect against, mitigate, respond to, and recover from the threats and hazards that pose the greatest risk.

Comment: The floodplain requirements in CPMC 8.24 are intended to reduce risks to people and property in the Special Flood Hazard Area (SFHA) while protecting natural floodplain functions. The proposed land use changes aim to conserve natural resources and maintain wildlife and fish habitat, while balancing the public and private interests in regulating development in the SFHA.

ATTACHMENTS/EXHIBITS:

1. Resolution of Intent - Chapter 8.24 Text Amendments

STAFF RECOMMENDATION:

RECOMMENDED MOTION:

I move to approve Resolution No. _____, a Resolution declaring the City County's intent to initiate an amendment to Central Point Municipal Code Chapter 8.24, Flood Damage Prevention, to enact interim Endangered Species Act measures.

RESOLUTION NO. _____

**A RESOLUTION DECLARING THE CITY COUNCIL'S INTENT TO INITIATE AN
AMENDMENT TO THE CENTRAL POINT MUNICIPAL CODE CHAPTER 8.24,
FLOOD DAMAGE PREVENTION TO ENACT INTERIM ENDANGERED SPECIES
ACT MEASURES**

RECITALS:

- A. An amendment to the Central Point Municipal Code (Zoning) may be initiated by adoption of a resolution of intent by the City Council (Chapter 17.10.200).
- B. The City Council has reason to believe that current development and operational standards in CPMC 8.24 are not consistent with recent changes to FEMA requirements in response to provisions necessary to address the Endangered Species Act and that the City would be benefitted by updating its standards.
- C. The City Council determines that it is in the City's economic interest and that the public necessity and convenience and general welfare support consideration of such an amendment.

The City of Central Point resolves:

Section 1: By this resolution the City Council authorizes the Community Development Department to proceed with consideration of amendments to Chapter 8.24 of the zoning code, including necessary and related changes to other municipal code sections to address updates to FEMA requirements.

Section 2: Prior to formal application for the actions cited in Section 1 of this resolution the requirements of Section 17.10 et seq of the City of Central Point Municipal Code shall be met.

PASSED by the Council and signed by me in authentication of its passage this 14th day of November, 2024.

Mayor Hank Williams

ATTEST:

City Recorder



DEPARTMENT: Administration

MEETING DATE: November 14, 2024

STAFF CONTACT: Chris Clayton, City Manager

SUBJECT: Resolution Approving Agreement for Property Exchange with School District

SUMMARY AND BACKGROUND:

The City owns property located at Mae Richardson elementary, currently improved with parking lot and park/recreation facilities that is leased by the School District. The school district currently owns land at Twin Creeks Park, currently leased by the City for parks purposes. In 2021 the parties had the City property and the District property appraised with the goal of ultimately exchanging ownership of the land such that each entity will own the land outright.

The City land commonly known as Township 37 South, Range 2 West, Section 10AB, Tax Lot 1300 is approximately 4.16 acres in size and appraised at \$100,000 per acre. The District land consisting of four (4) contiguous tax lots commonly known as: (i) Township 37 South, Range 2 West, Section 03CA, Tax Lot 200; (ii) Township 37 South, Range 2 West, Section 03CB, Tax Lot 200; (iii) Township 37 South, Range 2 West, Section 03CC, Tax Lot 116; and (iv) Township 37 South, Range 2 West, Section 03CD, Tax Lot 221 is approximately 7.06 acres in size and also appraised at \$100,000 per acre.

The sale agreement proposes that the City convey its 4.16 acres to the District, and the District convey its 7.06 acres to the City, which results in the City owing an additional \$290,000 for the difference in property values being exchanged. The Agreement provides that the City will enter into a Promissory Note in which the City will be obligated to make annual installments for 5-years in the amount of \$58,000 per year, beginning 365-days following the close of this transaction.

The City has been in negotiations regarding the terms of this agreement, but it may be subject to additional minor revisions following approval of Council to the form of this agreement.

FINANCIAL ANALYSIS:

LEGAL ANALYSIS:

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

ATTACHMENTS/EXHIBITS:

1. Promissory Note Secured
2. Property Exchange Agreement - District - City 11-5-24 - v.2 CLEAN
3. Reso - Approving PSA Exchange

STAFF RECOMMENDATION:

Make a motion approving the Resolution.

RECOMMENDED MOTION:

I move to approve Resolution No. _____, a Resolution approving that Purchase and Sale Agreement - Property Exchange - City of Central Point/Jackson County School District No. 6 and authorize the City Manager to execute same.

PROMISSORY NOTE
Secured

\$290,000

_____, 2024
Central Point, Oregon

For value received, the undersigned City of Central Point, Oregon (“**Borrower**”) promises to pay to the order of Jackson County School District No. 6 (“**Lender**”), its successors and assigns, at 300 Ash Street, Central Point, Oregon 97502 or at another place that the holder of this Note may designate, the principal sum of TWO HUNDRED NINETY THOUSAND DOLLARS (\$290,000.00), payable in the manner and on the terms set forth in this Note. This loan is a purchase money loan, secured by the Property (as defined below) by a deed of trust as set forth below dated the same day as this Note and is contemplated in that certain Purchase and Sale Agreement dated effective as of _____, 2024, with Borrower as City/Buyer and Lender as District/Seller (the “**Purchase and Sale Agreement**”). Capitalized terms used in this Note that are not otherwise defined have the meanings assigned to them in the Purchase and Sale Agreement.

1. *Interest Rate.* None.
2. *Payments.* Borrower will make equal annual installments of principal in the amount of \$58,000.00 each for a term of 5 years. The first such principal installment must be paid on or before _____, 2025, and subsequent installments must be paid on the same day annually thereafter until the entire Note is paid in full, but in any event not later than _____, 2029. Each payment will be applied first to the payment of any late charges that have accrued; second, to the payment of any costs and expenses incurred under Section 6 of this Note; and third, any remaining balance to the principal. Checks will constitute payment only when collected.
3. *Prepayments.* Borrower has the right to prepay this Note, in whole or in part, in cash at any time with no prepayment penalty; provided, however, that partial prepayments shall not reduce the amount of Borrower’s regularly scheduled annual installments of principal set forth in Section 2 of this Note nor postpone the due date of any such installment.
4. *Default and Acceleration.* Lender may declare the principal of this Note, together with any late fees, to be due and payable in the event (a) that Borrower defaults in the performance of, or compliance with, any of the terms and provisions of this Note or the Trust Deed given as security, after not less than 10 days’ written notice to Borrower specifying with reasonable particularity the nonperformance or noncompliance and Borrower’s failure to correct the default within that time period; or (b) in the event of the bankruptcy or insolvency of any party having liability on this Note, or any assignment for the benefit of creditors, or the commencement of an action for the appointment of a receiver for the properties of any such party or other action or proceedings under the federal bankruptcy laws that is not dismissed within 75 days after the date of filing. Any forbearance or failure to exercise this right will not constitute a waiver of Lender’s right to exercise the right with respect to the default and any subsequent default.
5. *Late-Payment Charge.* Borrower will pay to Lender a late charge (“**Late Charge**”) of 1.5% percent of any annual installment not received by Lender within 10 days after the payment is due. Any unpaid Late Charge will become part of the indebtedness due under this Note and will be added to any subsequent payments due under the Note. Lender’s acceptance of any Late Charge will not be deemed a cure of any default under the Note and such acceptance will not constitute a

waiver of any of Lender's rights under the Note or the Security Instrument securing this Note. The Late Charge will be in addition to all other rights and remedies available to Lender on the occurrence of a default under the Note. Lender's failure to collect the Late Charge will not constitute a waiver of Lender's right to require payment of the Late Charge for past or future defaults.

6. *Attorneys' Fees; Costs.* If the holder of this Note takes any action, judicial or otherwise, to collect or otherwise enforce this Note, the holder of this Note will be entitled to recover from Borrower all expenses that the holder of this Note may reasonably incur in taking such action, including, but not limited to, costs and expenses provided by statute or otherwise, as well as holder's reasonable attorney fees, whether such fees are incurred in a suit or action, on appeal from a judgment or decree, in connection with any bankruptcy proceeding, or in connection with a nonjudicial action. Upon demand, Borrower will reimburse the holder of this Note for expenses so incurred, together with interest from the date of invoice to Borrower until repaid at the statutory rate of nine percent (9.00%) per annum.

7. *Governing Law; Severability.* This Note is to be governed by and construed in accordance with the laws of Oregon. If any provision or clause of this Note is construed by a court of competent jurisdiction to be void, invalid, or unenforceable, that construction will not affect other provisions of this Note that can be given effect without the void, invalid, or unenforceable provision, and to this end the provisions of this Note are declared to be severable.

8. *Waiver of Protest.* Borrower and each present or future maker, surety, endorser, and signatory to this Note, in whatever capacity, waives presentment, demand, protest, notice of dishonor, and all suretyship defenses, and agrees that the Lender may exercise its rights under the Note in any order and at any time. Without notice to any such person (except for any notice to borrower specified in this Note and without the need to obtain further consent from any party), and without in any way diminishing the obligations of any person, Lender may (a) deal with any such person with reference to this Note by way of forbearance, extension, modification, compromise, or otherwise; (b) extend, release, surrender, exchange, compromise, discharge, or modify any right or obligation secured by or provided in this Note, the Trust Deed, or any other document securing this Note; and (c) take any other action that the holder may deem reasonably appropriate to protect its interest in the collateral under the Trust Deed.

9. *Time Is of the Essence.* Time is of the essence under this Note.

10. *Limitation of Interest.* In no event will any payment of any sum payable under this Note exceed the maximum amount permitted by applicable law. If it is established that any payment(s) exceeding lawful limits have been received, the holder and payee of such amount(s) will refund such excess or, at its option, credit the excess amount(s) to the principal. Such payments will not affect the obligation to make other payments required under this Note that do not cause the lawful limits to be exceeded.

11. *Security.* This Note is secured by, among other things, a Deed of Trust dated as of the date of this Note among Borrower, as Trustor, to First American Title Company, as Trustee, in favor of Lender, as Beneficiary ("**Security Instrument**") encumbering the real property described as Township 37 South, Range 2 West, Section 10AB, Tax Lot 1300 ("**the Property**"). This Note evidences, and the Trust Deed and any of the other documents that provide that they secure this Note secure, the indebtedness described in this Note, and any other amounts required to be paid by Borrower under any of the Loan Documents that provide that they secure this Note.

12. *Bankruptcy.* Borrower agrees that, notwithstanding ORS 73.0602 and ORS 73.0604, any payment under this Note that is avoided in a later bankruptcy proceeding or otherwise

will not be deemed a payment, and Borrower's obligations under the Note will be reinstated or supplemented, or both, to the extent of any payment so avoided. In that event, Borrower will not be discharged even if this Note has been canceled, renounced, or surrendered.

13. *Waiver of Jury Trial.* BORROWER, AFTER CONSULTING OR HAVING HAD THE OPPORTUNITY TO CONSULT WITH COUNSEL, KNOWINGLY, VOLUNTARILY, AND INTENTIONALLY WAIVES ANY RIGHT THEY MAY HAVE TO A TRIAL BY JURY IN ANY LITIGATION BASED UPON OR ARISING OUT OF THIS NOTE OR ANY RELATED INSTRUMENT OR AGREEMENT OR ANY OF THE TRANSACTIONS CONTEMPLATED BY THIS NOTE OR ANY COURSE OF CONDUCT, DEALING, STATEMENTS (WHETHER ORAL OR WRITTEN), OR ACTIONS OF EITHER OF THEM. NEITHER THE BORROWER NOR THE LENDER MAY SEEK TO CONSOLIDATE, BY COUNTERCLAIM OR OTHERWISE, ANY SUCH ACTION IN WHICH A JURY TRIAL HAS BEEN WAIVED WITH ANY OTHER ACTION IN WHICH A JURY TRIAL CANNOT BE OR HAS NOT BEEN WAIVED. THESE PROVISIONS MAY NOT BE DEEMED TO HAVE BEEN MODIFIED IN ANY RESPECT OR RELINQUISHED BY EITHER THE BORROWER OR LENDER EXCEPT BY A WRITTEN INSTRUMENT EXECUTED BY BOTH PARTIES.

The undersigned caused this Note to be duly executed on the day and year first written above.

BORROWER:
City of Central Point

By:
Its:

**PURCHASE AND SALE AGREEMENT
PROPERTY EXCHANGE
City of Central Point/Jackson County School District No. 6**

DATE: _____, 2024

BETWEEN: **City of Central Point, Oregon** (“Central Point”)
 140 S 3rd Street
 Central Point, Oregon 97502

AND: **Jackson County School District No. 6** (“District”)
 300 Ash Street
 Central Point, Oregon 97502

RECITALS

A. City is the owner of certain real property located in Jackson County, Oregon, and commonly known as Township 37 South, Range 2 West, Section 10AB, Tax Lot 1300 (“City Property”), a more particular description of the City Property is attached hereto as **Exhibit A**. City Property is approximately 4.16 acres in size and is developed with park/field and parking lot improvements.

B. District is the owner of certain real property located in Jackson County, Oregon, consisting of four (4) contiguous tax lots commonly known as: (i) Township 37 South, Range 2 West, Section 03CA, Tax Lot 200; (ii) Township 37 South, Range 2 West, Section 03CB, Tax Lot 200; (iii) Township 37 South, Range 2 West, Section 03CC, Tax Lot 116; and (iv) Township 37 South, Range 2 West, Section 03CD, Tax Lot 221 (collectively “District Property”), a more particular description of the District Property is attached hereto as **Exhibit B**. District Property is approximately 7.06 acres in size and is developed with park improvements.

C. City desires to convey to District the City Property pursuant to the terms and conditions of this Agreement. District desires to convey to City the District Property pursuant to the terms and conditions of this Agreement.

D. The City Property and the District Property have been appraised, with the value of the District Property exceeding the value of the City Property. The parties desire to utilize the agreed-upon appraised values resulting in the City owing the District the difference in price between the respective properties.

AGREEMENT

In consideration of the mutual promises, covenants and undertakings of the parties herein contained, the parties hereby agree as follows:

1. Recitals. The parties acknowledge and agree that the Recitals set forth above are

incorporated herein and deemed a material part of this Agreement.

2. Purchase Price for District Property. District agrees to sell and convey all of District's right, title and interest in the District Property to City and City agrees to buy the District Property from District for the sum of **Seven Hundred Six Thousand and No/100 Dollars (\$706,000.00) (\$100,000.00 per acre)** ("the District Property Purchase Price"). The District Property Purchase Price shall be paid as follows:

2.1 Credit toward District Property Purchase Price. At closing, City shall receive a credit in the amount of \$416,000.00 towards the District Property Purchase Price, such credit constituting the value of District's purchase of the City Property to close concurrently herewith.

2.2 Remaining Balance for District Property Purchase Price. At closing, by execution of a Promissory Note in the amount of Two Hundred Ninety Thousand (\$290,000.00) Dollars, to be executed by City to District, said Note to be secured by a Trust Deed to be recorded against the District Property. The Note shall be payable in equal annual installments of Fifty-Eight Thousand Dollars and 00/100 (\$58,000.00) for a term of Five (5) years commencing on the 365th day following the close of this transaction and continuing at annual intervals thereafter on the same day of each successive year. Interest: 0% per year. The Note and Deed of Trust shall be in a form as substantially as set forth in the attached Exhibits C and D which are incorporated herein by reference.

3. Purchase Price for City Property. City agrees to sell and convey all of City's right, title and interest in the City Property to District and District agrees to buy the City Property from City for the sum of **Four Hundred Sixteen Thousand and No/100 Dollars (\$416,000.00) (\$100,000 per acre)** ("the City Purchase Price"). The City Purchase Price shall be paid as follows:

3.1 Payment of City Purchase Price. District shall receive a credit for payment of the City Property Purchase Price in the amount of \$416,000.00, such credit constituting a portion of the value of the District Property conveyed to City concurrently herewith.

4. Title.

4.1 Title to District Property. District warrants and represents that District is the fee simple owner of the District Property and that it has the right and authority to convey the District Property to City free and clear of any other claims of title and subject only to encumbrances of record. District shall convey title to City by Statutory Warranty Deed, properly executed and notarized conveying title to City. District, at District's sole expense, shall obtain title insurance policies from First American Title Insurance Company, located at 1225 Crater Lake Avenue, Suite 101, Medford, Oregon, 97504 ("the Escrow Agent"). Upon complete execution of this Agreement, District, at District's sole expense, shall order preliminary title reports ("Title Report(s)") from the Escrow Agent with copies of the Title Reports being delivered to all parties. City shall have 10 days from the date of City's receipt of the Title Reports to notify District in writing of any exceptions unacceptable to City ("Objection Notice"). District shall notify City of its intent to remove or not to remove the exceptions stated in the Objection Notice within 5 business days of

District's receipt of the Objection Notice. City shall have no obligation to close on the subject property if the parties are unable to resolve title issues concerning the subject property. City's failure to issue an Objection Notice within the time allowed will be deemed as City's acceptance of the exceptions to title set forth in the Title Report for the subject property.

4.2 Title to City Property. City warrants and represents that City is the fee simple owner of the City Property and that it has the right and authority to convey the City Property to District free and clear of any other claims of title and subject only to encumbrances of record. City shall convey title to City by Statutory Warranty Deed, properly executed and notarized conveying title to District. City, at City's sole expense, shall obtain title insurance policies from First American Title Insurance Company, located at 1225 Crater Lake Avenue, Suite 101, Medford, Oregon, 97504 ("the Escrow Agent"). Upon complete execution of this Agreement, City, at City's sole expense, shall order preliminary title reports ("Title Report(s)") from the Escrow Agent with copies of the Title Reports being delivered to all parties. District shall have 10 days from the date of City's receipt of the Title Reports to notify City in writing of any exceptions unacceptable to District ("Objection Notice"). City shall notify District of its intent to remove or not to remove the exceptions stated in the Objection Notice within 5 business days of City's receipt of the Objection Notice. District shall have no obligation to close on the subject property if the parties are unable to resolve title issues concerning the subject property. District's failure to issue an Objection Notice within the time allowed will be deemed as District's acceptance of the exceptions to title set forth in the Title Report for the subject property.

5. Due Diligence Contingency. Each party's purchase of the respective subject properties is contingent upon the respective purchaser's inspection, review and approval of the physical condition of the subject property, including, but not limited to, title matters, the physical and environmental condition of the subject property, an appraisal, governmental regulations affecting the subject property, and all matters that bind the subject property or will affect its use ("the Due Diligence Contingency"). Each respective purchaser shall give written notice to the respective seller no later than 5:00 p.m. on the 15th day following the date of this Agreement ("the Due Diligence Period") of said purchaser's intent to remove or not to remove the Due Diligence Contingency. In the event no written notice is given to a respective seller within the Due Diligence Period to remove the Due Diligence Contingency, the Due Diligence Contingency shall be deemed waived by said purchaser.

6. As Is. Except as otherwise stated herein, the parties hereby acknowledge and agree that this is an "AS IS" transaction and, except as otherwise expressly stated herein, neither party makes any representations or warranties as to the condition of the subject properties, any improvements thereon, if any, or their fitness for a particular purpose.

7. Due Performance. Due performance of the terms, conditions, and agreements of this Agreement to be performed by a party and the accuracy of the representations and warranties of each as of the Closing Date is a condition to closing by the other party. Such performance shall include, without limitation, execution, and delivery in proper form of all of the documents required hereunder to be delivered on the Closing Date and the rendering of all other performances and undertakings contemplated hereunder.

8. Closing Contingencies. District's purchase of the City Property is contingent upon District's sale of the District Property to City concurrently therewith. City's purchase of the District Property is contingent upon City's sale of the City Property to District concurrently therewith.

9. Closing Provisions.

9.1 Closing. Closing shall occur on or before December 15, 2024 ("Closing Date") at the offices of the Escrow Agent, unless otherwise extended pursuant to mutual agreement of the parties.

9.2 Funds and Documents.

9.2.1 City's Funds and Documents. On or before the Closing Date, City shall cause to be delivered to the Escrow Agent on the Closing Date, each of the following:

- (a) All funds required of City for costs and expenses as set forth herein.
- (b) All documents required pursuant to this Agreement, properly executed by City.

9.2.2 District Documents. On or before the Closing Date, District shall cause to be delivered to the Escrow Agent on the Closing Date, each of the following:

- (a) All funds required of District for costs and expenses as set forth herein.
- (b) All documents required pursuant to this Agreement, properly executed by District.

9.3 Costs of Closing.

9.3.1 City's Costs. City, at City's sole expense shall be responsible for the following costs: (a) ½ the Escrow Agent's fee; (b) all premiums for title insurance policies for City Property; (c) all recording and miscellaneous charges customarily attributable to a seller in similar transactions for the sale of City Property; and (d) all attorney fees incurred by City with respect to preparing and negotiating this Agreement.

9.3.2 Districts Costs. District, at District's sole expense shall be responsible for the following costs: (a) ½ the Escrow Agent's fee; (b) all premiums for title insurance policies for District Property; (c) all recording and miscellaneous charges customarily attributable to a seller in similar transactions for the sale of District Property; and (d) all attorney fees incurred by District with respect to preparing and negotiating this Agreement.

10. Council/Board Approval. The parties acknowledge and agree that this Agreement is subject to approval by the following: (a) City of Central Point City Council; and (b) Central Point School District No. 6 School Board (collectively, "Governmental Approval"). In the event

this Agreement does not receive Governmental Approval, this Agreement shall terminate and be of no further force or effect.

11. Miscellaneous Provisions.

10.1 Conflict of Interests. No member, official or employee of District or City shall make any decision relating to the Agreement which affects the member's, official's, or employee's personal interests or the interests of any corporation, partnership, or association in which member, official, or employee is directly or indirectly interested.

11.2 No Partnership. Nothing contained in this Agreement or any acts of the parties hereby shall be deemed or construed by the parties, or by any third person, to create the relationship of principal and agent, or of partnership, or of joint venture, or any association between any of the parties.

11.3 Notices. Notices under this Agreement shall be in writing and shall be effective when actually delivered by hand delivery, electronic correspondence or United States mail directed to the other party at the address set forth below, or to such other address as the party may indicate by written notice to the other:

District:

c/o Walt Davenport
Superintendent
300 Ash Street
Central Point, Oregon 97502

City:

c/o Chris Clayton
City Manager
140 S 3rd Street
Central Point, Oregon 97502
chris.clayton@centralpointoregon.gov

11.4 Amendment. This Agreement may be amended only by written instrument executed by the parties.

11.5 Representations and Warranties. All representations and warranties made herein shall survive Closing.

11.6 Entire Understanding. This Agreement, and the documents incorporated herein, consists of the entire Agreement between the parties with relation to the conveyance of the City Property and the District Property.

11.7 Time of Essence. Time is of the essence of this Agreement.

11.8 Applicable law. This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon. Any action or suit to enforce or construe any provision of this Agreement by any party shall be brought in the Circuit Court of the State of Oregon for Jackson County.

11.9 Counterparts. This Agreement may be executed by the parties in separate counterparts, which together shall constitute one instrument. For the purposes of this Agreement, a facsimile or electronic copy of a signature shall have the same force and effect as an original signature.

11.10 Statutory Disclaimer.

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE DISTRICT OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates set forth below.

City of Central Point:

Date: _____, 2024

By: _____
Its: _____

Jackson County School District No. 6

Date: _____, 2024

By: Walt Davenport
Its: Superintendent

EXHIBIT A
Legal Description City Property

EXHIBIT B
Legal Description of District Property

Real property in the County of Jackson, State of Oregon, described as follows:

LOT 41, JACKSON OAKS, PHASE II, IN THE CITY OF CENTRAL POINT, JACKSON
COUNTY, OREGON, ACCORDING TO THE OFFICIAL PLAT THEREOF RECORDED IN
VOLUME 29, PAGE 60 OF PLAT RECORDS

EXHIBIT C

PROMISSORY NOTE

Secured

\$290,000

_____, 2024
Central Point, Oregon

For value received, the undersigned City of Central Point, Oregon (“**Borrower**”) promises to pay to the order of Jackson County School District No. 6 (“**Lender**”), its successors and assigns, at 300 Ash Street, Central Point, Oregon 97502 or at another place that the holder of this Note may designate, the principal sum of TWO HUNDRED NINETY THOUSAND DOLLARS (\$290,000.00), payable in the manner and on the terms set forth in this Note. This loan is a purchase money loan, secured by the Property (as defined below) by a deed of trust as set forth below dated the same day as this Note and is contemplated in that certain Purchase and Sale Agreement dated effective as of _____, 2024, with Borrower as City/Buyer and Lender as District/Seller (the “**Purchase and Sale Agreement**”). Capitalized terms used in this Note that are not otherwise defined have the meanings assigned to them in the Purchase and Sale Agreement.

1. *Interest Rate.* None.

2. *Payments.* Borrower will make equal annual installments of principal in the amount of \$58,000.00 each for a term of 5 years. The first such principal installment must be paid on or before _____, 2025, and subsequent installments must be paid on the same day annually thereafter until the entire Note is paid in full, but in any event not later than _____, 2029. Each payment will be applied first to the payment of any late charges that have accrued; second, to the payment of any costs and expenses incurred under Section 6 of this Note; and third, any remaining balance to the principal. Checks will constitute payment only when collected.

3. *Prepayments.* Borrower has the right to prepay this Note, in whole or in part, in cash at any time with no prepayment penalty; provided, however, that partial prepayments shall not reduce the amount of Borrower’s regularly scheduled annual installments of principal set forth in Section 2 of this Note nor postpone the due date of any such installment.

4. *Default and Acceleration.* Lender may declare the principal of this Note, together with any late fees, to be due and payable in the event (a) that Borrower defaults in the performance of, or compliance with, any of the terms and provisions of this Note or the Trust Deed given as security, after not less than 10 days’ written notice to Borrower specifying with reasonable particularity the nonperformance or noncompliance and Borrower’s failure to correct the default within that time period; or (b) in the event of the bankruptcy or insolvency of any party having liability on this Note, or any assignment for the benefit of creditors, or the commencement of an action for the appointment of a receiver for the properties of any such party or other action or proceedings under the federal bankruptcy laws that is not dismissed within 75 days after the date of filing. Any forbearance or failure to exercise this right will not constitute a waiver of Lender’s right to exercise the right with respect to the default and any subsequent default.

5. *Late-Payment Charge.* Borrower will pay to Lender a late charge (“**Late Charge**”) of 1.5% percent of any annual installment not received by Lender within 10 days after the payment is due. Any unpaid Late Charge will become part of the indebtedness due under this Note and will be added to any subsequent payments due under the Note. Lender’s acceptance of any Late Charge

will not be deemed a cure of any default under the Note and such acceptance will not constitute a waiver of any of Lender's rights under the Note or the Security Instrument securing this Note. The Late Charge will be in addition to all other rights and remedies available to Lender on the occurrence of a default under the Note. Lender's failure to collect the Late Charge will not constitute a waiver of Lender's right to require payment of the Late Charge for past or future defaults.

6. *Attorneys' Fees; Costs.* If the holder of this Note takes any action, judicial or otherwise, to collect or otherwise enforce this Note, the holder of this Note will be entitled to recover from Borrower all expenses that the holder of this Note may reasonably incur in taking such action, including, but not limited to, costs and expenses provided by statute or otherwise, as well as holder's reasonable attorney fees, whether such fees are incurred in a suit or action, on appeal from a judgment or decree, in connection with any bankruptcy proceeding, or in connection with a nonjudicial action. Upon demand, Borrower will reimburse the holder of this Note for expenses so incurred, together with interest from the date of invoice to Borrower until repaid at the statutory rate of nine percent (9.00%) per annum.

7. *Governing Law; Severability.* This Note is to be governed by and construed in accordance with the laws of Oregon. If any provision or clause of this Note is construed by a court of competent jurisdiction to be void, invalid, or unenforceable, that construction will not affect other provisions of this Note that can be given effect without the void, invalid, or unenforceable provision, and to this end the provisions of this Note are declared to be severable.

8. *Waiver of Protest.* Borrower and each present or future maker, surety, endorser, and signatory to this Note, in whatever capacity, waives presentment, demand, protest, notice of dishonor, and all suretyship defenses, and agrees that the Lender may exercise its rights under the Note in any order and at any time. Without notice to any such person (except for any notice to borrower specified in this Note and without the need to obtain further consent from any party), and without in any way diminishing the obligations of any person, Lender may (a) deal with any such person with reference to this Note by way of forbearance, extension, modification, compromise, or otherwise; (b) extend, release, surrender, exchange, compromise, discharge, or modify any right or obligation secured by or provided in this Note, the Trust Deed, or any other document securing this Note; and (c) take any other action that the holder may deem reasonably appropriate to protect its interest in the collateral under the Trust Deed.

9. *Time Is of the Essence.* Time is of the essence under this Note.

10. *Limitation of Interest.* In no event will any payment of any sum payable under this Note exceed the maximum amount permitted by applicable law. If it is established that any payment(s) exceeding lawful limits have been received, the holder and payee of such amount(s) will refund such excess or, at its option, credit the excess amount(s) to the principal. Such payments will not affect the obligation to make other payments required under this Note that do not cause the lawful limits to be exceeded.

11. *Security.* This Note is secured by, among other things, a Deed of Trust dated as of the date of this Note among Borrower, as Trustor, to First American Title Company, as Trustee, in favor of Lender, as Beneficiary ("**Security Instrument**") encumbering the real property described as Township 37 South, Range 2 West, Section 10AB, Tax Lot 1300 ("**the Property**"). This Note evidences, and the Trust Deed and any of the other documents that provide that they secure this Note secure, the indebtedness described in this Note, and any other amounts required to be paid by Borrower under any of the Loan Documents that provide that they secure this Note.

12. *Bankruptcy.* Borrower agrees that, notwithstanding ORS 73.0602 and ORS 73.0604, any payment under this Note that is avoided in a later bankruptcy proceeding or otherwise will not be deemed a payment, and Borrower's obligations under the Note will be reinstated or supplemented, or both, to the extent of any payment so avoided. In that event, Borrower will not be discharged even if this Note has been canceled, renounced, or surrendered.

13. *Waiver of Jury Trial.* BORROWER, AFTER CONSULTING OR HAVING HAD THE OPPORTUNITY TO CONSULT WITH COUNSEL, KNOWINGLY, VOLUNTARILY, AND INTENTIONALLY WAIVES ANY RIGHT THEY MAY HAVE TO A TRIAL BY JURY IN ANY LITIGATION BASED UPON OR ARISING OUT OF THIS NOTE OR ANY RELATED INSTRUMENT OR AGREEMENT OR ANY OF THE TRANSACTIONS CONTEMPLATED BY THIS NOTE OR ANY COURSE OF CONDUCT, DEALING, STATEMENTS (WHETHER ORAL OR WRITTEN), OR ACTIONS OF EITHER OF THEM. NEITHER THE BORROWER NOR THE LENDER MAY SEEK TO CONSOLIDATE, BY COUNTERCLAIM OR OTHERWISE, ANY SUCH ACTION IN WHICH A JURY TRIAL HAS BEEN WAIVED WITH ANY OTHER ACTION IN WHICH A JURY TRIAL CANNOT BE OR HAS NOT BEEN WAIVED. THESE PROVISIONS MAY NOT BE DEEMED TO HAVE BEEN MODIFIED IN ANY RESPECT OR RELINQUISHED BY EITHER THE BORROWER OR LENDER EXCEPT BY A WRITTEN INSTRUMENT EXECUTED BY BOTH PARTIES.

The undersigned caused this Note to be duly executed on the day and year first written above.

BORROWER:
City of Central Point

Exhibit Only – Do Not Sign

By:
Its:

EXHIBIT D
Deed of Trust

To be provided by District.

RESOLUTION NO. _____

A RESOLUTION APPROVING THAT PURCHASE AND SALE AGREEMENT – PROPERTY
EXCHANGE – CITY OF CENTRAL POINT/JACKSON COUNTY SCHOOL DISTRICT NO. 6
AND AUTHORIZING CITY MANAGER TO EXECUTE SAME

Recitals:

A. City is the owner of certain real property located in Jackson County, Oregon, and commonly known as Township 37 South, Range 2 West, Section 10AB, Tax Lot 1300 (“City Property”). City Property is approximately 4.16 acres in size and is developed with park/field and parking lot improvements.

B. District is the owner of certain real property located in Jackson County, Oregon, consisting of four (4) contiguous tax lots commonly known as: (i) Township 37 South, Range 2 West, Section 03CA, Tax Lot 200; (ii) Township 37 South, Range 2 West, Section 03CB, Tax Lot 200; (iii) Township 37 South, Range 2 West, Section 03CC, Tax Lot 116; and (iv) Township 37 South, Range 2 West, Section 03CD, Tax Lot 221 (collectively “District Property”). District Property is approximately 7.06 acres in size and is developed with park improvements.

C. City desires to convey to District the City Property pursuant to the terms and conditions of this Agreement. District desires to convey to City the District Property pursuant to the terms and conditions of this Agreement.

D. The City Property and the District Property have been appraised, with the value of the District Property exceeding the value of the City Property. The parties desire to utilize the agreed-upon appraised values resulting in the City owing the District the difference in price which will be payable pursuant to a promissory note over a term of 5-years.

The City of Central Point resolves as follows:

Section 1. The Central Point City Council Approves that Purchase and Sale Agreement – Property Exchange – City of Central Point/Jackson County School District No. 6 attached hereto, and authorizes the City Manager to execute same.

Passed by the Council and signed by me in authentication of its passage this ____ day of November, 2024.

Mayor Hank Williams

ATTEST:

City Recorder



DEPARTMENT: Planning

MEETING DATE: November 14, 2024

STAFF CONTACT: Stephanie Powers, Planning Director

SUBJECT: Planning Commission Report

SUMMARY AND BACKGROUND:

The Central Point Planning Commission met at their regular meeting on November 5, 2024. There were two (2) quasi-judicial and one (1) legislative public hearing on the agenda, including a Conditional Use Permit and Site Plan and Architectural Review for Southern Oregon Goodwill and various land development code amendments in Titles 1, 16 and 17.

Southern Oregon Goodwill Conditional Use Permit

The Planning Commission conducted a public hearing to consider a secondhand/thrift shop retail use on a 2.97 acre site within the C-5 (Thoroughfare Commercial) zoning district at 4751 Biddle Road. The conditional use permit looked at the impact of the proposed use on surrounding neighborhoods as well as traffic generation. Public testimony raised issues about on-street parking along the main private retail street that provides connectivity from Hamrick Road to the site and a larger commercial area. It was noted that the narrow street width makes access difficult for larger vehicles and would be prohibitive for semi-trucks making deliveries. Other issues raised had to do with access and traffic concerns on Biddle Road. Following public testimony, the Planning Commission considered the Traffic Impact Analysis, which found traffic impacts were adequately distributed among an extensive private retail street system and did not impose any conditions of approval as part of the final decision to approve the Conditional Use Permit.

Southern Oregon Goodwill Site Plan & Architectural Review

The Planning Commission conducted a public hearing to consider a Site Plan and Architectural Review application to develop a 20,480 square foot building and site improvements for the Southern Oregon Goodwill second hand retail store, warehouse, donation center and job connection office. The application focused on the site development (Attachment 1) and architecture (Attachment 2) relative to compliance with the design and development standards for commercial development in the C-5 zone. The Planning Commission had questions about internal circulation. During public testimony, one resident spoke in favor of the application, noting that it's an "awesome plan" and that it would add to Central Point. The Planning Commission unanimously

voted to approve the application with conditions addressing removal or relocation of a gated access and agency conditions.

Land Development Code Amendments

The Planning Commission conducted a public hearing to consider various amendments to the land development code. The proposed amendments are part of a larger effort to review and update the land development code to provide clear and accessible procedures and standards for land use and development in the City. The proposed changes are foundational by establishing general provisions, clarifying existing policies by providing clear and objective procedures, standards and approval criteria for land use applications (annexations, adjustments and variances, conditional use permits, replats and property line adjustments) and some land uses (fences and home occupations). The Planning Commission discussed changes to the side yard setback for corner lots, which are currently required to have a 10-ft setback on the corner side. Some commissioners wanted more flexibility for property owners to move their fences closer to the street, but did not recommend a change from 10-ft. The Planning Commission unanimously voted to forward a favorable recommendation to the City Council to approve the proposed code amendments without any changes.

The meeting adjourned at 9:00 p.m.

ATTACHMENTS/EXHIBITS:

1. Goodwill Site Plan
2. Goodwill Building Elevations



Stamp



SOUTHERN OREGON GOODWILL
GOODWILL CENTRAL POINT
BIDDLE ROAD
MAP AND LOT: 372W01C 807



Consultant



100 E Main St., Suite O
Medford, OR 97501
541.813.0723 phone
www.powellengineering.com

Revisions

No. Description Date

Date 09/19/24

Job No. 24_34

Drawn By TDP

Checked By TDP

PLANNING SET

Date 09/19/24

Project Number

24_34

Drawing Title

CIVIL SITE PLAN

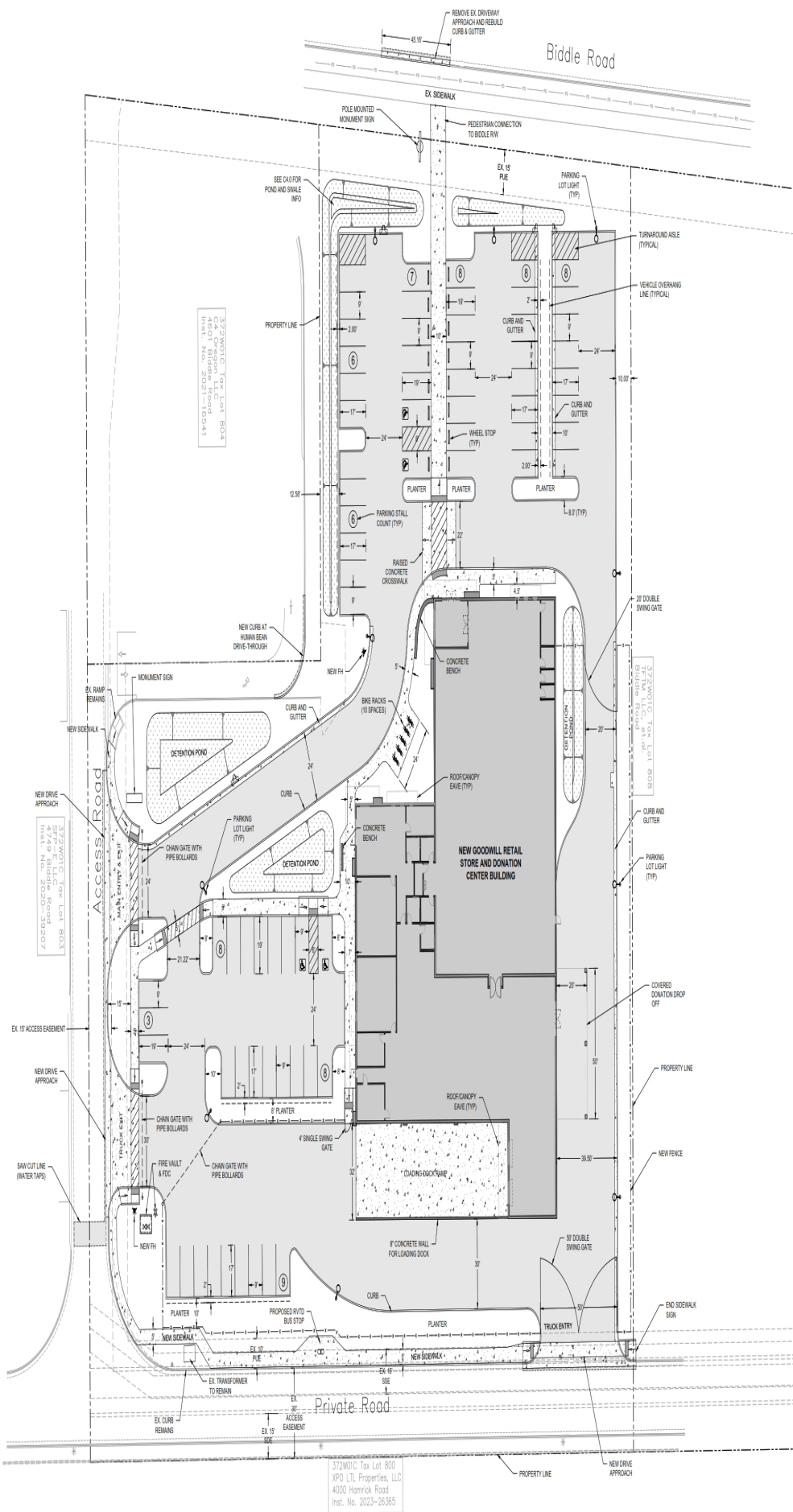
Sheet No.

C30

PARKING CALCULATIONS

TOTAL PROPOSED PARKING STALLS = 47 REGULAR STALLS
4 ADA STALLS (1 VAN)
71 STALLS

MAX. NUMBER OF STALLS ALLOWED = 74 STALLS



PLAN VIEW - CIVIL SITE PLAN

SCALE: 1"=20'-0" (2004)



Stamp

SOUTHERN OREGON GOODWILL
GOODWILL CENTRAL POINT
BIDDLE ROAD
MAP AND TAX LOT: 372W01C 807



Consultant

Revisions

No. Description Date

Date 09/19/24

Job No. 24_34

Drawn By Author

Checked By Checker

PLANNING SET

Date 09/19/24

Project Number

24_34

Drawing Title

BUILDING ELEVATIONS

Sheet No.

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VERTICAL METAL SIDING PANEL



CORRUGATED EXPOSED
FASTENER SIDING PANEL



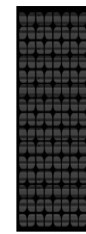
7.2 RIBBED EXPOSED FASTENER
SIDING PANEL



STANDING SEAM METAL ROOF



STONE VENEER ACCENT



DECORATIVE SCREEN
PANEL

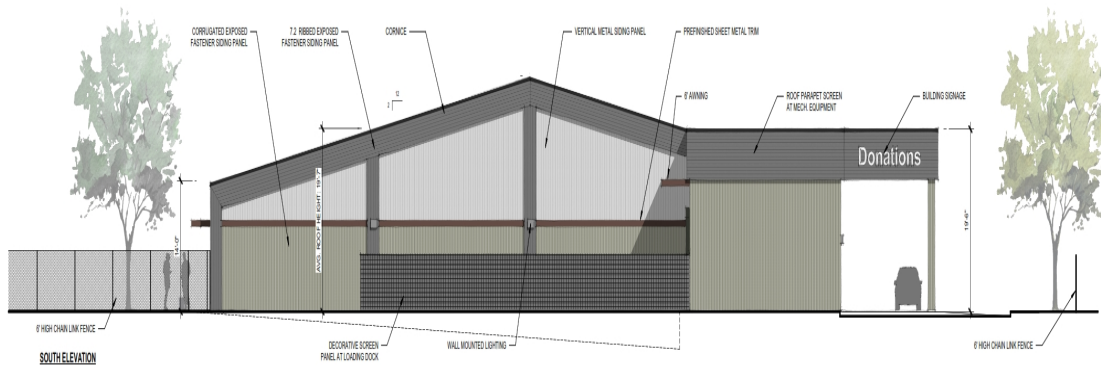
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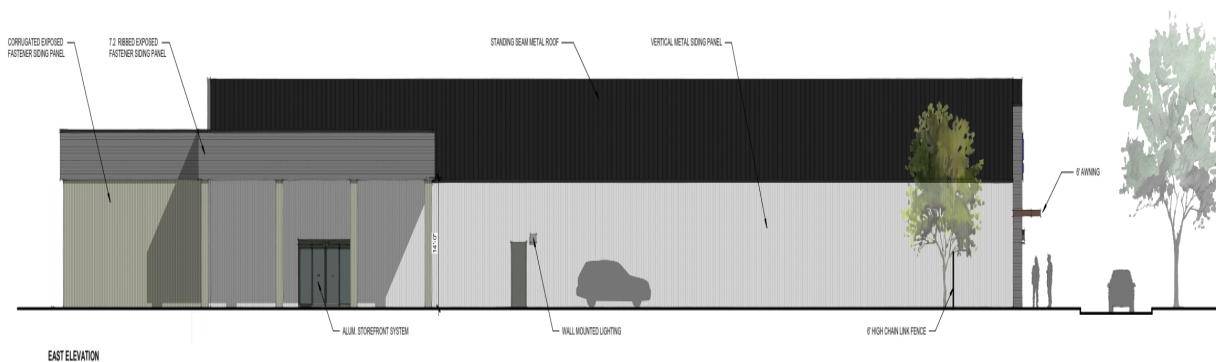
NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION



Sheet No.

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