

**CITY OF CENTRAL POINT  
City Council Meeting Agenda  
January 14, 2016**

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

**City Council**

**Mayor**  
Hank Williams

**Ward I**  
Bruce Dingler

**Ward II**  
Michael Quilty

**Ward III**  
Brandon Thueson

**Ward IV**  
Allen Broderick

**At Large**  
Rick Samuelson  
Tanea Browning

**Administration**  
Chris Clayton, City  
Manager  
Deanna Casey, City  
Recorder

**Community  
Development**  
Tom Humphrey,  
Director

**Finance**  
Bev Adams, Director

**Human Resources**  
Elizabeth Simas,  
Director

**Parks and Public  
Works**  
Matt Samitore,  
Director  
Jennifer Boardman,  
Manager

**Police**  
Kris Allison Chief

Next Res. 1441  
Next Ord. 2021

- I. **REGULAR MEETING CALLED TO ORDER – 7:00 P.M.**
- II. **PLEDGE OF ALLEGIANCE**
- III. **ROLL CALL**
- IV. **PUBLIC APPEARANCES – *Comments will be limited to 3 minutes per individual or 5 minutes if representing a group or organization.***
- V. **CONSENT AGENDA**  
  
Page 2 - 9     A. Approval of December 10, 2015 Council Minutes  
10             B. Approval of Child Trafficking Proclamation
- VI. **ITEMS REMOVED FROM CONSENT AGENDA**
- VII. **PUBLIC HEARING, ORDINANCES, AND RESOLUTIONS**  
  
12 - 22        A. Continued Public Hearing – An Ordinance Annexing into the City of Central Point Property Described as Map No. 372W01BA, Tax Lot 800, 185 West Vilas (Clayton)  
  
23 - 26        B. Second Reading – Ordinance No. \_\_\_\_\_, An Ordinance Annexing Into the City of Central Point Property Described as Map No 372W01BA, Tax Lot 900, 225 West Vilas (Clayton)  
  
28 - 33        C. Public Hearing, Ordinance No. \_\_\_\_\_, An Ordinance of the City of Central Point Declaring a Ban on Medical Marijuana Processing Sites, Medical Marijuana Dispensaries, Recreational Marijuana Producers, Recreational Marijuana Processors, Recreational Marijuana Wholesalers, and Recreational Marijuana Retailers; Referring Ordinance; and Declaring an Emergency (Clayton)

- 34 - 37      D.      Resolution No. \_\_\_\_\_, A Resolution Approving Referral to the Electors of the City of Central Point the Question of Banning Medical Marijuana Processing Sites and Medical Marijuana Dispensaries within the City of Central Point (Clayton)
  
- 38 - 41      E.      Resolution No. \_\_\_\_\_, A Resolution Approving Referral to the Electors of the City of Central Point the Question of Banning Recreational Marijuana Producers, Recreational Marijuana Wholesalers, and Recreational Marijuana Retailers within the City of Central Point (Clayton)

**VIII. BUSINESS**

- 43 - 44      A.      Planning Commission Report (Humphrey)
  
- B.      Update on Mae Richardson Traffic/Parking/Student Pick up

**VIX. MAYOR’S REPORT**

**X. CITY MANAGER’S REPORT**

**XI. COUNCIL REPORTS**

**XII. DEPARTMENT REPORTS**

**XIII. EXECUTIVE SESSION**

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

**XIV. ADJOURNMENT**

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 541-423-1026 (voice), or by e-mail at: [Deanna.casey@centralpointoregon.gov](mailto:Deanna.casey@centralpointoregon.gov).

Si necesita traductor en español o servicios de discapacidades (ADA) para asistir a una junta publica de la ciudad por favor llame con 72 horas de anticipación al 541-664-3321 ext. 201

# Consent Agenda

**CITY OF CENTRAL POINT  
City Council Meeting Minutes  
December 10, 2015**

**I. REGULAR MEETING CALLED TO ORDER**

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

**II. PLEDGE OF ALLEGIANCE**

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

City Manager Chris Clayton; City Attorney Dan O'Conner; Police Chief Kris Allison; Community Development Director Tom Humphrey; Parks and Public Works Director Matt Samitore; and City Recorder Deanna Casey were also present.

**IV. PUBLIC APPEARANCES - None**

**V. CONSENT AGENDA**

**A. Approval of November 12, 2015 City Council Minutes**

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

**VI. ITEMS REMOVED FROM CONSENT AGENDA**

**VII. PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS**

**A. Resolution No. 1438, A Resolution Amending the Financial Management Policy of the City of Central Point**

City Manager Chris Clayton explained that the proposed resolution is to revise the City's Financial Policy. Changes are requested for the requirement of investments to mature within 18 months, ORS allows beyond this period for specific savings; we are removing the High Tech Crime Fund which is in the process of being closed and the Housing Fund which is already closed; and changing references from Annual Budget to Biennial Budget.

**Mike Quilty moved to approve Resolution No. 1438, A Resolution Amending the Financial Management Policy of the City of Central Point,** Brandon Thueson seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Tanea

Browning, yes; Brandon Thueson, yes; Allen Broderick, yes; Rick Samuelson, yes; and Mike Quilty, yes. Motion approved.

**B. Ordinance No. 2019, An Ordinance Amending Title 5 of the Central Point Municipal Code, by adding Chapter 5.41 Recreational Marijuana Retailers and Declaring an Emergency**

Community Development Director Tom Humphrey stated that the proposed Ordinance will set the time place manner restrictions on the location and operation of recreational marijuana retailers. Staff is requesting that this ordinance be adopted with an emergency clause so that we can have the requirements in place prior January 4, 2016. At that time the State will begin accepting business license applications. Planning staff will follow up after the first of the year with Chapter 17 amendments which take longer due to land use notifications.

The proposed ordinance is consistent with previous efforts of the Council to create a disincentive to the establishment of licensed marijuana uses within the city and to minimize the potential adverse impacts resulting from them. This is a public hearing.

There was discussion regarding interest from retailers to open a marijuana retail store or medical dispensary in Central Point. Current land owners have not been interested in leasing for this type of business. There was discussion of the ability to ban marijuana outright in the city. Mr. Clayton stated if directed staff will return to council with options for referral to the voters regarding the sale of marijuana in city limits. There are several cities within the state that are taking this question to the voters in November 2016. There was consensus from the council that we should take the decision to the voters.

Mayor Williams opened the public hearing. No one came forward and the public hearing was closed.

**Bruce Dingler moved to approve Ordinance No. 2019, An Ordinance Amending Title 5 of the Central Point Municipal Code, by adding Chapter 5.41 Recreational Marijuana Retailers and Declaring an Emergency.** Tanea Browning seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Tanea Browning, yes; Brandon Thueson, yes; Allen Broderick, yes; Rick Samuelson, yes; and Mike Quilty, yes. Motion approved.

**C. Resolution No. 1439, A Resolution of the City of Central Point Setting Water Rates as per Medford Water Rate Analysis**

Parks and Public Works Director Matt Samitore presented an ordinance setting the water rate increase to cover the 13% Medford Water Commission increase according to their water rate analysis. This increase will be to the base and tier rates effective January 1, 2016.

**Allen Broderick moved to approve Resolution No. 1439, A Resolution of the City of Central Point Setting Water Rates as per Medford Water Rate Analysis.** Brandon Thueson seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Tanea Browning, yes; Brandon Thueson, yes; Allen Broderick, yes; Rick Samuelson, yes; and Mike Quilty, yes. Motion approved.

**D. Resolution No. 1440, A Resolution of the City of Central Point Setting an Inflationary Water Rate Adjustment**

Mr. Samitore stated that the proposed resolution is the annual 1% increase to the city water bills. The proposed increase will be effective for the April billing cycle. This increase was established as part of an annual inflationary adjustment.

**Mike Quilty moved to approve Resolution No. 1440, A Resolution of the City of Central Point Setting an Inflationary Water Rate Adjustment.** Rick Samuelson seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Tanea Browning, yes; Brandon Thueson, yes; Allen Broderick, yes; Rick Samuelson, yes; and Mike Quilty, yes. Motion approved.

**E. Ordinance No. 2020, An Ordinance Amending the Transportation System Plan (TSP) of the Central Point Comprehensive Plan Refining the Southerly Extension of the Gebhard Road to East Pine Street**

Mr. Humphrey explained that this is the second reading of an ordinance to amend the TSP for East Pine Street and the Gebhard Road extension. During the first reading of this ordinance the Council heard concerns regarding the Picollo property. Staff has worked with Mr. Picollo and prepared an alternative route for Gebhard across their property. Mr. Picollo is satisfied with this option. There will be time to make other adjustments regarding Gebhard Road within property lines. The only thing that would be stationary is the location of a traffic signal on East Pine Street, there are specifications from ODOT where the signal can be located.

There was discussion regarding the East Pine Street Study that was done several years ago showing alternative routes to East Pine Street. This study is still available but the cost to cross Bear Creek is extensive. Council expressed gratitude to staff for working with the property owners to come to a satisfactory conclusion.

**Mike Quilty moved to approve Ordinance No. 2020, An Ordinance Amending the Transportation System Plan (TSP) of the Central Point Comprehensive Plan Refining the Southerly Extension of the Gebhard Road to East Pine Street.** Rick Samuelson seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Tanea Browning, yes; Brandon Thueson, yes; Allen Broderick, yes; Rick Samuelson, yes; and Mike Quilty, yes. Motion approved.

**F. First Reading – An Ordinance Annexing to the City of Central Point Property Described as Map No. 372W01BA, Tax Lot 900, 225 West Vilas Road**

Mr. Clayton explained that the proposed ordinance is to annex 225 West Vilas Road into the city. This property and 185 West Vilas are islands within the city. These properties both use city services, except water, they drive on Central Point streets, have access to city facilities and are adjacent to a prominent city park. The City has sent notices of this public hearing regarding the annexation and the property owners are in the audience. When approving the ordinance the Council must set a date that is not closer than three years but not further than ten years away. If the property is sold any time before the date set it becomes annexed immediately.

The property will be designated as R-1-6 when annexed into the city. Staff has been considering changing that designation to R-2. The current zoning is county industrial and the house is non-conforming. When annexed into the city the house will be conforming but the business will be non-conforming. The current use would be allowed unless a building application is submitted to the city. Then they would need to become compliant with which ever designation is applicable.

Mayor Williams opened the public hearing.

Ardele Whitten, 225 West Vilas Road property owner.

Mrs. Whitten stated that they would like to know the long term impact for this property. She disagrees that they will not be impacted financially. They will be paying higher taxes. They have good renters, the business on the property is not currently active, but it has been in the past. They are concerned about the zone changes. A few years ago they hooked up to city water and currently pay the outside city limits fees. They try to keep the property in good shape and have not been a problem to the city. Council and staff explained the benefits they are receiving from the city even though they do not pay city taxes. They explained that the current use could continue but in the future they would pay city taxes. It was explained that there would be a savings in the future on the cost of water, but they would be required to pay the city fees. The savings to the property owners would be that they would not be required to pay the annexation fees, and their property would increase in value being inside the city limits.

She explained that the property owner for 185 West Vilas recently passed away. She did speak with family members and made them aware of the public hearing.

Mr. Samitore stated that he would like to keep the record open. If the property is hooked up to city water there may be an annexation agreement in place. City Attorney O'Conner stated that they Council could close the public hearing but keep the record open until a specific date to allow for additional information regarding the annexation agreement.

Mayor Williams closed the Public Hearing.

**Allen Broderick moved to second reading An Ordinance Annexing to the City of Central Point Property Described as Map No. 372W01BA, Tax Lot 900, 225 West Vilas Road and keeping the record open until January 7, 2016 at 5:00 p.m.** Mike Quilty seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Tanea Browning, yes; Brandon Thueson, yes; Allen Broderick, yes; Rick Samuelson, yes; and Mike Quilty, yes. Motion approved.

**G. First Reading – An Ordinance Annexing to the City of Central Point Property Described as Map No. 372W01BA, Tax Lot 800, 185 West Vilas Road**

Mr. Clayton explained the proposed ordinance to force annex property at 185 West Vilas Road. This property has been blighted property for several years. The city cannot enforce code violations because it is a county island. The property gets city benefits except for water. If there are emergency issues the Central Point Police would be the first to arrive. The property is also adjacent to a prominent city park. When approving the ordinance the Council must set a date that is not closer than three years but not further than ten years away for annexation. If the property is sold any time before the date set it becomes annexed immediately.

We have sent notices to the property owner on record but both notices were returned. Our city attorney has stated that we have done due diligence in notifying the property owner and can proceed. When annexed into the city the property will be designated as R-1-6, however staff has discussed changing the zoning for this area to R-2 zone which could increase the value of the property.

There was discussion that the city should attempt to contact the other agents listed on the tax rolls. There are several Gutches family members listed. The City should also research to see if property taxes have been paid.

**Allen Broderick moved to continue the public hearing and first reading of An Ordinance Annexing to the City of Central Point Property Described as Map No. 372W01BA, Tax Lot 800, 185 West Vilas Road to January 14, 2016.** Rick Samuelson seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Tanea Browning, yes; Brandon Thueson, yes; Allen Broderick, yes; Rick Samuelson, yes; and Mike Quilty, yes. Motion approved.

**IX. MAYOR'S REPORT**

Mayor Williams reported that he attended:

- The Foster Grandparents dinner hosted by the Rogue Valley Manor.
- An open house at SOREDI.
- The chamber mixer for Central Point Chamber.
- Attended the OLCC meeting on Marijuana and was told by representatives that Central Point is doing everything right in regards to rule setting.
- The City Attorney's open house.



## **X. CITY MANAGER'S REPORT**

City Manager Chris Clayton reported that:

- He is looking for Council direction regarding marijuana in city limits. We have concentrated on retail sales of marijuana but there are other avenues that the city can implement. He would like to know if Council is interested in a Study Session to discuss further options or bring back information in an Ordinance to refer the issue to the voters. The reason to do this sooner than later would be to implement a moratorium on grows and production or testing labs. The consensus of the Council is to refer the issue of marijuana to the voters. Staff will return in January with an Ordinance implementing a moratorium.
- He attended the Library District Strategic Planning Sessions. The district is planning some great things for the future.

## **XI. COUNCIL REPORTS**

Council Member Allen Broderick reported that he attended the Parks and Recreation meeting. They are moving forward with the Parks Master Plan.

Council Member Tanea Browning reported that:

- She attended the City's Volunteer Thanksgiving lunch at City Hall.
- She attended the Central Point Chamber of Commerce Greeters at the high school and the Chamber Mixer at Ledger David. The chamber is working on the Community Awards and Auction Celebration to be held Saturday, February 6<sup>th</sup>.
- She attended November's Fire District #3 Board meeting where they recognized some incredible work done by their Prospect Station volunteers. She also attended their ribbon cutting ceremony for the Table Rock Location. The 4<sup>th</sup> and 5<sup>th</sup> grade student council from Jewett helped with the tradition of pushing the new engine into the station. They were excited and it was a pretty big deal.
- She attended the Travel Oregon seminar on Monday and was very excited about a large marketing campaign they will be conducting in the spring. The Central Point Chamber will be able to piggy back on their media investment, programs, and grant opportunities that will benefit the entire community.

Council Member Bruce Dingler had no report.

Council Member Rick Samuelson reported that:

- He attended the RVCOG meeting. They discussed marijuana dispensaries in the County, there are two operating illegally. The County is imposing a 1000 foot distance from an I-5 Interchange for location of dispensaries or marijuana sales.
- The Grants Pass sales tax election failed. The tax would have gone to help with law enforcement and keeping the jail open.
- He attended the Boot Camp Downtown meeting.
- He and his family enjoyed the Community Christmas Lights Parade and tree lighting on Saturday.

Council Member Brandon Thueson reported that:

- His family enjoyed riding with Santa and Mayor Williams in the Christmas Lights Parade. It seemed to be a great event.
- His office did training with the Medford Police Department. He would like to see the Council have an emergency training and active shooter practice with the Central Point Police. Chief Allison stated that she will work on training for Council.

Council Member Mike Quilty reported that:

- He attended the Annual Volunteer Recognition Lunch here at City Hall.
- He met with ODOT representatives in November regarding the I-5 Viaduct. This infrastructure needs some major earthquake overhaul. It is a lot of money to do, but if we had an earthquake that viaduct would come down and push I-5 traffic onto surrounding city streets.
- He attended an Airport Advisory meeting. Their LED lighting and solar panels are very impressive for a parking lot their size.
- He attended a meeting on December 8<sup>th</sup> regarding the Oregon Passenger Rail between Eugene and Portland.
- Congress passed a five year transportation bill to use on regional transportation issues like the Medford Viaduct.

## **XII. DEPARTMENT REPORTS**

Parks and Public Works Director Matt Samitore:

- Apologized for not having the correct information regarding the West Vilas Road Property Annexation. If either properties have city water they would have been required to sign a Consent to Annex agreement. If the city has those in place we would not need to do the ordinances forcing the annexations. He should be able to get the information before the next meeting.
- Stated that they heard mixed messages regarding the Christmas Parade, it was either not long enough or just right. It is hard to please everyone. It was well attended this year and we hope it continues to be a successful City event.
- Reported that they have been making progress with drop off and pick up issues at Mae Richardson. They hope to have a solution completed the first part of January.
- Explained that we are negotiating with Jim Sutton again regarding the brick wall. Estimates came back way over budget and the City cannot afford to build that specific wall and install the turn lane. We will be looking for alternatives.

Police Chief Kris Allison reported that:

- The Community meetings have been moved to 6:00 pm the second Thursday of each month. They are expanding the meetings to the entire community, not just one area.
- We are seeing a lot of issues with the BelTone property and the old Flag Store. The City is going to try and work on a mediation plan for the two

property owners. Most of their issues are civil, the city is not seeing any criminal issues with the properties.

- She will be having Chiefs interviews next week for a new officer, there are some great applicants available.
- Several businesses have been asking for active shooter training. She will facilitate training for Council and the community.
- Officer Scott Logue addressed the Council. He will be moving to Hawaii and wanted to express his gratitude for the support that the City Council gives to the Police Department. It has been a great 14 year run for him here in Central Point.

Community Development Director Tom Humphrey reported that the City has accepted the Costco Application. There is a meeting scheduled for January 4<sup>th</sup> with the Planning Commission. They are currently working on a few transportation challenges regarding improvements to Table Rock Road in that area. All the jurisdictions have been very supportive of the application. There will be a Citizens Advisory Committee meeting in January.

### **XIII. EXECUTIVE SESSION – ORS 192.660 (2)(i) Employee Evaluation**

**Rick Samuelson moved to adjourn to Executive Session under ORS 192.660 (2)(i) to discuss the City Managers Employee Evaluation.** Brandon Thueson seconded. All said “aye” and the meeting was adjourned to executive session at 8:45 p.m.

The Council returned to general session at 9:50 p.m.

**Mike Quilty made a motion directing the Mayor work with the Human Resource Director and combine the City Manager Evaluation with a pay increase of 3.2%.** Rick Samuelson seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Tanea Browning, yes; Brandon Thueson, yes; Allen Broderick, yes; Rick Samuelson, yes; and Mike Quilty, yes. Motion approved.

### **XIV. ADJOURNMENT**

**Mike Quilty moved to adjourn,** Brandon Thueson seconded, all said “aye” and the Council Meeting was adjourned at 9:51 p.m.

The foregoing minutes of the December 10, 2015, Council meeting were approved by the City Council at its meeting of January 14, 2016.

Dated:

\_\_\_\_\_  
Mayor Hank Williams

ATTEST:

\_\_\_\_\_  
City Recorder

# Child Trafficking Awareness Proclamation

**WHEREAS**, Hundreds of thousands of underage girls and boys living in the United States, and vastly greater numbers more abroad, suffer in silence under the intolerable yoke of modern slavery; and

**WHEREAS**, The great majority of men and women over the age of 18 were first trafficked as minors; and

**WHEREAS**, the victims of this scourge of modern day slavery lose not only their freedom, but also their dignity, families, emotional and psychological health—and too often their lives; and

**WHEREAS**, We stand with all those who are held in compelled service; we recognize the people, organizations, and government entities that are working to combat child trafficking; and we recommit to bringing an end to this inexcusable human rights abuse; and

**WHEREAS**, The steadfast defense of human rights is an essential part of our national identity, and as long as children suffer the violence of sexual and forced-labor slavery, we must continue the fight; and

**WHEREAS** The President of the United States has declared January each year as National Slavery and Human Trafficking Prevention Month, so we also add our support to this important initiative.

**NOW THEREFORE**, Be It Resolved, I, Hank Williams, Mayor of Central Point, do hereby proclaim the month of January 2016, to be

## “Child Trafficking Awareness Month”

And call upon citizens to recognize the vital role we can play in ending modern slavery and to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I hereby set my hand this \_\_\_\_\_, day of January, 2016.

\_\_\_\_\_  
Mayor Hank Williams  
City of Central Point

# **Ordinance**

## **Annexation of Two Properties on W. Vilas**



**STAFF REPORT**  
December 10<sup>th</sup>, 2015

**AGENDA ITEM:** Consideration of individual ordinances and public hearings regarding involuntary annexation of “island” properties located near Don Jones Park (185 & 225 Vilas Road).

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**STAFF SOURCE:**

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Chris Clayton, City Manager  
Sydnee Dreyer, City Attorney

**BACKGROUND:**

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Annexation is used to incorporate territory into the city to ensure the efficient provisions of municipal services and to incorporate urbanizing lands into the city. Experience has demonstrated that property owners are reluctant to annex when they already receive the majority of municipal services without the burden of city taxes or utility fees.

Periodically, the Central Point city council has considered city-wide “blanket” involuntary annexation of “island” properties located throughout the city. Thus far, the City Council has felt that the tax benefits and equity issues surrounding blanket annexations did not outweigh the negative consequences that would ultimately be realized by impacted property owners. Understandably, this sentiment has led to a city policy that initiates annexation only when absolutely necessary, or when the annexation is property owner driven.

In the northeastern portion of Central Point, two “island” properties currently exist and share a border with Don Jones Park. One of the properties, 185 West Vilas Road, is a blighted property with code enforcement/public safety concerns which could be more appropriately addressed if the property were annexed into city limits. This property is frequently included in complaints received from area residents. The neighboring property, 225 West Vilas Road, is also an “island” property, but remains in reasonable condition.

**LEGAL FRAMEWORK FOR INVOLUNTARY ANNEXATION:**

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The City’s policies on annexation are based on State of Oregon law which contains a number of provisions related to involuntary “island” annexations. Specifically, a city may annex unincorporated territory that is surrounded by the city limits boundary. Such territories are often referred to as “islands,” and may be unilaterally annexed without consent of the owner(s). A property is surrounded if it is bounded by the city on all sides, or by the city and a body of water or Interstate 5 (ORS 222.750(2)).

The process for annexing “island” properties is as follows: The City may annex territory pursuant to ORS 222.750 after holding at least one public hearing on the subject for which

notice has been mailed to each record owner of real property in the territory proposed to be annexed. However, consent of the owner or resident of the subject property is not required.

**TIMING:**

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Where the property is zoned for, and in, residential use when the annexation is initiated by the City, the City must specify an effective date for the annexation that is not less than 3 nor more than 10 years from the date of the approval of the annexation.

Within 60 days of approval of the annexation, the City recorder must record with the County a notice stating that the annexation is delayed and specify the effective date of such annexation. Additionally 90-120 days before the annexation takes effect, the City recorder must notify the County clerk of the annexation.

Notwithstanding the foregoing, if the property is sold during the period of delayed annexation, the property becomes part of the City immediately upon transfer of ownership. It is advisable to include such language in the notice recorded with the County.

**FISCAL IMPACTS:**

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If the above-described properties were annexed into the city limits the following fiscal impacts would be realized:

1. The property owners would begin paying the city's tax rate of \$4.47/\$1,000 in assessed value.
2. The property owners would begin paying appropriate rates for the city's street, storm drain, parks maintenance and public safety utility fees.
3. The property owners would have the option of connecting to the city's water system (already available at each property). If connected, standard city water rates and service connection fees would apply.
4. If the annexation process is initiated by the City Council, the property owners would not be required to pay the city's annexation related Planning Department fees (\$3,900 plus the cost to prepare necessary survey documents).

**RECOMMENDATION:**

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Given the proximity to one of the city's primary recreational facilities, as well as the ongoing code enforcement/public safety concerns, should the city council consider involuntarily annexation of these properties?

Both of these properties already receive the bulk of city services (i.e. streets, storm drain, parks maintenance and public safety) and yet they are not required to pay the associated utility fees. This is a matter of utility customer equity and in staff's opinion, should be the primary determining factor for the majority of involuntary annexations. Beyond the utility customer equity issue, one of the properties represents a code enforcement/public concern very near the city's most frequently visited park facility. Unfortunately, Jackson County's code enforcement efforts tend to be far more lenient and are unwilling to address current

nuisance problems. With this in mind, jurisdictional authority to address these concerns is essential to the city abating the associated nuisance issues.

**ATTACHMENTS:**

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1. Ordinances approving annexation of 185 & 225 West Vilas Road.
2. Exhibit map of “island” properties under consideration.
3. Property owner letter of notification.

**PUBLIC HEARING REQUIREMENT**

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ORS 222.750 requires a public hearing be conduct on the involuntary annexation of property.

**POSSIBLE ACTION:**

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Approval of individual ordinances annexing the following properties:

1. 185 West Vilas Road; Map No. 372W01BA, Tax Lot 800
2. 225 West Vilas Road; Map No. 372W01BA, Tax Lot 900

The amended notice has been sent as recommended by Council for 185 W. Vilas Road.



**ORDINANCE NO.**

**AN ORDINANCE ANNEXING INTO THE CITY OF CENTRAL POINT  
PROPERTY DESCRIBED AS  
Map No. 372W01BA, Tax Lot 800  
185 West Vilas**

**RECITALS:**

**A.** Pursuant to ORS 222.750, the City is authorized to annex into the corporate boundaries of the City any property that is surrounded by the corporate boundaries of the City after holding at least one public hearing on the subject for which notice has been mailed to each record owner of real property proposed to be annexed.

**B.** Whereas, notice was mailed to the record owner of real property located at 185 West Vilas, more particularly described as Map No. 372W01BA, Tax Lot 800 (the "Subject Property") on November 19, 2015. The Subject Property is depicted on the attached Exhibit "A".

**C.** Whereas, the Subject Property, is surrounded by the corporate boundaries by the City and adjacent to Don Jones Park is zoned residential and is in residential use.

**D.** Whereas, the Subject Property is fully served by City facilities.

**E.** Whereas, a public hearing on the annexation was held by the City Council on December 10, 2015 and continued to January 14, 2016.

Now therefore,

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

SECTION 1. The Subject Property, more particularly depicted and described in the attached Exhibit "A" is hereby approved for annexation into the corporate boundaries of the City.

SECTION 2. The effective date of such annexation is \_\_\_\_\_, 20\_\_\_\_. Notwithstanding the foregoing, the Subject Property that is subject to delayed annexation shall become part of the City immediately upon transfer of ownership.

Ordinance No. \_\_\_\_\_ (121015)

SECTION 3. The City Reorder of Central Point, Oregon is hereby authorized and directed to (a) cause notice of the delayed annexation to be recorded by the Jackson County Clerk within 60 days after the date of approval of this Ordinance approving annexation; and to (b) notify the Jackson County Clerk not sooner than 120 days and not later than 90 days before the annexation takes effect.

**PASSED** by the Council and signed by me in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_ 2016.

\_\_\_\_\_  
Mayor Hank Williams

ATTEST:

\_\_\_\_\_  
City Recorder

Ordinance No. \_\_\_\_\_ (121015)

EXHIBIT "A"  
185 West Vilas

**ANNEXATION BOUNDARY DESCRIPTION SHEET  
AREA TO BE ANNEXED INTO THE CITY OF CENTRAL POINT:**

**AREA 2, 185 WEST VILAS ROAD**

All that certain real property described in Instrument Number 79-28406, of the Official Records of Jackson County, Oregon, being located in the Northeast One-quarter of the Northwest One-quarter of Section 1, Township 37 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon. The exterior boundary of said property being more particularly described as follows:

Commencing at the Northwest corner of the Northeast One-quarter of the Northwest One-quarter of Section 1, Township 37 South, Range 2 West of the Willamette Meridian; thence along the north line of said section, South 89°46'20" East, 303.57 feet (record: North 89°48' East, 303.732 feet); thence leaving said north line, South 00°04'13" West, parallel with the west line of said Northeast One-quarter of the Northwest One-quarter of Section 1, 37.43 feet (record: South, 30.00 feet) to the southerly right-of-way of West Vilas Road, the northwest corner of WHISPERING TREES, filed for record on September 26, 2013 in Volume 39 of Plats at Page 9, of the Records of Jackson County, Oregon (and filed as Survey Number 21336 in the office of the Jackson County Surveyor), and the **TRUE POINT OF BEGINNING**; thence leaving said right-of-way and continuing South 00°04' 13" West, along the west boundary of said WHISPERING TREES, and the west line of that property described in Volume 280, Page 135, of the Deeds Records of Jackson County, 192.57 feet (record: South, 200.00 feet); thence leaving said westerly boundary of WHISPERING TREES and last said west line, North 89°46'20" West, parallel to said north line of Section 1, 90.00 feet (record: South 89°48' West, 90.00 feet); thence North 00°04'13" East, being parallel with the west line of said Northeast One-quarter of the Northwest One-quarter of Section 1, 185.06 feet (record: North, 193.11 feet) to said southerly right-of-way of West Vilas Road and the beginning of non-tangent curve to the right, having a radius of 543.00 feet (record: 543.00 feet) and a central angle of 09°06'58" (the long chord of which bears North 85°15'23" East, 86.30 feet [record: North 83°14' East, 86.53 feet]); thence along said right-of-way and the arc of said curve, 86.40 feet (record: 86.64 feet); thence continuing along said right of way North 89°48'52" East, 4.00 feet (record: North 89°48' East, 3.77 feet) to the Point of Beginning.

Area to be annexed contains 0.39 acres, more or less.

Basis of bearings for this description is the north line of Section 1, Township 37 South, Range 2 West of the Willamette Meridian, per Survey Number 15762, filed in the office of the Jackson County Surveyor.

Prepared By:  
**Neathamer Surveying, Inc.**  
3126 State Street, Suite 203  
Medford, Oregon 97501  
Phone: (541) 732-2869  
FAX: (541) 732-1382  
Project Number: 15056

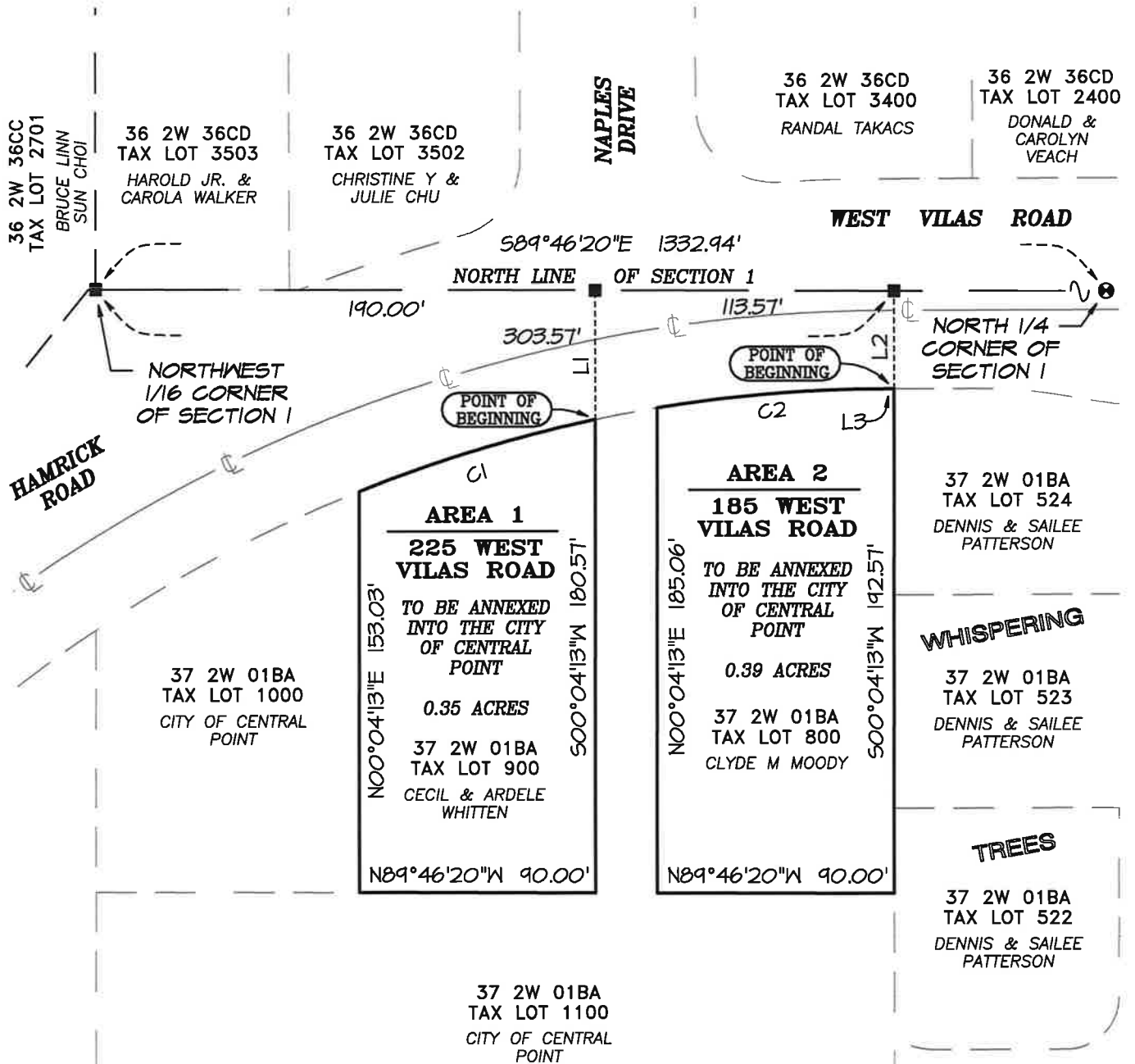
Date: December 15, 2015



EXHIBIT " "

ANNEXATION INTO THE CITY OF CENTRAL POINT

A proposed annexation into the City of Central Point, being located in the Northeast One-quarter of the Northwest One-quarter of Section 1, Township 37 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon.



LINE TABLE

LINE	BEARING	DISTANCE
L1	S00°04'13"W	49.43'
L2	S00°04'13"W	37.43'
L3	N89°48'52"E	4.00'

CURVE TABLE

CURVE	DELTA	RADIUS	ARC	CHORD BEARING	CHORD
C1	09°56'10"	543.00'	94.17'	N73°11'59"E	94.05'
C2	09°06'58"	543.00'	86.40'	N85°15'23"E	86.30'



REGISTERED PROFESSIONAL LAND SURVEYOR

*Robert V. Neathamer*

OREGON  
JULY 19, 1994  
ROBERT V. NEATHAMER  
2675

BASIS OF BEARINGS:

Basis of bearings is the north line of Section 1, Township 37 South, Range 2 West of the Willamette Meridian, per Survey Number 15762, filed in the office of the Jackson County Surveyor.

PREPARED BY: **Neathamer Surveying, Inc.**  
3126 State St., Suite 203  
P.O. Box 1584  
Medford, Oregon 97501  
Phone (541) 732-2869  
FAX (541) 732-1382

PLOT DATE: December 15, 2015 PROJECT NUMBER: 15056

SCALE 1" = 60'  
CAP011416

Renewal Date 12/31/16

**AMENDED NOTICE OF PUBLIC HEARING ON ANNEXATION**

NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS, THAT:

The City of Central Point, Oregon proposes to institute annexation proceedings, pursuant to ORS 222.750 to enlarge and extend the boundary limits of said city to include the following described properties:

Map No. 372W01BA, Tax Lot 900, Map No. 372W01BA, Tax Lot 800

One (1) public hearing will be held by and before the City Council of Central Point, Oregon on December 10, 2015, at 7:00 p.m., at the Central Point City Council Chambers, 140 S. 3<sup>rd</sup> Street, Central Point, Oregon, for all persons interested in the above proposed annexations. At said time and place all such persons shall have the right to appear and be heard. At such hearing, if approved, the City will specify an effective date for the proposed annexations that is not less than three (3) or more than ten (10) years after the date the City proclaims annexation.

If you have questions concerning the annexation process, please contact Matt Samitore, Parks and Public Works Director, (541) 664-3321 (ext. 205), [Matt.Samitore@centralpointoregon.gov](mailto:Matt.Samitore@centralpointoregon.gov).

A copy of ORS 222.750 setting forth the criteria for island annexations is attached hereto as well as a map of the proposed annexations.



## **CRITERIA FOR "ISLAND ANNEXATION"**

**222.750 Annexation of unincorporated territory surrounded by city.** (1) As used in this section:

(a) "Creek" means a natural course of water that is smaller than, and often tributary to, a river, but is not shallow or intermittent.

(b) "River" means a large, continuous and natural stream of water that is fed along its course by converging tributaries and empties into an ocean, lake or other body of water.

(2) When territory not within a city is surrounded by the corporate boundaries of the city, or by the corporate boundaries of the city and the ocean shore, a river, a creek, a bay, a lake or Interstate Highway 5, the city may annex the territory pursuant to this section after holding at least one public hearing on the subject for which notice has been mailed to each record owner of real property in the territory proposed to be annexed.

(3) This section does not apply when the territory not within a city:

(a) Is surrounded entirely by water; or

(b) Is surrounded as provided in subsection (2) of this section, but a portion of the corporate boundaries of the city that consists only of a public right of way, other than Interstate Highway 5, constitutes more than 25 percent of the perimeter of the territory.

(4) Unless otherwise required by its charter, annexation by a city under this section must be by ordinance or resolution subject to referendum, with or without the consent of any owner of real property within the territory or resident in the territory.

(5) For property that is zoned for, and in, residential use when annexation is initiated by the city under this section, 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. The city recorder or other officer performing the duties of the city recorder shall:

(a) 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; and

(b) Notify the county clerk of each county in which any part of the territory subject to delayed annexation is located not sooner than 120 days and not later than 90 days before the annexation takes effect.

(6) Notwithstanding subsection (5) of this section, property that is subject to delayed annexation becomes part of the city immediately upon transfer of ownership.

(7) This section does not limit provisions of a city charter, ordinance or resolution that are more restrictive than the provisions of this section for creating or annexing territory that is surrounded as described in subsection (2) of this section.

(8) If a city charter, ordinance or resolution requires the city to conduct an election in the city, the city shall allow electors, if any, in the territory proposed to be annexed to vote in the election on the question of annexation. If the governing body of the city finds that a majority of the votes cast in the city and the territory combined favor annexation, the governing body, by ordinance or resolution, shall proclaim the annexation approved. The proclamation shall contain a legal description of each territory annexed.

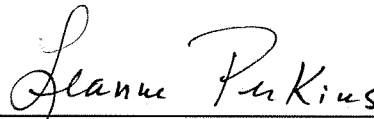
**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that I served a true copy of the AMENDED NOTICE OF PUBLIC HEARINGS ON ANNEXATION upon the following individuals:

Cecil N. and Ardele M. Whitten  
7993-A Atlantic Avenue  
White City, OR 97503

Clyde M. Moody  
9001 West Evans Creek Road  
Rogue River, OR 97537

Dated this 19<sup>th</sup> day of November, 2015.



---

Leanne Perkins  
Legal Assistant to SYDNEE B. DREYER  
Huycke O'Connor Jarvis LLP  
City Attorney for City of Central Point  
823 Alder Creek Drive  
Medford OR 97504  
(541) 772-1977



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ANNEXING INTO THE CITY OF CENTRAL POINT  
PROPERTY DESCRIBED AS  
Map No. 372W01BA, Tax Lot 900,  
225 W. Vilas**

**RECITALS:**

**A.** Pursuant to ORS 222.750, the City is authorized to annex into the corporate boundaries of the City any property that is surrounded by the corporate boundaries of the City after holding at least one public hearing on the subject for which notice has been mailed to each record owner of real property proposed to be annexed.

**B.** Whereas, notice was mailed to the record owner of real property located at 225 West Vilas, more particularly described as Map No. 372W01BA, Tax Lot 900 (the "Subject Property") on November 19, 2015. The Subject Property is depicted on the attached Exhibit "A".

**C.** Whereas, the Subject Property, is surrounded by the corporate boundaries by the City and adjacent to Don Jones Park is zoned residential and is in residential use.

**D.** Whereas, the Subject Property is fully served by City facilities.

**E.** Whereas, a public hearing on the annexation was held by the City Council on December 10, 2015.

Now therefore,

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

SECTION 1. The Subject Property, more particularly depicted and described in the attached Exhibit "A" is hereby approved for annexation into the corporate boundaries of the City.

SECTION 2. The effective date of such annexation is \_\_\_\_\_, 2019. Notwithstanding the foregoing, the Subject Property that is subject to delayed annexation shall become part of the City immediately upon transfer of ownership.

Ordinance No. \_\_\_\_\_ (121015)

SECTION 3. The City Reorder of Central Point, Oregon is hereby authorized and directed to (a) cause notice of the delayed annexation to be recorded by the Jackson County Clerk within 60 days after the date of approval of this Ordinance approving annexation; and to (b) notify the Jackson County Clerk not sooner than 120 days and not later than 90 days before the annexation takes effect.

**PASSED** by the Council and signed by me in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_ 2016.

\_\_\_\_\_  
Mayor Hank Williams

ATTEST:

\_\_\_\_\_  
City Recorder

Ordinance No. \_\_\_\_\_ (121015)

EXHIBIT "A"  
*225 W. Vilas Road*

**ANNEXATION BOUNDARY DESCRIPTION SHEET  
AREA TO BE ANNEXED INTO THE CITY OF CENTRAL POINT:**

**AREA 1, 225 WEST VILAS ROAD**

All that certain real property described in Instrument Number 83-16059, of the Official Records of Jackson County, Oregon, being located in the Northeast One-quarter of the Northwest One-quarter of Section 1, Township 37 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon. The exterior boundary of said property being more particularly described as follows:

Commencing at the Northwest corner of the Northeast One-quarter of the Northwest One-quarter of Section 1, Township 37 South, Range 2 West of the Willamette Meridian; thence along the north line of said section, South 89°46'20" West, 190.00 feet (record: North 89°48' East, 190.00 feet); thence leaving said north line, South 00°04'13" West, parallel with the west line of the said Northeast One-quarter of the Northwest One-quarter of Section 1, 49.43 feet (record: South, 41.26 feet) to the southerly right-of-way of West Vilas Road and the **TRUE POINT OF BEGINNING**; thence leaving said right-of-way and continuing South 00°04'13" West, 180.57 feet (record: South, 188.73 feet); thence North 89°46'20" West, parallel to said north line of Section 1, 90.00 feet (record: South 89°48' West, 90.00 feet) to the southeast corner of that property described in Volume 282, Page 595 of the Deed Records of Jackson County, Oregon; thence leaving last said southeast corner, North 00°04'13" East, being parallel with last said west line, 153.03 feet (record: North, 161.75 feet) to said southerly right-of-way of West Vilas Road and the beginning of non-tangent curve to the right, having a radius of 543.00 feet (record: 543.00 feet) and a central angle of 09°56'10" (the long chord of which bears North 73°11'59" East, 94.05 feet [record: North 73°08' East, 94.05 feet]); thence along said right-of-way and the arc of said curve, 94.17 feet (record: 94.18 feet) to the Point of Beginning.

Area to be annexed contains 0.35 acres, more or less.

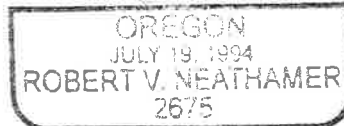
Basis of bearings for this description is the north line of Section 1, Township 37 South, Range 2 West of the Willamette Meridian, per Survey Number 15762, filed in the office of the Jackson County Surveyor.

Prepared By:  
**Neathamer Surveying, Inc.**  
3126 State Street, Suite 203  
Medford, Oregon 97501  
Phone: (541) 732-2869  
FAX: (541) 732-1382  
Project Number: 15056

Date: December 15, 2015



*Robert V. Neathamer*

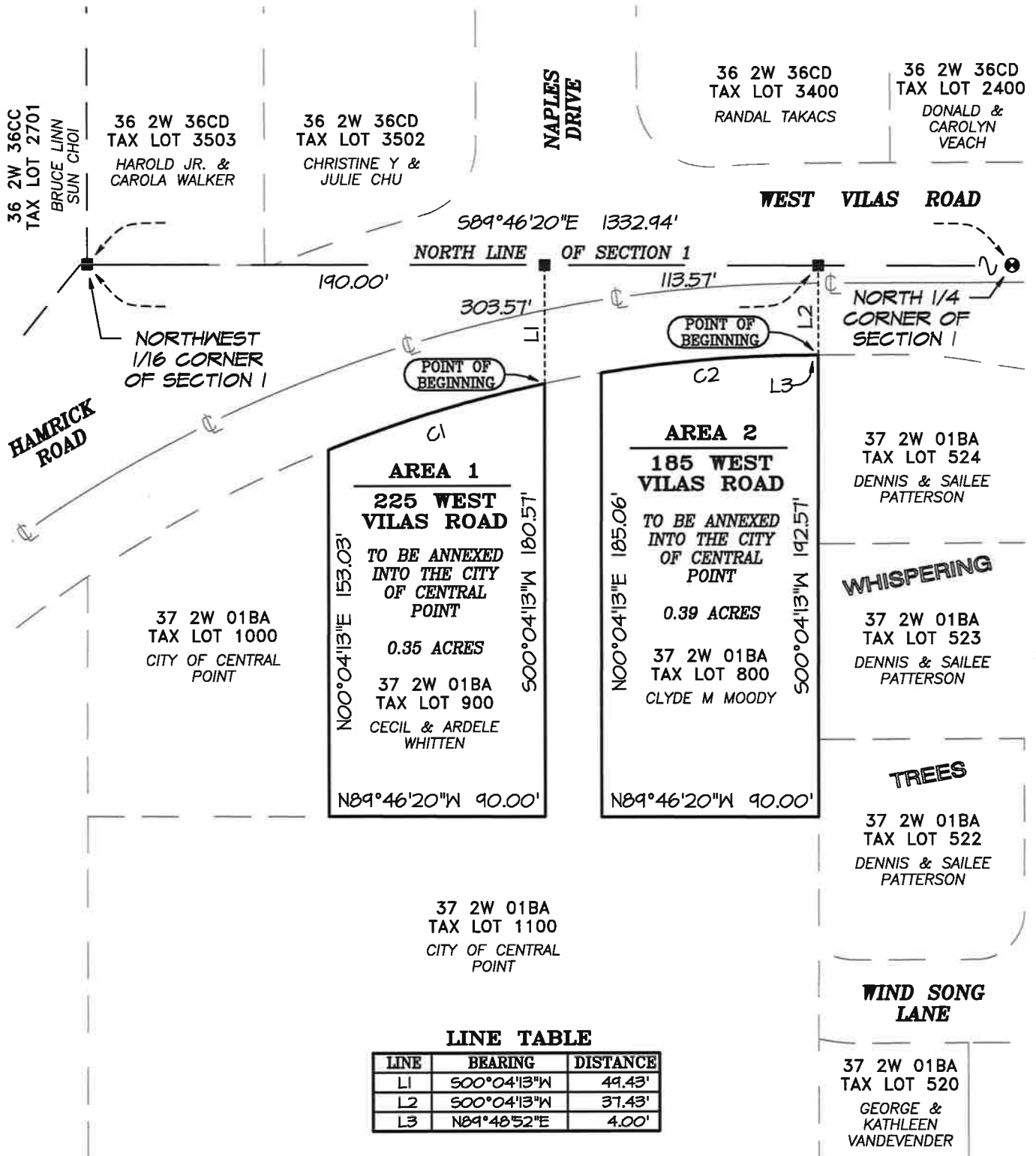


RENEWAL: DEC. 31, 2016

EXHIBIT " "

**ANNEXATION INTO THE CITY OF CENTRAL POINT**

A proposed annexation into the City of Central Point, being located in the Northeast One-quarter of the Northwest One-quarter of Section 1, Township 37 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon.



LINE TABLE

LINE	BEARING	DISTANCE
L1	$500^{\circ}04'13''W$	49.43'
L2	$500^{\circ}04'13''W$	37.43'
L3	$N89^{\circ}48'52''E$	4.00'

CURVE TABLE

CURVE	DELTA	RADIUS	ARC	CHORD BEARING	CHORD
C1	$09^{\circ}56'10''$	543.00'	94.17'	$N73^{\circ}11'59''E$	94.05'
C2	$09^{\circ}06'58''$	543.00'	86.40'	$N85^{\circ}15'23''E$	86.30'

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Robert V. Neathamer*

OREGON  
JULY 19, 1994  
ROBERT V. NEATHAMER  
2675

BASIS OF BEARINGS:

Basis of bearings is the north line of Section 1, Township 37 South, Range 2 West of the Willamette Meridian, per Survey Number 15762, filed in the office of the Jackson County Surveyor.

PREPARED BY: **Neathamer Surveying, Inc.**  
3126 State St., Suite 203  
P.O. Box 1584  
Medford, Oregon 97501  
Phone (541) 732-2869  
FAX (541) 732-1382

PLOT DATE: December 15, 2015 PROJECT NUMBER: 15056

SCALE 1" = 60'  
CAP011416

Renewal Date 12/31/16

**Ordinance  
and  
Resolutions**

**Public Hearing –  
Ordinance Declaring  
a Ban on Marijuana  
Sales**



**STAFF REPORT**

January 14, 2016

**AGENDA ITEM: Ordinance No. \_ - An ordinance declaring a ban on medical marijuana processing sites, medical marijuana dispensaries, recreational marijuana producers, recreational marijuana processors, recreational marijuana wholesalers, and recreational marijuana retailers; referring ordinance; and declaring an emergency; Resolution No. \_\_\_ - A resolution approving referral to the electors of the City of Central Point the question of banning medical marijuana processing sites and medical marijuana dispensaries within the City of Central Point; and Resolution No. \_\_\_ - A resolution approving referral to the electors of the City of Central Point the question of banning recreational marijuana producers, recreational marijuana processors, recreational marijuana wholesalers, and recreational marijuana retailers within the City of Central Point.**

**STAFF SOURCE:**

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Sydney Dreyer, City Attorney

**BACKGROUND/SYNOPSIS:**

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In November 1998, Oregon voters approved the Oregon Medical Marijuana Act (OMMA) which allowed medical use and possession of marijuana. In 2013 the legislature approved House Bill 3460 amending the OMMA to allow medical marijuana dispensaries. In November 2014, Oregon voters approved Measure 91 (M91) legalizing recreational marijuana including growth, processing, delivery and sale of recreational marijuana and personal possession/growth of such marijuana. House Bill 3400, amending M91 and the OMMA was adopted on June 30, 2015. HB 3400 gives specific authority to cities to prohibit all licensed recreational marijuana facilities (production, processing, wholesale, and retail) as well as medical marijuana dispensaries and medical processing sites either by ordinance, if the City is within a County that had 55% or more votes against M91, or by referendum if fewer than 55% of the County constituents voted no.

As fewer than 55% of Jackson County electors voted against M91, the abbreviated route is not available to the City. Rather to prohibit such uses, the City must adopt an ordinance prohibiting any or all of the foregoing uses and refer the question to the electors of the City, for approval at the November 2016 election. If such a ban is adopted, the City must provide

notice of such ban to OHA and/or the OLCC and said agencies must cease processing applications for registration/licenses within the City.

Once the Council adopts an ordinance banning the use, it will serve as a temporary moratorium on all such uses pending the election results in November. In the event such ban on any or all of the foregoing uses is approved, the City shall not be entitled to receive its share of state tax revenues on the sale of marijuana.

If a ban is adopted by the Council, then once the elections official files the referral with the county election office, the ballot measure is certified to the ballot. At that point, the restrictions on public employees engaging in political activity applies.

#### **FISCAL IMPACT:**

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**City Revenue:** There is no precise way of predicting whether licensed recreational marijuana businesses would develop in the City. Furthermore, predicting the tax revenue generated by the development of such uses is equally inaccurate. However, should the City ban any such uses, the City will not receive its share of any state tax revenue on the sales of marijuana, although City staff believes that Central Point's share of 10% of the state tax revenue will likely be insufficient to address the impacts to Central Point.

**City Expenditures:** Similar to alcohol, the legalization of marijuana will likely impact the costs associated with providing adequate public safety. At a minimum, new programs will need to be developed for prevention/education and treatment. These new program costs will be in addition to the necessary training required for our public safety officers.

#### **DISCUSSION:**

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The Oregon Liquor Control Commission will begin accepting applications to license Recreational Marijuana Retailers as of January 4, 2016. As such, the ordinance contains an emergency clause providing that the ban becomes effective immediately, in order to avoid conflicts between OHA/OLCC review and the City's desire to ban such uses.

#### **ATTACHMENTS:**

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1. Ordinance declaring a ban on medical marijuana processing sites, medical marijuana dispensaries, recreational marijuana producers, recreational marijuana processors, recreational marijuana wholesalers, and recreational marijuana retailers; referring ordinance; and declaring an emergency.
2. A resolution approving referral to the electors of the City of Central Point the question of banning medical marijuana processing sites and medical marijuana dispensaries within the City of Central Point.
3. A resolution approving referral to the electors of the City of Central Point the question of banning recreational marijuana producers, recreational marijuana processors, recreational marijuana wholesalers, and recreational marijuana retailers within the City of Central Point.

**RECOMMENDATION:**

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- A. The proposed ordinance is consistent with previous efforts of the City Council to create a disincentive to the establishment of licensed and registered marijuana uses within Central Point and to minimize the potential adverse impacts resulting therefrom.
- B. The City’s strategic plan emphasizes a proactive City government that adopts policies aligning with the community’s values.
- C. Central Point citizen surveys conducted in 2011 & 2013 identify public safety as the highest priority for citizens of Central Point.
- D. The proposed ordinance and resolutions to refer a ban to the electors is consistent with the City’s values, and is expressly permitted under HB 3400.

City Staff Recommendation:

- 1. Approve Ordinance No. \_\_\_, an ordinance declaring a ban on medical marijuana processing sites, medical marijuana dispensaries, recreational marijuana producers, recreational marijuana processors, recreational marijuana wholesalers, and recreational marijuana retailers; referring ordinance; and declaring an emergency.
- 2. Approve Resolution No. \_\_\_, a resolution approving referral to the electors of the City of Central Point the question of banning medical marijuana processing sites and medical marijuana dispensaries within the City of Central Point.
- 3. Approve Resolution No. \_\_\_, a resolution approving referral to the electors of the City of Central Point the question of banning recreational marijuana producers, recreational marijuana processors, recreational marijuana wholesalers, and recreational marijuana retailers within the City of Central Point.

**PUBLIC HEARING REQUIRED:**

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Yes

**SUGGESTED MOTIONS:**

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- 1. I move to approve Ordinance number \_\_\_ an ordinance declaring a ban on medical marijuana processing sites, medical marijuana dispensaries, recreational marijuana producers, recreational marijuana processors, recreational marijuana wholesalers, and recreational marijuana retailers; referring ordinance; and declaring an emergency.
- 2. I move to approve Resolution number \_\_\_, a resolution approving referral to the electors of the City of Central Point the question of banning medical marijuana



processing sites and medical marijuana dispensaries within the City of Central Point.

3. I move to approve Resolution number \_\_\_ a resolution approving referral to the electors of the City of Central Point the question of banning recreational marijuana producers, recreational marijuana processors, recreational marijuana wholesalers, and recreational marijuana retailers within the City of Central Point.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF CENTRAL POINT DECLARING A BAN ON MEDICAL MARIJUANA PROCESSING SITES, MEDICAL MARIJUANA DISPENSARIES, RECREATIONAL MARIJUANA PRODUCERS, RECREATIONAL MARIJUANA PROCESSORS, RECREATIONAL MARIJUANA WHOLESALERS, AND RECREATIONAL MARIJUANA RETAILERS; REFERRING ORDINANCE; AND DECLARING AN EMERGENCY**

RECITALS:

- A. Whereas, the Oregon Medical Marijuana Act, as amended by House Bill 3400 (2015) provides that the Oregon Health Authority will register medical marijuana processing sites and medical marijuana dispensaries;
- B. Whereas, Measure 91, which the voters adopted in November 2014, directs the Oregon Liquor Control Commission to license the production, processing, wholesale, and retail sale of recreational marijuana;
- C. Whereas, section 134 of HB 3400 provides that a city council may adopt an ordinance to be referred to the electors of the city prohibiting the establishment of certain state-registered and state-licensed marijuana businesses in the area subject to the jurisdiction of the city;
- D. Whereas, the city council wants to refer the question of whether to prohibit recreational marijuana producers, processors, wholesalers and/or retailers, as well as medical marijuana processors and medical marijuana dispensaries to the voters of the City of Central Point.

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

SECTION 1. DEFINITIONS.

Marijuana means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.

Marijuana processing site means an entity registered with the Oregon Health Authority to process medical marijuana.

Marijuana processor means an entity licensed by the Oregon Liquor Control Commission to process marijuana.

Marijuana producer means an entity licensed by the Oregon Liquor Control Commission to manufacture, plant, cultivate, grow or harvest marijuana.

Marijuana retailer means an entity licensed by the Oregon Liquor Control Commission to sell marijuana items to a consumer in this state.

Marijuana wholesaler means an entity licensed by the Oregon Liquor Control Commission to purchase items in this state for resale to a person other than a consumer.

Medical marijuana dispensary means an entity registered with the Oregon Health Authority to transfer medical marijuana.

**SECTION 2. BAN DECLARED.** As described in section 134 of House Bill 3400 (2015), the City of Central Point hereby prohibits the establishment and operation of the following in the area subject to the jurisdiction of the city:

- (a) Marijuana processing sites;
- (b) Medical marijuana dispensaries;
- (c) Marijuana producers;
- (d) Marijuana processors;
- (e) Marijuana wholesalers;
- (f) Marijuana retailers.

**SECTION 3. EXCEPTION.** The prohibition set out in this ordinance does not apply to a marijuana processing site or medical marijuana dispensary that meets the conditions set out in subsections 6 or 7 of section 134, section 136, or section 137 of House Bill 3400 (2015).

**SECTION 4. REFERRAL.** This ordinance shall be referred to the electors of the city of Central Point at the next statewide general election on Tuesday, November 8, 2016.

**SECTION 5 EMERGENCY.** This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance shall be in full force and effect on the date of its passage.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CENTRAL POINT, OREGON ON THE DATE LAST WRITTEN BELOW.**

Signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor Hank Williams

ATTEST:

\_\_\_\_\_  
City Recorder

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION APPROVING REFERRAL TO THE  
ELECTORS OF THE CITY OF CENTRAL POINT THE QUESTION  
OF BANNING MEDICAL MARIJUANA PROCESSING SITES AND MEDICAL  
MARIJUANA DISPENSARIES WITHIN THE CITY OF CENTRAL POINT**

**RECITALS:**

- A. Section 134 of HB 3400 provides that a city council may adopt an ordinance to be referred to the electors of the city prohibiting the establishment of certain state-registered and state-licensed marijuana businesses in the area subject to the jurisdiction of the city;
- B. the City of Central Point city council adopted Ordinance No. \_\_\_\_, which prohibits the establishment of medical marijuana processing sites, medical marijuana dispensaries, recreational marijuana producers, recreational marijuana processors, recreational marijuana wholesalers, and recreational marijuana retailers in the area subject to the jurisdiction of the city;

**THE CITY OF CENTRAL POINT, RESOLVES AS FOLLOWS:**

**Section 1.**

MEASURE. A measure election is hereby called for the purpose of submitting to the electors of the City of Central Point a measure prohibiting the establishment of certain marijuana activities in the area subject to the jurisdiction of the city, a copy of which is attached hereto as "Exhibit A," and incorporated herein by reference.

ELECTION CONDUCTED BY MAIL. The measure election shall be held in the City of Central Point on November 8, 2016. As required by ORS 254.465, the measure election shall be conducted by mail by the County Clerk of Jackson County, according to the procedures adopted by the Oregon Secretary of State.

DELEGATION. The City of Central Point authorizes the City Recorder or her designee, to act on behalf of the city and to take such further action as is necessary to carry out the intent and purposes set forth herein, in compliance with the applicable provisions of law.

PREPARATION OF BALLOT TITLE. The ballot title for the measure set forth in Exhibit "A" to this resolution is hereby adopted.

NOTICE OF BALLOT TITLE AND RIGHT TO APPEAL. Upon receiving the ballot title for this measure, the City Recorder shall publish in the next available edition

of a newspaper of general circulation in the city a notice of receipt of the ballot title, including notice that an elector may file a petition for review of the ballot title.

EXPLANATORY STATEMENT. The explanatory statement for the measure, which is attached hereto as "Exhibit "B," and incorporated herein by reference, is hereby approved.

FILING WITH COUNTY ELECTIONS OFFICE. The City Recorder shall deliver the Notice of Measure Election to the county clerk for Jackson County for inclusion on the ballot for the November 8, 2016 election.

EFFECTIVE DATE. This resolution is effective upon adoption.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CENTRAL POINT, OREGON ON THE DATE LAST WRITTEN BELOW.**

Passed by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor Hank Williams

ATTEST:

\_\_\_\_\_  
City Recorder

**EXHIBIT A**

**BALLOT TITLE:**

**PROHIBITS CERTAIN MEDICAL MARIJUANA REGISTRANTS IN  
CITY OF CENTRAL POINT**

**QUESTION:**

**SHALL CITY OF CENTRAL POINT PROHIBIT MEDICAL MARIJUANA  
PROCESSORS AND MEDICAL MARIJUANA DISPENSARIES IN CITY LIMITS**

**SUMMARY:**

State law allows operation of registered medical marijuana processors and registered medical marijuana dispensaries. State law provides that a city council may adopt an ordinance to be referred to the voters to prohibit the establishment of either or both of those registered activities.

Approval of this measure would prohibit the establishment and operation of medical marijuana processors and medical marijuana dispensaries within the area subject to the jurisdiction of the City of Central Point.

If this measure is approved, the city will be ineligible to receive distributions of state marijuana tax revenues and will be unable to impose a local tax or fee on the production, processing or sale of marijuana or any product into which marijuana has been incorporated.

Exhibit A for Resolution No. \_\_\_\_\_ (011416)

## **EXHIBIT B**

### **EXPLANATORY STATEMENT**

Approval of this measure would prohibit the establishment and operation of certain registered medical marijuana activities within the city.

The Oregon Medical Marijuana Act, as amended by the Legislature in 2015, provides that the Oregon Health Authority will register medical marijuana processors and medical marijuana dispensaries. Medical marijuana processors compound or convert marijuana into concentrates, extracts, edible products, and other products intended for human consumption and use. Medical marijuana dispensaries facilitate the transfer of marijuana and marijuana products between patients, caregivers, processors, and growers.

A city council may adopt an ordinance prohibiting the establishment of any of these entities within the city, but the council must refer the ordinance to the voters at a statewide general election. The City of Central Point city council has adopted an ordinance prohibiting the establishment of registered medical marijuana processors and registered medical marijuana dispensaries within the city and, as a result, has referred this measure to the voters.

If approved, this measure would prohibit registered medical marijuana processors and registered medical marijuana dispensaries within the city. Medical marijuana processors and medical marijuana dispensaries that were registered with the state before the city council adopted the ordinance, and medical marijuana dispensaries that had applied to be registered on or before July 1, 2015, can continue operating in the city even if this measure is approved, if those entities have successfully completed a local land use application process. However, there are currently no such medical marijuana dispensaries within City.

Approval of this measure has revenue impacts. Currently, ten percent of state marijuana tax revenues will be distributed to cities to assist local law enforcement in performing their duties under Measure 91. If approved, this measure would make the city ineligible to receive its share of the ten percent of the distributions of state marijuana tax revenues.

Currently, under the 2015 legislation, a city may impose up to a three percent tax on the sale of marijuana items by a marijuana retailer in the city. However, a city that adopts an ordinance prohibiting the establishment of medical marijuana processors, medical marijuana dispensaries, or recreational marijuana producers, processors, wholesalers, or retailers may not impose a local tax or fee on the production, processing or sale of marijuana or any product into which marijuana has been incorporated. Approval of this measure would therefore prevent the city from imposing a local tax on those activities.

Exhibit B for Resolution No. \_\_\_\_\_ (011416)

**RESOLUTION NO. \_\_\_\_**

A RESOLUTION APPROVING REFERRAL TO THE ELECTORS OF THE CITY OF CENTRAL POINT THE QUESTION OF BANNING RECREATIONAL MARIJUANA PRODUCERS, RECREATIONAL MARIJUANA PROCESSORS, RECREATIONAL MARIJUANA WHOLESALERS, AND RECREATIONAL MARIJUANA RETAILERS WITHIN THE CITY OF CENTRAL POINT.

**RECITALS:**

- A. Whereas, section 134 of HB 3400 provides that a city council may adopt an ordinance to be referred to the electors of the city prohibiting the establishment of certain state-registered and state-licensed marijuana businesses in the area subject to the jurisdiction of the city;
- B. Whereas, the City of Central Point city council adopted Ordinance No. \_\_\_\_, which prohibits the establishment of medical marijuana processing sites, medical marijuana dispensaries, recreational marijuana producers, recreational marijuana processors, recreational marijuana wholesalers, and recreational marijuana retailers in the area subject to the jurisdiction of the city;

**THE CITY OF CENTRAL POINT, RESOLVES AS FOLLOWS:**

**Section 1.**

MEASURE. A measure election is hereby called for the purpose of submitting to the electors of the City of Central Point a measure prohibiting the establishment of certain marijuana activities in the area subject to the jurisdiction of the city, a copy of which is attached hereto as "Exhibit 1," and incorporated herein by reference.

ELECTION CONDUCTED BY MAIL. The measure election shall be held in the City of Central Point on November 8, 2016. As required by ORS 254.465, the measure election shall be conducted by mail by the County Clerk of Jackson County, according to the procedures adopted by the Oregon Secretary of State.

DELEGATION. The City of Central Point authorizes the City Recorder or her designee, to act on behalf of the city and to take such further action as is necessary to carry out the intent and purposes set forth herein, in compliance with the applicable provisions of law.



PREPARATION OF BALLOT TITLE. The ballot title for the measure set forth as Exhibit "A" to this resolution is hereby adopted.

NOTICE OF BALLOT TITLE AND RIGHT TO APPEAL. Upon receiving the ballot title for this measure, the City Recorder shall publish in the next available edition of a newspaper of general circulation in the city a notice of receipt of the ballot title, including notice that an elector may file a petition for review of the ballot title.

EXPLANATORY STATEMENT. The explanatory statement for the measure, which is attached hereto as "Exhibit "B," and incorporated herein by reference, is hereby approved.

FILING WITH COUNTY ELECTIONS OFFICE. The City Recorder shall deliver the Notice of Measure Election to the county clerk for Jackson County for inclusion on the ballot for the November 8, 2016 election.

EFFECTIVE DATE. This resolution is effective upon adoption.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CENTRAL POINT, OREGON ON THE DATE LAST WRITTEN BELOW.**

Signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor Hank Williams

ATTEST:

\_\_\_\_\_  
City Recorder

**EXHIBIT A**

**BALLOT TITLE:**

**PROHIBITS CERTAIN RECREATIONAL MARIJUANA LICENSEES IN CITY OF  
CENTRAL POINT**

**QUESTION:**

**SHALL CITY OF CENTRAL POINT PROHIBIT RECREATIONAL MARIJUANA  
PRODUCERS, PROCESSORS, WHOLESALERS AND RETAILERS IN CITY LIMITS**

**SUMMARY:**

State law allows operation of licensed recreational marijuana producers, processors, wholesalers and retailers. State law provides that a city council may adopt an ordinance to be referred to the voters to prohibit the establishment of any of those licensed activities.

Approval of this measure would prohibit the establishment and operation of licensed recreational marijuana producers, processors, wholesalers and retailers within the area subject to the jurisdiction of the City of Central Point.

If this measure is approved, the city will be ineligible to receive distributions of state marijuana tax revenues and will be unable to impose a local tax or fee on the production, processing or sale of marijuana or any product into which marijuana has been incorporated.

## **EXHIBIT B**

### **EXPLANATORY STATEMENT**

Approval of this measure would prohibit the establishment and operation of certain licensed recreational marijuana activities within the city.

Measure 91, approved by Oregon voters in 2014 and by the Legislature in 2015, provides that the Oregon Liquor Control Commission will license recreational marijuana producers (those who manufacture, plant, cultivate, grow or harvest marijuana), processors (those who compound or convert marijuana into concentrates, extracts, edible products, and other products intended for human consumption and use), wholesalers, and retailers.

A city council may adopt an ordinance prohibiting the establishment of any of those licensed entities within the city, but the council must refer the ordinance to the voters at a statewide general election. The City of Central Point city council has adopted an ordinance prohibiting the establishment of licensed recreational marijuana producers, processors, wholesalers, and retailers within the city and, as a result, has referred this measure to the voters.

If approved, this measure would prohibit licensed recreational marijuana producers, processors, wholesalers and retailers within the city.

Approval of this measure has revenue impacts. Currently, ten percent of state marijuana tax revenues will be distributed to cities to assist local law enforcement in performing their duties under Measure 91. If approved, this measure would make the city ineligible to receive its share of the ten percent of the distributions of state marijuana tax revenues.

Currently, under the 2015 legislation, a city may impose up to a three percent tax on the sale of marijuana items by a marijuana retailer in the city. However, a city that adopts an ordinance prohibiting the establishment of medical marijuana processors, medical marijuana dispensaries, or recreational marijuana producers, processors, wholesalers, or retailers may not impose a local tax or fee on the production, processing or sale of marijuana or any product into which marijuana has been incorporated. Approval of this measure would therefore prevent a city from imposing a local tax on those activities.

**Business**

**Planning Commission  
Report**

## PLANNING DEPARTMENT MEMORANDUM

**Date:** January 14, 2016  
**To:** Honorable Mayor & Central Point City Council  
**From:** Tom Humphrey AICP, Community Development Director  
**Subject:** Planning Commission Report

The following items were presented by staff and discussed by the Planning Commission at a meeting on January 5, 2016. It should be noted that all four items were conducted as public hearings.

- A. Consideration of a Conditional Use Permit application for the construction of a 161,992 square foot membership warehouse and fuel facility on an 18.28 acre site at the southwest corner of Hamrick and Table Rock Road.** The project site is within the Federal Way Business Park Subdivision in the Industrial (M-1) zoning district, and is identified on the Jackson County Assessor's map as 37S 2W 12B, Tax Lots 213, 214, 215, and 216. **File No. 15022.** Approval Criteria: CPMC 17.76, Conditional Use Permits. **Applicant:** Costco Wholesale; **Agent:** Steve Bullock, MG2. The Commission received public testimony and considered new information from the City of Medford. The applicants did not have time to evaluate and respond to Medford's proposed conditions and consequently asked that the record be kept open for seven days after the public hearing. The Commission closed the public hearing and left the record open until Tuesday, January 12<sup>th</sup> at 4:30 pm. They will deliberate and make a decision about the CUP on February 2, 2016.
- B. Consideration of a Site Plan and Architectural Review application for the construction of a 161,992 square foot membership warehouse and fuel facility.** The 18.28 acre project site is located within the Federal Way Business Park Subdivision in the Industrial (M-1) zoning district. **File No. 15028.** Approval Criteria: CPMC 17.72, Site Plan & Architectural Review. **Applicant:** Costco Wholesale; **Agent:** Steve Bullock, MG2. The Commission received public testimony relative to but independent from the CUP application. The merits of this application were considered based upon criteria for the Site Plan, building materials, architecture and parking standards. The hearing was closed and the Commission approved this item conditioned upon the approval of the CUP.

**C. Consideration of a Class “C” Variance request to the M-1 sign area standard per CPMC 17.48.080(A)(1) for a membership warehouse in Industrial (M-1) zone.** The project site is located within the Federal Way Business Park Subdivision at the corner of Hamrick and Table Rock Road. Approval Criteria: CPMC 17.13.500, Class C Variances. **Applicant:** Costco Wholesale; **Agent:** Steve Bullock, MG2. The Commission received public testimony relative to but independent from the CUP application. The merits of this item were considered based upon criteria for Class C Variances. At question was whether the sign standards in the M-1 Zoning District were too restrictive for the size of the building being proposed. The hearing was closed the Commission made findings to approve the variance contingent upon approval of the CUP.