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City of Falls City  
City Council Regular Meeting Minutes  
February 10, 2020 6:00 PM  
Meeting Location: 320 N Main Street, Falls City, Oregon 97344

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**Council Present:** Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, T.J. Bailey

**Staff Present:** Mac Corthell, City Manager; William Sullivan, Community Development & Outreach Coordinator; Jamie Ward, City Clerk

**1.1. Call to Order**

Mayor Gordon called the meeting to order at 6:00PM

**1.2. Roll Call**

Clerk Ward took roll call.

**1.3. Pledge of Allegiance**

Mayor Gordon led the pledge.

**2. Motion to adopt the entire Agenda**

A motion was made by Councilor T. Meier and seconded by Councilor C. Lauder to adopt the entire agenda with changes; Moving Agenda item ten (10) Public Comments to item seven (7). Motion carried 6-0-0. Ayes: Lori Jean Sickles, Tony Meier, Cliff Lauder, Dennis Sickles, T.J. Bailey

**3. Announcements, Appointments and Appreciations**

- a. State of the City will be on Thursday February 27, 2020 at 5:00PM. Frinks will provide burgers for the first forty (40) guests.
- b. City of Falls City's new City Website has gone live, Mayor Gordon asked for everyone to check it out and give feedback to City Hall.
- c. Direct Connect has expanded its service days to now include Monmouth on Wednesday's. Check out the county website at <https://www.co.polk.or.us/fco/falls-city-direct-connect> to see the new route times.
- d. Mayor Gordon wanted to let everyone know that he is hosting Coffee with the Mayor on the second (2) and forth (4) Wednesdays of the month at 10:00AM.
- e. There is a need for Budget Committee volunteers for the School District. Applications are available at City Hall and the High School.
- f. Mayor Gordon read the Certificate of Appreciation from the City of Falls City to Lori Albert with the Falls City Fire Department. Ms. Albert is not only a volunteer medic, but she consistently exceeds her responsibilities to ensure all the needs of the department are met.
- g. Mayor Gordon read the Certificate of Appreciation from the City of Falls City to Sharon Volk -Greve with the Falls City Fire Department. Ms. Greve is the Assistant Chief in charge

of medics, the primary medical trainer for the department, and a Swiss Army knife for all other departmental needs.

- h. Mayor Gordon read the Certificate of Appreciation from the City of Falls City to Diana Knous with PacifiCorp Foundation. The City of Falls City would like to thank Ms. Knous and PacifiCorp for their strong, supportive partnership, and their dedication to the citizens of Falls City.

Neither, Ms. Albert, Ms. Volk-Greve, or Ms. Knous were present to accept their Certificates. Staff will get in contact with them and send out the Certificates.

#### **4. Community & Government Organizations**

- a. Art Houghtaling and Lynn Simpson-Bailey gave a brief presentation on The Student Success Act Dollars (See exhibit A) and went over the Community and Staff Input Session Sheets (See exhibit B). Lynn Simpson-Bailey explained that the school is in the process of doing community inventorying with the goal to apply for dollars through the student investment act. The Student Success Act that was voted in by legislature in 2019. The School District is currently seeking Council's input and would like to see Council reach out in the community and gather other resident's input as well.

Mr. Houghtaling added that this is going to be an ongoing campaign so if council thinks of anything in the future they can keep adding it to the list. The School District plans on applying for this annually. SIA plan has to be submitted by April 15, 2020. Inputs can be submitted at the High School to Natasha.

Corthell also stated that inputs could be submitted to City Hall and Staff will get them to Ms. Simpson-Bailey.

#### **5. Reports**

- a. Mayor Gordon would like everyone to know Senator Merkley will be holding a Town Hall meeting in the Community Center on Wednesday February 19, 2020 at 1:00PM. Mayor Gordon welcomes everyone to attend to get their questions answered.
- b. Councilor Drill brought a cake to celebrate City Manager Corthell's birthday.
- c. William Sullivan gave a brief update on projects he's been working on. The Steering Committee has combined forces with BRAVE (Black Rock Allies for Village Empowerment) organizers to form Falls City Thrives! BRAVE is a group of Falls City residents and school staff who had done legwork to form a nonprofit organization for community projects. Combining our efforts allows for more capacity, a wider coalition of volunteers, and to build from BRAVE's foundation to drive forward community projects to address housing, downtown revitalization, volunteerism, and wellness.

Economic Development was prioritized as a City Goal; Sullivan stated he will be doing a presentation on moving that conversation forward at the March Council meeting.

Sullivan wanted to remind Councilors that the City still needed release forms signed. Organizations have to have those whose picture is featured on a website or publication sign those forms to protect from liability.

## 6. Consent Agenda

A motion made by Councilor T. Meier and Seconded by Councilor C. Lauder to adopt the consent agenda.  
Motion carried 6-0-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, T.J. Bailey

## 7. Public Comments

### a. Todd Christensen, 710 Parry Rd. Falls City

Mr. Christensen stated that in 2010 his family remodeled their family home and lived in a camp trailer while building on another. While living in the trailer Mr. Christensen had to come before Council and ask permission for them to stay in the trailer. Mr. Christensen feels that the City has let those Code standards go because of the abundance of people living and renting out trailers now. Mr. Christensen feels that this is leading to sewage and rodent issues.

Councilor Lauder stated that it is a pressing issue for Council but it's a tough issue to resolve.

Mayor Gordon acknowledged the issue and stated that Code Services is high on the list for Council Goals and with Community help, the City may be able to come up with a plan to resolve the issue.

City Manager Corthell stated that Mr. Christensen could fill out a code violation request form and turn it in to City Hall. Corthell stated that although it may seem like it's not helping much that each request keeps us all informed and helps the City stay up on what is going on and can help the City move forward. Corthell also stated that the City will be handing out surveys at the State of the City and if residents take the time to fill those out it will help us know what to do and how to move forward.

### b. Tracy Young, Falls City

Ms. Young wanted to bring to Council's attention that there are cars being parked in the road on Sheldon St. due to her neighbor moving a large trailer in his driveway leaving little to no room for the vehicles. Ms. Young stated that she has called the Sheriff's office and they have come out but there is nothing they could do. Young said that they were burning garbage and it was causing a gross smoky smell to come into her house. She would like to see someone appointed to monitor that.

### c. Paul Dasso, Falls City

Nothing for public comments but will have something for the Land Use Public Hearing.

### d. Susan Christensen, Falls City

Ms. Christensen wanted to bring to Council's attention that she has noticed a lot of dogs out lately and that they are killing other people's animals.

### e. Sherrie Jones, Falls City

Ms. Jones presented council with an idea for the Doctor's Clinic. She would like to see it turned into a Non-Profit Resource Center for the Community. She stated that she would volunteer to work at it and has spoken with other community members that have also give a verbal commitment to help volunteer. She has heard numerous community members discuss the need for a safe place to stay, one that offers a place to make food,

wash clothes, a course for life coaching and a boys and girls club. Ms. Jones stated that she is willing to step in and do her part to help make this happen.

Mayor Jeremy Gordon said there is some movement on this project already with the Visioning Community leading the way. Gordon would like for Ms. Jones to connect with Lynn Simpson-Bailey and William Sullivan because this could still use a lot of help and support.

#### **8. New Business**

- a. Land Use Public Hearings Mayor Gordon read his Mayor's Script for Quasi-Judicial and Legislative Land Use Public Hearing (See Exhibit C)
- b. Corthell read his staff report regarding changes to the 2019-2020 budget (See Exhibit D)

A motion was made by Councilor J. Drill and seconded by Councilor T. Meier that the City of Falls City adopt RESOLUTION 03-2020 (See Exhibit F) A RESOLUTION AMENDING THE FISCAL YEAR 2019-2020 SUPPLEMENTAL BUDGET 2. Motion carried 6-0-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, T.J. Bailey

- c. Corthell read his staff report regarding the Council Goals set by City Council at the January 27, 2020 meeting.

Mayor Gordon asked to strike Polk County Block Grants from the Other Issues of Strategic Importance for 2020 section of the Goals and add Exploration of Partnership Development.

A motion made by Councilor C. Lauder and Seconded by Councilor D. Sickles to adopt the 2020 City Council Goals striking Polk County Block Grants from the Other Issues of Strategic Importance for 2020 section of the Goals and add Exploration of Partnership Development.

Motion carried 6-0-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, T.J. Bailey

***City Council scheduled the first City Council Goals Work Session for Monday March, 02, 2020 at 6:00PM.***

- d. Corthell read the staff report explaining the proposal and timeline for "Falls City Most Improved Yard" competition. (See Exhibit E)

Councilor Drill went on to explain that she wanted to come up with an idea for the community to instill a form of ownership or buy-in to motivate residents to take pride in their properties. Councilor Drill feels that this will bring the Community together as a whole. Drill also discussed the idea that it would be nice to sit down with interested residents that had physical limitations that hinder them from accomplishing this goal and creating a way for the community could help. She stated that she is excited to see before and after pictures. Drill wanted to let Council know that if they have any ideas or suggestions to help with this that she is open to all ideas and to just give her a call.

Councilor Bailey reminded Council that some of the High School students have submitted a video to HGTV to participate in the "Hometown Takeover Contest. Bailey stated that the Students vision for the City is right up the same alley as this competition.

A motion made by Councilor T. Bailey and Seconded by Councilor L. Sickles to move that the City Council of Falls City adopt the proposed timeline and prize structure for the Most Improved Yard 2020 Contest.

Motion carried 6-0-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, T.J. Bailey

**9. Old Business**

- a. Corthell went over his staff report regarding Resolution 04-2020 A Resolution declaring certain city property surplus and authorizing the sale or disposition thereof and delivering follow-up information regarding outsourcing the grader and dump truck (See Exhibit F).

A motion made by Councilor T. Bailey and Seconded by Councilor T. Meier to move that the City Council of Falls City RESOLUTION 04-2020, A RESOLUTION DECLARING CERTAIN CITY PROPERTY SUPRLUS AND AUTHORIZING THE SALE OR DISPOSITION THEREOF. Motion carried 4-2-0-0. Ayes: Lori Jean Sickles, Tony Meier, Dennis Sickles, T.J. Bailey. Nays: Jennifer Drill, Cliff Lauder,

**10. Citizen Committees**

- a. Parks & Recreation Committee has a meeting scheduled for Wednesday March 18, 2020 at 11:00AM.
- b. Public Works Committee has a meeting scheduled for Thursday March 26, 2020 at 6:00PM.
- c. Historic Landmarks is currently planning to schedule their first meeting of 2020.

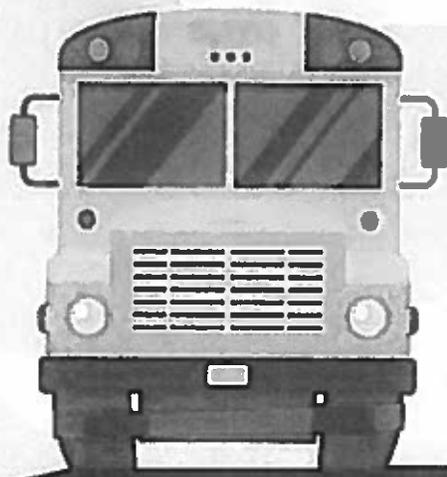
**11. Adjourn**

The meeting adjourned at 8:16 pm.

Attested:  \_\_\_\_\_ Mayor, Jeremy Gordon  
 \_\_\_\_\_ City Clerk, Jamie Ward

Join In! Our Students. Our Success.

# THE STUDENT SUCCESS ACT MARKS A TURNING POINT FOR EDUCATION IN OREGON



When fully implemented, our state will see an additional **\$1 BILLION INVESTMENT** in schools each year.

This investment will provide new opportunities for every student in our state, particularly students who have been historically underserved.



## HOW THE **STUDENT SUCCESS ACT** INVESTS IN OUR STUDENTS

At least **50%**

Student Investment Account

At least **20%**

Early Learning Account

Up to **30%**

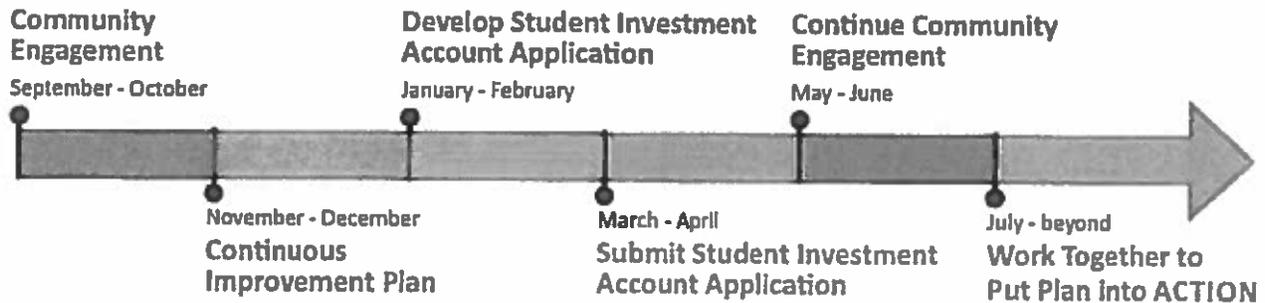
Statewide Education Initiatives

### ROOTED IN EQUITY, AUTHENTIC COMMUNITY ENGAGEMENT, AND SHARED ACCOUNTABILITY FOR STUDENT SUCCESS.

The law requires school districts to build on the strengths and assets of young people, educators, families across the state, including members of the nine federally recognized tribes; students of color; students with disabilities; emerging bilingual students; and students navigating poverty, homelessness, and foster care.



# SSA STUDENT INVESTMENT ACCOUNT TIMELINE 2019-2020



## WHAT IS THE STUDENT INVESTMENT ACCOUNT?

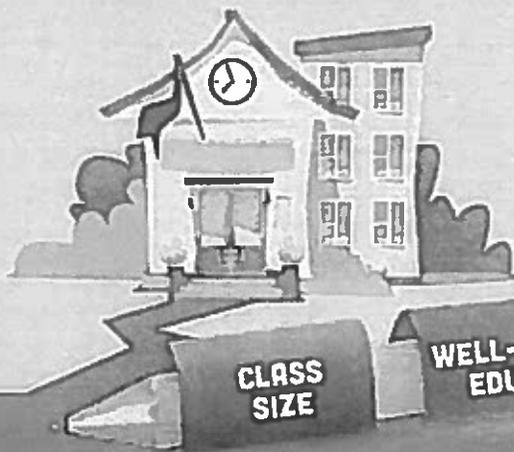
Close to **\$500 MILLION** in non-competitive grant money for all Oregon school districts and eligible charter schools.

New money has two purposes:

1. Meet students' mental and behavioral health needs.
2. Increase academic achievement and reduce academic disparities for:
  - Students of color;
  - Students with disabilities;
  - Emerging bilingual students; and
  - Students navigating poverty, homelessness, and foster care; and other students that have historically experienced disparities in our schools.

## 5 Areas for Input

- 1 Reducing academic disparities (gaps between outcomes for different student groups)
- 2 Meeting students' mental and behavioral health needs
- 3 Providing access to academic courses
- 4 Allowing teachers and staff sufficient time to collaborate, review data and develop strategies to help students stay on track to graduate
- 5 Establishing and strengthening partnerships



## Allowable Investments

CLASS SIZE

WELL-ROUNDED EDUCATION

INSTRUCTIONAL TIME

HEALTH & SAFETY

## FOR MORE INFORMATION

Visit [oregon.gov/ode/StudentSuccess](http://oregon.gov/ode/StudentSuccess)  
Follow us @ORDeptEd | #studentsuccessact



OREGON  
DEPARTMENT OF  
EDUCATION

*Oregon achieves... together!*

**Community Input Session: December 18, 2019**

Step 2: Participants took identified "areas for improvement" from Input Session I and categorized into allowable uses. Tally marks indicate how many times this item was placed in this category.

Well-Rounded Ed	Instructional-Time	Health & Safety	Class Size
<ol style="list-style-type: none"> <li>1. Holistic Academic success coaching</li> <li>2. Languages (live teacher) III</li> <li>3. Transportation IIIIIII</li> <li>4. Big Partners II</li> <li>5. Life Skills IIIII</li> <li>6. Staff to develop partnerships III</li> <li>7. Graduation to Trades pipeline</li> <li>8. Middle school model</li> <li>9. 3rd &amp; 6th Grade Success program IIIII</li> <li>10. Culinary Arts</li> <li>11. Hunter Safety</li> <li>12. Alternative PE (ie: community service for PE)</li> <li>13. More Electives IIIII               <ol style="list-style-type: none"> <li>a. CTE/Hands-on IIIII</li> <li>b. K-12 CTE/career curriculum</li> </ol> </li> <li>14. Music/Art III</li> </ol>	<ol style="list-style-type: none"> <li>1. More PLC for teachers III</li> <li>Better diagnostics for student achievement</li> <li>2. Improve teacher/specialist to parent communication</li> <li>3. Early intervention programs</li> <li>4. Holding athletes more accountable for academic achievement II</li> <li>Better data = having a person with time to create instruments, collect and analyze data II</li> <li>5. Family/Community resource sharing so ALL students can access internships, CTE, programs, etc</li> </ol>	<ol style="list-style-type: none"> <li>1. Encourage parents to communicate with staff about child's mental/emotional needs</li> <li>2. Home visit program</li> <li>3. More "bedside" conversations with parents</li> <li>4. Time to build parent/staff relationships</li> <li>5. Increase parent involvement II</li> <li>6. School to home communication III</li> <li>7. SEL Instructional coaching</li> <li>8. Prioritize at-risk kids II</li> <li>SEL</li> <li>9. Additional county mental health time IIIIIII</li> <li>10. Upgrade current camera system</li> <li>11. WOU Mentor Program II</li> <li>12. High School Reset Room IIIII</li> <li>13. FCSD type "service integration team" with parents and staff</li> <li>14. SEL groups in ES classes</li> <li>15. Encourage Parents to communicate with staff</li> </ol>	<p>NONE</p>

**Staff Input Session: January 18, 2020**

**Step 2: Participants took identified "areas for improvement" from Community Input Session I and categorized into allowable uses. Tally marks indicate how many times this item was placed in this category.**

Well-Rounded Ed	Instructional-Time	Health & Safety	Class Size
<p>Music &amp; Art IIIIIIIII</p> <p>Middle Sch Electives IIIIIIIII</p> <p>CTE IIIIIII</p> <p>Basic Life Skills IIIIIIIIIIIII</p> <p>Languages IIIII</p> <p>Grade Sch PE I</p> <p>Student Gov. IIII</p> <p>WOU Mentors III</p> <p>Hold athletes more acct IIIIIII</p> <p>Don't let kids fall through cracks IIIIIII</p> <p>Time for Partnership Dev. IIIIIII</p> <p>Lead time in Communication I</p> <p>Listen to kids I</p> <p>3rd Grade on Track III</p>	<p>More planning time III</p> <p>PLC for data III</p> <p>Use of Fridays I</p> <p>Separate SpEd for math and reading I</p> <p>Early intervention IIIIIII</p> <p>Intervention notification III</p> <p>Better diagnostics IIII</p>	<p>More mental health therapist IIIIIII</p> <p>(School Psych IIIIIIIII</p> <p>Early mental health intervention I)</p> <p>Listen to kids/school counselor IIII</p> <p>Groups I</p> <p>Healthy relationships Mid Sch IIII</p> <p>Reset room for HS IIIIIII</p> <p>7% SEL instruction II</p> <p>Newsletter I</p> <p>Prioritize at-risk kids IIIII</p> <p>Advertise resources III</p> <p>Staff/parent communication and relationships IIIIIIIIIIIII</p> <p>Conversations more than conferences III</p> <p>School home link/liaison IIIII</p> <p>Transportation II</p>	<p>NONE</p>

City Council 2/10/12020

<b>Well-Rounded Ed</b>	<b>Instructional-Time</b>	<b>Health &amp; Safety</b>	<b>Class Size</b>

MAYOR'S SCRIPT FOR QUASI-JUDICIAL AND LEGISLATIVE LAND USE PUBLIC HEARINGS

INTRODUCTION

Now is the time set for public hearings to consider Two (2) quasi-judicial land use applications.

The first (1<sup>st</sup>) application Variance 19-14 is a request to vary from the requirement that accessory structures be placed in the side or rear yard, in order to build a main structure behind an existing accessory structure.

The second (2<sup>nd</sup>) application PAR 19-21 is a request to partition one existing lot into (3) three.

MOTION

The Planning Commission is not able to act because of a lack of a quorum. Therefore, the Council must act as the Planning Commission for the two (2) quasi-judicial land use applications. Is there a motion for the Council to act in place of the Planning Commission?

\*\*\*MOTION\*\*\*

*A motion was made by Councilor T. Meier and seconded by Councilor J. Drill that the City Council of the City of Falls City act in place of the Planning Commission to process two (2) land use matters. Motion carried 6-0-0-0. Ayes; Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, T.J. Bailey.*

Vote: AYE 6 NAY 0 ABSTAIN 0 ABSENT 0

Now we will proceed with the Quasi-Judicial Land Use Public Hearings. Each hearing will be conducted separately, and I will introduce the procedures for each hearing only once.

I will introduce the applicable substantive criteria upon which each case will be decided. Our City Manager, Mac Corthell, will provide a staff report. When the staff report has been presented I will open the public hearing to public testimony. Members of the public who want to testify are asked to sign in, come up when called, and give their name and city and address for the record before they testify. We ask for your address so that we can notify you of the City's final decision. If you have any written testimony or other evidence to submit, please give that to staff so it can be entered into the record. When public testimony has been concluded I will close the public hearing and open it up for council discussion and deliberation.

After the Council has deliberated, we will need a motion to approve, modify or deny each application separately.

Are there any questions among the Council about the process?

*No questions from Council*

MAYOR'S SCRIPT FOR QUASI-JUDICIAL AND LEGISLATIVE LAND USE PUBLIC HEARINGS

Oregon land use law requires several items be read into the record at the beginning of each public hearing. The following provision will be applicable to both quasi-judicial land use public hearings tonight.

Conflicts of Interest/Ex-Parte Contacts/Bias

The Council is required to disclose any conflicts of interest and ex-parte contacts that we have with the Land Use Applications or applicants — this is whether we have any financial or other personal interest in a proposals and whether we have spoken with anybody or have other information about a proposal gathered outside of this hearing. Also, Councilors may only participate if they can do so without un-due bias either for or against an application.

Do any Councilors wish to make disclosures? Please identify the land use application for each disclosure.

*Councilor Lori Jean Sickles stated that she owned property near the property and would need to abstain on voting for VAR 19-14.*

Are there any challenges from the audience as to conflicts of interest, ex-parte contacts, or bias related to any member of the Council?

*None*

Required Statements VAR 19-14

The applicable procedural and substantive criteria upon which VAR 19-14 will be decided are found in Section 3.105 and 3.202 of the Falls City Zoning and Development Ordinance.

Your testimony, arguments, and evidence must be directed toward these criteria or other criteria in the comprehensive plan or development code that you believe apply. ORS 197.763(5)(b).

Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker or other people an opportunity to respond may preclude appeal of a decision on this application based on that issue. ORS 197.763(5)(c).

Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government or its designee to respond to the issue precludes an action for damages in circuit court. ORS 197.796(3)(b).

Public Hearing VAR 19-14

I now open the Public Hearing for application # VAR 19-14 at 6:37 PM.

I call on our City Manager, Mac Corthell to present the staff report for the first application.

*City Manager Corthell read his staff report. (See Attachment 1)*

All persons speaking before the City Council must state their name and address for the record.

MAYOR'S SCRIPT FOR QUASI-JUDICIAL AND LEGISLATIVE LAND USE PUBLIC HEARINGS

I invite the Applicant to present their case

*Not present*

I invite those in support of the application to speak

*William Carmickle, Falls City OR.*

*No problem with the building, wanted to know how big those lots are.*

*Councilor Lauder and Mayor Gordon responded that the lots meet the requirement stated in our City Code.*

I invite those opposed to the application to speak

*None*

I invite those who are neither for nor against the application to speak

*None*

I invite public agencies to comment

*None*

I invite the Applicant to present any rebuttal to the testimony presented

*None*

I close the Public Hearing for application # VAR 19-14 at 6:45 PM.

**Mayor to read:** Is there a request to keep the record open?

*See page 5 if you have a request to keep the record open. Hearing will be closed, but record will be left open for the submission of additional written evidence and testimony.*

If there is no request to keep the record open

*None*

Now it is time for Council deliberation and discussion.

*Councilor Drill wanted to know what he was going to do with the existing house.*

*Corthell stated he was going to leave the house on the same lot and split the property up. He was going to build behind a house behind the existing shop.*

*Councilor Lauder stated he feels the building is in pretty good shape and someone might want to keep the building.*

*Councilor Drill wanted to know how applicants were notified.*

*Corthell stated by the mailing address they submitted with their application.*

MAYOR'S SCRIPT FOR QUASI-JUDICIAL AND LEGISLATIVE LAND USE PUBLIC HEARINGS

\* NOTE: Only questions asked of staff are allowed after the hearing is closed.

**MOTION TO APPROVE (Requires Modification):** *I move to approve Variance application 19-14 as modified to reflect the changes made by the City Council, and to authorize the Mayor to sign a final decision of approval. (The Council will need to make alternative findings to the ones in the staff report that were found "not satisfied.")*

**OR MOTION TO DENY:** *I move that Variance application 19-14 be denied consistent with the findings in the staff report, and to incorporate the findings therein.*

\*\*\*Motion\*\*\*

A Motion was made by Councilor T. Bailey and seconded by Councilor T. Meier to Deny Variance 19-14 consistent with the findings in the staff report, and to incorporate the findings therein. Motion carried 5-0-1-0. Ayes; Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, T.J. Bailey. Abstain; Lori Jean Sickles.

Vote: AYE 5 NAY 0 ABSTAIN 1 ABSENT 0

Required Statements for PAR 19-21

The applicable substantive criteria upon which PAR 19-21 will be decided are found in Section 3.104 and 3.209 of the Falls City Zoning and Development Ordinance.

Your testimony, arguments, and evidence must be directed toward these criteria or other criteria in the comprehensive plan or development code that you believe apply. ORS 197.763(5)(b).

Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker or other people an opportunity to respond may preclude appeal of a decision on this application based on that issue. ORS 197.763(5)(c).

Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government or its designee to respond to the issue precludes an action for damages in circuit court. ORS 197.796(3)(b).

Public Hearing PAR 19-21

I now open the Public Hearing for application # PAR 19-21 at 6:53 PM.

I call on our City Manager, Mac Corthell to present the staff report for the second application  
*City Manager Corthell read his staff report (See Attachment 2)*

All persons speaking before the City Council must state their name and address for the record

MAYOR'S SCRIPT FOR QUASI-JUDICIAL AND LEGISLATIVE LAND USE PUBLIC HEARINGS

I invite the Applicant to present their case

*Tracy Young, Falls City OR.*

*Ms. Young stated that lot one (1) is the house, the second (2) lot is next to the house but goes to the fence, and the third (3) is the lot that runs along the front of the property. Ms. Young will use this to block neighbors from harassing her and will also be used as a rental.*

I invite those in support of the application to speak

None

I invite those opposed to the application to speak

*City Manager Corthell read two letters that were delivered in opposition one from Paul Dasso and the other from Polk Community Development Corporation (See Attachment 3 & 4).*

I invite those who are neither for nor against the application to speak

*Paul Dasso Falls City OR*

*Is not against or for but wanted to bring to the Cities attention that he feels the survey lines are not correct. He was wondering if this partition were accepted, would Ms. Young would have to have the land re-surveyed.*

I invite public agencies to comment

None

I invite the Applicant to present any rebuttal to the testimony presented

None

I close the Public Hearing for application # PAR 19-21 at 7:17 PM.

**Mayor to read:** Is there a request to keep the record open?

None

*See page 5 if you have a request to keep the record open. Hearing will be closed, but record will be left open for the submission of additional written evidence and testimony.*

If there is no request to keep the record open

Now it is time for Council deliberation and discussion.

*Councilor Lauder asked if this property will be surveyed.*

*City Manager Corthell stated it will be required to be surveyed by a qualified surveyor and recorded with the County.*

*Councilor Drill stated there is a lot added on as far as conditions and wanted to ask if all the conditions need to be met before Ms. Young can proceed with the permit.*

MAYOR'S SCRIPT FOR QUASI-JUDICIAL AND LEGISLATIVE LAND USE PUBLIC HEARINGS

City Manager Corthell answered that this is the City's opportunity to keep residents or builders up to code on properties that may be delinquent in those areas. Corthell went on to say Ms. Young has one hundred and eighty (180) days and is allowed to apply for an additional one hundred and eighty (180) day extension if they find they are needing more time to meet permit conditions. If those required conditions are not met by the three hundred and sixty (360) day mark then the permit will not be valid. Once conditions are met the City can grant the building permit.

Councilor Drill asked if they could reapply.

Corthell said yes or they can apply for a variance.

Councilor Bailey said that it sounds to him it would be benefit to grant this because it allows the city a chance to bring this property up to code

**\* NOTE:** Only questions asked of staff are allowed after the hearing is closed.

**MOTION TO APPROVE:** I move to approve the requested Partition of 146 Sheldon Ave, subject to the conditions of approval as set forth in the staff report, and to authorize the Mayor to sign a final decision approving application PAR 19-21 and incorporating the findings from the staff report.

**OR MOTION TO APPROVE WITH MODIFICATIONS:** I move to approve the requested Partition of 146 Sheldon Ave, subject to the conditions of approval as set forth in the staff report, as modified to reflect the changes made by the City Council, and to authorize the Mayor to sign a final decision approving application PAR 19-21 and incorporating the findings from the staff report and modification(s) made by the City Council.

**OR MOTION TO DENY:** I move that the PAR 19-21, Partition application for 146 Sheldon Ave be denied based on the following reasons:  
(The Council member making motion to deny needs to state the reasons for denial)

**\*\*\*Motion\*\*\***

A Motion was made by Councilor T. Bailey and seconded by Councilor D. Sickles to Approve Partition 19-21 a requested Partition of 146 Sheldon Ave, subject to the conditions of approval as set forth in the staff report, and to authorize the Mayor to sign a final decision approving application PAR 19-21 and incorporating the findings from the staff report. Motion carried 6-0-0-0. Ayes; Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, T.J. Bailey.

Vote: AYE 6 NAY 0 ABSTAIN 0 ABSENT 0

***See the following if you have a request to keep the record open. (Hearing will be closed, but record will be left open for the submission of additional written evidence and testimony.)***

***[READ THE FOLLOWING ONLY IF YOU HAVE A REQUEST TO LEAVE THE RECORD OPEN FOR A QUASI-JUDICIAL APPLICATION]***

**Rules Regarding Leaving the Record Open. ORS 197.763(6).**

Before the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. The City shall then keep the record open at least seven (7) days from the date of the initial evidentiary hearing (set the date and time for the closing of the open record period that is at least 7 days in the future). Persons may present and rebut new evidence, arguments or testimony by submitting materials to City Hall. Materials must be received at City Hall before the expiration of the open record period. If new written evidence is submitted, any person may request, prior to the conclusion of the open record period, that the record be left open for an additional seven (7) days to submit additional written evidence, arguments or testimony for the purpose of responding to the new written evidence.

At the conclusion of the open record period, unless waived, the applicant has 7 days after the close of the record to provide final legal argument. (ORS 197.763(6)(e).) Once the open record period is closed, the Council will deliberate and make a decision on the application.

**STAFF REPORT**

**VARIANCE 19-14**

STAFF REPORT: January 15, 2020  
CITY COUNCIL HEARING DATE: February 10, 2020

**APPLICANT/OWNER:** Landon Miller

**ZONING/COMP. PLAN DESIGNATION:** Residential (R)/Residential (R)

**LOCATION:** Lot 16 & 17 of Block C, first addition to Falls City. See exhibits.

**SIZE:** 15,000 square feet (approx. 0.34 acres)

**TAX LOT:** TL 2000, Map 8.6.16CC

**CRITERIA:** Falls City Zoning and Development Ordinance 2.203, 3.105 and 3.202.

**EXHIBITS:**  
 Exhibit A: Variance Application  
 Exhibit B: Site and Building Plans  
 Exhibit C: FCZDO Accessory Structure Regulation

**I. REQUEST**

Variance from the required rear or interior side yard placement of an accessory structure. An approved property line adjustment left only an accessory structure on the lot in question. Applicant wishes to build a main structure on the property, but the existing accessory structure would be in front of the main structure.

**II. PROCEDURE**

According to the Falls City Zoning and Development Ordinance (FCZDO), Subsection 3.102.C, the City processes Variance applications as Type III actions. FCZDO section 3.105 explains the procedures for Type III actions. In accordance with FCZDO section 3.105, notice of the Variance application and hearing was posted on the subject property and mailed to property owners within 250 feet of the subject property on January 17, 2020. The applicable criteria upon which Variance applications are reviewed are found under Falls City Zoning and Development Ordinance 3.202.

**III. APPEAL**

The decision of the City Council shall be the final land use action on the application unless appealed to the Land Use Board of Appeals (LUBA).

#### IV. BACKGROUND

On Site. The landowner created 3 lots from an existing 1 in property line adjustment 19-13. The 1 lot was actually 5 separate lots of record used as 1, with a single family residential structure on the SE portion of the property, and an accessory structure associated with that single family residential structure on the SW portion of the property, in the rear of the existing residence. Accessory structures are not permitted without a primary structure, and must be located in the rear or interior side yard of the property, however the City Administrator discussed this with the applicant and they were clear that the accessory structure would need to be removed prior to a building permit being granted for the new lot, or a variance approved to allow the structure to be located in front of the primary structure on the property.

Surrounding. The property is surrounded by other Residentially zoned and developed property. The property fronts on Fair Oaks St.

#### V. REVIEW STANDARDS AND CRITERIA

Variance from the required front or rear yard placement of an accessory structure to allow preservation of the existing accessory structure when the new main structure is built.

*FCZDO section 3.202.E. states, "The Planning Commission may allow a variance from a requirement or standard of this Ordinance after a public hearing conducted in accordance with the review procedures, provided that the applicant provides evidence that the following circumstances substantially exist. Approval shall not be granted unless each of these criteria is met.*

- 1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this Ordinance, topography, or other circumstances substantially exist.*

**FINDINGS:** The applicant did not respond to this criteria. To staff's knowledge there are no physical characteristics of the land, improvements or lot size and shape that prevent the applicant from complying with this standard. Staff finds this criterion is not satisfied.

If the Falls City Council believes that this criteria is met, it must state how. The most likely avenue for approval would be "exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and other circumstances substantially exist (must state what those circumstances are)."

- 2. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or zone.*

**FINDINGS:** The applicant did not respond to this criteria.

Staff does not find evidence that the use of the property cannot be continued (i.e. that the site cannot feasibly be developed if conformance with the applicable accessory structure placement is required). For example, the applicant may remove the existing accessory structure. Staff finds this criterion is not satisfied.

If the Falls City Council finds the variance is necessary to preserve and enjoy a substantial property right, it must state which right, and why it can't be alternatively met.

3. *The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located, or otherwise conflict with the objectives of any City plan or policy.*

**FINDINGS:** The applicant did not respond to this criteria. Notice of the application was provided to property owners within 250 feet of the subject property in advance of the public hearing. Staff finds that no material detriment would occur if the variance is approved. Staff finds this criterion is satisfied.

4. *That the special conditions and circumstances on which the application is based do not result from the negligent or knowing violation of this Ordinance by the applicant.*

**FINDINGS:** The applicant did not respond to this criteria. Staff finds that the applicant was on notice that the lot reconfiguration would render the accessory structure presently non-compliant (no main structure), and would not allow for compliant construction of a main structure in the proper location in front of or next to the accessory structure. Staff finds this criterion is not satisfied.

5. *The variance requested is the minimum variance which would alleviate the hardship.*

**FINDINGS:** The applicant did not respond to this criteria. Staff finds that if a hardship exists, it is the cost of removing the existing accessory structure. Allowing for the accessory structure to be placed in front of the residence would be the minimum variance to cure the hardship. Staff finds this criterion is satisfied.

6. *Strict adherence to the requirement or standards is unnecessary because the proposed variance will reasonably satisfy both of the following objectives:*
  - a. *Grant the variance will not create significant adverse effects to the appearance, function or safety of the use on the subject property; and*
  - b. *Granting the variance will not impose limitations on other properties in the area, including uses which would be allowed on vacant or underdeveloped sites.*

**FINDINGS:** The applicant did not respond to this criteria. Staff finds granting the variance would cause an aesthetic deficiency in the property by locating an accessory building closest to the roadway which is non-uniform compared to the other properties in the area. Staff finds criterion 6a is not satisfied.

Staff finds approval of the variance will not create adverse effects nor impose limitations upon surrounding properties. Staff finds criterion 6b is met.

7. *Approval of the application does not conflict with policies and objectives of the Comprehensive Plan.*

**FINDINGS:** Staff finds the approval of the Variance application would not conflict with the policies and objectives of the Falls City Comprehensive Plan, beyond conformance with the applicable zoning regulations for accessory structure placement. This criterion is satisfied.

## **VI. SUMMARY FINDINGS, RECOMMENDATION, AND CONDITIONS OF APPROVAL**

Based upon the findings contained in the staff report, staff recommends denial of the proposed variance.

## **VII. SAMPLE CITY COUNCIL ACTION**

- A. Deny Variance 19-14 to allow placement of an accessory structure in the front yard of the main building.**
  - 1. as presented in the staff report, including the findings of fact, or
  - 2. as stated in the staff report with modifications by the City Council. The motion must include the modifications and any necessary changes to the staff responses or findings of fact.
  
- B. Approve Variance 19-14 to allow placement of an accessory structure in the front yard of the main building (*stating how the application meets all criteria stated as "unsatisfied" by staff*).**

**STAFF REPORT**

PAR 19-21

Staff Report: January 29, 2020

City Council Meeting: February 10, 2020

**APPLICANT/OWNER:** Tracy Young

**REQUEST:** A partition to an approximately 3.9 acre parcel into three (3) parcels. Upon partition approval Parcel 1 will measure approximately 3.05 acres/132,800 Sq. Ft. Parcel 2 will measure approximately 0.45 acres/19,344 Sq. Ft. Parcel 3 will measure approximately 0.40 acres/17,670 Sq. Ft.

**ZONING/COMP PLAN:** Residential/Residential

**ASSESSOR'S  
MAP/TAX LOT:** Map 8.6.21CA, Tax Lot 0400

**LOCATION:** 146 Sheldon Ave.

**CURRENT LOT SIZE:** Approx. 3.9 acres, or 169,884 Sq. Ft.

**CRITERIA/STANDARDS:** City of Falls City Zoning and Development Ordinance (FCZDO), Sections 2.101, 3.104 and 3.209

**EXHIBITS:**  
Exhibit A: Application and draft partition plat  
Exhibit B: Assessor's Map  
Exhibit C: Responses to Request for Comments

**I. REQUEST**

Partition of an approximately 3.9 acre parcel into three (3) parcels. Upon partition approval Parcel 1 will measure approximately 3.05 acres/132,800 Sq. Ft. Parcel 2 will measure approximately 0.45 acres/19,344 Sq. Ft. Parcel 3 will measure approximately 0.40 acres/17,670 Sq. Ft.

**II. PROCEDURE**

According to the Falls City Zoning and Development Ordinance (FCZDO), Subsection 3.209.05, the City processes partitions as Type I-B actions. FCZDO Section 3.104 explains the procedures for Type I-B actions. Partition applications are reviewed under the standards and requirements of Subsections 2.101, 3.104, 3.209, and 3.2110.

### **III. APPEAL**

According to the Zoning and Development Ordinance, Section 3.104, the decision of the City Council shall be final unless a notice of appeal is filed. Any party with standing may appeal the City Council's decision to the Land Use Board of Appeals (LUBA). An aggrieved party must file the appeal within 21 days of the mailing of the decision to LUBA.

### **IV. BACKGROUND**

**On Site.** A residential home, a shop, and a barn.

**Surrounding.** The property is surrounded by other residentially zoned properties.

**Water.** Water service is available via an existing public main in Parry Rd. and the property has one existing water connection (to the existing residence).

**Sanitary Sewer.** The property has one existing septic and drain field to serve the existing residence and shop. Any new septic systems will require City and Polk County Public Works approval as city sewer is not available to this location at present.

**Storm Drain.** The portions of the property adjacent to the public right of way, Sheldon Ave, have drainage ditches in place.

**Fire Hydrant.** The nearest hydrant is located at the intersection of Cameron St. and Parry Rd. approximately 550 ft. from the subject property.

**Access.** Gravel driveways exist on the south and west sides of the property.

### **V. REVIEW STANDARDS AND CRITERIA**

According to Development Code Section 3.209.03, the City requires partition applications for any land division which creates two or three parcels in a calendar year.

Development Code Section 2.207 provides the development standards and criteria for partitions and subdivision. Other dimension standards such as yard setbacks, are applied at the time of proposed development as long as the proposed partition can meet the criteria for a partition and is approved.

#### **2.207.01 BLOCKS**

- A. **General:** The length, width, and shape of blocks shall take into account the need for adequate lot size and street width, and shall recognize the limitations of the topography.
- B. **Size:** No block shall be more than 1,000 feet in length between corner lot lines unless it is adjacent to an arterial street, or unless the topography or the adjoining streets justifies

an exception. The recommended minimum length of blocks along an arterial street is 1,800 feet.

**Findings:** The proposed partition does not create any new streets or blocks. This standard does not apply.

#### **2.207.02 EASEMENTS**

- A. **Utility Lines:** Easements for the City's wastewater system lines, water mains, electric lines or other public utilities shall be dedicated whenever necessary. The easements shall be at least 10 feet wide and shall be centered on lot lines, whenever possible. Utility pole tieback easements may be reduced to six (6) feet in width.
- B. **Water Courses:** If a subdivision is traversed by water courses such as a drainageway, channel, or stream, there shall be provided a storm sewer easement or drainage easement conforming, substantially, with the lines of the water course, and adequate for the purpose, unless the water course is diverted, channeled or piped in accordance with plans approved by the City Engineer. Parkways parallel to major watercourses may be required.
- C. **Pedestrian Ways:** When desirable for public convenience or safety, pedestrian ways, not less than 10 feet in width may be required to connect to cul-de-sacs or to pass through unusually long or oddly shaped blocks.
- D. **Easements of Way:** An easement of way providing access to property, and which is created to allow the partitioning of land, may be approved by the Planning Commission subject to specified conditions:

**Findings:**

There are no known easements on the property. The partition creates a need for an easement for the existing water service with proposed lot 3 as the dominant parcel and proposed lot 1 as the servient parcel. The partition can be conditioned to meet this requirement.

#### **2.207.03 LOTS**

- A. **Size and Shape:** Lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. All lots in a subdivision shall be buildable. Lot dimensions shall conform to the zoning requirements of the area. The depth of lots shall not ordinarily exceed two and one half times the average lot width.
- B. **Access:** Each lot shall abut upon a street other than an alley for a width of at least 25 feet, except those lots approved and created by authority of the Planning Commission subject to Subsection 2.207.02 (D).
- C. **Through Lots:** Through lots shall be avoided except where they are essential to provide, separation of residential development from major traffic arterials or adjacent

nonresidential development, or to overcome specific disadvantages of topography and orientation. A planting screen easement at least 10 feet wide, and across which there shall be no right of access, may be required along the line of lots abutting such a traffic arterial or other incompatible use.

- D. Lot Side Lines: The side lot lines of lots, so far as practical, shall run at right angles to the street upon which the lots face.

Findings: The proposed parcel sizes exceed the City's minimum lot size requirement of one-quarter acre (10,890 square feet) and appear sufficient in size and shape to reasonably accommodate future development that complies with applicable setback and development requirements for the R Zone District. The lot depths do not exceed two and one half times the average lot width.

All proposed parcels meet street frontage requirements of 25 feet.

All proposed side lot lines shown on the applicants' plan indicate side lot lines that run at right angles to Sheldon Ave. except where Sheldon Ave turns at a 45 degree angle along the property line and makes right angles impracticable.

No through lots are proposed.

This criterion is met.

#### **2.207.04 LOT GRADING**

Lot grading shall conform to the following standards unless physical conditions demonstrate the propriety of other standards:

- A. Cut slopes shall not exceed 1½ feet horizontally to one foot vertically.
- B. Fill slopes shall not exceed two (2) feet horizontally to one foot vertically.
- C. The character of soil for fill and the character of lots made useable by fill shall be suitable for the purpose intended.
- D. The minimum elevation at which a structure may be erected, taking into consideration the topography of the lot, the surrounding area, drainage patterns, and other pertinent data, shall be established by the Building Inspector.
- E. The City Engineer shall determine whether a storm drainage system is necessary to control, manage and dispose of water lying on or running over a subdivision. In addition, the subdivider shall be required to meet other standards and conditions imposed by State laws and City ordinances.

Findings: The proposed partition does not propose any lot grading at this time. This criterion is not applicable. A recommended condition of approval states that any future lot grading meet the requirements of FCZDO 2.206 for Storm Drainage and FCZDO 2.207.04.

**2.207.05 BUILDING LINES**

If special building setback lines are to be established in the subdivision, they shall be shown on the subdivision plat or included in the deed restrictions.

Findings: The applicant did not request any special building setback lines. Future development and/or proposed structures shall meet the minimum setbacks established for the R Zone District. This standard does not apply.

**2.207.06 LARGE LOT SUBDIVISION**

In subdividing tracts into large lots which at some future time are likely to be re-subdivided, the Planning Commission may require that the blocks be of such size and shape, be so divided into lots, and contain such building site restrictions, as will provide for the future re-subdivision of the property.

Findings: Pending approval, the applicant proposes to create two (2) parcels of 0.40 and 0.45 acres, or approximately 19,344 sq. ft., and 17,760 sq. ft. The minimum lot size in the R zone is 10,890. Staff finds this criterion does not apply.

**2.207.07 LEFTOVER LAND**

Islands, strips, or parcels of property unsuited for subdividing and not accepted by the City for appropriate use, shall not be left undivided, but shall be identified as required in this Section.

Findings: The proposed plat does not indicate any leftover land. Therefore, staff finds this criterion does not apply.

**2.207.08 OPEN SPACE**

Subdivisions and partitions of land, which include lands identified on the Significant Resources Map of the Comprehensive Plan as Open Space Resources shall provide for the preservation of the identified resource area through one of the following methods:

- A. **Public Dedication:** Open space resources which are determined by the Planning Commission to be suitably located to serve as public park lands may be dedicated to the City for such use.
- B. **Common Area Dedication:** Open space resources may be included in a tract of land to be owned in common by the owners of lots within the development. A nonprofit homeowners association shall be created, in a manner acceptable to the City Attorney, for the ownership and maintenance of such tracts. The tract shall be preserved in perpetuity as open space using conservation easements, deed restrictions, or by appropriate notation on the final plat.

- C. Conservation Easements: If identified open space resources are to be included in lot areas, conservation easements shall be required to prohibit development within the open space area and to protect existing scenic vegetation and/or natural features.

Findings: Staff finds the proposed partition does not include land identified on the Significant Resources Map of the Comprehensive Plan and this criterion does not apply.

### **2.208.03 IMPROVEMENT REQUIREMENTS**

The following improvements shall be installed at the expense of the subdivider or partitioner:

- A. Water supply system. All lots within a subdivision or partition shall be served by the City water supply system.

Findings: Water service is available at Sheldon Ave. and currently serving proposed lots 1 and 3. Proposed lot 2 will require new water service. This criterion can be met through a condition.

- B. Wastewater system. All lots within a subdivision or partition shall be connected to the City's wastewater system.

Findings: Wastewater service is not available within 300 feet of the subject properties, thus each must be serviced by septic. Prior to final plat approval, written approval of a proposed or existing septic system for each proposed parcel shall be required from Polk County Sanitarian. The applicant or subsequent owner shall be responsible for installing septic on the parcels at the time of development, if applicable.

FCZDO 2.111.03.F.2 allows the City to require the applicant record an approved "Waiver of Rights to Remonstrate for Street and Public Utility Improvements" in lieu of connecting to sewer. Staff and the City Engineer recommend a non-remonstrance agreement be recorded for all parcels in lieu of street and/or utility improvements at this time but future connection to sewer could be required, if made available (see Exhibit C).

- C. Drainage. Such grading shall be performed and drainage facilities installed conforming to City specifications as are necessary to provide proper drainage within, or adjacent to, the subdivision or partition, in order to assure healthful, convenient conditions for the residents of the subdivision and for the general public.

Findings: In compliance with FCZDO 2.206.03, a property owner shall not modify or grade their property so as to direct runoff onto an adjacent property, other than that which is naturally occurring. Roof drainage shall be directed to the curb line or the adjacent street or to a storm sewer facility, wherever possible. Development plans shall assure that property site grading measures are taken whenever necessary to avoid excessive runoff or erosion. This is included as a recommendation condition of approval.

- D. Streets. The subdivider or partitioner shall grade and improve streets in and adjacent to subdivisions and partitions, including the extension of such streets to the paving line of

existing streets with which such streets intersect, in conformance with City specifications. Street improvements shall include related improvements such as curbs, gutters, shoulders, and median strips, to the extent these are required.

**Findings:** In compliance with the above criteria and FCZDO 2.111, street standards are applicable to all partitions in the City. FCZDO 2.111.F provides the approval criteria for partitions adjacent to existing public streets. Sheldon Ave. is identified as an Arterial Street in the Falls City Transportation System Plan (2013), Table 2-1. Arterial Streets require 60 feet of right-of-way (ROW) with 40 feet being paved traffic way, 5 foot bike lanes, and 5 foot sidewalks. The most recent street inventory shows 60 feet of ROW, with 20 feet paved and no sidewalks, and no bike lanes.

FCZDO 2.111.F waives the requirement for street improvements where the current condition of the street are in satisfactory condition to handle projected traffic loads. This partition will at most require an additional 10 trips per day, thus existing streets are adequate. This criterion is met.

- E. Pedestrian ways. A paved sidewalk, not less than 5 feet wide, shall be installed along all streets within or adjacent to land divisions, and in the center of pedestrian ways within such developments.

**Findings:** See criteria D. above and recommended conditions of approval.

## **VI. SUMMARY, RECOMMENDATION, AND CONDITIONS OF APPROVAL**

The proposed partition would create three (3) parcels from one unit of land approximately 3.9 acres in size. The proposed lots would measure 0.40 acres, 0.45 acres, and 3.05 acres in size.

The proposed partition meets or can be conditioned to meet the criterion in the Zoning and Development Ordinance. Staff recommends approval of the partition subject to timely completion of the following conditions:

### **General**

- A. Future development shall be subject to compliance with the Falls City Zoning and Development Ordinance (FCZDO), including building and structural permit review and approval and City Public Works Design Standards.

### **Public Safety**

- A. **Prior to final plat approval**, the applicant must install a turnaround on proposed lot 3 adequate for the safe operation of emergency apparatus, and approved by the Fire Chief.

### **Easements**

- A. **Prior to final plat approval**, the applicant must grant and record an easement for the water service currently running to proposed lot 3 across proposed lot 1. Proposed lot 1 will be the servient parcel and proposed lot 3 will be the dominant parcel in compliance with FCZDO 2.207.02.

### **Off-Street Parking**

- A. **Prior to final plat approval**, the applicant must construct or provide proof to the city of the existence of off street parking in compliance with FCZDO 2.202, for proposed lots 1 and 3.
- B. **Prior to granting a building permit**, the applicant must construct or provide proof of off street parking in compliance with FCXDO 2.202 for proposed lot 2.

### **Improvement Requirements**

In compliance with FCZDO 2.208.03, the following improvements shall be installed at the expense of the subdivider or partitioner:

- A. The applicant or subsequent owner shall be responsible for extending water and sewer services to all parcels, if applicable. Construction of improvements and connection to water and sewer services shall comply with City standards.
  - a. **Water Services:**
    - i. **Lot 2- Prior to final plat approval**, the applicant must extend water service to proposed lot 2.
  - b. **Wastewater Services: City Sewer not available.**
    - i. **Lot 1- Has an existing septic system.** A septic system approval from the county sanitarian will be required **prior to final plat approval** to ensure compliance with existing septic regulations.
    - ii. **Lot 2- An approved septic plan from the County sanitarian will be required prior to final plat approval** to ensure the lot is amenable to self-contained septic and all relevant regulations.
    - iii. **Lot 3- Has an existing septic system.** A septic system approval from the county sanitarian will be required **prior to final plat approval** to ensure compliance with existing septic regulations.
    - iv. **Prior to final plat approval**, the applicant must submit to the city proof of recording an approved “waiver of rights to remonstrate” for street and public utility improvements for future connection to city sewer.
- B. **Prior to final plat approval**, separate underground electric, telephone cable, and natural gas service (as available) shall be provided to each parcel.
- C. **Drainage and Grading.** Grading shall be performed and drainage facilities installed conforming to City specifications as are necessary to provide proper drainage within, or adjacent to, the subdivision or partition, in order to assure healthful, convenient conditions for the residents of the subdivision and for the general public in compliance with FCZDO 2.207.04.

- a. A property owner shall not modify or grade their property so as to direct runoff onto an adjacent property, other than that which is naturally occurring. Roof drainage shall be directed to the curb line or the adjacent street or to a storm sewer facility, wherever possible. Development plans shall assure that property site grading measures are taken whenever necessary to avoid excessive runoff or erosion (FCZDO 2.206.03).
- D. **Prior to final plat approval**, street improvements to existing streets adjacent to the subject properties shall be required at the time of land division. In lieu of street improvements, the City may allow the applicant to record a City approved "Waiver of Rights to Remonstrate for Street and Public Utility Improvements." The waiver must include addition of a 5 foot sidewalk, 5 foot bike lane, and sufficient paving to ensure 20 feet of paved traffic way from the center line of the roadway adjacent to each lot.
  - E. **Prior to final plat approval** the applicant must improve access to lots 1 and 3 (with existing structures) in order to comply with Falls City development standards. This includes a paved apron accessing each property, compliant with FCZDO construction and vision clearance requirements, placement of approved culverts, and the required permits to install said access. **Prior to building permit approval** the applicant or subsequent owner must similarly improve access to lot 2, including obtaining the required access permit.

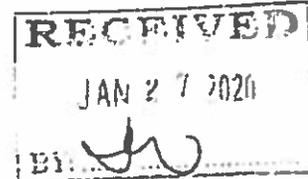
### **Final plat**

- A. **Within 180 days of the final decision approving a tentative map**, the applicant or applicant's agent shall submit four (4) copies of the proposed final plat survey to the City and County for review and approval in conformance with Oregon Revised Statute (ORS) 92. The final plat shall substantially conform to the approval granted by the City. In conformance with FCZDO 3.209.07, if the final survey is not submitted within one year, the preliminary approval shall lapse.
  - a. All Conditions of Approval labeled "**Prior to final plat approval**" must be satisfied prior to the City approving the final plat survey.
- B. The City may extend the approval period for any partition for a period of not more than 180 additional days. Requests for extension of approval shall be submitted, in writing, at least thirty (30) days prior to the expiration date of the approval period accompanied by payment of the required fee.
- C. **Prior to final plat approval**, a certified title report from a title insurance company including all parties with interest in the property, all easements, all deed restrictions, and any other encumbrances shall be submitted to the City.
- D. After recording, the applicant shall submit proof of the recorded survey to the City.

The applicant is responsible for meeting all Falls City Zoning and Development Ordinance requirements, Public Works Standards, and any other city, county or state regulation of relevance.

## **VII. SAMPLE CITY COUNCIL ACTION**

- A. Approve Partition 19-21 to partition property identified as 146 Sheldon Ave into 3 lots.
  - 1. as presented in the staff report, including the findings of fact, or
  - 2. as stated in the staff report with modifications by the City County. The motion must include the modifications and any necessary changes to the staff responses or findings of fact.
- B. Deny the partition application (stating how the application does not meet and cannot be redesigned to meet the required standards).
- C. Postpone or continue the public hearing to a time certain, or indefinitely.



January 25 2020

Paul Dasso  
Owner Tax lot 57-1 adjacent to petitioner property  
49 East Ave.  
Falls City, OR 97344

Subject:  
Application file number: PAR 19-21 A partition from 1 lot, to 3  
Applicable criteria: Falls City Zoning and Development Ordinance 3.209, 3.105 and 3.202  
Location: 146 Sheldon Ave. Tax lot 400 Map 8.6.21CA. See modified Exhibit A  
Applicant/Owner: Tracy Young

To:  
City of Falls City, Oregon  
City Council

Purpose of response to application PAR 19-21:

- I petition the City of Falls City to require as a condition of final approval of parcel division, that the applicant erect a T-post and wire fence on the actual legally described property line defined in the required plat map and survey map submissions, required for the approval process.
- I petition the city to verify accurate and actual fence installation prior to final approval.

It is common sense that actual fence lines compliment actual property descriptions, especially if the city is using this information for parcel size calculations. Accurate fence lines support the city in regards to building codes and proper setbacks, and eliminate potential problems for future property owners and the city.

Please see the "modified Exhibit A" attached.

All city and county maps show a straight common property line extending from Sheldon St and ending at tax lot 8.6.24. This is the North property line of petitioner's property and is highlighted in green.

The actual existing fence (shown in red, not to scale) does not follow the legal description shown on all maps and is obvious walking applicants' property.

Code excerpts:

**Falls City Zoning and Ordinance (Code)**

**3.209.06 Application and Fee**

**Section B.** *Each application shall be accompanied by a tentative plan.*

**B1.a.** *Vicinity map identifying all streets, property lines, streams, and other pertinent data to locate the parcel.*

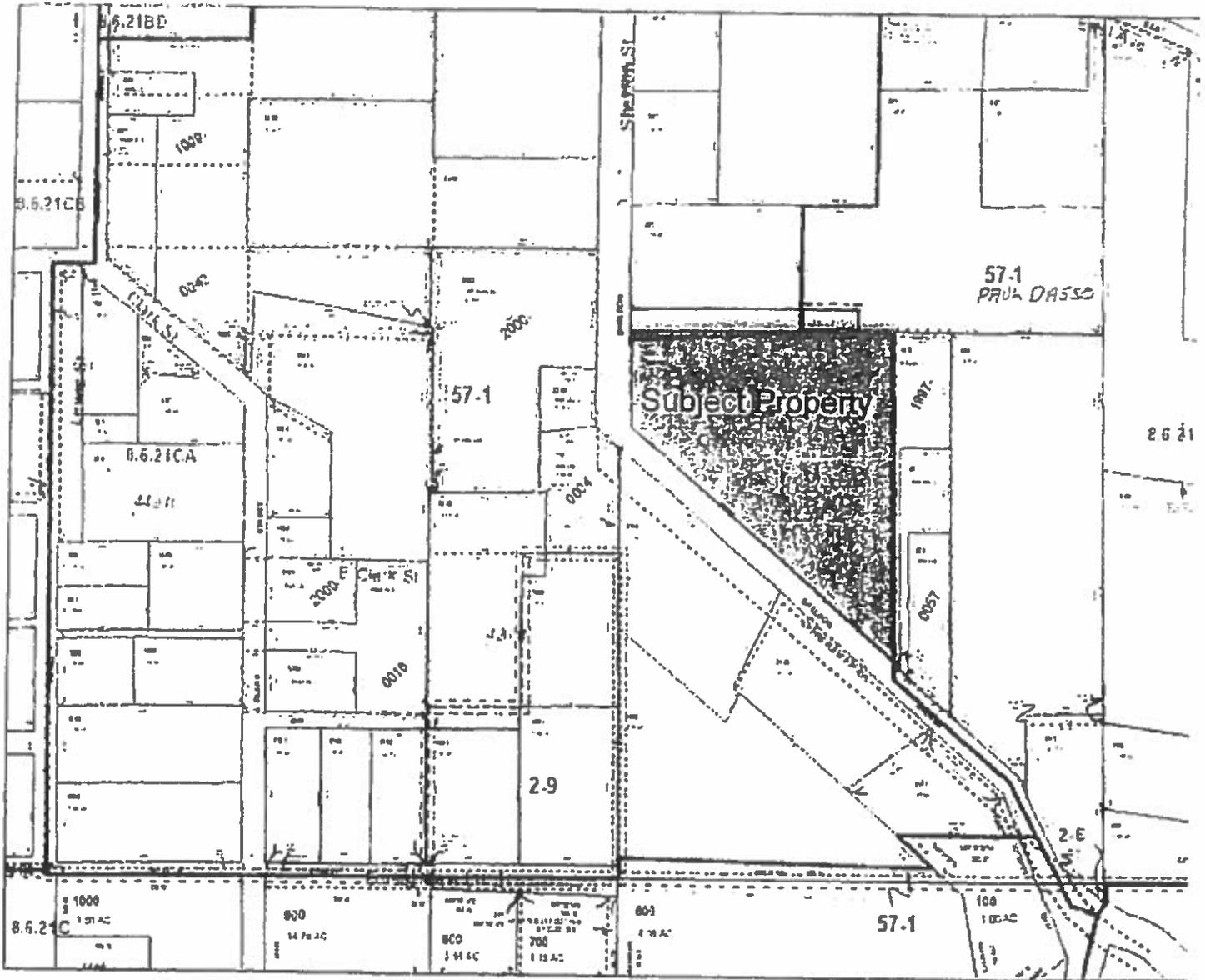
**3.209.07 Process for Final Map Approval**

**Section A.** *The survey map shall be reviewed by the City staff for consistency with the approved tentative map.*

Regards,

Paul Dasso

# ArcGIS Web Map



1/15/2020, 2:05:20 PM

Urban Growth Boundaries	2000 Scale	100 Scale	Corner	DLC - not found	0
City Limits	400 Scale	PLSS Lines	SubSection Cross	55-Special Boundary	0
Taxlots	200 Scale	22-Section Corner	D.C - found	WaterLines	Source: Esri HERE

Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri, Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA, Oregon Statewide Imagery Program, CE

*Exhibit A  
(MODIFIED)*



February 10, 2020

City of Falls City  
Macahan Corthell, City Manager  
299 Mill Street  
Falls City, Oregon 97344

RE: Notice of Partition Request  
File No. 19-21  
Applicant Tracy Young  
Real Property

To Whom It May Concern,

Polk Community Development Corporation ("Polk CDC") as secured lender holds several liens of record in the real property that is the subject of the requested partition action. The applicant Tracy Young is in default under the agreements with Polk CDC and therefore a foreclosure action has been initiated as permitted under the Deeds of Trust granted by Tracy Young as beneficiary for and to the benefit of Polk CDC. Any partition action is subject to the rights and interest of Polk CDC including the ongoing foreclosure activity.

Polk CDC does not take a formal position for or against the pending application. However, as further provided under ORS 92.075 any easements required or any final plat must obtain the consent and agreement of Polk CDC before recordation. Polk CDC requests that this requirement be made and express condition of any final approval by the City of Falls City with regard to the application of Ms. Young. We would further request notice of all decisions with regard to the application and subsequent conditions of approval.

Thank you in advance for your assistance and consideration of this request. If you have questions or concerns, please feel free to contact our office at (503) 831-3173.

Sincerely,

Rita A. Grady  
Executive Director

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## AGENDA REPORT

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**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** MAC CORTHELL, CITY MANAGER  
**SUBJECT:** SUPPLEMENTAL BUDGET 2 FOR FY19-20  
**DATE:** FEBRUARY 10, 2020

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### **SUMMARY**

A budget amendment request to account for Awarded Grants, Grant Matching, Mitigated Expenses, Reserved Funds, and Separation of Debt and Debt Service.

### **BACKGROUND**

The nature and explanation of each proposed change is on the Supplemental Budget 2, attachment 'A' to the resolution. An explanation of each proposed change is included at the bottom of attachment 'A.'

Oregon Public Budget Law requires that a city budget be balanced and that the agency will not spend more than budgeted. The law does allow provisions for adjustments for unforeseen revenues, or expenditures that would not have been known were needed at the time of the preparation of the budget.

This supplemental budget does not change any fund's overall expenditures by 10% or more, unless it is due to a specific purpose grant, thus no public hearing and special notice, relevant thereto, is required.

This supplement does require notice to be posted no less than 5 days prior to the meeting, and a statement that a supplemental budget will be considered.

### **PREVIOUS COUNCIL ACTION**

The Council approved the FY19-20 Budget in June, 2019.

The Council approved FY19-20 Supplemental Budget 1 in September, 2019.

### **ALTERNATIVES/FINANCIAL IMPLICATIONS**

Failure to grant could lead to inability to accept grants, return of grant and/or donation funds, and imbalances in the budget.

### **STAFF RECOMMENDATION**

Staff recommends the City Council approve the resolution allowing the adjustments and making appropriations

### **ATTACHMENTS**

Resolution 03-2020 Supplemental Budget No. 2

Exhibit A, Supplemental Budget No. 2

### **PROPOSED MOTION**

I move that the Falls City Council adopt Resolution 03-2020, FISCAL YEAR 2019-2020 SUPPLEMENTAL BUDGET 2.

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**STAFF REPORT**

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**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** MAC CORTHELL, CITY MANAGER  
**SUBJECT:** MOST IMPROVED YARD 2020 CONTEST  
**DATE:** FEBRUARY 10, 2020

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**SUMMARY**

A proposal and timeline for "Falls City Most Improved Yard 2020" competition.

**BACKGROUND**

In the 2018 and 2020 goal setting sessions the City Council listed Code Services as a major area of need. The first milestone in the 2020 Code Services goal is to engage the community in code services and beautification initiatives.

During the 2019 visioning process, beatification and housing (condition and options) was a main interest of the community. From that sprung the housing action committee which has already been engaged in conducting several housing related initiatives in the community.

**TIMELINE & PLAN**

Councilor Drill has volunteered to lead this initiative, the following is a timeline for her to follow in development and implementation of the contest.

1. By March 9 City Council Meeting – Contest Development
  - a. Establish a Workforce by engaging with
    - i. Housing Committee
    - ii. Parks & Rec Committee
    - iii. Fire Department
    - iv. City Hall
2. By April 13 City Council Meeting – Contest Development
  - a. Determine Contest Rules
    - i. Requirements from Contestants (e.g. before & after, info sheet)
    - ii. Scoring criteria
    - iii. Identify and engage contest judges
  - b. Develop Advertising Materials
    - i. Develop Advertisement Flyer
    - ii. Create brief narrative for dissemination (e.g. newsletter, website)
3. By May 11 – Complete Advertising and Community Engagement
  - a. Advertise
    - i. Community Outreach (schools, churches, produce giveaway, etc.)
    - ii. Newsletter, Website, Facebook
    - iii. Press Release
  - b. Manage Contest
    - i. Identify hubs for intake, output, and storage of information
4. May 11 – July 1
  - a. Conduct Contest
  - b. Set completion date and final photos late June

- c. Judge before and afters
- d. Issue Prizes

**PROPOSED PRIZE STRUCTURE**

1<sup>st</sup> Prize – Fire Department’s Surplus Tahoe

2<sup>nd</sup> Prize – \$250 gift card

3<sup>rd</sup> Prize - \$150 gift card

Last Place – 4 hours of Public Works Yard Assistance (1-2 workers and equipment)

**STAFF RECCOMENDATION**

Adopt the timeline and prize structure (subject to future amendments as needed)

**PROPOSED MOTION**

I move that the City Council of Falls City adopt the proposed timeline and prize structure for the Most Improved Yard 2020 Contest.

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**STAFF REPORT**

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**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** CITY MANAGER, MAC CORTHELL  
**SUBJECT:** RESOLUTION 04-2020 SURPLUS PROPERTY  
**DATE:** FEBRUARY 10, 2020

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**SUMMARY**

A proposal to declare some city owned vehicles and equipment surplus property.

**INFORMATION**

During the December 2019 Council Meeting, Staff proposed surplus of the City owned grader and dump truck in favor of outsourcing road grading activities and purchasing a dump bed/dump trailer PW daily use truck.

The Council asked staff to follow-up with additional information on the grader/outsourcing and the dump truck. Following is a report on the mentioned items with the information requested by the Council.

**1989 International Dump Truck****Current Use-**

1. primarily used for hauling gravel for road grading, also some use in finishing ground work for underground repairs, and for hauling yard debris etc.

**Issues-**

1. Aging piece of equipment that could be removed from inventory and replaced with a dump bed truck that has multiple additional applications;
2. No member of City Staff is appropriately licensed to drive this vehicle.
  - a. A class B CDL is required for vehicles with a GVWR of 26,000 lbs or more. The GVWR of this vehicle is 33,000 lbs.
  - b. Cost of Class B CDL - \$2,800 + \$1,250 (40 hrs \* \$32) for the course, \$150 physical, \$200 in DMV fees = \$4,350

**Proposal-**

1. Surplus this vehicle;
  - a. Aging equipment loses value yearly and costs more to maintain
2. Outsource the gravel hauling for roadways along with grader services;
3. Replace other applications with a dump bed PW truck (no CDL required).
  - a. Risk due to no CDL mitigated as well as cost to obtain and maintain CDL mitigated

**1978 Grader****Current Use –**

1. Used for less than 60 hours per year to grade the City's gravel roadways during the rainy season.

**Issues-**

1. Aging piece of equipment requiring consistent repair. Could be removed from inventory and all applications outsourced at a fraction of the operational costs and risk currently born by the city's taxpayers.

2. Cost to operate in FY 18-19: \$10,322 for less than 60 hours = \$6,000 repair/maint, \$2,100 ee operation time, \$1,300 ee repair time (will increase by 70% since no mechanic on staff), \$210 towing and outsourcing \$530 wrk cmp, \$102 insurance.

**Proposal-**

1. Surplus the equipment;
  - a. Aging equipment loses value yearly and costs more to maintain
2. Outsource grading services (\$165/hr Polk County, \$110/hr Ole Bergman, \$95/hr Kern Smith). Same hours as last year, using lowest bid would cost \$5,700.
  - a. All risk to employees and property from operation mitigated;
  - b. Costs associated reduced by 50%

**2006 Ford F-350 with Plow**

**Current Use-**

1. Third public works truck, not used unless snow plow needs (none this year).

**Issues-**

1. The city has no real necessity to keep and maintain a dedicated snow plow rig;
2. Other than snow plowing once every couple of years for a short period of time, this truck is not used.
3. Unused vehicles still cost taxpayers in insurance, maintenance, space, and administration

**Proposal-**

1. Surplus the vehicle
  - a. Aging equipment loses value yearly and costs more to maintain
2. Outsource plowing services with grading services
  - a. Grading company will plow on an as needed basis

**FINANCIAL IMPLICATIONS**

- Grader Surplus – Approximately \$5,000/year savings in operational costs (\$10,000 total – outsourcing costs); money from the sale for the general fund; reduced risk and liability for damage to staff or property; more certainty in budgeting.
- Dump Truck Surplus – Approximately \$1,000/year savings in operation costs; \$5,000 savings in Class B CDL training and certification costs; extreme reduction of risk due to unlicensed operation in the past; money from the sale for the general fund.
- Plow Truck Surplus – Approximately \$500/year savings in operational costs; money from the sale for the general fund, reduced storage requirements

**STAFF RECOMMENDATION**

Adopt.

**EXHIBIT**

Resolution 04-2020

**PROPOSED MOTION**

I move the City Council of the City of Falls City adopt Resolution 04-2020, A RESOLUTION DECLARING CERTAIN CITY PROPERTY SUPRLUS AND AUTHORIZING THE SALE OR DISPOSITION THEREOF.