

**NOTICE OF SPECIAL MEETING OF
THE CITY COUNCIL OF FALLS CITY
AGENDA**

Thursday May 24, 2018 6:00 p.m.

SPECIAL MEETING OF THE CITY COUNCIL OF FALLS CITY

Meeting Location: 320 N Main Street, Falls City, Oregon 97344

- 1) **Call to Order**
 - a) Roll Call: _____ Mayor Jeremy Gordon _____ Dennis Sickles _____ Lori Jean Sickles _____
Jennifer Drill _____ Tony Meier _____ Charlie Flynn _____ Clifford Lauder _____
- 2) **Pledge of Allegiance**
- 3) **Motion to Adopt the Entire Agenda**
- 4) **Public Hearing:** First required hearing on Library Closure in accordance with ORS 357.621.
 - a) Library Closure Agenda Report pg. 1-4
- 5) **Mayor's Partition Script**
 - a) Introductionpg. 5
 - b) Motion – City Council to Serve as Planning Commission.....pg. 5
 - i) Ordinance No. 530-2013pg. 95
 - c) Process.....pg. 5
 - d) Conflicts of Interest/ Ex Parte Contacts/ Bias.....pg. 5-6
- 6) **Public Comments** This section of the agenda allows citizens up to 5 minutes to present information or raise issues regarding items not on the agenda. Council may not be able to provide an immediate answer or response, but may direct staff to follow up on any questions raised. Please state your name and city of residence for the record. Please supply 9 (nine) copies of the material brought to the meeting for distribution.
- 7) **Public Meeting (PAR 18-01):** Partition the 0.60 acre parcel at 239 Sheldon Ave (T8S-R6W-Section 21CA, Tax Lot 2100) into two (2) parcels of approximately 0.30 acres each.
 - a) Mayor's Script for partition meetings for PAR 18-01pg. 6
 - b) Staff Report for PAR 18-01 pg. 9-17
 - i) Exhibit A- Application and Draft Plat Map..... pg. 18-25
 - ii) Exhibit B- Assessor's Mappg. 26
 - iii) Exhibit C- Responses to Request for Comments pg. 27-30
 - iv) Exhibit D- FCZDO 2.211 Street Standards..... pg. 31-35
- 8) **Consider adoption of the staff report for PAR 18-01 and authorize Mayor Gordon to sign the final decision.**
- 9) **Public Meeting (PAR 18-02):** Partition the 0.60 acre parcel at 239 Sheldon Ave (T8S-R6W-Section 21CA, Tax Lot 2100) into two (2) parcels of approximately 0.30 acres each.
 - a) Mayor's Script for partition meetings for PAR 18-02 pg. 6-7
 - b) Staff Report for PAR 18-02 pg. 36-44
 - i) Exhibit A- Application and Draft Plat Map..... pg. 45-54
 - ii) Exhibit B- Assessor's Mappg. 55
 - iii) Exhibit C- Responses to Request for Comments pg. 56-58

The City of Falls City does not discriminate in providing access to its programs, services, and activities on the basis of race, color, religion, ancestry, national origin, political affiliation, sex, age, marital status, physical or mental disability, or any other inappropriate reason prohibited by law or policy of the state or federal government. Should a person need special accommodations or interpretation services, contact the City at 503.787.3631 at least 48 (forty-eight) hours prior to the need for services and every reasonable effort to accommodate the need will be made.

iv) Exhibit D- FCZDO 2.211 Street Standards..... pg. 59-63

10) Consider adoption of the staff report for PAR 18-02 and authorize Mayor Gordon to sign the final decision.

11) Public Meeting (PAR 18-03): Partition the 0.60 acre parcel at 239 Sheldon Ave (T8S-R6W-Section 21CA, Tax Lot 2100) into two (2) parcels of approximately 0.30 acres each.

- a) Mayor’s Script for partition meetings for PAR 18-03pg. 7
- b) Staff Report for PAR 18-03 pg. 64-72
 - i) Exhibit A- Application and Draft Plat Map..... pg. 73-77
 - ii) Exhibit B- Assessor’s Mappg. 78
 - iii) Exhibit C- Responses to Request for Comments pg. 79-81

12) Consider adoption of the staff report for PAR 18-03 and authorize Mayor Gordon to sign the final decision.

13)New Business

- a) Agenda Report Resolution 10-2018 Small City Allotment (SCA) pg. 82-83
 - i) Resolution 10-2018 to Approve SCA Agreement..... pg. 84
 - ii) SCA Agreement pg. 85-94

14) Correspondence, Comments, and Ex-Officio Reports

- a) Mayor Report
- b) Council Reports

15) Council Announcements

- a) August 23, 2018 at 6pm: Final public hearing on Wagner Library Closure.

16)Adjourn

AGENDA REPORT

TO: COUNCIL
FROM: MANAGER CORTHELL THROUGH MAYOR GORDON
SUBJECT: WAGNER PUBLIC LIBRARY CLOSING
DATE: 05/14/2018

SUMMARY

The City Council motioned to close the Library on August 31, 2018.

BACKGROUND

On November 9, 2017 City Council motioned to close the Wagner Public Library on August 31, 2018. Oregon State law requires cities to follow ORS 357.621 when deciding to close a public library:

ORS 357.621 Public hearings required prior to abolishing or withdrawing support from public library. No governing body which has established a public library under the laws of this state shall abolish or withdraw support for such library without first holding at least two public hearings on the matter at least 90 days apart. The governing body shall give public notice of the public hearing in a newspaper of general circulation in the area for two successive weeks at least 30 days prior to the first hearing.

This meeting (May 24, 2018) is the first of the public hearings required by ORS 357.621. The second meeting required by ORS 357.621 is scheduled for August 23, 2018 at 6pm. Notice in accordance with ORS 357.621 was timely completed and is attached to this agenda report as an exhibit.

PREVIOUS COUNCIL ACTION

November 9, 2018 Council motioned to begin the process of closing the Wagner Public Library.

ALTERNATIVES/FINANCIAL IMPLICATIONS

Savings would be approximately \$48,000.00 per year

STAFF RECOMMENDATION

N/A

EXHIBIT

Exhibit 1 is the affidavit of publication and the associated newspaper article satisfying

the notice requirements in ORS 357.621. The notice sets the Public Meeting dates as May 24, 2018 and August 23, 2018 at 6:00 pm.

PUBLIC HEARING

Mayor calls public hearing open at _____.

Mayor requests anyone wishing to speak on the issue.

Mayor closes the public hearing at _____.

Affidavit Of Publication

STATE OF Oregon

ss.

County of Polk

I, Emily Mentzer, being
first duly sworn, depose and say I am the EDITOR
of the Polk County Itemizer-Observer, a newspaper of general circulation
as defined by ORS 193.010 and 193.020, printed and published at Dallas in
the aforesaid county and state; that the Public Hrg-Wagner Lib

_____, a printed copy of which is hereto annexed,
was published in the entire issue of said newspaper for _____
successive and consecutive weeks in the following issues: _____
04/11/18, 04/18/18

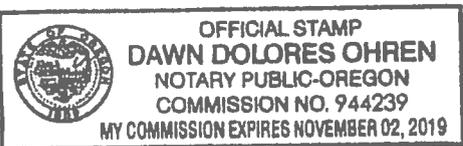
Emily Mentzer

Subscribed and sworn to before me this April 18, 2018

Dawn Dolores Ohren
Notary Public for Oregon

(My Commission Expires November 2, 2019)

Polk County Itemizer-Observer
147 SE Court St, Dallas, OR 97338



NOTICE OF PUBLIC HEARING

A meeting of the Falls City Council will be held on May 24, 2018 at 6:00 p.m. and August 23, 2018 at 6:00 p.m. at the Falls City Community Center, 320 Main, Falls City, OR 97344. The purpose of this meeting will be to discuss the motion approved by council to close Wagner Public Library. Oregon State law requires cities to follow ORS 357.621 when deciding to close a public library.

All persons interested are invited to attend this hearing and be heard. Written comments may be submitted to: City Hall, 299 Mill St., Falls City, OR 97344 Phone: (503) 787-

3631

Email: manager@fallscityoregon.gov

(Apr. 11, 18, 2018)

MAYOR'S SCRIPT FOR PARTITION APPLICATION (Type I-B) PUBLIC MEETINGS

INTRODUCTION

Now is the time set for public meetings to consider the three Partition applications. The first is for application #PAR-2018-01 at 239 Sheldon Ave., the second is for application #PAR-2018-02 located on Montgomery Street and the third is application #PAR-2018-03 located on Bryant Street.

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 these three applications. Is there a motion for the Council to act in place of the Planning Commission?

MOTION

I move that the City Council of the City of Falls City act in place of the Planning Commission.

PROCESS

Now we will proceed with the applications. Each application review will be conducted separately, but I will introduce the procedures for each application only once.

We will start each application by receiving a staff report. When the staff report has been presented, Council can ask questions of staff and deliberate on the application.

As Partition are considered and processed as Type I-B applications in the Falls City Zoning and Development Ordinance (FCZDO), they are considered Administrative Decisions where the City makes a decision in a public meeting based upon the application materials and staff report.

Property owners within 100 feet of the subject properties were notified at least 14 days prior to this hearing and provided an opportunity to submit written comments or testimony for consideration by staff and Council.

There is no public hearing or testimony (*this may be allowed at Council's discretion, but should be avoided if possible*). After the Council has deliberated, we will need a motion to approve or deny each application separately.

Are there any questions among the Council about the process?

CONFLICTS OF INTEREST/EX-PARTE CONTACTS/BIAS

Oregon land use law also requires that the hearings body (City Council in this case) disclose any conflicts of interest and ex-parte contacts that we have with the proposals or applicants — this is whether we have any financial or other personal interest in the proposal(s) and whether we have spoken with anybody about the proposal(s) outside of this public meeting. Also, Councilors may only participate if they can do so without un-due bias either for or against either application.

Do any Councilors wish to make disclosures?

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

PUBLIC MEETING

1. I now call on our City Planner Renata Wakeley to present the staff report for PAR 18-01 in reference to 239 Sheldon Ave.

RENATA will review Staff report.

Now it is time for Council deliberation and discussion.

MOTION TO APPROVE: *I move to approve the requested Partition of 239 Sheldon Ave (Map 86 21CA, Tax Lot 2100), 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 18-01 and incorporating the findings from the staff report.*

OR MOTION TO APPROVE WITH MODIFICATIONS: *I move to approve the requested Partition of 239 Sheldon Ave (Map 86 21CA, Tax Lot 2100), 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 18-01 and incorporating the findings from the staff report and modification made by the City Council.*

OR MOTION TO DENY: *I move that the PAR 18-01 Partition application for 239 Sheldon Ave be denied. (Council member moving for denial states the reasons).*

2. I now call on our City Planner Renata Wakeley to present the staff report for PAR 18-02 in reference to 390 Montgomery St.

RENATA will review Staff report.

Now it is time for Council deliberation and discussion.

MOTION TO APPROVE: *I move to approve the requested Partition of 390 Montgomery St (Map 8620AA, Tax Lot 4500), 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 18-02 and incorporating the findings from the staff report.*

OR MOTION TO APPROVE WITH MODIFICATIONS: *I move to approve the requested Partition of 390 Montgomery St (Map 8620AA, Tax Lot 4500), 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 18-02 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 18-02 Partition application for 390 Montgomery St (Map 8620AA, Tax Lot 4500) be denied based on the following reasons: (Council member moving for denial states the reasons).*

3. I now call on our City Planner Renata Wakeley to present the staff report for PAR 18-03 in reference to Bryant St between Ellis St and East St.

RENATA will review Staff report.

Now it is time for Council deliberation and discussion.

MOTION TO APPROVE: *I move to approve the requested Partition of Bryant St between Ellis and East St (Map 8616CD, Tax Lot 0703), 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 18-03 and incorporating the findings from the staff report.*

OR MOTION TO APPROVE WITH MODIFICATIONS: *I move to approve the requested Partition of Bryant St between Ellis and East St (Map 8616CD, Tax Lot 0703), 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 18-03 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 18-03 Partition application for Bryant St between Ellis and East St (Map 8616CD, Tax Lot 0703) be denied based on the following reasons: (Council member moving for denial states the reasons).*

**[READ THE FOLLOWING ONLY IF YOU HAVE A REQUEST TO CONTINUE THE HEARING OR
LEAVE THE RECORD OPEN]**

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

Partition 2018-01

Staff Report: May 17, 2018
City Council Meeting: May 24, 2018

APPLICANT/OWNER: Ronald L. Hagedorn

REQUEST: A partition to an approx. 1.17-acre parcel into two (2) half acre parcels. The property is zoned Residential and located at 239 Sheldon Ave (Polk County Map #8621CA, Tax Lot 2100). According to the applicant, he would like to divide the property evenly in half, creating two parcels measuring approx. each 25,483 sq. ft. each or approx. 0.585-acres each.

ZONING/COMP PLAN: Residential/Residential

ASSESSOR'S MAP/TAX LOT: 8621CA/2100 See Exhibit A.

LOCATION: 239 Sheldon Avenue

CURRENT LOT SIZE: Approx.0.60 acres, or 26,136 sq. ft.

CRITERIA/STANDARDS: City of Falls City Zoning and Development Ordinance (ZDO), 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
Exhibit D: FCZDO 2.211 Street Standards

I. REQUEST

A partition to an approx. 1.17-acre parcel into two (2) half acre parcels. According to the applicant, he would like to divide the property evenly in half, creating two parcels measuring approx. each 25,483 sq. ft. each or approx. 0.585-acres each.

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 3.210.

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 single-family residence and accessory structure are located on the southwestern portion of the property. A manufactured home is currently located on the northeastern portion of the property but is proposed for removal according to the applicant.

Surrounding. The property is surrounded by other Residentially zoned and developed property and fronts on Sheldon Avenue.

Utilities.

Water:	The property has an existing water connection to Sheldon Ave (2 prev. existing structures on the existing lot provided 2 prev. connections);
Sanitary Sewer:	Any new septic systems will require City and Polk County Public Works approval;
Storm Drain:	Not applicable or available to the site; and
Fire Hydrant:	Nearest hydrant is located approx. 200 feet to the west on Sheldon; and
Access:	Sheldon Avenue (classified as an Arterial in the 2013 TSP, Table 2-1)

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 the following conditions
 1. The proposed easement is the only reasonable method by which the rear portion of an unusually deep parcel, or an unusually configured parcel, which is large enough to be divided into two or three lots, may be provided access.
 2. An easement of way shall have a minimum width of 25 feet and shall be improved with an asphalt or concrete surface a minimum of 12 feet in width, if used to access one lot, or a minimum of 20 feet in width if used to access two lots, unless a greater width is required by the Local Fire Official.
 3. An easement of way shall not provide access to more than two (2) parcels.
 4. The Planning Commission shall require the applicant to provide for the maintenance of said access; and to file an easement for said access, which includes the right to passage, and for the installation of utility lines. Such requirements shall be submitted to and approved by the City Attorney.

Findings: No known easements cross the property. As a recommended condition of approval, 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.

No Pedestrian Access or Easements of Way are proposed as part of the subject application.

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 parcels conform to the minimum lot size, width and shape requirements of the Residential Zoning District. 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 reasonable 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.

Additionally, based upon a review of the applicants' plan and an aerial photograph of the property, existing development on Parcel 1 appears to conform to the development standards for the R Zone District, including setback requirements.

Both parcels exceed the minimum 25-foot street frontage requirement.

The proposed partition does not create any through lots. The side lot lines shown on the applicants' plan indicate side lot lines that run at right angles to Sheldon Avenue.

The proposed partition complies with these standards.

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. 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, including but not limited to: 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).

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. Therefore, 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) 25,483 sq. ft. or approx. 0.585-acre parcels. The minimum lot size in the R zone is 10,890 which could allow for future division of each parcel if compliance with the FCZDO can be shown. Staff does not recommend further conditioning the proposed application as staff does not believe future development or partitioning of the site is constrained by the proposed application and compliance with the FCZDO related to future division or development will continue to 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: The applicant or subsequent owner shall be responsible for extending water service to both parcels, if applicable. Construction of improvements and connection to water and sewer services shall comply with City standards.

FCZDO 2.111.03.F.2. allows the City to require the applicant to record an approved “Waiver of Rights to Remonstrate for Street and Public Utility Improvements” in lieu of utility improvements where criteria 2.111.03.F.2.a-c are met. Although the frontage along Sheldon Street measures approx. 361 feet, Staff and the City Engineer recommend the City allow a non-remonstrance agreement be recorded with both parcels in lieu of street and/or utility improvements at this time as Sheldon Ave has little or no other frontage improvements surrounding the subject property. Alternatively, the City may decide to require a fee in lieu of utility improvements under FCZDO 2.211.03.F.3

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

Findings: The applicant or subsequent owner shall be responsible for extending sewer services to both parcels, if applicable. Construction of improvements and connection to water and sewer services shall comply with City standards.

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 utility improvements where criteria 2.111.F.2.a-c are met. Although the frontage along Sheldon Street measures approx. 361 feet, Staff and the City Engineer recommend a non-remonstrance agreement be recorded with both parcels in lieu of street and/or utility improvements at this time. Alternatively, the City may decide to require a fee in lieu of utility improvements under FCZDO 2.211.03.F.3.

- 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: 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. 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 the all partitions in the City. FCZDO 2.111.03.F provides the approval criteria for partitions adjacent to existing public streets. Sheldon Avenue is identified as an Arterial Street in the Falls City Transportation System Plan (2013), Table 2-1. Arterials require 60 feet of right-of-way (ROW) with sidewalks. The current ROW along the subject frontage is 40 feet. *Staff recommends a condition of approval requiring an additional 10 feet of ROW be shown on the recording of the final plat to accommodate future improvements to Sheldon Avenue in compliance with the TSP.*

FCZDO 2.111.03.F.2. allows the City to require the applicant to record an approved “Waiver of Rights to Remonstrate for Street and Public Utility Improvements” in lieu of street improvements where criteria 2.111.03.F.2.a-c are met. Although the frontage along Sheldon Street measures approx. 361 feet, Staff and the City Engineer recommend a *non-remonstrance agreement be recorded with both parcels in lieu of street and/or utility improvements at this time.* Alternatively, the City may decide to require a fee in lieu of utility improvements under FCZDO 2.211.03.F.3.

- 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.

VI. SUMMARY FINDINGS, RECOMMENDATION, AND CONDITIONS OF APPROVAL

The proposed partition would divide an approx. 1.17-acre parcel into two (2) half acre parcels. The property is zoned Residential and located at 239 Sheldon Ave (Polk County Map #8621CA, Tax Lot 2100). Pending approval, two parcels measuring approx. 25,483 sq. ft. each or approx. 0.585-acres each would be created.

Staff finds the proposed new parcels meet the minimum lot size for property located within Residential (R) zoning district and all public utilities are available.

The proposed partition meets or can be conditioned to meet the criterion in the Falls City Zoning and Development Ordinance (FCZDO). Staff recommends approval of the partition based upon compliance with 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, in compliance with FCZDO 3.210.

Public Safety

- B. **Prior to the issuance of future building permits**, the applicant or property owner shall submit a written statement from the Fire Marshal stating that the spacing of hydrants in the vicinity is adequate to serve the parcel. If required by the Fire Marshal, the applicant or future owner shall

install an additional fire hydrant to serve the subject property prior to issuance of a building permit. Installation of a fire hydrant shall meet City standards.

Improvement Requirements

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

- C. The applicant or subsequent owner shall be responsible for extending water and sewer services to both parcels, if applicable. Construction of improvements and connection to water and sewer services shall comply with City standards.

Wastewater service is proposed via an on-site septic system and public works has confirmed sewer is not available within 300 feet of the subject properties. **Prior to final plat approval**, written approval of a proposed septic system for the new parcel shall be required from Polk County.

Staff and the City Engineer recommend a non-remonstrance agreement be recorded with both parcels in lieu of utility improvements at this time. Alternatively, the City may decide to require a fee in lieu of utility improvements under FCZDO 2.211.03.F.3.

- D. Separate underground electric, telephone cable, and natural gas service shall be provided to each parcel.
- E. 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 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).

- F. **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." Alternatively, the City may decide to require a fee in lieu of street and utility improvements under FCZDO 2.211.03.F.3. and require the recording of a "Construction Deferral Agreement and Waiver of Rights to Remonstrate for Street and Storm Drainage Improvements" against all lots or parcels.

Performance Guarantee

In compliance with FCZDO 2.208.04, the applicant shall file a performance guarantee to insure the full and faithful performance of all terms of an improvement agreement (e.g., conditions of approval), if any, or to insure completion of all work for which permits are required, if required by the City.

Final Plat

- G. **Prior to final plat approval**, an additional ten (10) feet of right-of-way for the entire property frontage of both parcels shall be shown as dedicated to the “public” or “City of Falls City” on the final plat in order to accommodate future improvements to Sheldon Avenue in compliance with the Falls City Transportation System Plan (TSP) and FCZDO 2.111.03.F and 2.211.04.
- H. **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.
- I. 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.
- J. **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.
- K. After recording, the applicant shall submit two (2) copies of the recorded plat to the City.

VII. SAMPLE CITY COUNCIL ACTION

- A. Adopt findings in the staff report and approve Partition 2018-01 to partition property identified as Tax Lot 2100 into two (2) parcels:
 - 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. 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 (considering the 120-day limit on applications).

City of Falls City
Building Permit
Application

File # _____
Date Rec'd: 4/16/18
Fee Paid: \$800⁰⁰
Receipt No.: 585580
Rec'd By: [Signature]

Applicant(s) Ronald L. Hagedorn Telephone: 503-588-7779

Address: 5127 Nightcap St. S.E. Salem, OR, 97306

Owner(s): Ronald Lee Hagedorn Telephone: 503-588-7779

Address: 5127 Nightcap St. S.E. Salem OR, 97306

Engineer/Surveyor: Mike S. Lutero PE Telephone: 903-910-3601

Address: 805 Liberty St. NE suite 4 503.507-5032 Cell

TYPE OF APPLICATION

BUILDINGS: Construct Remodel Other
 MANUFACTURED HOME: Install Other

Brief description of project: Partition into two legal lots

BACKGROUND INFORMATION

Map Page and Tax Lot No.: _____ Zone: _____

Site Address: 239 Sheldon Ave. Falls City, Or. 97344

Legal Description: 1 L 2100

Current Use Structures: 1 house & 1 mobile home to be removed

Proposed Use: Partition into 2 lots

Previous Land Use Approvals: no

Topography: hill side

Acreage of Site: 1.17 Acre

Natural Features/Hazards of the Subject Site: Treed hill side Property
no curbs or sidewalks or street improvement. sewer not installed

Public Utility Providers (gas, electric, water, sewer, telephone): Electric, Water, Telephone.

Easements: _____
Volume and Page Number _____

(As recorded in the office of the County Clerk)

Deed Restrictions: _____

SEWER AND WATER INFORMATION

	<u>Required</u>	<u>Approved</u>	<u>Paid</u>
Sewer hookup	YES / NO : <i>Sephi</i>	YES / NO	YES / NO
Water hookup	<u>YES</u> / NO	YES / NO	YES / NO
Other fees, park, etc.	YES / NO	YES / NO	YES / NO

SITE PLAN

The applicant shall prepare and submit with their building permit application a site plan drawn to scale showing how all applicable requirements of the Falls City Zoning and Development Ordinance shall be satisfied. At minimum, the site plan shall include the following information:

- North arrow, scale, names and addresses of the property owner, developer and the person preparing the drawing
- Existing structures, roadway access, and utilities
- All proposed structures including finished floor elevations, exterior elevations and exterior finishing
- Proposed vehicular access, parking areas and utilities
- All building setbacks, and building separations
- Location, width and names of all existing street rights-of-way and public accessways abutting the perimeter of the subject property
- Location of all existing and proposed public and private easements
- Location of creeks, wetlands, waterbodies, slopes over 20 percent.

The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the *Oregon Structural Specialty Code*, the *Oregon One and Two-Family Dwelling Code*, the *HUD Manufactured Home Standards and Regulations*, or the Uniform Building Code.

I hereby certify that the above information is correct and understand that issuance of a permit based on this application will not excuse me from complying with effective Ordinances of the City of Falls City and Statutes of Oregon, despite any errors on the part of the issuing authority in checking this application.

Ronald J. Hugan
Signature of Applicant

12.22 2017
Date

BUILDING PERMIT REVIEW FEES

All building permit applicants shall be charged the ACTUAL COST to the City of Falls City of rendering a decision on their building permit application. Cost shall include but not be limited to: contract planning services, City of Falls City staff time, city attorney time, cost of supplies, printing, mailing costs, and city engineer time spent on reviewing the application.

The applicant will be required to pay the amount set by the ordinance. When a final decision is rendered by either staff or City Council the city will send a final invoice to the applicant. Building permits will not be issued until the fees are paid in full to the city.

I certify that I have read, understand, and agree to the charges outlined above:

Ronald J. Hayes
Owner(s) Signature

12-22-2017
Date

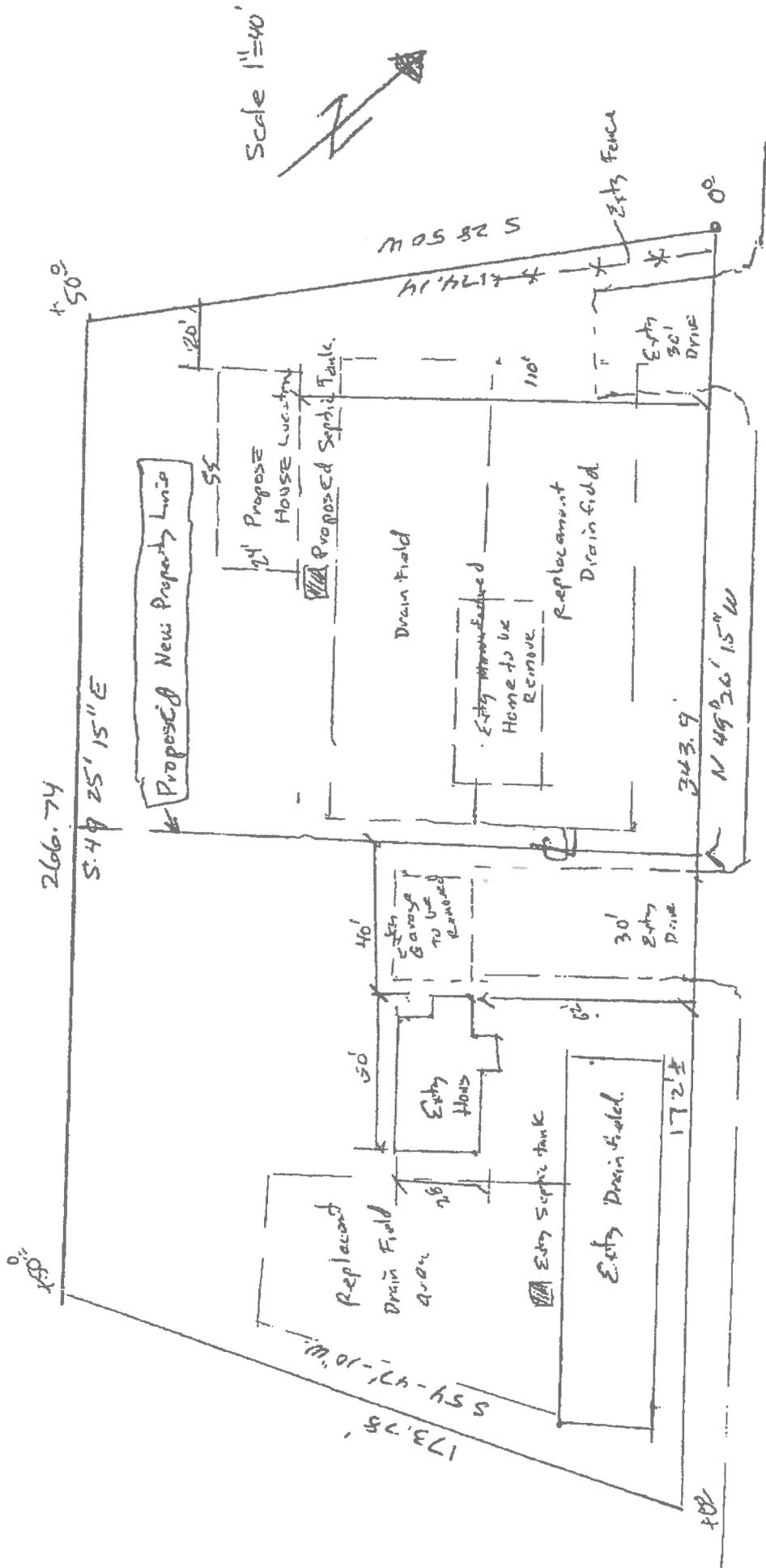
Owner(s) Signature

Date

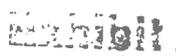
.....
Please note your permit expires if work hasn't started within 180 days from the date of issue by the Polk County Building Department. Once you have begun work, your permit expires if work is suspended or abandoned for 180 days or more.

If you can't work within a 180-day period and don't wish to abandon the project, you may submit a written request to extend your permit for an additional 180-day period.

.....



Name: Ronald Lee Hagedorn
 Signature: Ronald Lee Hagedorn
 mail address: 5127 Nightcap St. S.E.,
Salom, OR. 97306



Polk County Map

8.6.21CA

In city limits

239 SHELDON AVE FALLS CITY

7-24-2015

This map was produced using the Polk County GIS data. The GIS data is maintained by the county to support its governmental activities. The county is not responsible for map errors, omissions, misuse or misinterpretation.



7-24-2015

Polk County logo

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City of Falls City
Land Use Application

File # _____
Date Rec'd: _____
Fee Paid: _____
Receipt No.: _____
Rec'd By: _____

Type 1-A Action:

- Access Permit
- Home Occupation Permit
- Lot Line Adjustment
- Manufactured Home Placement Permit
- Sign Permit

Type 1-B Action:

- Flood Plain Development Permit
- Site Design Review
- Temporary Hardship Dwelling
- Partitions

Type II Action:

- Code Interpretation
- Modification to Approval
- Partition Plat Modification

Type III Action:

- Comprehensive Plan Map Amendments involving 5 or fewer adjacent land owners
- Conditional Use Permit
- Manufactured Home Park
- Planned Unit Development
- Historic Buildings and Sites
- Subdivision
- Variance
- Non-Conforming Use

Type IV Action:

- Annexation
- Zone Change
- Comprehensive Plan Map Amendments involving more than five (5) adjacent land owners

Other

- Pre-Application Conference

Please submit completed application and fees to: City of Falls City, 299 Mill Street, Falls City OR 97344
Last updated on 6/8/07.

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Submit AL

City of Falls City – SITE PLAN FORM

INSTRUCTIONS FOR PREPARATION OF A SITE PLAN

Site plan must be current, drawn to scale, and show all property lines.

Failure to include all of the items listed below may delay the review necessary to obtain a permit

ITEMS THAT MUST BE SHOWN ON YOUR SITE PLAN:

- 1. NORTH ARROW.
 - 2. SCALE OF DRAWING.
 - 3. STREET NAME accessing the parcel.
 - 4. ALL PROPERTY LINES AND DIMENSIONS – existing and proposed.
 - 5. DRIVEWAYS, ROADS, INTERNAL ROADS, PARKING AND CIRCULATION AREAS –existing and proposed and label as "Paved" or "Gravel." Show driveway to public right-of-way.
 - 6. EXISTING AND PROPOSED STRUCTURES - label as "Proposed" and "Existing". Include dimensions and distance to all property lines and other structures.
 - 7. UTILITY LINES AND EASEMENTS.
 - 8. GEOGRAPHIC FEATURES – ground slope and direction of slope, escarpments, streams, ponds, or other drainage ways.
 - 9. WELLS – existing and proposed on this parcel and adjacent parcels within 100 feet.
 - 10. FENCES, RETAINING WALLS – location of existing and/or proposed.
 - 11. PARTITIONING (if applicable) – proposed new property line shown by dashed lines, with parcels labeled as "Parcel 1", "Parcel 2", etc. and proposed parcel sizes.
 - 12. SEPTIC SYSTEM and REPLACEMENT AREA – existing and proposed. Show existing septic tank, drain field lines and distance from structure(s).
 - 13. STORM WATER SYSTEMS OR DETENTION BASINS – show existing and proposed.
 - 14. CUTS/FILLS – show existing and proposed.
 - 15. ELEVATIONS – at lot corners or construction area and at corners of building site.
 - 16. FLOODPLAIN – if applicable, show the boundary of the 100 year floodplain.
If sanitary sewer service is not available, a septic system must be installed. Include the following additional items on the site plan:
 - 17. TEST HOLES – show distances between holes and property lines. One test hole should be located in the center of the initial system installation site, the other in the center of the replacement area. Accuracy of location is very important.
 - 18. PROPOSED SEPTIC SYSTEM AND REPLACEMENT SYSTEM – show septic tank and distance from structure; show disposal trenches and length, width, and distance between trenches.
Commercial development must also include the following:
 - 19. FIRE DEPARTMENT ACCESS
 - 20. FIRE HYDRANTS –locations
 - 21. HANDICAP ACCESS
 - 22. LANDSCAPING – existing and proposed landscaping areas.
 - 23. PARKING – lot configuration, number of parking spaces, and off-street loading area.
- Additional information, such as patio slabs, walkways, roof overhangs, etc., may be required for the issuance of your permit.

Property Owner (s) Name: Ronald L. Hagedorn Phone: 503-588-7775
Site Address: 239 Sheldon Av. City: Fall City Zip 97344

_____ A7 _____

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8.6.21CA

NE 1/4 SW 1/4 SEC. 21 T8S R6W WM
POLK COUNTY

Scale 1" = 100'

IMPORTANT
This Map for Assessment
and Taxation Purposes
ONLY

See Map 8 21BD

Cancelled No.
1803
1901
2000
2001

See Map 8 6 21DB

See Map 8 6 21CB

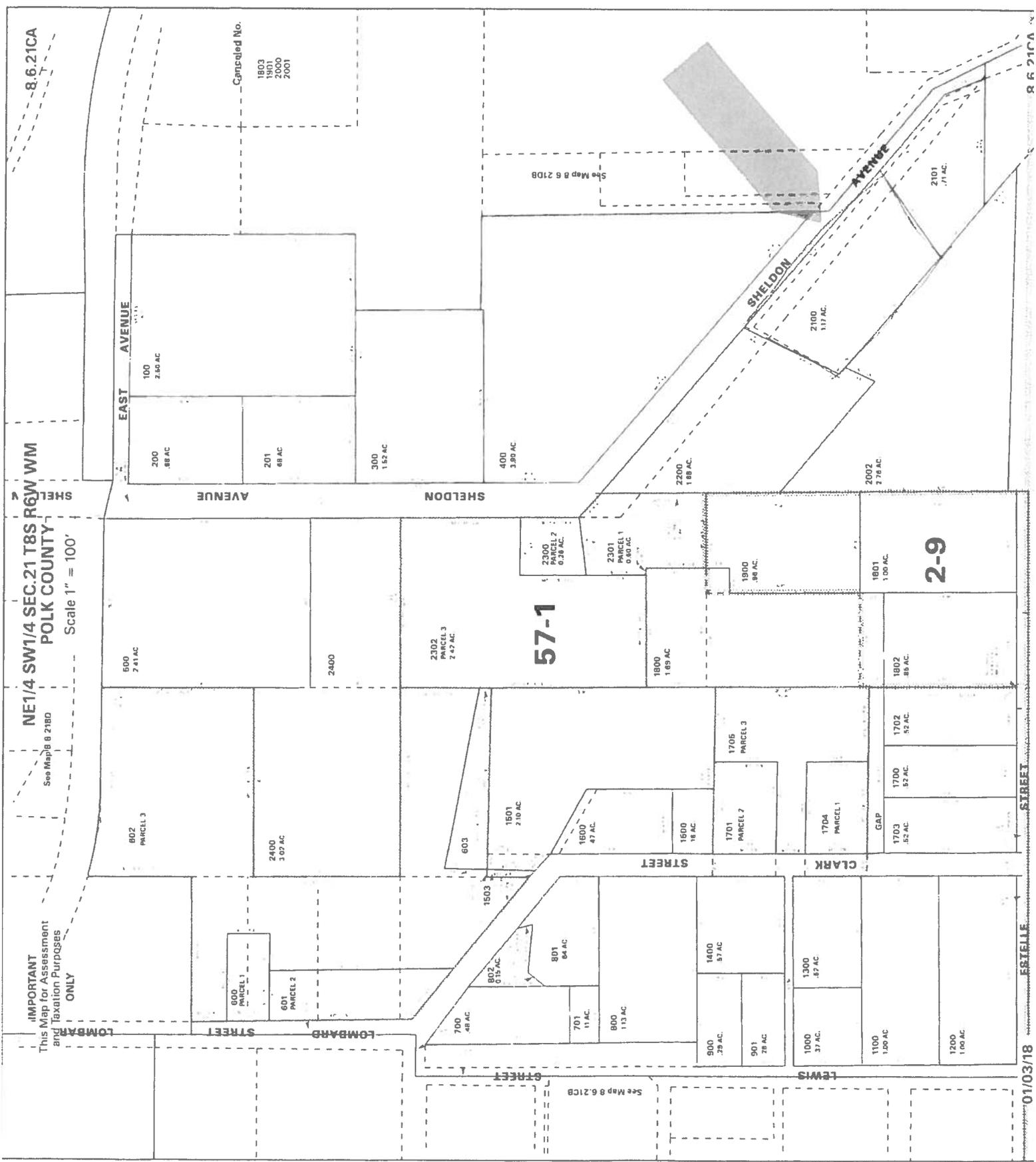


Exhibit 81

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CITY OF FALLS CITY REQUEST FOR COMMENTS

TO: Don Poe, Public Works
Bob Young, Falls City Fire Department
Steven Ward, City Engineer
Eric Berry, Polk County Surveyors Office
Terry Ungricht, City Manager

DATE: April 23, 2018

REQUEST: A partition to an approx. 1.17-acre parcel into two (2) half acre parcels. The property is zoned Residential and located at 239 Sheldon Ave (Polk County Map #8621CA, Tax Lot 2100). According to the applicant, he would like to divide the property even in half, creating two parcels measuring approx. each 25,483 sq. ft. each or approx. 0.585-acres each.

FILE NUMBER: Partition 2018-01

Please review the attached plans and indicate any conditions of approval or other comments you may wish the City to consider.

Please return your comments by April 30, 2018 to the City Planner by email: renatac@mwvcog.org or by fax: (503) 588-6094. If you further questions or comments regarding the application, please contact Renata Wakeley, City Planner at (503) 540-16186.

Comments or Proposed Conditions:

No Comments

Signature: 

Date: 4/24/18

CITY OF FALLS CITY REQUEST FOR COMMENTS

TO: Don Poe, Public Works
Bob Young, Falls City Fire Department
Steven Ward, City Engineer
Eric Berry, Polk County Surveyors Office
Terry Ungricht, City Manager

DATE: April 23, 2018

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FILE NUMBER: Partition 2018-01

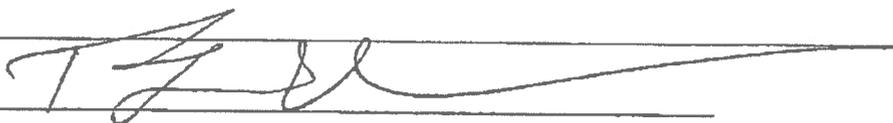
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Comments or Proposed Conditions:

No Comments from Bob Young, Fire Chief

No Comments from Terry - manager

Signature: 

Date: 4/24



WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS & PLANNERS

May 3, 2018

Renata Wakley
Land Use Planner
Mid-Willamette Valley Council of Governments
100 High Street SE
Suite 200
Salem, OR 97301

RE: 239 Sheldon Ave, Falls City Oregon

Dear Renata:

Per your request, we have reviewed the proposed partition of 239 Sheldon Avenue in Falls City, Oregon as prepared by JDMcGee, Inc.

The property is located in the southeast quadrant of the City and is generally surrounded by acreage residential parcels. The proposal is split a 1.17 acre parcel into two parcels. We have reviewed the application only with respect to public infrastructure and access and offer you the following comments regarding the various public facilities:

Water

Water service is available via an existing public main in Sheldon Avenue. The new water service shall conform to Public Works Standards and Requirements.

Sanitary Sewer

Sanitary sewer service is proposed via a septic tank and drain field. Prior to final plat approval, written approval of a proposed septic system from Polk County is required. Also, prior to recording the final plat, the property owner shall sign and record a Non-Remonstrance Agreement for any future sewer improvements.

Streets

Sheldon Avenue is currently not improved to City Standards. The existing right of way does not meet City Standards. No improvements or right of way dedication are recommended with the proposed partition. Prior to recording the final plat, the property owner shall sign and record a Non-Remonstrance Agreement for any future street improvements. The Non-Remonstrance Agreement shall include a provision requiring dedication of right away should such dedication be necessary for the future street improvements.

May 3, 2018
Renata Wakley
City of Falls City
Page 2

Drainage

Currently there are no drainage facilities available. Rain drainage from the house shall be disposed of in accordance with the Plumbing Code. Prior to recording the final plat, the property owner shall sign and record a Non-Remonstrance Agreement for any future storm drain improvements?

Private Utilities

All private utilities must be located underground.

General

The development and use of this site shall meet all of the requirements of Federal, State County and City laws, regulations and standards unless explicitly waived in this approval. Omission of any such requirement from this approval does not constitute a waiver of that requirement. It is the Developers responsibility to determine if there are any jurisdictional wetlands on the property.

A final plat and boundary survey shall be prepared and all boundaries monumented as required by ORS. The final plat shall be submitted to the City for review and approval. The plat shall substantially conform to the approved preliminary plan.

Prior to approval of the final plat, the Developer shall submit 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.

Please call if you have any questions regarding this matter.

Sincerely,

WESTECH ENGINEERING, INC.



Steven A. Ward, P.E.

Exhibit C4 30

2.211 STREET STANDARDS

2.211.01 PURPOSE

- A. To provide for safe, efficient, and convenient vehicular movement in the city.
- B. To provide adequate access to all proposed and anticipated developments in the city.
- C. To provide adequate area in all public rights-of-way for sidewalks, sanitary sewers, storm sewers, water lines, natural gas lines, power lines and other utilities commonly and appropriately placed in such rights-of-ways.

2.211.02 SCOPE

The provisions of this chapter shall be applicable to:

- A. The creation, dedication, or construction of all new public or private streets, pedestrian facilities, and bikeways in all subdivisions, partitions, or other developments in the city.
- B. The extension or widening of existing public or private street rights-of-way, easements, or street improvements including those which may be proposed by an individual or the city, or which may be required by the city in association with other development approvals.
- C. The construction or modification of any utilities, bikeways, or sidewalks in public rights-of-way or private street easements.
- D. The planting of street trees or other landscape materials in public rights-of-way.

2.211.03 GENERAL PROVISIONS

The following provisions shall apply to the dedication, construction, improvement, or other development of all public streets in the city, and are intended to provide a general overview of typical minimum design standards. All streets shall be designed in conformance with the specific requirements of the most recently adopted Street Design and Construction Standards for the City of Falls City.

The standard sections contained in the Street Design and Construction Standards for the City of Falls City are minimum requirements only and shall not be construed as prohibiting the city from requiring thicker sections or engineer designed pavement sections in lieu of standard sections where conditions warrant.

- A. The location, width and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. The arrangement of streets in a development shall either:
 - 1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
 - 2. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical or undesirable.
- B. Reserve strips: Reserve strips, or street plugs, controlling access to streets will not be approved unless accessory for the protection of the public welfare or of substantial property rights, and, in these cases, they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the Planning Commission under conditions approved by them.
- C. Alignment: So far as practical, streets, other than minor streets, shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and-otherwise shall not be less than 125 feet.
- D. Future Extension of Streets: Where necessary to give access to, or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision; and the resulting dead-end streets may be approved without a permanent turn-around. Reserve strips and street plugs may be required to preserve the objectives of street extensions.
- E. Intersection Angles: Streets shall be laid out to intersect at angles as near to right angles as practical. Where topography requires, a lesser angle may be approved but in no case shall the acute angle be less than 75 degrees unless there is a special intersection design. The intersection of an arterial or collector street with another street shall have at least 100 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Intersections, which include an arterial street, shall have a minimum corner radius sufficient to allow for a roadway radius of 28 feet and maintain a uniform width between the roadway and the right-of-way line.
- F. Existing Streets: Whenever existing public streets adjacent to, or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision, partitioning or development.
 - 1. Full street improvements to all existing streets adjacent to, within or necessary to serve the property shall be required at the time of land division or development

unless the applicant demonstrates to the satisfaction of the City Engineer that the condition and sections of the existing streets meet the City standards and are in satisfactory condition to hand projected traffic loads. Storm water drainage shall be provided for on the non-curbed side of the full street improvements as required by the City Engineer. In cases where the property with a land division or development fronts both sides of an existing street, full street improvements shall be required. The party paying the costs for improvements may require buyers along the improved area to reimburse improvement costs for up to ten (10) years. Each lot should pay a proportional amount of the total improvement costs if reimbursement is pursued.

Reserve strips and street plugs shall be dedicated, deeded, and installed to preserve the objectives of the full street prior to street construction.

2. The City may allow the applicant to record an approved "Waiver of Rights to Remonstrate for Street and Public Utility Improvements" in lieu of street improvements where the following criteria are met.
 - a. The contiguous length of the existing street to be improved (including the portion of the existing street which must be improved to serve the development) is less than 250 feet, and
 - b. The existing roadway conditions and sections are adequate to handle existing and projected traffic loads, and
 - c. Existing public utilities (water, sanitary sewer, and storm sewer) located within the existing roadway are adequate, or can be improved without damaging the existing roadway surface.

3. In lieu of the street improvement requirements outlined in Section 2.211.03 (F) (I) above, the Planning Commission, under a Type II procedure, may elect to accept from the applicant moneys to be placed in a fund dedicated to the future reconstruction of the subject street(s). The amount of moneys deposited with the City shall not be greater than 100 percent of the estimated cost of the full street improvements (including associated storm drainage improvements). Cost estimates shall be based from a preliminary design of the reconstructed street provided the applicant's engineer and shall be approved by the City Engineer. If the City Council elects to accept these moneys in lieu of the street improvements, the applicant shall also record against all lots or parcels a "Construction Deferral Agreement and Waiver of Rights to Remonstrate for Street and Storm Drainage Improvements" approved by the City Attorney. The construction deferral agreement should be worded such that the subject properties will be responsible for paying a minimum of 50 percent of the costs of the future street and storm drainage improvements to the subject street minus the value (at the time the street is constructed) of the money deposited with the City by the applicant plus an accumulated interest, e.g. (50 percent minus (deposit plus interest)). A separate

"Waiver of Rights to Remonstrate" may be required for future improvements or other public utilities.

4. All required public utilities shall be installed as part of the street construction process.
- G. **New Streets:** Where new streets are created, full street improvements shall be required. Three-quarter streets may be approved in lieu of full street improvements on boundary streets when the city finds it to be practical to require the completion of the other one-quarter street improvement when the adjoining property is developed. The city may allow three-quarter street improvements if all of the following criteria are met:
1. The adjoining land abutting the opposite side of the street is undeveloped; and
 2. Storm water drainage is provide for on the non-curbed side of three-quarter street
- One-foot wide reserve strips and street plugs may be required to preserve the objectives of three-quarter streets.
- H. **Cul-de-sacs:** A cul-de-sac shall be as short as possible, and shall have a maximum length of 400 feet. A cul-de-sac shall terminate with a turn-around, as required by this Section.
- I. **Street Names:** Street names and numbers shall conform to the established pattern in the city and shall be subject to the approval of the city. Street names shall be required for all new publicly dedicated streets and private streets.
- J. **Grades and Curves:** Grades shall not exceed six (6) percent on arterials, and ten (10) percent on any other street, unless topography mandates a steeper grade. Centerline radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept sharper curves.
- K. **Marginal Access Streets:** If a development abuts or contains an existing or proposed arterial street or railroad right-of-way, the city may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- L. **Alleys:** Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission.

2.211.04 MINIMUM RIGHT-OF-WAY AND PAVEMENT WIDTHS

The width of rights-of-way and pavement for proposed streets shall conform to the following minimum standards:

TYPE OF STREET	MINIMUM RIGHT-OF-WAY	MINIMUM PAVEMENT
Major Arterials	60	40
Collector Streets	60	40
Local Streets	50	32
Cul-de-Sacs (greater than 200 feet in length)	50	30
Cul-de-Sacs (less than 200 feet in length)	45	30
Radius for cul-de-sac turnaround	51	48
Alleys	20	20

- A. Right-of-way widths shown are exclusive of side slope easements, which may be required in addition for cuts or fills in steep terrain.
- B. Exact width standards will be defined in improvement specifications adopted by the City.
- C. The minimum roadway width may be modified by the action of the Planning Commission, taking into consideration the unique characteristics of the land, to include geography, topography, and its relation to land developments already present in the area.

2.211.05 PRIVATE STREETS

- A. Streets and other rights-of-way serving a planned unit development that are not dedicated for public use shall comply with the following:
 - 1. Private streets shall only be allowed when the city finds that public street access is:
 - a. Infeasible due to parcel shape, terrain, or location of existing structure; and
 - b. Not necessary to provide for the future development of adjoining property.
 - 2. Private streets shall have a minimum easement width of twenty-five (25) feet and a minimum paved or curbed width of eighteen (18) feet, unless a greater width is required by the Local Fire Official.

STAFF REPORT

Partition 2018-02

Staff Report: May 17, 2018
City Council Meeting: May 24, 2018

- APPLICANT/OWNER:** John and Kathryn McGee Trust
- REQUEST:** To partition an approx. 0.60-acre parcel into two (2) approx. 0.30-acre parcels. According to the applicant, upon partition approval, Parcels 1 and 2 would be approx. 13,059 and 13,155 sq. ft. in area, respectively.
- ZONING/COMP PLAN:** Residential/Residential
- ASSESSOR'S MAP/TAX LOT:** 8620AA/4500 See Exhibit A.
- LOCATION:** 390 Montgomery Street
- CURRENT LOT SIZE:** Approx.0.60 acres, or 26,136 sq. ft.
- CRITERIA/STANDARDS:** City of Falls City Zoning and Development Ordinance (ZDO), 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
 - Exhibit D: FCZDO 2.211 Street Standards

I. REQUEST

To partition an approx. 0.60-acre parcel into two (2) approx. 0.30-acre parcels. According to the applicant, upon partition approval, Parcels 1 and 2 would be approx. 13,059 and 13,155 sq. ft. in area, respectively.

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 manufactured home with garage addition, concrete driveway, and an on-site septic system exists on the parcel.

Surrounding. The property is surrounded by other Residentially zoned and developed property and fronts on Montgomery Street.

Utilities.

Water: Water service is available via an existing public main in Montgomery Street and the property has one existing water connection (1 existing structure on the existing lot);

Sanitary Sewer: The property has one existing septic and drainfield to serve the existing structure on the existing lot. Any new septic systems will require City and Polk County Public Works approval;

Storm Drain: Not applicable or available to the site; and

Fire Hydrant: Nearest hydrant is located approx. 200 feet to the west on Montgomery; and

Access: Montgomery Street (identified as a Local Street in 2013 TSP, Table 2-1)

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 the following conditions:
 - 1. The proposed easement is the only reasonable method by which the rear portion of an unusually deep parcel, or an unusually configured parcel, which is large enough to be divided into two or three lots, may be provided access.
 - 2. An easement of way shall have a minimum width of 25 feet and shall be improved with an asphalt or concrete surface a minimum of 12 feet in width, if used to access one lot, or a minimum of 20 feet in width if used to access two lots, unless a greater width is required by the Local Fire Official.
 - 3. An easement of way shall not provide access to more than two (2) parcels.
 - 4. The Planning Commission shall require the applicant to provide for the maintenance of said access; and to file an easement for said access, which includes the right to passage, and for the installation of utility lines. Such requirements shall be submitted to and approved by the City Attorney.

Findings: No known easements cross the property. As a recommended condition of approval, 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.

No Pedestrian Access or Easements of Way are proposed as part of the subject application.

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 parcels conform to the minimum lot size, width and shape requirements of the Residential Zoning District. 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.

Additionally, based upon a review of the applicants' site plan and an aerial photograph of the property, existing development on Parcel 1 appears to conform to the development standards for the R Zone District, including setback requirements, if the partition is approved. Future development shall be subject to review and compliance with the FCZDO.

Both parcels exceed the minimum 25-foot street frontage requirement.

The proposed partition does not create any through lots. The side lot lines shown on the applicants' plan indicate side lot lines that run at right angles to Montgomery Street.

The proposed partition complies with these standards.

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. 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, including but not limited to: 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).

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. Therefore, 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) 0.30-acre parcels, or approx. 13,068 sq. ft each. 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 Montgomery Street. The applicant or subsequent owner shall be responsible for extending water to both parcels, if applicable. Construction of improvements and connection to water and sewer services shall comply with City standards.

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

Findings: Wastewater service is proposed via an on-site septic system and public works has confirmed sewer is not available within 300 feet of the subject properties. Prior to final plat approval, written approval of a proposed septic system for the new parcel shall be required from Polk County. The applicant or subsequent owner shall be responsible for extending water and sewer services to both parcels, if applicable. Construction of improvements and connection to water and sewer services shall comply with City standards.

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 with both 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 the all partitions in the City. FCZDO 2.111.F provides the approval criteria for partitions adjacent to existing public streets. Montgomery Street is identified as a Local Street in the Falls City Transportation System Plan (2013), Table 2-1. Local Streets require 50 feet of right-of-way (ROW) with sidewalks. The current ROW appears to narrow from approx. 60 feet to approx. 40 feet along the frontage of the subject property. However, staff does not recommended dedication of ROW at this time. As recommended by the City Engineer, staff recommends a provision to the recommended non-remonstrance agreement include a provision requiring dedication of *no more than 10 feet of ROW* where Montgomery Street narrows to 40 feet of ROW along the subject property frontage *should* such dedication be necessary in the future.

FCZDO 2.111.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 street improvements where criteria 2.111.F.2.a-c are met. Staff finds the frontage along Montgomery Street is less than 250 feet; the City Engineer recommends a non-remonstrance even though the existing frontage does not meet city standards; and public utilities exist within the existing roadway to serve the property. This is included as a recommended condition of approval.

- 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 two (2) parcels from one unit of land approximately 0.60 acres with each new parcel measuring approximately 0.30-acres in size.

Staff finds the proposed new parcels meet the minimum lot size for property located within Residential (R) zoning district and all public utilities are available.

The proposed partition meets or can be conditioned to meet the criterion in the Zoning and Development Ordinance. Staff recommends approval of the partition based upon compliance with 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

- B. **Prior to the issuance of a building permit**, the applicant or property owner shall submit a written statement from the Fire Marshal stating that the spacing of hydrants in the vicinity is

adequate to serve the parcel. If required by the Fire Marshal, the applicant or future owner shall install an additional fire hydrant to serve the property prior to issuance of a building permit for this parcel. Installation of a fire hydrant shall meet City standards.

Improvement Requirements

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

- C. The applicant or subsequent owner shall be responsible for extending water and sewer services to both parcels, if applicable. Construction of improvements and connection to water and sewer services shall comply with City standards. Wastewater service is proposed via an on-site septic system and public works has confirmed sewer is not available within 300 feet of the subject properties. **Prior to final plat approval**, written approval of a proposed septic system for the new parcel shall be required from Polk County.

An approved “Waiver of Rights to Remonstrate for Street and Public Utility Improvements” in lieu of connecting to sewer shall be required **prior to final plat approval** as future connection to sewer could be required, if made available (see Exhibit C).

- D. Separate underground electric, telephone cable, and natural gas service shall be provided to each parcel.
- E. 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 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).

- F. **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.” Alternatively, the City may decide to require a fee in lieu of street and utility improvements under FCZDO 2.211.03.F.3. and require the recording of a “Construction Deferral Agreement and Waiver of Rights to Remonstrate for Street and Storm Drainage Improvements” against all lots or parcels.

Performance Guarantee

In compliance with FCZDO 2.2018.04, the applicant shall file a performance guarantee to insure the full and faithful performance of all terms of an improvement agreement (e.g., conditions of approval), if any, or to insure completion of all work for which permits are required, if required by the City.

Final Plat

- G. **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.
- H. 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.
- I. **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.
- J. After recording, the applicant shall submit two (2) copies of the recorded plat to the City.

VII. SAMPLE CITY COUNCIL ACTION

- A. Approve Partition 2018-02 to partition property identified as Tax Lot 4500 into two (2) parcels:
 - 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 (considering the 120-day limit on applications).

City of Falls City
Land Use Application

File # _____
Date Rec'd: 4/26/18
Fee Paid: \$800.00
Receipt No.: 585587
Rec'd By: [Signature]

Type 1-A Action:

- Access Permit
- Home Occupation Permit
- Lot Line Adjustment
- Manufactured Home Placement Permit
- Sign Permit

Type 1-B Action:

- Flood Plain Development Permit
- Site Design Review
- Temporary Hardship Dwelling
- Partitions

Type II Action:

- Code Interpretation
- Modification to Approval
- Partition Plat Modification

Type III Action:

- Comprehensive Plan Map Amendments involving 5 or fewer adjacent land owners
- Conditional Use Permit
- Manufactured Home Park
- Planned Unit Development
- Historic Buildings and Sites
- Subdivision
- Variance
- Non-Conforming Use

Type IV Action:

- Annexation
- Zone Change
- Comprehensive Plan Map Amendments involving more than five (5) adjacent land owners

Other

- Pre-Application Conference

Please submit completed application and fees to: City of Falls City, 299 Mill Street, Falls City OR 97344
Last updated on 6/8/07.

Applicant(s) John McGee Telephone: 541 929-4226
Address: 1215 Main St. Philomath, OR 97370
Owner(s): John and Kathryn McGee Trust Telephone: (541) 207-7789 (Kay's cell)
Address: 33624 Springer Rd. Philomath, OR 97370
Engineer/Surveyor: JD McGee, Inc. Telephone: (541) 929-4226
Address: P.O. Box 1472, 1215 Main St., Philomath, OR 97370

.....
General Information

Map Page and Tax Lot No.: 08 06 20 AA 4500 Zone: Residential
Location: 390 Montgomery St., Falls City, OR 97344
Legal Description: Parcel 1 of Partition Plat 1994-0038 (Polk County Records)
Existing Zoning/Comprehensive Plan Designation: Residential
Current Use/Structures: Residential
Proposed Use: Residential
Topography: Sloping down and to the East approx. 7-10%.
Surrounding Uses: North: Residential
South: Residential
East: Residential
West: Residential

Acres of Site: 0.60 Acres

Number/Size of New Lots or Parcels: 2 Parcels, 0.30 ACRES EACH
(Attach site map, if applicable)

Natural Features/Hazards of the Subject Site: Lawn/Grassy field, no notable hazards.

Public Utility Providers (gas, electric, water, sewer, telephone): City water

Easements: None

(As recorded in the office of the County Clerk) Volume and Page Number _____
Deed Restrictions: None

Last updated on 6/8/07.

SUBMITTAL REQUIREMENTS: Please see the Falls City Zoning and Development Code for a list of the submittal requirements for each type of land use application.

All land use applicants shall be charged the ACTUAL COST to the City of Falls City of rendering a decision on their land use application. Cost shall include but not be limited to: contract planning services, City of Falls City staff time, city attorney time, cost of supplies, printing, legal notices, stamps, and city engineer time spent on reviewing the application.

The applicant will be required to pay the amount set by the ordinance. When a final decision is rendered by either staff or City Council the city will send a final invoice to the applicant. Building permits will not be issued until the land use fees are paid in full to the city.

In the event an applicant chooses to withdraw an application prior to a final decision being made, the cost as set forth by the ordinance or the actual cost, whichever is greater, must be paid in full.

I certify that I have read, understand, and agree to the charges outlined above:

[Signature] 4-26-18
Applicant(s) Signature Date

Kathryn A. McGee 4-26-18
Applicant(s) Signature Date

We, the following:

Name: John and Kathryn McGee TRUST Telephone: 541-201-1189 (Kays Cell)

Address: 33624 Springer Rd, Philomath, OR 97370

Being the owner(s) of record or contract purchasers of the subject property respectfully petition the City of Falls City Planning Commission and/or Council for permission to (describe request you are making.)
partition TL4500, Map 8.6.2DAA into two parcels.

The applicant(s) shall certify that:

- ◆ The request does not violate any deed restrictions that may be attached to or imposed upon the subject property.
- ◆ If the application is granted, the applicant will exercise the rights granted in accordance with the terms and subject to all the conditions and limitations of the approval.
- ◆ All of the statements in this application and the statements in the prior plan, any attachments, and exhibits submitted with this application are true; and the applicants so acknowledge that any permit issued, based on this application, may be revoked if it is found that any such statements are false.

Dated this 26th day of April, 2018.

Signature of each owner of the subject property.

Print name after signature.

[Signature]
Kathryn A. McGee TR

John D. McGee TRUSTEE

Kathryn A. McGee TRUSTEE

Last updated on 6/8/07.

City of Falls City – SITE PLAN FORM

INSTRUCTIONS FOR PREPARATION OF A SITE PLAN

Site plan must be current, drawn to scale, and show all property lines.

Failure to include all of the items listed below may delay the review necessary to obtain a permit

ITEMS THAT MUST BE SHOWN ON YOUR SITE PLAN:

- 1. NORTH ARROW.
 - 2. SCALE OF DRAWING.
 - 3. STREET NAME accessing the parcel.
 - 4. ALL PROPERTY LINES AND DIMENSIONS – existing and proposed.
 - 5. DRIVEWAYS, ROADS, INTERNAL ROADS, PARKING AND CIRCULATION AREAS –existing and proposed and label as "Paved" or "Gravel." Show driveway to public right-of-way.
 - 6. EXISTING AND PROPOSED STRUCTURES - label as "Proposed" and "Existing". Include dimensions and distance to all property lines and other structures.
 - 7. UTILITY LINES AND EASEMENTS.
 - 8. GEOGRAPHIC FEATURES – ground slope and direction of slope, escarpments, streams, ponds, or other drainage ways.
 - 9. WELLS – existing and proposed on this parcel and adjacent parcels within 100 feet.
 - 10. FENCES, RETAINING WALLS – location of existing and/or proposed.
 - 11. PARTITIONING (if applicable) – proposed new property line shown by dashed lines, with parcels labeled as "Parcel 1", "Parcel 2", etc. and proposed parcel sizes.
 - 12. SEPTIC SYSTEM and REPLACEMENT AREA – existing and proposed. Show existing septic tank, drain field lines and distance from structure(s).
 - 13. STORM WATER SYSTEMS OR DETENTION BASINS – show existing and proposed.
 - 14. CUTS/FILLS – show existing and proposed.
 - 15. ELEVATIONS – at lot corners or construction area and at corners of building site.
 - 16. FLOODPLAIN – if applicable, show the boundary of the 100 year floodplain.
If sanitary sewer service is not available, a septic system must be installed. Include the following additional items on the site plan:
 - 17. TEST HOLES – show distances between holes and property lines. One test hole should be located in the center of the initial system installation site, the other in the center of the replacement area. Accuracy of location is very important.
 - 18. PROPOSED SEPTIC SYSTEM AND REPLACEMENT SYSTEM – show septic tank and distance from structure; show disposal trenches and length, width, and distance between trenches.
Commercial development must also include the following:
 - 19. FIRE DEPARTMENT ACCESS
 - 20. FIRE HYDRANTS –locations
 - 21. HANDICAP ACCESS
 - 22. LANDSCAPING – existing and proposed landscaping areas.
 - 23. PARKING – lot configuration, number of parking spaces, and off-street loading area.
- Additional information, such as patio slabs, walkways, roof overhangs, etc., may be required for the issuance of your permit.

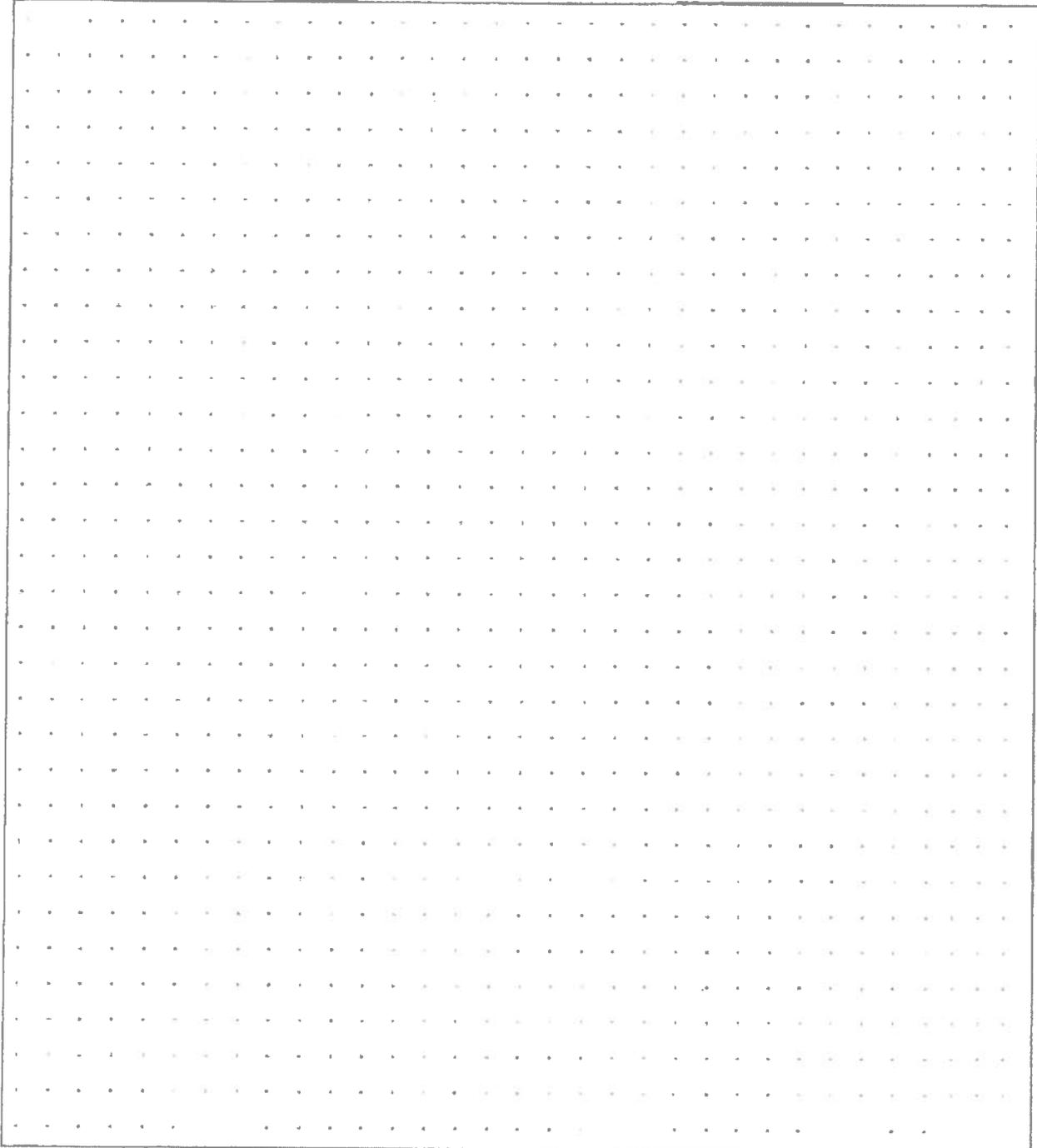
Property Owner (s) Name: _____ Phone: _____

Site Address: _____ City: _____ Zip _____

Submit AY 48

SITE PLAN MUST SHOW ALL PROPERTY LINES AND DIMENSIONS

Drawn to Scale: 1 square = _____ Feet Not Drawn to Scale: Total Acres _____



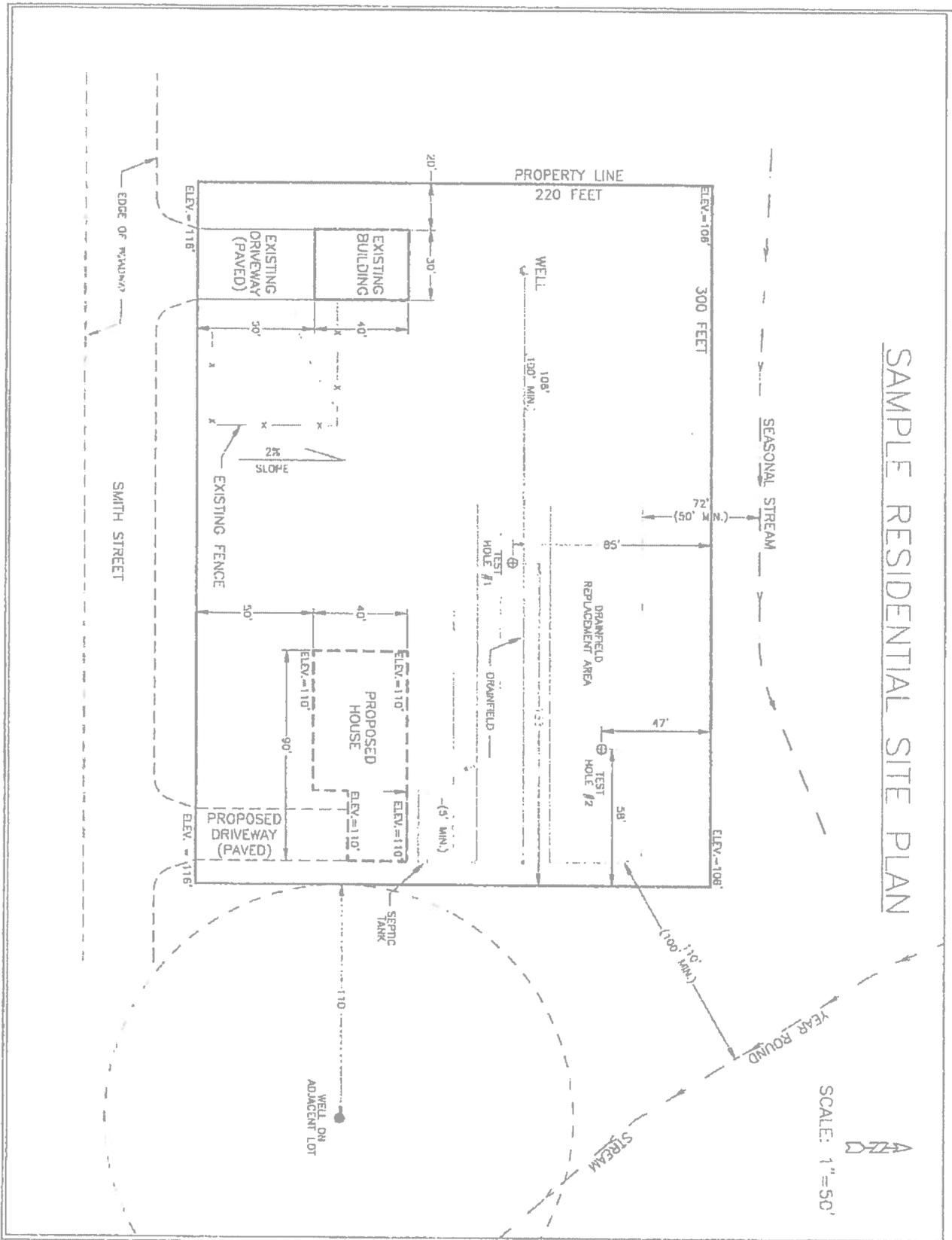
I certify that the above information is accurate to the best of my knowledge. I AM THE Owner or Authorized Agent

NAME (please print): JOHN P. WATKINS Telephone # _____
Applicant's Signature: [Signature] Robinson Co. N.C. Date: 4/26/2018
Applicant's Mailing Address: 33124 SPRINGELL RD City: PHILMATH Zip: 97370

FOR OFFICE USE ONLY

PLANNING: _____ Date: _____
PUBLIC WORKS: _____ Date: _____

SAMPLE RESIDENTIAL SITE PLAN



A6 50

NARRATIVE STATEMENT & IMPACT STUDY
LAND PARTITION APPLICATION

JOHN AND KATHYRN MCGEE TRUST
33624 SPRINGER RD, PHILOMATH, OR 97370
Preparation Date: April 20, 2018

NARRATIVE STATEMENT:

The John and Kay McGee Trust is requesting approval to PARTITION the property located at 390 Montgomery St, Falls City, OR 97344. The result will be two (2) PARCELS developed as residential properties. Attached is a SITE PLAN showing details of partition and proposed and existing improvements.

The current property is described as Parcel 1 of Partition Plat 1994-0038, recorded October 7, 1994, in Volume 1994, Page 0038, Book of Partition Plats for Polk County, Oregon as Fee No. 393407. The existing property has an area of approximately 0.60 Acres, and resulting parcels will be approximately 0.30 Acres each.

Parcel 1 of the proposed partition contains existing improvements: a manufactured home with garage addition, concrete driveway, and an on-site septic system with 225 feet of distribution lines. Parcel 2 of the proposed partition contains no existing improvements, but allows for future improvements as proposed (see SITE PLAN.) Proposed improvements include an 1890 sq ft residence, a concrete driveway, and an on-site septic system with 225 feet of distribution lines. Proposed PARCELS have not obtained building permits for structures or on-site septic system approval.

FINDINGS: The following findings of fact are provided to demonstrate the proposed PARTITION is in compliance with City of Falls City Zoning and Development Ordinance criteria. For ease of review, applicable *city code sections* describing the criteria are provided in *italic font* and **Facts** and **Conclusions** are given in **bold font**.

3.209 PARTITIONS

3.209.03 AREA OF APPLICATION

A partition is required for any land division, which creates two (2) or three (3) parcels in a calendar year. The parcels must satisfy the following requirements:

Facts:

- **Proposed PARTITION will result in two (2) parcels.**
- **Existing parcel was created in a partition recorded in the year 1994**

EXHIBIT A7 51

- A. Each parcel shall have a minimum of 20 feet of frontage on a Federal, State, County, City or public roadway except when the Planning Commission grants access via an easement of way as provided in Subsection 2.207.02(D).*

Facts:

- **Proposed PARCEL 1 has 86.4' of frontage on Montgomery Street.**
- **Proposed PARCEL 2 has 87.3' of frontage on Montgomery Street.**
- **Montgomery Street is a city roadway in Falls City, OR.**

B. Each parcel shall satisfy the dimensional standards of the applicable zoning district, unless a variance from these standards is approved.

2.101 RESIDENTIAL ZONE (R)

2.101.06 DEVELOPMENT STANDARDS

A. Dimensional Standards

1. Single-family dwellings and manufactured homes on individual lots:

- a. Minimum Lot Area: 10,890 square feet.*
- b. Minimum Lot Width: 75 feet at the front building line.*
- c. Minimum Average Lot Depth: 100 feet.*

Facts:

- **The property at 390 Montgomery St, Falls City, OR 97344 is located within Falls City Residential zoning district as per Falls City Comprehensive Plan Designations, 2017 map.**
- **Proposed PARCEL 1 currently contains a Manufactured home on an individual PARCEL.**
- **Proposed PARCEL 2 may be designed to contain a single-family dwelling.**
- **Proposed PARCELS 1 and 2 will be approximately 13,059 sqft and 13,155 sqft in area, respectively.**
- **PARCELS 1 and 2 will be approximately 86.4' and 83.6' in width, respectively.**
- **PARCELS 1 and 2 will be approximately 151.0' and 157.8' in average depth, respectively.**

B. Structure Setbacks:

- 1. The front yard setback shall be a minimum of 20 feet.*
- 2. The minimum side yard setback for single-family dwellings, manufactured homes on individual lots, duplex units and triplex units shall be five (5) feet, except that the side yard adjacent to a street on a corner lot shall be a minimum of 20 feet.*

390 Montgomery Street LAND PARTITION Application
April 20, 2018

3. Apartment, townhouse and condominium units shall maintain a minimum setback of 10 feet from the perimeter side yard of the project, except that the side yard adjacent to a street on a corner lot shall be a minimum of 20 feet.

4. The rear yard setback for any permitted use shall be a minimum of 20 feet, except that an accessory structure of 200 square feet or less shall maintain a minimum of a 5-foot rear yard.

Facts:

- **Proposed PARCEL 1 is already developed with a previously approved structure, and the setback distance will not be altered.**
- **Front yard setback for PARCEL 2 will be at least 20' to meet code.**
- **Proposed side yard setbacks for structures are as follows:**
 - **7.5' West of existing structure**
 - **8.9' Existing structure to proposed boundary**
 - **PARCEL 2 proposed structure will be set back at least 5' on each side to meet code.**
- **Rear yard setback for proposed structure will be at least 20 feet to meet code.**

3.209.04 GENERAL PROVISIONS

A. All partitions shall be reviewed to assure compliance with the standards of this Ordinance and the Comprehensive Plan.

B. No parcel within an approved partition may be re-divided within the same calendar year in which it was recorded, except through the subdivision process.

C. A master plan for development is required for any application, which leaves a portion of the subject property capable of further development.

Facts:

- **The property at 390 Montgomery St., Falls City, OR 97344 was last divided per approval of Partition 1994-0038, recorded October 7, 1994.**
- **Resultant areas will be too small for further division.**

Conclusion: The proposed PARTITION of the property currently located at 390 Montgomery St, Falls City, OR 93744 is allowed under the Falls City zoning and development code, because all development standards and conditions of approval can be met.

IMPACT STUDY:

TRANSPORTATION SYSTEM

Access for the PARCELS will be via Montgomery St. No new roads will be constructed, no modifications will be made to any existing roads. There are no sidewalks or bikeways on Montgomery St. No additions or modifications will be made to any city roadways, pedestrian ways, or bikeways.

DRAINAGE SYSTEM

No modifications will be made to the existing drainage system during the partition process.

PARKS SYSTEM

The partition will result in the creation of a new residential property. Impact on the parks will be consistent with adding one house to Falls City.

WATER SYSTEM

Impact will be one additional house connected to the city water line located in Montgomery st.

NOISE IMPACT

The subject property is zoned R (residential.) The proposed PARTITION and residential use will be consistent with neighboring properties. It is anticipated that the proposed use will be consistent with the neighboring properties.

Some additional noise will be caused by construction, but these noises will be temporary and hours of work will comply with any and all design standards.

PROPOSED IMPROVEMENTS:

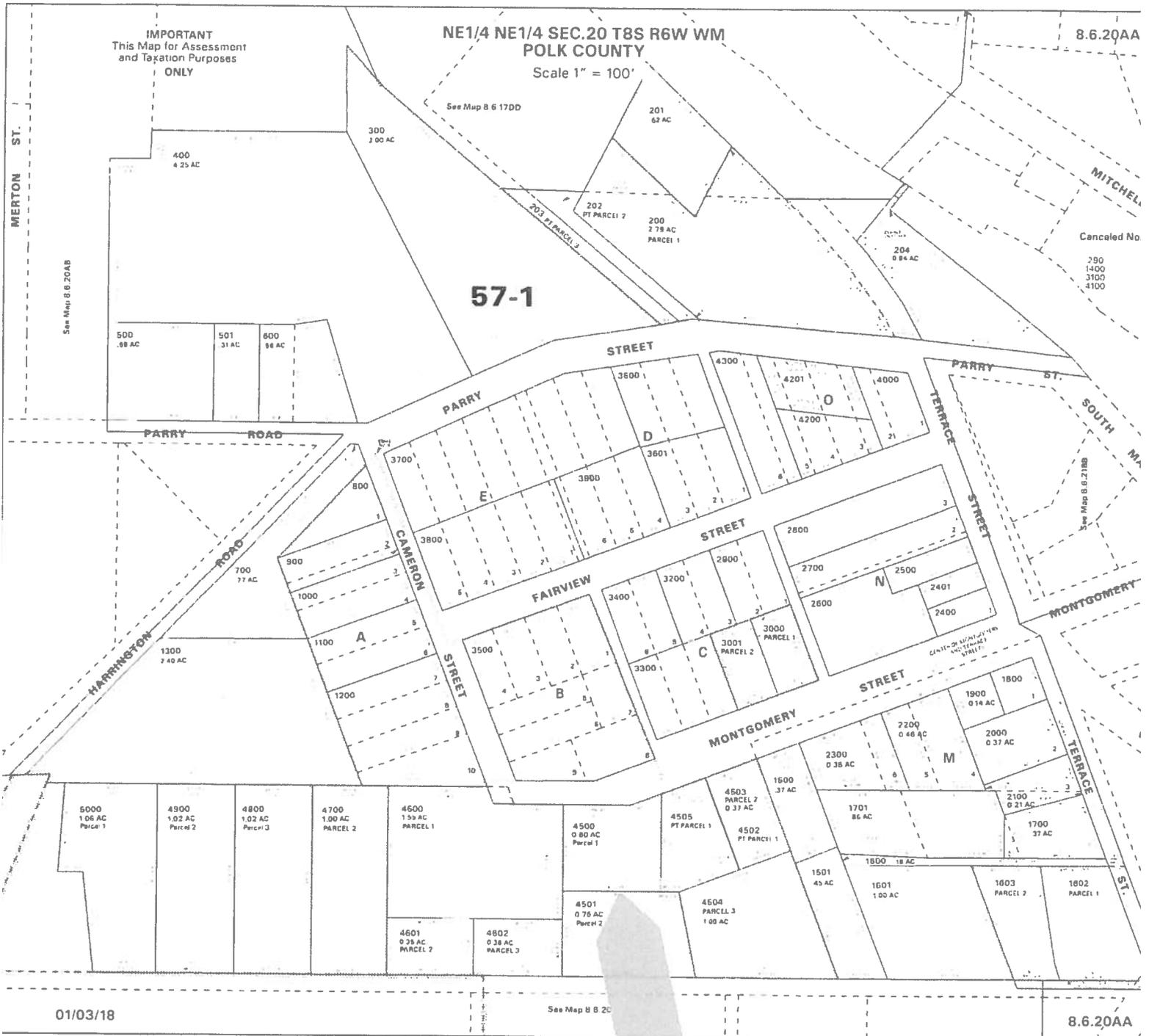
- One Parcel is developed already. One parcel will be used for residential purposes.
- Domestic Water will be supplied via a water line to be connected to the City's water line in Montgomery St.
- Sewage will be disposed of via an on-site septic system

Conclusion: The proposed PARTITION is consistent with the current zoning (R). It is anticipated that no adverse impacts (non-typical to residential use) will be caused by the proposed PARTITION.

IMPORTANT
This Map for Assessment
and Taxation Purposes
ONLY

NE1/4 NE1/4 SEC.20 T8S R6W WM
POLK COUNTY
Scale 1" = 100'

8.6.20AA



01/03/18

See Map 8 6 20

8.6.20AA

Exhibit B1 55

CITY OF FALLS CITY REQUEST FOR COMMENTS

TO: Don Poe, Public Works
Bob Young, Falls City Fire Department
Steven Ward, City Engineer
Eric Berry, Polk County Surveyors Office
Terry Ungricht, City Manager

DATE: April 30, 2018

REQUEST: A partition to an approx. 0.60-acre parcel into two (2) approx. 0.30 acre parcels. The property is zoned Residential and located at 390 Montgomery Street (Polk County Map #8620AA, Tax Lot 4500). According to the applicant, upon partition approval Parcels 1 and 2 will be approx. 13,059 and 13,155 sq. ft. in area, respectively.

FILE NUMBER: Partition 2018-02

Please review the attached plans and indicate any conditions of approval or other comments you may wish the City to consider.

Please return your comments by May 11, 2018 to the City Planner by email: renatac@mwvcog.org or by fax: (503) 588-6094. If you further questions or comments regarding the application, please contact Renata Wakeley, City Planner at (503) 540-16186.

Comments or Proposed Conditions:

DON POE - NO COMMENT - WATER IS
AVAILABLE - SEWER IS PAST 300' REQUIREMENT.

BOB YOUNG - NO ISSUES

TERRY - NO ISSUES

Signature: Terry Ungricht

Date: 5/01/2018



WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS & PLANNERS

May 2, 2018

Renata Wakley
Land Use Planner
Mid-Willamette Valley Council of Governments
100 High Street SE
Suite 200
Salem, OR 97301

RE: 390 Montgomery Street Partition, Falls City Oregon

Dear Renata:

Per your request, we have reviewed the proposed partition of 390 Montgomery in Falls City, Oregon as prepared by JDMcGee, Inc.

The property is located in the southwest quadrant of the City and is generally surrounded by acreage residential parcels. The proposal is split a 0.60 acre parcel into 2, 0.30 acre parcels. We have reviewed the application only with respect to public infrastructure and access and offer you the following comments regarding the various public facilities:

Water

Water service is available via an existing public main in Montgomery Street. The new water service shall conform to Public Works Standards and Requirements.

Sanitary Sewer

Sanitary sewer service is proposed via a septic tank and drain field. Prior to final plat approval, written approval of a proposed septic system from Polk County is required. Also, prior to recording the final plat, the property owner shall sign and record a Non-Remonstrance Agreement for any future sewer improvements.

Streets

Montgomery Street is currently not improved to City Standards. The existing right of way does not meet City Standards. No improvements or right of way dedication are recommended with the proposed partition. Prior to recording the final plat, the property owner shall sign and record a Non-Remonstrance Agreement for any future street improvements. The Non-Remonstrance Agreement shall include a provision requiring dedication of right away should such dedication be necessary for the future street improvements.

May 2, 2018
Renata Wakley
City of Falls City
Page 2

Drainage

Currently there are no drainage facilities available. Rain drainage from the house shall be disposed of in accordance with the Plumbing Code. Prior to recording the final plat, the property owner shall sign and record a Non-Remonstrance Agreement for any future storm drain improvements?

Private Utilities

All private utilities must be located underground.

General

The development and use of this site shall meet all of the requirements of Federal, State County and City laws, regulations and standards unless explicitly waived in this approval. Omission of any such requirement from this approval does not constitute a waiver of that requirement. It is the Developers responsibility to determine if there are any jurisdictional wetlands on the property.

A final plat and boundary survey shall be prepared and all boundaries monumented as required by ORS. The final plat shall be submitted to the City for review and approval. The plat shall substantially conform to the approved preliminary plan.

Prior to approval of the final plat, the Developer shall submit 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.

Please call if you have any questions regarding this matter.

Sincerely,

WESTECH ENGINEERING, INC.



Steven A. Ward, P.E.

EXHIBIT 03 58

2.211 STREET STANDARDS

2.211.01 PURPOSE

- A. To provide for safe, efficient, and convenient vehicular movement in the city.
- B. To provide adequate access to all proposed and anticipated developments in the city.
- C. To provide adequate area in all public rights-of-way for sidewalks, sanitary sewers, storm sewers, water lines, natural gas lines, power lines and other utilities commonly and appropriately placed in such rights-of-ways.

2.211.02 SCOPE

The provisions of this chapter shall be applicable to:

- A. The creation, dedication, or construction of all new public or private streets, pedestrian facilities, and bikeways in all subdivisions, partitions, or other developments in the city.
- B. The extension or widening of existing public or private street rights-of-way, easements, or street improvements including those which may be proposed by an individual or the city, or which may be required by the city in association with other development approvals.
- C. The construction or modification of any utilities, bikeways, or sidewalks in public rights-of-way or private street easements.
- D. The planting of street trees or other landscape materials in public rights-of-way.

2.211.03 GENERAL PROVISIONS

The following provisions shall apply to the dedication, construction, improvement, or other development of all public streets in the city, and are intended to provide a general overview of typical minimum design standards. All streets shall be designed in conformance with the specific requirements of the most recently adopted Street Design and Construction Standards for the City of Falls City.

The standard sections contained in the Street Design and Construction Standards for the City of Falls City are minimum requirements only and shall not be construed as prohibiting the city from requiring thicker sections or engineer designed pavement sections in lieu of standard sections where conditions warrant.

- A. The location, width and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. The arrangement of streets in a development shall either:
1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
 2. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical or undesirable.
- B. Reserve strips: Reserve strips, or street plugs, controlling access to streets will not be approved unless accessory for the protection of the public welfare or of substantial property rights, and, in these cases, they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the Planning Commission under conditions approved by them.
- C. Alignment: So far as practical, streets, other than minor streets, shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 125 feet.
- D. Future Extension of Streets: Where necessary to give access to, or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision; and the resulting dead-end streets may be approved without a permanent turn-around. Reserve strips and street plugs may be required to preserve the objectives of street extensions.
- E. Intersection Angles: Streets shall be laid out to intersect at angles as near to right angles as practical. Where topography requires, a lesser angle may be approved but in no case shall the acute angle be less than 75 degrees unless there is a special intersection design. The intersection of an arterial or collector street with another street shall have at least 100 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Intersections, which include an arterial street, shall have a minimum corner radius sufficient to allow for a roadway radius of 28 feet and maintain a uniform width between the roadway and the right-of-way line.
- F. Existing Streets: Whenever existing public streets adjacent to, or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision, partitioning or development.
1. Full street improvements to all existing streets adjacent to, within or necessary to serve the property shall be required at the time of land division or development

unless the applicant demonstrates to the satisfaction of the City Engineer that the condition and sections of the existing streets meet the City standards and are in satisfactory condition to hand projected traffic loads. Storm water drainage shall be provided for on the non-curbed side of the full street improvements as required by the City Engineer. In cases where the property with a land division or development fronts both sides of an existing street, full street improvements shall be required. The party paying the costs for improvements may require buyers along the improved area to reimburse improvement costs for up to ten (10) years. Each lot should pay a proportional amount of the total improvement costs if reimbursement is pursued.

Reserve strips and street plugs shall be dedicated, deeded, and installed to preserve the objectives of the full street prior to street construction.

2. The City may allow the applicant to record an approved "Waiver of Rights to Remonstrate for Street and Public Utility Improvements" in lieu of street improvements where the following criteria are met.
 - a. The contiguous length of the existing street to be improved (including the portion of the existing street which must be improved to serve the development) is less than 250 feet, and
 - b. The existing roadway conditions and sections are adequate to handle existing and projected traffic loads, and
 - c. Existing public utilities (water, sanitary sewer, and storm sewer) located within the existing roadway are adequate, or can be improved without damaging the existing roadway surface.

3. In lieu of the street improvement requirements outlined in Section 2.211.03 (F) (I) above, the Planning Commission, under a Type II procedure, may elect to accept from the applicant moneys to be placed in a fund dedicated to the future reconstruction of the subject street(s). The amount of moneys deposited with the City shall not be greater than 100 percent of the estimated cost of the full street improvements (including associated storm drainage improvements). Cost estimates shall be based from a preliminary design of the reconstructed street provided the applicant's engineer and shall be approved by the City Engineer. If the City Council elects to accept these moneys in lieu of the street improvements, the applicant shall also record against all lots or parcels a "Construction Deferral Agreement and Waiver of Rights to Remonstrate for Street and Storm Drainage Improvements" approved by the City Attorney. The construction deferral agreement should be worded such that the subject properties will be responsible for paying a minimum of 50 percent of the costs of the future street and storm drainage improvements to the subject street minus the value (at the time the street is constructed) of the money deposited with the City by the applicant plus an accumulated interest, e.g. (50 percent minus (deposit plus interest)). A separate

"Waiver of Rights to Remonstrate" may be required for future improvements or other public utilities.

4. All required public utilities shall be installed as part of the street construction process.
- G. **New Streets:** Where new streets are created, full street improvements shall be required. Three-quarter streets may be approved in lieu of full street improvements on boundary streets when the city finds it to be practical to require the completion of the other one-quarter street improvement when the adjoining property is developed. The city may allow three-quarter street improvements if all of the following criteria are met:
1. The adjoining land abutting the opposite side of the street is undeveloped; and
 2. Storm water drainage is provide for on the non-curbed side of three-quarter street
- One-foot wide reserve strips and street plugs may be required to preserve the objectives of three-quarter streets.
- H. **Cul-de-sacs:** A cul-de-sac shall be as short as possible, and shall have a maximum length of 400 feet. A cul-de-sac shall terminate with a turn-around, as required by this Section.
- I. **Street Names:** Street names and numbers shall conform to the established pattern in the city and shall be subject to the approval of the city. Street names shall be required for all new publicly dedicated streets and private streets.
- J. **Grades and Curves:** Grades shall not exceed six (6) percent on arterials, and ten (10) percent on any other street, unless topography mandates a steeper grade. Centerline radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept sharper curves.
- K. **Marginal Access Streets:** If a development abuts or contains an existing or proposed arterial street or railroad right-of-way, the city may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- L. **Alleys:** Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission.

2.211.04 MINIMUM RIGHT-OF-WAY AND PAVEMENT WIDTHS

The width of rights-of-way and pavement for proposed streets shall conform to the following minimum standards:

TYPE OF STREET	MINIMUM RIGHT-OF-WAY	MINIMUM PAVEMENT
Major Arterials	60	40
Collector Streets	60	40
Local Streets	50	32
Cul-de-Sacs (greater than 200 feet in length)	50	30
Cul-de-Sacs (less than 200 feet in length)	45	30
Radius for cul-de-sac turnaround	51	48
Alleys	20	20

- A. Right-of-way widths shown are exclusive of side slope easements, which may be required in addition for cuts or fills in steep terrain.
- B. Exact width standards will be defined in improvement specifications adopted by the City.
- C. The minimum roadway width may be modified by the action of the Planning Commission, taking into consideration the unique characteristics of the land, to include geography, topography, and its relation to land developments already present in the area.

2.211.05 PRIVATE STREETS

- A. Streets and other rights-of-way serving a planned unit development that are not dedicated for public use shall comply with the following:
 - 1. Private streets shall only be allowed when the city finds that public street access is:
 - a. Infeasible due to parcel shape, terrain, or location of existing structure; and
 - b. Not necessary to provide for the future development of adjoining property.
 - 2. Private streets shall have a minimum easement width of twenty-five (25) feet and a minimum paved or curbed width of eighteen (18) feet, unless a greater width is required by the Local Fire Official.

STAFF REPORT

Partition 2018-03

Staff Report: May 17, 2018
City Council Meeting: May 24, 2018

APPLICANT: Dean and Tia Scruton

OWNER: Michael McConnell

REQUEST: A partition to an approx. 1.24-acre parcel into three (3) parcels. Upon partition approval Parcels 1 and 2 will measure approx. 18,000 sq. ft. each and Parcel 3 will measure approx. 18,014 sq. ft.

ZONING/COMP PLAN: Residential/Residential

ASSESSOR'S MAP/TAX LOT: 8616CD/0703 See Exhibit A.

LOCATION: Bryant Street between Ellis and East Street

CURRENT LOT SIZE: Approx. 1.24 acres, or 54,014 sq. ft.

CRITERIA/STANDARDS: City of Falls City Zoning and Development Ordinance (ZDO), 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
 Exhibit D: FCZDO 2.211 Street Standards

I. REQUEST

A partition to an approx. 1.24-acre parcel into three (3) parcels. Upon partition approval Parcels 1 and 2 will measure approx. 18,000 sq. ft. each and Parcel 3 will measure approx. 18,014 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 3.210.

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. Vacant lots of record 8, 9, 10, 11, 12 and 13 of tax lot 703.

Surrounding. The property is surrounded by other Residentially zoned and developed property and fronts/has access to both Bryant Street and East Street.

Utilities.

Water:	Water is available at Bryant St, according to City Public Works
Sanitary Sewer:	Any new septic systems will require City and Polk County Public Works approval;
Storm Drain:	Not applicable or available to the site;
Fire Hydrant:	Nearest hydrant is located at Fair Oaks and Ellis (applicant to confirm with Fire District at future date) and
Access:	Bryant Street and/or East Street (identified as Local Streets in the 2013 TSP)

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 the following conditions:
 - 1. The proposed easement is the only reasonable method by which the rear portion of an unusually deep parcel, or an unusually configured parcel, which is large enough to be divided into two or three lots, may be provided access.
 - 2. An easement of way shall have a minimum width of 25 feet and shall be improved with an asphalt or concrete surface a minimum of 12 feet in width, if used to access one lot, or a minimum of 20 feet in width if used to access two lots, unless a greater width is required by the Local Fire Official.
 - 3. An easement of way shall not provide access to more than two (2) parcels.
 - 4. The Planning Commission shall require the applicant to provide for the maintenance of said access; and to file an easement for said access, which includes the right to passage, and for the installation of utility lines. Such requirements shall be submitted to and approved by the City Attorney.

Findings: No known easements cross the property. As a recommended condition of approval, 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.

No Pedestrian Access or Easements of Way are proposed as part of the subject application.

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 parcels conform to the minimum lot size, width and shape requirements of the Residential Zoning District. 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.

Parcel 1 and 2 would each have approx. 75 feet of frontage on Bryant Street and Parcel 3 would have 25 feet of frontage on Bryan Street and approx. 100 feet of frontage along East Street. All parcels meet the minimum 25-foot street frontage requirement.

Future development shall be subject to review and compliance with the FCZDO.

The proposed partition does not create any through lots. The side lot lines shown on the applicants' plan indicate side lot lines that run at right angles to Montgomery Street.

The proposed partition complies with these standards.

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. 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, including but not limited to: 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).

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. Therefore, 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 three (3) parcels measuring approx. 18,000-18,014 sq. ft. each. 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 Bryant Street. The applicant or subsequent owner shall be responsible for extending water services to both parcels, if applicable. Construction of improvements and connection to water and sewer services shall comply with City standards.

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

Findings: The applicant or subsequent owner shall be responsible for extending sewer services to both parcels, if applicable. Construction of improvements and connection to water and sewer services shall comply with City standards. *If on-site septic is proposed and public works confirms sewer is not available within 300 feet of the subject property, written approval of a proposed septic system for new parcels shall be required from Polk County prior to final plat approval.*

FCZDO 2.111.03.F.2. allows the City to require the applicant to record an approved "Waiver of Rights to Remonstrate for Street and Public Utility Improvements" in lieu of connecting to sewer. Staff recommend a non-remonstrance agreement be recorded with 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 recommended 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 the all partitions in the City. FCZDO 2.111.F provides the approval criteria for partitions adjacent to existing public streets. Bryant Street is identified as a Local Street in the Falls City Transportation System Plan

(2013), Table 2-1. Local Streets require 50 feet of right-of-way (ROW) with sidewalks. The current ROW along the subject frontage is identified as 50 feet according to the Polk County Assessor and no right-of-way dedication is required.

FCZDO 2.111.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 street improvements where criteria 2.111.F.2.a-c are met. The frontage along Bryant Street measures approx. 200 feet, Staff and the City Engineer recommend the City allow a non-remonstrance agreement be recorded with both parcels in lieu of street and/or utility improvements. At the time of development, connectivity and service to the subject property shall be required in compliance with the FCZDO. Alternatively, the City may decide to require a fee in lieu of utility improvements under FCZDO 2.211.03.F.3

- 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 currently measuring approximately 1.24 acres in size. Each new parcel would measure approx. 18,000 to 18,014 square feet or approximately 0.41-acres in size each.

Staff finds the proposed new parcels meet the minimum lot size for property located within Residential (R) zoning district and all public utilities are available.

The proposed partition meets or can be conditioned to meet the criterion in the Zoning and Development Ordinance. Staff recommends approval of the partition based upon compliance with 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

- B. **Prior to the issuance of a building permit**, the applicant or property owner shall submit a written statement from the Fire Marshal stating that the spacing of hydrants in the vicinity is adequate to serve the parcel. If required by the Fire Marshal, the applicant or future owner shall install an additional fire hydrant to serve the property prior to issuance of a building permit for this parcel. Installation of a fire hydrant shall meet City standards.

Improvement Requirements

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

- C. The applicant or subsequent owner shall be responsible for extending water and sewer services to both parcels, if applicable. Construction of improvements and connection to water and sewer services shall comply with City standards. If an on-site septic system is proposed and public works has confirmed sewer is not available within 300 feet of the subject properties, written approval of a proposed septic system for the new parcel(s) shall be required from Polk County **prior to final plat approval**,

An approved "Waiver of Rights to Remonstrate for Street and Public Utility Improvements" in lieu of connecting to sewer shall be required **prior to final plat approval** as future connection to sewer could be required, if made available.

- D. Separate underground electric, telephone cable, and natural gas service shall be provided to each parcel.
- E. 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 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).

- F. **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." Alternatively, the City may decide to require a fee in lieu of street and utility improvements under FCZDO 2.211.03.F.3. and require the recording of a "Construction Deferral Agreement and Waiver of Rights to Remonstrate for Street and Storm Drainage Improvements" against all lots or parcels.

Performance Guarantee

In compliance with FCZDO 2.2018.04, the applicant shall file a performance guarantee to insure the full and faithful performance of all terms of an improvement agreement (e.g., conditions of approval), if any, or to insure completion of all work for which permits are required, if required by the City.

Final Plat

- G. **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.

- H. 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.
- I. **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.
- J. After recording, the applicant shall submit two (2) copies of the recorded plat to the City.

VII. SAMPLE CITY COUNCIL ACTION

- A. Approve Partition 2018-03 to partition property identified as Tax Lot 0703 into three (3) parcels:
 - 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 (considering the 120-day limit on applications).

City of Falls City
Building Permit
Application

File # _____
Date Rec'd: _____
Fee Paid: \$250.00
Receipt No.: _____
Rec'd By: _____

Applicant(s) DEAN & TIA SCRUTON Telephone: 503-804-2854

Address: 150 1ST ST., Falls City OR 97344

Owner(s): ~~DEAN & TIA SCRUTON~~ (Mike McConnell) Telephone: 503-787-3661

Address: 150 1ST ST. F.C. 97344

Engineer/Surveyor: _____ Telephone: ~~503-787-3661~~

Address: _____

TYPE OF APPLICATION

___ BUILDINGS: ___ Construct ___ Remodel ___ Other
___ MANUFACTURED HOME: ___ Install Other

Brief description of project: Lot Line Adjustment

BACKGROUND INFORMATION

Map Page and Tax Lot No.: 09616-CD-00703 Zone: Residential

Site Address: No Address assigned Byrant St. between Ellis & Wood

Legal Description: SW 1/4 Section 16

Current Use/Structures: Vacant

Proposed Use: Residence

Previous Land Use Approvals: N/A

Topography: Flat

Acreage of Site: 1.24 (Lots 9-10-11-12)

Natural Features/Hazards of the Subject Site: N/A

Public Utility Providers (gas, electric, water, sewer, telephone): _____

ne applicant will be required to pay the amount set by the ordinance. When a final decision is rendered by either staff or City Council the city will send a final invoice to the applicant. Building permits will not be issued until the fees are paid in full to the city.

I certify that I have read, understand, and agree to the charges outlined above:

[Handwritten Signature]
Owner(s) Signature

4-16-18
Date

Owner(s) Signature

Date

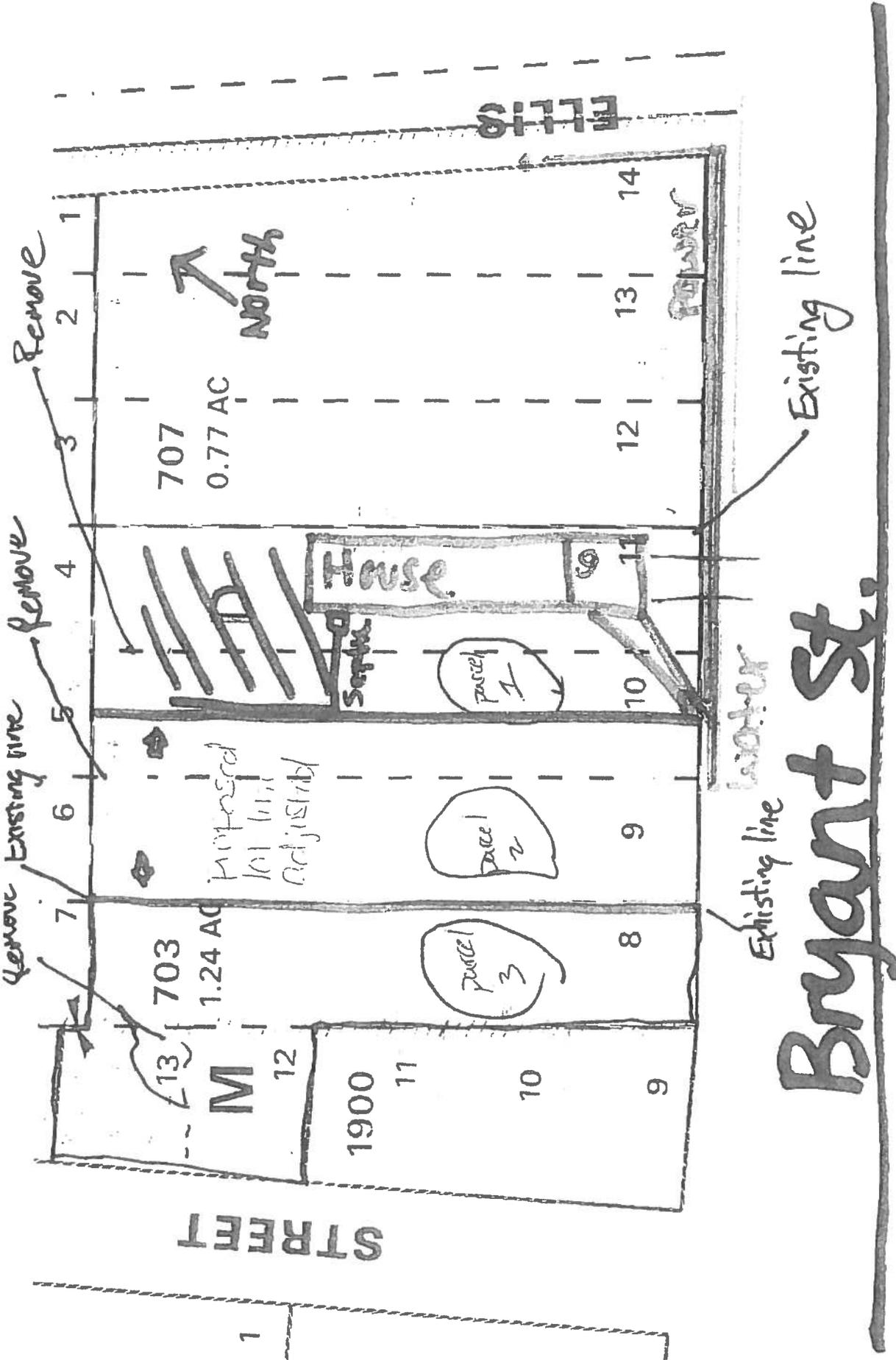


Please note your permit expires if work hasn't started within 180 days from the date of issue by the Polk County Building Department. Once you have begun work, your permit expires if work is suspended or abandoned for 180 days or more.

If you can't work within a 180-day period and don't wish to abandon the project, you may submit a written request to extend your permit for an additional 180-day period.



We know when permission is recieved we will have to follow Polk County rules to record.



Removing 4 lot lines, creating 1 new lot line
 Lots 8, 12, & 13 = 1 Lot, Lots 9 & part 10 = 1 Lot, part of lot 10 & 11 = 1 Lot.

B.6.16CD

SE1/4 SW1/4 SEC.16 T8S R6W WM
POLK COUNTY

See Map 8.6.16
Scale 1" = 100'

Cancelled No.

700
700
700
3200

8.6.16CD

IMPORTANT
This Map for Assessment
and Taxation Purposes
ONLY



See Map 8.6.218A

01/03/18

AY 76

POLK County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2018
NOT OFFICIAL VALUE

April 16, 2018 10:28:05 am

Account #	431905	Tax Status	ASSESSABLE
Map #	08616-CD-00703	Acct Status	ACTIVE
Code - Tax #	5701-431905	Subtype	NORMAL

Legal Descr Multiple Lots - See legal report for full description.

Mailing Name	MCCONNELL MICHAEL & MARGARITA	Deed Reference #	1996-13384 (SOURCE ID: 326-928)
Agent		Sales Date/Price	11-13-1996 / \$29,000.00
In Care Of		Appraiser	SKIDMORE, BROOKE

Mailing Address P O BOX 354
FALLS CITY, OR 97344

Prop Class	190	MA	SA	NH	Unit
RMV Class	190	06	13	000	25488-1

Situs Address(s)	Situs City
------------------	------------

Code Area	RMV	MAV	Value Summary AV	RMV Exception	CPR %
5701	Land Impr.	40,000 0		Land Impr.	0 0
Code Area Total		40,000	51,410	40,000	0
Grand Total		40,000	51,410	40,000	0

Land Breakdown											
Code Area	ID#	RFD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	LUC	Trended RMV
5701		R		R	Residential Site	100	A	1.24		002	40,000
Grand Total								1.24			40,000

Improvement Breakdown									
Code Area	ID#	Yr	Stat	Description	Improvement Breakdown	TD%	Total Sq. Ft.	Ex% MS Acct #	Trended RMV
Grand Total									

A5 77

IMPORTANT
This Map for Assessment
and Taxation Purposes
ONLY

SE1/4 SW1/4 SEC.16 T8S R6W WM
POLK COUNTY
Scale 1" = 100'

8.6.16CD

Cancelled No.
700
704
3200



01/03/18

8.6.16CD

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Exhibit B1

Wakeley, Renata

From: Terry Ungricht <manager@fallscityoregon.gov>
Sent: Monday, May 14, 2018 8:51 AM
To: Wakeley, Renata
Subject: RE: Request for Comments, PAR-18-03, City of Falls City

Hi Renata,

There are no comments from staff per Terri. I have just taken over and will be meeting with you tomorrow, so I'm trying to get up to speed. Thanks.

Mac Corthell

From: Wakeley, Renata [mailto:renatac@mwvcog.org]
Sent: Friday, May 11, 2018 11:47 AM
To: Terry Ungricht
Cc: sward@westech.com
Subject: Request for Comments, PAR-18-03, City of Falls City

Hi Steve- See attached request for comments and please let me know if you have questions or concerns.

Terry- Please see attached RFC for Partition 2018-03. Please share with your fire dept and public works and request comments be submitted back no later than May 16th as I need to finalize the staff reports on May 17th. I also received comments back from Polk County already so have not cc'd him in this email.

Thanks,
Renata

CONFIDENTIALITY NOTICE: This message is intended solely for the use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential, and exempt from disclosure under applicable state and federal laws. If you are not the addressee, or are not authorized to receive information for the intended addressee, you are hereby notified that you may not use, copy, distribute, or disclose to anyone this message or the information contained herein. If you have received this message in error, please advise the sender immediately by reply email and delete this message. Thank you

5/17/18 MAC:

* Water run down Bryant St
* hydrant @ corner of
Fairview + Ellis and NE corner
of Ellis



May 17, 2018

Renata Wakeley
Land Use Planner
Mid-Willamette Valley Council of Governments
100 High Street SE
Suite 200
Salem, OR 97301

RE: Bryant Street Partition, Falls City Oregon

Dear Renata:

Per your request, we have reviewed the proposed partition of a property located on Bryant Street between Ellis and Wood in Falls City, Oregon as prepared by Dean and Tia Scruton.

The property is located in the northern portion of the City and is generally surrounded by acreage residential parcels. The proposal is split a 1.24 acre parcel into three parcels. We have reviewed the application only with respect to public infrastructure and access and offer you the following comments regarding the various public facilities:

Water

Water service is shown to be available via an existing public main in 1st Street. It is unknown if there is adequate fire protection facilities for this development. Prior to platting the property, the owner shall obtain written confirmation from the Fire District that adequate fire protection exist for the proposed lots. Any new water service shall conform to Public Works Standards and Requirements.

Sanitary Sewer

The request does not specify how sanitary sewer service is proposed for the individual lots. If a septic tank and drain field is used, prior to final plat approval, written approval of a proposed septic system from Polk County is required. If City sewer service is available, the service connection shall be in accordance with City Standards and Requirements. If City sewer service is not available and an onsite system is used, prior to recording the final plat, the property owner shall sign and record a Non-Remonstrance Agreement for any future sewer improvements.

Streets

Bryant Street is currently unimproved. The existing right of way is 60' wide. No right of way dedication is required with the proposed partition. Prior to recording the final plat, the property owner shall Improve Bryant Street to City Standards. The design for the street and drainage improvements shall be prepared by a registered Professional Engineer licensed in the State of

EXC2 80

May 17, 2018
Renata Wakeley
City of Falls City
Page 2

Oregon. An alternative to improving the street before recording the plat is to record a deed restriction prohibiting any building permit on any of the lots until such time as Bryant Street is improved to the satisfaction of the City.

Drainage

Currently there are no drainage facilities available. Rain drainage from the houses shall be disposed of in accordance with the Plumbing Code. Prior to recording the final plat, the property owner shall sign and record a Non-Remonstrance Agreement for any future storm drain improvements?

Private Utilities

All private utilities must be located underground.

General

The development and use of this site shall meet all of the requirements of Federal, State County and City laws, regulations and standards unless explicitly waived in this approval. Omission of any such requirement from this approval does not constitute a waiver of that requirement. It is the Developers responsibility to determine if there are any jurisdictional wetlands on the property.

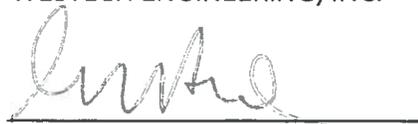
A final plat and boundary survey shall be prepared and all boundaries monumented as required by ORS. The final plat shall be submitted to the City for review and approval. The plat shall substantially conform to the approved preliminary plan.

Prior to approval of the final plat, the Developer shall submit 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.

Please call if you have any questions regarding this matter.

Sincerely,

WESTECH ENGINEERING, INC.



Steven A. Ward, P.E.

EXC3 81

AGENDA REPORT

TO: COUNCIL
FROM: MANAGER CORTHELL THROUGH MAYOR GORDON
SUBJECT: RESOLUTION 10-2018 SMALL CITY ALLOTMENT AGREEMENT
DATE: 05/16/2018

SUMMARY

The City has been awarded a Small City Allotment (SCA) not to exceed \$50,000 from the State of Oregon. This program, administered by the Oregon Department of Transportation provides allotment grants for use on city streets not associated with the state highway system. The program is reserved for cities with fewer than 5,000 residents, and for streets that are inadequate for the capacity they serve, or are in a condition detrimental to safety.

BACKGROUND

On July 13, 2017 the City Council approved resolution 16-2017 instructing staff to apply for a SCA from the State of Oregon to pave and widen 5th St. from Mithchell St. to Fair Oaks St. Under the program the maximum amount to be awarded is up to \$50,000 as needed on the approved project.

Resolution 10-2018 and attachment A thereto, give Mayor Gordon the authority to sign and execute the agreement.

PREVIOUS COUNCIL ACTION

On July 13, 2017 the City Council approved resolution 16-2017 instructing staff to apply for a SCA from the State of Oregon to pave and widen 5th St. from Mithchell St. to Fair Oaks St.

ALTERNATIVES/FINANCIAL IMPLICATIONS

The SCA would provide up to \$50,000 of the estimated \$60,000 total needed for the project.

STAFF RECOMMENDATION

Adopt.

ATTACHMENTS

A- 2018 Small City Allotment Agreement (Fifth Street – Improvements)

PROPOSED MOTION

I move that the City Council of the City of Falls City adopt resolution 10-2018, A RESOLUTION OF THE CITY COUNCIL OF FALLS CITY, OREGON APPROVING AN AGREEMENT BETWEEN THE CITY OF FALLS CITY AND THE STATE OF OREGON (DEPARTMENT OF TRANSPORTATION) FOR PAVING 5th ST AS DESCRIBED IN RESOLUTION 16-2017.

RESOLUTION 10-2018

A RESOLUTION OF THE CITY COUNCIL OF FALLS CITY, OREGON APPROVING AN AGREEMENT BETWEEN THE CITY OF FALLS CITY AND THE STATE OF OREGON (DEPARTMENT OF TRANSPORTATION) FOR PAVING 5th ST AS DESCRIBED IN RESOLUTION 16-2017.

Findings:

1. The City of Falls City applied for and was awarded a small city allotment through the State of Oregon Department of Transportation.
2. The City of Falls City is in need of the awarded funds to pave and widen 5th street between Mitchell St. and Fair Oaks St.
3. The award and agreement will allow the City to begin the process of paving and widening 5th St.

NOW THEREFORE, the City of Falls City resolves as follows:

Section 1. It is in the best interest of the citizens of Falls City to adopt the agreement presented as attachment A of this resolution.

Section 2. That Falls City approves the agreement between the City of Falls City and the State of Oregon and allows the Mayor to sign the agreement and all documents required under the agreement.

Section 3. This resolution was duly PASSED and ADOPTED by the City of Falls City this 24th Day of May, 2018.

Introduced and adopted May 24, 2018:

Date

Jeremy Gordon, Mayor

Attest:

Date

JoHanna Birr, City Clerk

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A051-G041918

2018 SMALL CITY ALLOTMENT AGREEMENT
Fifth Street - Improvements
City of Falls City

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State"; and CITY OF FALLS CITY, acting by and through its elected officials, hereinafter referred to as "Agency," each herein referred to individually as "Party" and collectively as "Parties."

RECITALS

1. Fifth Street is part of the city street system under the jurisdiction and control of Agency.
2. By the authority granted in Oregon Revised Statutes (ORS) 190.110, 366.800 and 366.805, there has been withdrawn from State Highway Funds appropriated for allocation to cities of the State of Oregon the sum of \$2,500,000 and an additional \$2,500,000 available to the Oregon Department of Transportation from the State Highway Fund. These sums have been set up in a separate account to be administered by the Department of Transportation for the Small City Allotment (SCA) Program. The \$5,000,000 shall be allotted each year by State for use upon city streets that are not a part of the state highway system, that are within cities with populations of 5,000 or fewer persons, and that are inadequate for the capacity they serve or are in a condition detrimental to safety. No single project may receive more than \$50,000 in SCA funds.

NOW THEREFORE, the premises being in general as stated in the foregoing Recitals, it is agreed by and between the Parties hereto as follows:

TERMS OF AGREEMENT

1. By the authority granted in ORS 366.805(2), Agency has requested monies from this account for Fifth Street: Mitchell Street to Fair Oaks Street, hereinafter referred to as "Project." Said Project improvements shall consist of asphalt overlay and widening travel lane. The total estimated cost of this Project is \$60,000.
2. State has considered Agency's request for the Project and has determined that this Project is eligible for funding under the Small City Allotment (SCA) Program.

3. The Parties hereto mutually agree and understand that the cost of the Project will be paid for with SCA funds and by Agency as follows:
 - a. SCA funds will pay for eligible Project costs up to an amount not to exceed \$50,000.
 - b. Agency shall pay all Project costs in excess of the SCA funds.
 - c. State may, upon request by Agency, after execution of this Agreement and after providing concurrence on the Project plans and specifications, advance to Agency up to \$25,000 in SCA funds.
 - d. State shall issue payments after January 1, 2018. Only work begun after the effective date of this Agreement is eligible for reimbursement with SCA funds.
4. Documented cost of preliminary engineering and construction engineering services performed by the Agency, or the Agency's consultant, are eligible Project costs.
5. The term of this Agreement will begin upon execution and will terminate two (2) years following the date of final execution unless extended by an executed amendment.

AGENCY OBLIGATIONS

1. Agency shall conduct all right of way activities in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, ORS Chapter 35, Federal-Aid Policy Guide, Code of Federal Regulations (CFR) and the ODOT Right of Way Manual, and Title 23 CFR Part 710 and Title 49 CFR Part 24.
2. Agency shall assume management and financial responsibility for the acquisition of all right of way. Right of way may be acquired by Agency or on behalf of Agency (by consultants or State) at Agency's choice. If State performs the acquisition, a right of way services agreement shall be executed setting forth the responsibilities of each party.
3. Agency shall assume management and financial responsibility (at no expense to State) for the adjustment, reconstruction, and relocation of utility installations, including all privately or publicly owned utility conduits, lines, poles, mains, pipes and all other facilities of every kind and nature where such relocation or reconstruction is required for project completion.
4. Agency shall prepare, or cause to be prepared, the plans and specifications for the Project, advertise the Project, contract the work, perform the construction engineering, and make the necessary contract payments.

5. Agency shall, during the course of the work, accumulate and retain documentation of all Project costs.
6. Agency shall, upon completion of Project, certify to State that Project is complete and in substantial conformance with the plans and controlling specifications. Agency shall submit an invoice for the remaining eligible costs of Project which, when added to any amount previously advanced by State, shall not exceed the actual total cost of Project or \$50,000, whichever is less.
7. Agency shall assume management and financial responsibility for the ongoing maintenance of Project following construction completion.
8. Agency understands those streets or portions of streets, upon which SCA funds have been expended, are not eligible for additional SCA funds for a period of ten (10) years following the approval for such funds.
9. Agency understands that if Project is canceled by Agency after Agency has received payment of any SCA funds from State, or not completed within the time requirements or in accordance with the terms of this Agreement, Agency shall immediately repay to State the full amount of SCA funds received by Agency.

10. Americans with Disabilities Act Compliance:

- a. Agency shall ensure that the Project, including all sidewalks, curb ramps, and pedestrian-activated signals, is designed, constructed and maintained to comply with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 as amended by the ADA Amendments Act of 2008 (together, "ADA").
- b. Agency may follow its own processes or may use ODOT's processes for design, modification, upgrade, or construction of Project sidewalks, curb ramps, and pedestrian-activated signals, including using the ODOT Highway Design Manual, ODOT Design Exception process, ODOT Standard Drawings, ODOT Construction Specifications, providing a temporary pedestrian accessible route plan and current Curb Ramp Inspection form, available at:
<http://www.oregon.gov/ODOT/HWY/CONSTRUCTION/Pages/HwyConstForms1.aspx>;

Additional ODOT resources are available at:

<http://www.oregon.gov/ODOT/Engineering/Pages/Accessibility.aspx>

ODOT has made its forms, processes, and resources available for Agency's use and convenience.

- c. Agency assumes sole responsibility for ensuring that the Project complies with the ADA, including when Agency uses ODOT forms and processes. Agency

acknowledges and agrees that ODOT is under no obligation to review or approve Project plans or inspect the completed Project to confirm ADA compliance.

- d. Agency shall ensure that temporary pedestrian routes are provided through or around any Project work zone. Any such temporary pedestrian route shall include directional and informational signs and include accessibility features equal to or better than the features present in the existing pedestrian route.
- e. Agency shall ensure that any portions of the Project under Agency's maintenance jurisdiction are maintained in compliance with the ADA throughout the useful life of the Project. This includes, but is not limited to, Agency ensuring that:
 - i. Pedestrian access is maintained as required by the ADA,
 - ii. Any complaints received by Agency identifying sidewalk, curb ramp, or pedestrian-activated signal safety or access issues are promptly evaluated and addressed,
 - iii. Any repairs or removal of obstructions needed to maintain Project features in compliance with the ADA requirements that were in effect at the time of Project construction are completed by Agency or abutting property owner pursuant to applicable local code provisions,
 - iv. Any future alteration work on Project or Project features during the useful life of the Project complies with the ADA requirements in effect at the time the future alteration work is performed, and
 - v. Applicable permitting and regulatory actions are consistent with ADA requirements.
- f. Maintenance obligations in this section shall survive termination of this Agreement.

11. All employers, including Agency, that employ subject workers who work under this Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt under ORS 656.126. Employers Liability Insurance with coverage limits of not less than \$500,000 must be included. Agency shall ensure that each of its contractors complies with these requirements.

12. Agency shall comply with all federal, state, and local laws, regulations, executive orders and ordinances applicable to the work under this Agreement, including, without limitation, the provisions of ORS 279C.505, 279C.515, 279C.520, 279C.530 and 279B.270 incorporated herein by reference and made a part hereof. Without

limiting the generality of the foregoing, Agency expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Title V and Section 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.

13. Agency acknowledges and agrees that State, the Oregon Secretary of State's Office, the federal government, and their duly authorized representatives shall have access to the books, documents, papers, and records of Agency which are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, and transcripts for a period of six (6) years after final payment. Copies of applicable records shall be made available upon request. Payment for costs of copies is reimbursable by State.
14. Agency certifies and represents that the individual(s) signing this Agreement has been authorized to enter into and execute this Agreement on behalf of Agency, under the direction or approval of its governing body, commission, board, officers, members or representatives, and to legally bind Agency.
15. Agency shall require its contractor(s) and subcontractor(s) that are not units of local government as defined in ORS 190.003, if any, to indemnify, defend, save and hold harmless the State of Oregon, Oregon Transportation Commission and its members, Department of Transportation and its officers, employees and agents from and against any and all claims, actions, liabilities, damages, losses, or expenses, including attorneys' fees, arising from a tort, as now or hereafter defined in ORS 30.260 (Claims), to the extent such Claims are caused, or alleged to be caused by the negligent or willful acts or omissions of Agency's contractor or any of the officers, agents, employees or subcontractors of the contractor. It is the specific intention of the Parties that State shall, in all instances, except to the extent Claims arise from the negligent or willful acts or omissions of State, be indemnified for all Claims caused or alleged to be caused by the contractor or subcontractor.
16. Any such indemnification shall also provide that neither Agency's contractor and subcontractor nor any attorney engaged by Agency's contractor and subcontractor shall defend any claim in the name of the State of Oregon or any agency of the State of Oregon, nor purport to act as legal representative of the State of Oregon or any of its agencies, without the prior written consent of the Oregon Attorney General. The State of Oregon may, at any time at its election assume its own defense and settlement in the event that it determines that Agency's contractor is prohibited from defending the State of Oregon, or that Agency's contractor is not adequately defending the State of Oregon's interests, or that an important governmental principle is at issue or that it is in the best interests of the State of Oregon to do so. The State of Oregon reserves all rights to pursue claims it may

have against Agency's contractor if the State of Oregon elects to assume its own defense.

17. Agency's Project Manager for this Project is Terry Ungricht, City Manager, City of Falls City, PO Box 160, Falls City, Oregon 97344; phone: (503) 787-3631; email: manager@fallscityoregon.gov, or assigned designee upon individual's absence. Agency shall notify the other Party in writing of any contact information changes during the term of this Agreement.

STATE OBLIGATIONS

1. State shall administer the funds in the SCA Account in the following manner:
 - a. After January 1, 2018, at Agency's request, State may, upon execution of this Agreement, and after providing concurrence on the Project plans and specifications, forward to the Agency an advance payment of SCA funds not to exceed \$25,000.
 - b. State shall make final payment to Agency for all remaining eligible Project costs upon satisfactory final inspection of the Project by State using State's approved inspection form, and after receipt of the certification of acceptance of work by the Agency accompanied by documentation of all Project costs. Total payments to Agency, including any advance deposit payment, shall not exceed the actual total cost of the Project or \$50,000, whichever is less.
2. State's Project Manager for this Project is Shelly White-Robinson, Special Program Coordinator, ODOT Region 2, 455 Airport Road SE, Building B, Salem, Oregon 97301; phone: (503) 986-6925; email: shelly.white-robinson@odot.state.or.us, or assigned designee upon individual's absence. State shall notify the other Party in writing of any contact information changes during the term of this Agreement.

GENERAL PROVISIONS

1. This Agreement may be terminated by mutual written consent of both Parties.
2. State may terminate this Agreement effective upon delivery of written notice to Agency, or at such later date as may be established by State, under any of the following conditions:
 - a. If Agency fails to provide services called for by this Agreement within the time specified herein or any extension thereof.
 - b. If Agency fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from State fails to

correct such failures within ten (10) days or such longer period as State may authorize.

- c. If State fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow State, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement.
 - d. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or State is prohibited from paying for such work from the planned funding source.
3. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.
 4. If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against State or Agency with respect to which the other Party may have liability, the notified Party must promptly notify the other Party in writing of the Third Party Claim and deliver to the other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Each Party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by a Party of the notice and copies required in this paragraph and meaningful opportunity for the Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to that Party's liability with respect to the Third Party Claim.
 5. With respect to a Third Party Claim for which the State is jointly liable with Agency (or would be if joined in the Third Party Claim), State shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by Agency in such proportion as is appropriate to reflect the relative fault of State on the one hand and of Agency on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of State on the one hand and of Agency on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. State's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if the State had sole liability in the proceeding.
 6. With respect to a Third Party Claim for which Agency is jointly liable with State (or would be if joined in the Third Party Claim), Agency shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in

settlement actually and reasonably incurred and paid or payable by State in such proportion as is appropriate to reflect the relative fault of Agency on the one hand and of State on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of Agency on the one hand and of State on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Agency's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if it had sole liability in the proceeding.

7. The Parties shall attempt in good faith to resolve any dispute arising out of this Agreement. In addition, the Parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.
8. Agency maintenance responsibilities shall survive termination of this Agreement if Project is completed and accepted.
9. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.
10. This Agreement and attached exhibits constitute the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either Party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision.

THE PARTIES, by execution of this Agreement, hereby acknowledge that its signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

The Project was approved on January 12, 2018, by the Program and Funding Services Manager.

CITY OF FALLS CITY, by and through its elected officials

By _____
City Manager

Date _____

**LEGAL REVIEW APPROVAL
(If required in Agency's process)**

By _____
Agency Counsel

Date _____

Agency Contact:

Terry Ungricht, City Manager
City of Falls City
PO Box 160
Falls City, Oregon 97344
(503) 787-3631
manager@fallscityoregon.gov

State Contact:

Shelly White-Robinson
Special Program Coordinator
ODOT Region 2
455 Airport Road SE, Building B
Salem, Oregon 97301
shelly.white-robinson@odot.state.or.us

STATE OF OREGON, by and through its Department of Transportation

By _____
Region 2 Manager

Date _____

APPROVAL RECOMMENDED

By _____
Region 2 Planning and Development
Manager

Date _____

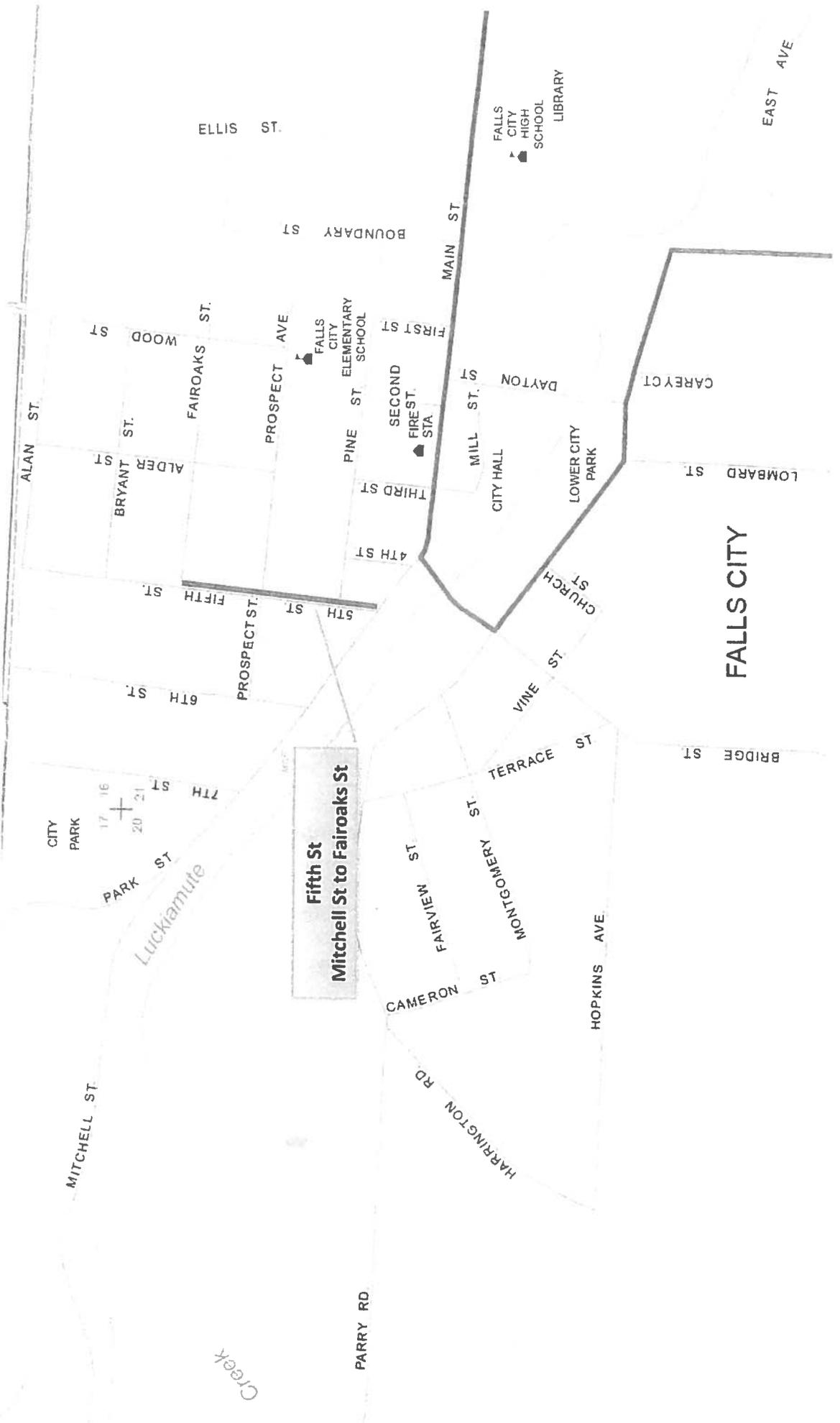
By _____
Region 2 Special Program Coordinator

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By _____
Assistant Attorney General

Date _____



ORDINANCE NO. 530-2013

An ordinance amending Falls City Code Section 32.01, relating to the City Planning Commission; and declaring an emergency.

WHEREAS, the Falls City Planning Commission, and the powers and duties thereof, are established under Section 32.01 of the Falls City Code; and

WHEREAS, there may be occasions when, because of a lack of quorum of the Commission and other reasons, the Commission is unable to fulfill its responsibilities in as set forth in Section 32.01 and in the Falls City Zoning and Development Ordinance in a timely manner; and

WHEREAS, the Falls City Council finds that it is in the best interest of the City that matters pending before the Planning Commission not be unduly delayed or hindered on account of a lack of quorum or other inability of the Planning Commission to act;

NOW, THEREFORE, THE CITY OF FALLS CITY ORDAINS AS FOLLOWS:

SECTION 1: Section 32.01 of the Falls City Code is hereby amended and the following is hereby added to and made a part thereof:

(L) In the event the City Council determines that the Planning Commission is, at any time, and for any reason, including but not limited to lack of a quorum to conduct business, unable to act and to discharge its responsibilities under this section and under the Falls City Zoning and Development Ordinance, the City Council may act in the place and stead of the Planning Commission, and all such acts taken by the City Council pursuant to such a determination shall be deemed and shall have the same force and effect as actions taken by the Planning Commission.

SECTION 2: 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 take effect on its passage.

Read for the first time March 14, 2013.

Read for the second time March 14, 2013.

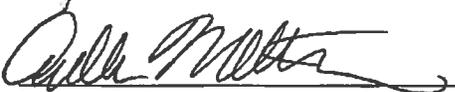
Adopted by the Falls City Council March 14, 2013.

AYES 5 NAYS 0 ABSENT 1

Approved:


Amy Houghtaling, Mayor

ATTEST


Amber Mathiesen,
City Administrator/Recorder