

Notice of Public Meeting City Council Meeting

AGENDA

CITY OF FALLS CITY, OREGON

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

Thursday September 14, 2017 6:00 p.m.

Posted on September 8, 2017

1.) Call to Order

A) Roll Call: Terry Ungricht, Mayor____ 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.) Consent Agenda: Motion Action Approving Consent Agenda Items

- A. Approval of the Billspages 1-5
- B. Approval of August 10, 2017 Council Meeting Minutespages 6-16
- C. Approval of July 20, 2017 City Council Special Session Minutes.....pages 17-57
- D. Approval of August 31, 2017 City Council Special Session Minutes.....pages 58-59

6.) Public Comments Citizens may address the Council or introduce items for Council consideration on any matters. Council may not be able to provide an immediate answer or response, but may direct staff to follow up on any questions raised. Out of respect to the Council and others in attendance, please limit your comment to five (5) minutes. Please state your name and city of residence for the record.

7.) New Business:

- A. 2st reading Ordinance 548-2017 and Consider Adoption LA 17-01.....pages 60-93
- B. Library Information.....pages 94-98
- C. Municipal Code replacement pages for Planning Commission.....pages 99-101
- D. Water Bond Update.....pages 102-121
- E. Committee Appointment.....pages 122-126

8.) Correspondence, Comments, and Ex-Officio Reports

- A. Mayor Report.....pages 127-129
- B. Council Reports
 - Polk County Sheriff Garton's report.....pages 130
 - Fire Department Monthly Report, January through May.....pages 131
 - Public Works Department Monthly Reportpages 131
 - Library Monthly Reportpage 132

8) Council Announcements

- A. Next regular Council Meeting, October 12, 2017 6:00 pm.

9) Adjourn

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 one working day prior to the need for services and every reasonable effort to accommodate the need will be made.

**City of Falls City
Paid Bills Report
As of August 8, 2017**

	<u>Date</u>	<u>Memo</u>	<u>Account</u>	<u>Class</u>	<u>Amount</u>
City of Salem					
	08/08/2017	inv#2304096	Accounts Payable		-1,896.70
	08/08/2017	70% inv 2304096 911 fee	911 Fee - Fire Department	01 GENERAL FUND:01.07 Fire Departm	1,327.69
	08/08/2017	30% 2304096	911 Fee - Law Enforcement	01 GENERAL FUND:01.01 Administrativ	569.01
Total City of Salem					0.00
Dallas Auto Parts					
	08/08/2017	Statement 07.31	Accounts Payable		-5.99
	08/08/2017	Statement 07.31	Maintenance Supplies	20 WATER OPERATING FUND	5.99
Total Dallas Auto Parts					0.00
Edge Analytical					
	08/08/2017	17-19114 and 17-18587	Accounts Payable		-20.00
	08/08/2017	17-19114 and 17-18587	Lab Analysis Services	20 WATER OPERATING FUND	20.00
Total Edge Analytical					0.00
Ferguson Waterworks					
	08/08/2017	Inv. Cmn095695 and 0593390	Accounts Payable		-751.16
	08/08/2017	Inv. Cmn095695 and 0593390	System Maintenance/Repair	20 WATER OPERATING FUND	751.16
Total Ferguson Waterworks					0.00
Forbes Plumbing					
	08/08/2017	inv# 18205 and 18224	Accounts Payable		-47.72
	08/08/2017	inv# 18205 and 18224	Maintenance Supplies	20 WATER OPERATING FUND	47.72
Total Forbes Plumbing					0.00
H.D Fowler Company					
	08/08/2017	Order # 05639513	Accounts Payable		-415.42
	08/08/2017	Order # 05639513, septic tank pump	Maintenance Supplies	13 SEWER FUND	415.42
Total H.D Fowler Company					0.00
Joshua Thorton					
	08/08/2017	Payroll	Accounts Payable		-166.09
	08/08/2017	Reissue payroll check, lost in mail.	Professional Services	01 GENERAL FUND:01.04 Municipal Cc	166.09
Total Joshua Thorton					0.00
King's Pumping Service					
	08/08/2017	177 Prospect, 85 N Main, Upper Park, 57	Accounts Payable		-2,599.00
	08/08/2017	177 Prospect, 85 N Main, Upper Park, 57	Tank Pumping	13 SEWER FUND	2,599.00
Total King's Pumping Service					0.00
Mid Willamette Valley COG					
	08/08/2017	inv 1718057	Accounts Payable		-1,185.00
	08/08/2017	inv 1718057,	Council of Governments Planning	01 GENERAL FUND:01.01 Administrativ	1,185.00
Total Mid Willamette Valley COG					0.00
Net Assets Corporation					
	08/08/2017	66-201707	Accounts Payable		-42.00
	08/08/2017	50% Lien service -66-201707	Professional Services	13 SEWER FUND	21.00
	08/08/2017	50% Lien service	Professional Services	20 WATER OPERATING FUND	21.00
Total Net Assets Corporation					0.00
Office Craft					
	08/08/2017	M99-5664	Accounts Payable		-79.77
	08/08/2017	M99-5664	Copier Lease/Maintenance	01 GENERAL FUND:01.01 Administrativ	79.77
Total Office Craft					0.00
Petro Card					
	08/08/2017	C215820	Accounts Payable		-86.23
	08/08/2017	20% C215820	Vehicle Operation	11 STREET FUND	17.25
	08/08/2017	20%	Vehicle Operation	13 SEWER FUND	17.25
	08/08/2017	60%	Vehicle Operation	20 WATER OPERATING FUND	51.73
Total Petro Card					0.00

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Royal Flush Portables, Inc					
	08/08/2017	A-18790	Accounts Payable		-280.00
	08/08/2017	A-18790, summer park toilets	Professional Services	01 GENERAL FUND:01.03 Parks	260.00
					0.00
Saffron Supply Company					
	08/08/2017	U45869	Accounts Payable		-214.50
	08/08/2017	U45869.	System Maintenance/Repair	20 WATER OPERATING FUND	214.50
					0.00
Total Saffron Supply Company					
	08/08/2017	INV: 41241	Accounts Payable		-2,090.00
	08/08/2017	INV: 41241	Attorney/Special Council	01 GENERAL FUND:01.01 Administrativ.	2,090.00
					0.00
Total Speer Hoyt LLC					
Terry Ungricht					
	08/08/2017	July Expenses	Accounts Payable		-289.44
	08/08/2017	July Expenses	Travel/Meeting Expense	01 GENERAL FUND:01.01 Administrativ.	289.44
					0.00
Total Terry Ungricht					
USA BlueBook					
	08/08/2017	Inv: 321930	Accounts Payable		-178.73
	08/08/2017	Inv: 321930	Maintenance Supplies	20 WATER OPERATING FUND	178.73
					0.00
Total USA BlueBook					
Valley Electric Company, LLC					
	08/08/2017	07.25.2017	Accounts Payable		-1,738.45
	08/08/2017	Carey Court lift station	Equipment Maintenance/Repair	13 SEWER FUND	142.50
	08/08/2017	repair fire station outlets and lights	Fire Station Maint/Repairs	01 GENERAL FUND:01.07 Fire Departm	641.22
	08/08/2017	reader board	Community Center Maint/Repairs	01 GENERAL FUND:01.01 Administrativ.	450.00
	08/08/2017	WTP injection pump, reader board	Equipment Maintenance/Repair	20 WATER OPERATING FUND	504.73
					0.00
Total Valley Electric Company, LLC					
Verizon Wireless					
	08/08/2017	9789830175	Accounts Payable		-37.96
	08/08/2017	August	Telephone	01 GENERAL FUND:01.01 Administrativ.	18.98
	08/08/2017	9789830175	Telephone	20 WATER OPERATING FUND	18.98
					0.00
Total Verizon Wireless					
Walter E. Nelson Co.					
	08/08/2017	Inv:51622	Accounts Payable		-426.90
	08/08/2017	cleaning supplies	Maintenance Supplies	01 GENERAL FUND:01.07 Fire Departm	426.90
					0.00
Total Walter E. Nelson Co.					
Williamson & Aebi, LLP					
	08/08/2017	July	Accounts Payable		-682.40
	08/08/2017	35% July	Professional Services	01 GENERAL FUND:01.01 Administrativ.	238.84
	08/08/2017	5%	Professional Services	01 GENERAL FUND:01.04 Municipal Co	34.12
	08/08/2017	10%	Professional Services	11 STREET FUND	68.24
	08/08/2017	15%	Professional Services	13 SEWER FUND	102.36
	08/08/2017	35%	Professional Services	20 WATER OPERATING FUND	238.84
					0.00
Total Williamson & Aebi, LLP					
Xerox Corporation					
	08/08/2017	inv 090189950	Accounts Payable		-156.05
	08/08/2017	65% inv 090189950	Maintenance Supplies	01 GENERAL FUND:01.01 Administrativ.	101.43
	08/08/2017	35%	Maintenance Supplies	20 WATER OPERATING FUND	54.62
					0.00
Total Xerox Corporation					
Xerox Financial Services					
	08/08/2017	882932	Accounts Payable		-180.75
	08/08/2017	lease July 65%, inv 882932	Copier Leasa/Maintenance	01 GENERAL FUND:01.01 Administrativ.	117.49

**City of Falls City
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Total Xerox Financial Services CenturyLink	08/08/2017	lease 10%	Copier Lease/Maintenance	11 STREET FUND	18.07
	08/08/2017	lease 10%	Copier Lease/Maintenance	13 SEWER FUND	18.07
	08/08/2017	lease 15%	Copier Lease/Maintenance	20 WATER OPERATING FUND	27.12
					0.00
Total CenturyLink Frink's General Store	08/14/2017	multiple phone bills August	Accounts Payable	01 GENERAL FUND:01.01 Administrativ	-435.01
	08/14/2017	August	Telephone	20 WATER OPERATING FUND	186.83
	08/14/2017	multiple phone bills August	Telephone	01 GENERAL FUND:01.07 Fire Departm	72.13
					176.05
					0.00
Total Frink's General Store King's Pumping Service	08/14/2017	invoice 08052017	Accounts Payable	01 GENERAL FUND:01.02 City Council	-39.52
	08/14/2017	invoice 08052017, invoice 08052017	3rd of July System Maintenance/Repair	13 SEWER FUND	22.55
					16.97
					0.00
Total King's Pumping Service Luckanmute Auto Body	08/14/2017	79 N Main	Accounts Payable	13 SEWER FUND	-370.00
	08/14/2017	79 N main	Tank Pumping		370.00
					0.00
Total Luckanmute Auto Body Pacific Power	08/14/2017	inv 1058 and 1059	Accounts Payable	01 GENERAL FUND:01.01 Administrativ	-695.40
	08/14/2017	Paint for jail	City Hall Maint/Repairs	300.00	300.00
	08/14/2017	crosswalk paint and water pump for 04 cl	Maintenance Supplies	11 STREET FUND	195.40
	08/14/2017	water pump for 04 chev	Vehicle Maintenance/Repair	20 WATER OPERATING FUND	200.00
					0.00
Total Pacific Power Valley Electric Company, LLC	08/14/2017	multiple accounts, 21091561-006 2	Accounts Payable	01 GENERAL FUND:01.07 Fire Departm	-1,573.90
	08/14/2017	August	Power/Heat	01 GENERAL FUND:01.01 Administrativ	428.42
	08/14/2017	multiple accounts, 21091561-006 2	Power/Heat	01 GENERAL FUND:01.01 Administrativ	125.13
	08/14/2017	multiple accounts, 21091561-006 2	Power/Heat	13 SEWER FUND	67.48
	08/14/2017	multiple accounts, 21091561-006 2	Power/Heat	11 STREET FUND	256.08
	08/14/2017	multiple accounts, 21091561-006 2	Street Lights	20 WATER OPERATING FUND	638.05
					58.74
					0.00
Total Valley Electric Company, LLC Cascade Columbia Distribution Company	08/14/2017	08.07.2017	Accounts Payable	13 SEWER FUND	-173.90
	08/14/2017	rewrite tank pump	System Maintenance/Repair		173.90
					0.00
Total Cascade Columbia Distribution Company Consumers Power Inc	08/22/2017	invoice 700761 & 701846	Accounts Payable	20 WATER OPERATING FUND	-1,160.10
	08/22/2017	invoice 700761 & 701846	Chlorine Supplies		1,160.10
					0.00
Total Consumers Power Inc Edge Analytical	08/22/2017	Account # 1155301	Accounts Payable	20 WATER OPERATING FUND	-157.42
	08/22/2017	August Power	Power/Heat		157.42
					0.00
Total Edge Analytical H.D Fowler Company	08/22/2017	17-19112	Accounts Payable	13 SEWER FUND	-198.00
	08/22/2017	17-19112	Lab Analysis Services		198.00
					0.00
	08/22/2017	Order # 05640768	Accounts Payable		-780.50

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Total H.D Fowler Company	08/22/2017	Order # 05640768, septic tank pump	Maintenance Supplies	13 SEWER FUND	780.50
King's Pumping Service	08/22/2017	513 Hopkins	Accounts Payable		0.00
Total King's Pumping Service	08/22/2017	513 Hopkins	Tank Pumping	13 SEWER FUND	-659.60
Petty Cash'	08/22/2017	till underage	Accounts Payable		0.00
Total Petty Cash'	08/22/2017	Till underage, 08/16/2017	Miscellaneous Expenses	01 GENERAL FUND:01.01 Administrativ	-5.00
Pitney Bowes	08/22/2017	8000-9000-0969-9830	Accounts Payable		0.00
Total Pitney Bowes	08/22/2017	Postage 20%	Office Supplies	01 GENERAL FUND:01.01 Administrativ	-301.50
Royal Flush Portables, Inc	08/22/2017	50%	Office Supplies	13 SEWER FUND	60.30
Total Royal Flush Portables, Inc	08/22/2017	Account Number: 4798 5312 1498 1146	Office Supplies	20 WATER OPERATING FUND	90.45
US Bank Visa	08/22/2017	Account Number: 4798 5312 1498 1146	Office Supplies		150.75
Total US Bank Visa	08/22/2017	Account Number: 4798 5312 1498 1146	System Maintenance/Repair		0.00
Bill Kalpakoff	08/31/2017	03/11/2017	Accounts Payable		-25.00
Total Bill Kalpakoff	08/31/2017	Brakes P/W truck 2	Vehicle Maintenance/Repair	01 GENERAL FUND:01.01 Administrativ	25.00
CenturyLink Business Services	08/31/2017	Lift station Generator Repair	Vehicle Maintenance/Repair	01 GENERAL FUND:01.03 Parks	0.00
Total CenturyLink Business Services	08/31/2017	August 1417971539	Accounts Payable		-70.00
Complete Wireless Solutions	08/31/2017	August 1417971539-15%	Telephone	20 WATER OPERATING FUND	35.00
Total Complete Wireless Solutions	08/31/2017	August 1417971539-15%	Telephone		35.00
dallas School District	08/31/2017	91376	Accounts Payable		0.00
Total dallas School District	08/31/2017	Radio service, 91376	Equipment O&M	01 GENERAL FUND:01.07 Fire Departm	-142.50
Edge Analytical	08/31/2017	inv#9083924	Accounts Payable		0.00
Total Edge Analytical	08/31/2017	inv#9083924 printing	Office Supplies	01 GENERAL FUND:01.07 Fire Departm	24.00
Falls City Fire Association	08/31/2017	17-20920	Accounts Payable		0.00
Total Falls City Fire Association	08/31/2017	17-20920	Lab Analysis Services	20 WATER OPERATING FUND	-120.00
Falls City Screen Printing	08/31/2017	September	Accounts Payable		120.00
Total Falls City Screen Printing	08/31/2017	September	Point System	01 GENERAL FUND:01.07 Fire Departm	-916.66

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Total Falls City Screen Printing	08/31/2017	Code Enforcement shirts	Accounts Payable		-40.00
	08/31/2017	Code Enforcement shirts	Uniforms and Protective Gear	01 GENERAL FUND:01.04 Municipal C-	40.00
					0.00
Oregon Fire Chiefs Association	08/31/2017	2017/2018 Dues	Accounts Payable		-85.00
	08/31/2017	2017/2018 Dues	Education/Training/Dues	01 GENERAL FUND:01.07 Fire Departm	85.00
					0.00
Total Oregon Fire Chiefs Association Petro Card					
	08/31/2017	C221226	Accounts Payable		-82.08
	08/31/2017	20% C221226	Vehicle Operation	11 STREET FUND	16.41
	08/31/2017	20%	Vehicle Operation	13 SEWER FUND	16.41
	08/31/2017	60%	Vehicle Operation	20 WATER OPERATING FUND	49.26
					0.00
Total Petro Card					
Van Well Building Supply	08/31/2017	7 invoices	Accounts Payable		-159.11
	08/31/2017	inv. 1237670, 1238972, 1241461, 12420	Equipment Maintenance/Repair	20 WATER OPERATING FUND	104.17
	08/31/2017	inv 1243667, Repair slide lower park	Equipment Maintenance/Repair	01 GENERAL FUND:01.03 Parks	14.94
	08/31/2017	inv 1241830, Bulb	Equipment Maintenance/Repair	01 GENERAL FUND:01.07 Fire Departm	40.00
					0.00
Total Van Well Building Supply					

City of Falls City
City Council Regular Meeting Minutes
August 10, 2017 6:00 PM
Meeting Location: 320 N Main Street, Falls City, Oregon 97344

Council Present: Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

Staff Present: JoHanna Birr, City Clerk and Bob Young, Falls City Fire Chief

Mayor Ungricht called the meeting to order at 6:04 pm.

1) Roll Call

Clerk Birr took roll call. Lori Jean Sickles was absent.

2) Pledge of Allegiance

Mayor Ungricht led the pledge.

3) Motion to adopt the entire Agenda

A motion was made by Councilor Lauder and seconded by Councilor Meier to adopt the entire agenda. Motion carried 5-0-0. Ayes: Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn.

4) Consent Agenda

A motion was made by Councilor Lauder and seconded by Councilor Meier to adopt the Consent Agenda with the addition of items I; Southwest Fire District Contract Negotiations agenda report. (Exhibit A)
Motion carried 5-0-0. Ayes: Jennifer Drill Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn.

Councilor Drill asked if the US bank Visa was used for the bed liner and toolbox for the new Public Works truck. Mayor Ungricht answered yes.

5) Public Comments

None

6) New Business

A. 2nd reading of Ordinance 544-20174 Council Serving as Planning Commission

A motion was made by Councilor Lauder and seconded by Councilor Drill that the City of Falls City read Ordinance 544-2017 for the second time by title only. Ordinance No. 544-2017 an ordinance amending the City of Falls City Municipal Code Section 32.01, relating to the City Planning Commission; and declaring an emergency. Motion carried 5-0-0. Ayes: Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn.

A motion was made by Councilor Lauder and seconded by Councilor D. Sickles that the City of Falls City adopt Ordinance 544-2017 for the second time by title only. Ordinance No. 544-2017 an ordinance amending the City of Falls City Municipal Code Section 32.01, relating to the City Planning Commission; and declaring an emergency. Motion carried 5-0-0. Ayes: Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn.

B. 2nd reading of Ordinance 545-2017 ZC 17-01

A motion was made by Councilor D. Sickles and seconded by Councilor Flynn that the City of Falls City read Ordinance 545-2017 for the second time by title only. Ordinance No. 545-2017 an ordinance amending the City of Falls City Zoning Map, related to application File No. ZC 17-01. Motion carried 5-0-0. Ayes: Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn.

A motion was made by Councilor D. Sickles and seconded by Councilor Lauder that the City of Falls City adopt Ordinance 545-2017 for the second time by title only. Ordinance No. 545-2017 an ordinance amending the City of Falls City Zoning Map, related to application File No. ZC 17-01. Motion carried 5-0-0. Ayes: Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn.

A motion was made by Councilor Lauder and seconded by Councilor Flynn that the City Council of the City of Falls City approve resolution 17-2017 a resolution declaring support of Arbor Day and setting an annual date to celebrate Arbor Day in Falls City, Oregon. Motion carried 5-0-0. Ayes: Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn.

C. 2nd reading of Ordinance No. 546-2017 CPMA/ZC 17-02

A motion was made by Councilor Flynn and seconded by Councilor D. Sickles that the City Council of the City of Falls City read the Ordinance 546-2017 for the second time by title only. Ordinance 546-2017 An ordinance amending the City of Falls City Zoning and Comprehensive Plan Maps, related to Application File No. CPMA/ZC 17-02. Motion carried 5-0-0. Ayes: Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn.

A motion was made by Councilor Flynn and seconded by Councilor D. Sickles that the City Council of the City of Falls City adopt the Ordinance 546-2017 for the second time by title only. Ordinance 546-2017 An ordinance amending the City of Falls City Zoning and Comprehensive Plan Maps, related to Application File No. CPMA/ZC 17-02. Motion carried 5-0-0. Ayes: Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn.

D. 2nd reading of Ordinance No. 547-2017 CPMA/ZC 17-01

A motion was made by Councilor Lauder and seconded by Councilor Flynn that the City Council of the City of Falls City read the Ordinance 547-2017 for the second time by title only. Ordinance 547-2017 An ordinance amending the City of Falls City Zoning and Comprehensive Plan Maps, related to Application File No. CPMA/ZC 17-01. Motion carried 5-0-0. Ayes: Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn.

A motion was made by Councilor Lauder and seconded by Councilor D. Sickles that the City Council of the City of Falls City adopt the Ordinance 547-2017 for the second time by title only. Ordinance 547-2017 An ordinance amending the City of Falls City Zoning and Comprehensive Plan Maps, related to Application File No. CPMA/ZC 17-01. Motion carried 5-0-0. Ayes: Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn.

E. 1st reading of Ordinance 548-2017 Legislative Text Amendment

A motion was made by Councilor Flynn and seconded by Councilor Meier that the City Council of the City of Falls City read the Ordinance 548-2017 for the first time by title only. Ordinance 548-2017 An ordinance adopting a legislative text amendment to the City of Falls City Zoning and Development Ordinance Sections 1.202.02, 2.210, 3.102, 3.105.E, 3.105.G.2, 3.105H.3-5, 3.106.A, 3.106.B, 3.106.H, 3.208 and 3.210.01.B. File No. LA 17-01. Motion carried 5-0-0. Ayes: Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn.

F. Rural Community Assistance Corporation One- Stop exercise

Falls City was asked to have our projects used as examples in the next training meeting for RCAC aimed at communities with 2,500 or less population. Mayor Ungricht went to Silverton, Oregon and was happy to meet the representative for CDBG. She invited him to training in August to help with developing the grant language. Unfortunately, some funding is contingent on other funding. Mayor Ungricht feels the City is out of compliance due to repeat surfacing on the football field over the years.

As it is, there could be a \$30 increase in user fees to pay for funding. Councilor Lauder commented that the current 177 customers on the system would pay more for ten years or so for sewer. Mayor Ungricht said the city must have the goal of putting the entire town on sewer to lower pricing and for customers. He said an option could be to sell a partial bond so the whole town pays, in turn stabilizing rates at perhaps the \$60.00 range.

DEQ has new regulations on septic. This poses a problem for the city. DEQ is already upset with our south side because there is not enough land for septic. Any failing systems will become un-inhabitable. Councilor Drill offered to educate the public of the situation at Town Hall meetings. It was mentioned that it was unfortunate our failing infrastructure with sewer, streets and fire had to be borne on the backs of our fine citizens.

Councilor D. Sickles noted that Council had decided to put the library on the ballot. Mayor Ungricht does not agree and feels it would fail. He feels asking for \$1.30 per \$1,000.00 for infrastructure and fire is the better and more feasible option. Closing the library will take six months due to state regulations on posting notices etc. is critical. Councilor D. Sickles asked Mayor Ungricht to review the minutes from the Joint Work Session in June. Clerk Birr will supply those minutes to Council. Councilor D. Sickles is opposed to not putting the library on the ballot without reviewing the minutes and meeting with the School Board.

A motion was made by Councilor Meier and seconded by Councilor Lauder to close the library June 30, 2018 unless there is a public outcry.

Councilor Drill said it was wise of Councilor D. Sickles to want to review and meet. She suggested tabling the motion and holding off any further discussion until the September regular Council meeting. Mayor Ungricht said a decision must be reached by December Council meeting in order to satisfy state requirements.

G. Recorder Position Update

There are three candidates with two having completed background checks. All have degrees. Mr. O'Day with COG is available on 8/24/2017 and 8/30/2017 to meet with Council. Council chose the latter date. Councilor D. Sickles is unavailable but expressed his confidence and was comfortable with Council proceeding. Mayor Ungricht has drafted questions for Council to ask applicants. A few more will be added with the City Attorney's approval. Council will meet, as applicants prefer, in either a Public or Executive meeting setting.

H. Levy Information

It would cost the City \$750.00 to \$1,000.00 to put an item on the May 15, 2018 ballot. Mayor Ungricht believes the Fire Department is a priority and is considering dropping streets from a combined ballot. Councilor Drill asked if the City could wait until the outcome of the southwest Polk Fire District contract. The answer was yes, however Mayor Ungricht would like the language in place by the January Council meeting. Council agreed to table this item.

I. Southwest Polk Fire District Contract

Southwest Polk Fire District Board has been in negotiations with the City of Dallas and the Falls City Fire Association for renewal of contract with Dallas. A three-month extension was granted which will end in September. So far, language in the contract has not been agreeable to all parties. There has also been intimidation on the part of Chief Hertel threatening to pull SWPFD equipment from Falls City if the contract is not accepted. Bob Young, Falls City Fire Chief agreed that he had been told by Chief Hertel that equipment would be pulled if the contract were not accepted. The City is uncomfortable with several changes. The first item is all monies from the taxing district would be going to Dallas. Chief Hertel would like all the property tax in the Dallas pool. Mayor Ungricht said Commissioner Pope has some concerns about this as well. Property owner's insurance pricing is dependent of their Fire District's Insurance Service Office (ISO) rating.

Falls City Fire Department established in 1901, have been working hard to protect the integrity of our district since 1947. We have the best volunteer staffing in Polk County. Falls City has an excellent ISO. Larger cities rank 2-5, Dallas is a four. Insurance rates would increase to about \$2.00 per \$1,000.00.

Melding and priority differences are also a concern. One selling point Chief Hertel mentioned, as a benefit is that volunteer would be able to respond from another location. Council questioned this because the volunteer's turnouts would be in Falls City. Chief Young said many of the "advantages" do not make sense. Dallas is paid staffing and down to 20 volunteers from 70-100 in the past. Joanna Jarvis, their longtime Administrative Assistant has resigned. This led to the belief that leadership is at an all-time low. Chief Young said that our 40 volunteers are DPSST certified and accredited and it is disheartening to see the Fire Department be run-over after so much hard work and effort. The Office of DSPPT errored in not accrediting our Fire Department and is rectifying the situation. This "lack" of accreditation is mentioned in an email from Chief Hertel to Mayor Ungricht. (Exhibit B)

If negotiations were not reached, Teal Creek, Oakdale, Bridgeport, Airlie roads and Kings Valley Highway would be out of jurisdiction of the ISO imposed five-mile radius. Currently Falls City Fire responds to approximately 45% of calls outside our ISO with excellent response time. The recent barn fire at 5 am in the morning produces 8-9 volunteer responders from Falls City alone. Chief Young said Chief Hertel has changed the procedures for directing 911 calls. He believes he is limiting volunteer calls to show his professional need for either personal or financial gain.

Councilor Lauder said our levy becomes more important if we say no to the contract. Another option was to say the Fire Department is no longer responding, the Board would will take notice. Councilors Meier and Drill along with Mayor Ungricht will attend the Board meeting August 14, 2017. Mayor Ungricht would also like to have a work session with all parties involved. Council agreed a negotiation would not work with the current wording of contract. It should be kept the same.

Councilor Drill pointed out that Dallas did not meet criteria during a recent review of the Fire Departments. She asked why Falls City would come under control of a Department that is subpar. She has not reviewed the proposed contract but supports the identity and pride of our community. She asked what the purpose of a work session would be. He said to meet the players- those involved in decision making. It would extend an invitation to SWPFD as well. Chief Hertel has refused to attend a meeting with Volunteers. Chief Young invited Council to stop in any Wednesday night and visit the Fire Hall for tours, meet the volunteers and see how it operates. (Exhibit A)

7) Correspondence, Comments and Ex-Officio Reports

A. Mayors Report

The Public Works 2000 6x4 John Deere Gator was stolen from the Water Plant. The used Gator is valued at \$1,500.00. Deputy Watson looked for it, Mike McConnell posted to Facebook that if it were parked on Main Street in an easy to spot location, no questions would be asked. Unfortunately the vehicle was not covered by the Water Plant insurance policy due the fact its use is not exclusive to the plant. Cost of replacement would be \$15,000.00.

Mayor Ungricht asked Council if they would consider closing City Hall either a partial or a full day August 21 for the Eclipse event. It will be an unpaid holiday for employees. Council agreed it might be a good idea for the entire day.

There has been no proof of insurance indemnity from Laura Britton. Mayor Ungricht asked Council if the porta potties should be returned and money recouped. He has put two in the Falls Park. Council directed him to place 1 more at the Falls Park, two at the Lower Park and two on Main Street.

The chain put across the entrance to the Falls Park was cut off within 24 hours. Bathrooms at the upper park lose two rolls of paper per day to attrition; people are shooting up drugs in the bathrooms and flushing needles. It is a continual mess. Mayor Ungricht would like to put up cameras and only open for events next year.

The consortium has cleaned jail and started painting inside. They have repainted the crosswalks throughout town.

Public Works staff will increase to three full time employees. There is too much work for just two. The Ford truck will be kept for Code Enforcement to use while conducting business. He will wear a lime green shirt labeled Code Enforcement to be easily recognizable to the community. The Mayor or Sheriff will accompany him.

8) Council Announcements

Councilor Drill thanked Council Members for their effort and hard work.

Councilor Flynn was finished with the Community Center report.

Sheriff's Report

Sheriff Garton was present then called away. His report was provided to Council. (Exhibit C)

Library Report

9) Adjourn

The meeting adjourned at 8:01 pm.

_____ Mayor Terry Ungricht

Attested: _____ City Clerk JoHanna Birr

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AGENDA REPORT

TO: CITY COUNCIL
FROM: MAYOR UNGRICHT
SUBJECT: SOUTHWEST FIRE DISTRICT CONTRACT NEGOTIATIONS
DATE: 8/08/2017

SUMMARY

Council set up a negotiating committee made up of Council President Meier, Chief Young, and the Mayor.

BACKGROUND

The current agreement between Falls City and the Southwest Fire District expired on June 30, 2017. We met with Chief Hertel and the district desired for Falls City to contract our Fire Department to Southwest for all operations. I asked that we extend the current contract for a couple of years while The District and Dallas Fire consolidated operations.

Council set up our negotiating team and we met with Chief Hertel and the Southwest Lawyer. Chief Hertel stated that either we contract our department out or they were going to pull their equipment. I urged that we extend the contract; it was declined.

The District and Dallas are negotiating a contract to have Dallas oversee all of the Districts operations, the District will become just a taxing district. I have voiced my concern on the long-term viability of Falls city operating their own Fire Department and have said that when the District expands we would want to be a part of the new district to protect our citizens, but this agreement is the District's way of forcing our citizens into the district. I worry that if we contract out now, especially with the changes going on with Southwest, we could end up losing our department in Falls City. We would be mothballing our equipment and it would be hard to restart a department and staff with volunteers if contracting the services out fails.

I do not know why, other than depth of staffing the District decided to hand over all operations over to Dallas, it would have seemed it would have been better to all form under the Fire District rather than Dallas handling all of the operations covered by the District, but that is their choice. This will hurt us a little budgetary, but not that much since we were offering the district a great deal for protecting this end of their district. We can negotiate better terms under the presented IGA if Council wishes, but I would worry about a station being located in Falls City a few years down the road.

I suggest that we have a joint meeting with the Council and the members of the Fire Department so all of our concerns can be addressed. I then ask the Council for direction on how to proceed.

PREVIOUS COUNCIL ACTION

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ALTERNATIVES/FINANCIAL IMPLICATIONS

STAFF RECOMMENDATION

EXHIBITS

PROPOSED MOTION

N/A

INTERGOVERNMENTAL AGREEMENT FOR FIRE AND EMERGENCY SERVICES

This agreement, by and between the City of Falls City, hereinafter referred to as City, and the Southwestern Polk County Rural Fire Protection District, hereinafter referred to as District, is made and entered into the 1st day of October, 2017, for the purpose of having District provide fire services within the City.

RECITALS

- A. Oregon Revised Statutes (ORS) Chapter 190 authorizes units of local government to enter into written agreements with other units of local government for any or all of the functions and activities of a party to the agreement.
- B. The City is a municipal government and District is a duly organized rural fire protection district established under ORS Chapter 478. City and District have a long history of mutual aid.
- C. Whereas, the parties wish to work towards full coordination of fire services within their respective jurisdictions and the larger region, and this agreement is a step towards that mutual goal.

AGREEMENT

Now, therefore, in consideration of each party's performance of the covenants, terms and conditions herein as they run to the benefit of the other, the parties mutually agree:

SECTION 1 - PURPOSE

- 1.1 The purpose of this agreement is for the District to provide fire and emergency services within the City.
- 1.2 Recognizing the purpose and the spirit with which this agreement is entered into, City and District agree to cooperate, consult, meet and work together in resolving, to the mutual satisfaction of both parties, any question or problems which may hereafter arise in connection with the performance of this agreement.

SECTION 2 - TERM

This agreement shall be effective for a period of thirty-three (33) months, beginning October 1, 2017 and ending June 30, 2020. The parties agree to meet prior to February 28, 2020, to determine whether to extend this agreement beyond June 30, 2020.

SECTION 3 - SERVICES TO BE PROVIDED

- 3.1 The District, on and after October 1, 2017, shall be solely responsible for providing fire

District, including without limitation federal social security, health benefits, workers' compensation, unemployment compensation, and retirement benefits.

SECTION 7 – EQUIPMENT AND APPARATUS

The District shall accept from the City ownership and responsibility for the following listed equipment, apparatus, and machinery during the term of this agreement: emergency power generator (Model No.: ___); turnouts (_# full sets). District shall maintain the above listed equipment in good working order during the term of this agreement. Any maintenance to the above equipment shall be performed and provided by District at District's cost. If an item listed above ceases to function or is damaged beyond repair during the term of this agreement, including through ordinary wear and tear but not including through the negligence of City or its officers, employees or volunteers, District shall replace the item with a suitable and reasonable replacement. Costs to replace the emergency generator shall be split (50%/50%) between the District and City. Costs to replace turnouts shall be borne by the District. At the end of the term of this agreement, District shall return the above listed equipment in good working and functional condition, reasonable wear and tear excepted.

Except as listed above, the District does not accept any other equipment, apparatus or machinery that may be located or stored at the Falls City Fire Station building. District is not responsible for the maintenance or upkeep of any equipment, apparatus or machinery that is not listed above.

SECTION 8- REVIEW, EVALUATION, AND QUALITY ASSURANCE

- 8.1 Both parties shall notify the other as soon as possible of incidents that affect the quality of service delivery under this agreement. Both parties agree to work diligently towards resolving any issues that may arise for the mutual benefit of the parties.

- 8.2 The City Council and The District Board of Directors will meet annually [set out when]. This meeting will be held at the Falls City station. The purpose of the meeting between the City Council and the District Board of Directors will be to receive information of interest to the parties, and to provide direction relating to funding, infrastructure, legislation, and service levels. Additional meetings may be called upon agreement of both presiding officers.

SECTION 9 – LIABILITY/INDEMNITY

- 9.1 To the extent permitted by the Oregon Tort Claims Act and the Oregon Constitution, District shall defend, indemnify and hold harmless City, and each of City's elected officials, officers, agents and employees, from and against any and all losses, claims, actions, costs, judgments, damages or other expenses resulting from injury to any person (including injury resulting in death) or damage to property (including loss or destruction), of whatever nature, arising out of or incident to the performance of this agreement by District, including, but not limited to, any acts or omissions of District's officers, employees, agents, volunteers and others, if any, designated by District to perform

Notice shall be deemed to be received when hand delivered or, if mailed, three (3) days after said mailing. If the mailing address of either party changes, notice of the change of address shall be given to the other party in writing.

SECTION 11 – DEFAULT

A party to this agreement who has cause to believe that the other party is in default of the terms or conditions of this agreement, shall give the party alleged to be in default written notice of the default, and allow not less than fourteen (14) calendar days for the default to be cured. If the default is not cured within that time, the following remedies are available to the parties:

- Declare this agreement to be terminated, at which time the provisions of Section 9 of this agreement shall be complied with.
- Engage the dispute resolution provisions provided in this agreement, and thereafter bring an action in the Polk County Circuit Court to enforce any provision of this agreement.
- Request arbitration of any dispute pursuant to ORS 190.710 to ORS 190.180.

Each of the above remedies is deemed to be cumulative and non-exclusive of any other remedy.

SECTION 12 - TERMINATION

- 12.1 This agreement may be terminated for cause after the terminating party has complied with the requirements of Section 8.
- 12.2 This agreement may be terminated by either party, without cause, by the terminating party giving the other party written notice of its intention to terminate this agreement. Such notice shall be given at least six (6) months prior to the termination of this agreement, although, by mutual consent of the parties, this agreement may be terminated on shorter notice.

SECTION 13 – DISPUTE RESOLUTION

- 13.1 Should any dispute arise as to the meaning or application of any of the provisions of this Agreement, or as to the rights or obligations of a party hereto in a particular case, the issue must first be subject to mediation. The parties shall mutually agree on a mediator and, if the parties are unable to agree on a mediator, the Presiding Judge for Polk County shall select the mediator.
- 13.2 No party shall be entitled to maintain any action at law, adjudicate, or enforce any provision of the agreement without first attempting mediation as provided herein.
- 13.3 The provisions of this section are for the benefit and use of the parties to this agreement through their authorized officials and are neither available to nor for the benefit of any other person.

July 2017 Falls City Stats

Falls City Calls for Service							
Alarm	1	DOA		Illegal Park	1	Susp Activity	2
Assault	1	FIR	2	Menace		Susp Person	2
Animal	6	Domestic Dist	5	Misc Crime		Susp Vehicle	3
Area Check	1	Drug	2	Mental	1	Theft	
Assault		DUII	1	Noise	1	Tow	
Assist Other Agency	9	Fire/EEMS	8	Open Door		traffic assist	
ATL (attempt to locate)		Follow up	3	prowler		Traffic Stops	15
Burglary	3	Found Prop	1	runaway		Trespass	4
Citizen Contact	12	Fraud		sex offense		Warrant	
Civil Paper Service	13	Gen Disturb	2	Shots Fired		Welfare Check	
Criminal Mischief	1	Harassment	1	Stolen Veh		Unclass	

Falls City Calls for Service	103	Of the FC Calls for Service	20	involved crimes	
Total Calls for Service (county wide)	2399	FC Cases Cleared by Arrest	10	50.0%	clearance
Falls City % of Total Calls	4.3%	Total Arrests in Falls City	8	6.7%	of total arrests

Total Service Calls (Polk County)	2399	Crimes Occ	5	(county wide)
Of the calls for service (county wide)	201	Juvenile Arrests	0	(Falls City)
Cases Cleared by arrest	129	Juvenile Arrests	0	(Falls City)
Total Arrests (county wide)	120	(only true crimes reported here)		

City of Falls City
City Council Special Session Meeting Minutes
Land Use Public Hearings
July 20, 2017 6:00 PM
Meeting Location: 320 N Main Street, Falls City, Oregon 97344

Council Present: Mayor Terry Ungricht, Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

Staff Present: Renata Wakeley, City Planner and Program Director, Mid-Willamette Valley Council of Governments, Domenica Protheroe, City Clerk, and JoHanna Birr, City Clerk

Mayor Ungricht called the meeting to order at 6:00 pm.

1) Roll Call

Clerk Protheroe took roll call. Lori Jean Sickles arrived at 6:13 pm. Lori Jean Sickles left the room from 7:17 to 7:19 PM. Jennifer Drill left the room from 7:10 to 7:13 PM.

2) Pledge of Allegiance

Mayor Ungricht led the pledge.

3) Motion to adopt the entire Agenda

A motion was made by Councilor D. Sickles and seconded by Councilor Flynn to adopt the entire agenda. Motion carried 5-0-0. Ayes: Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn.

Clerk Protheroe distributed the following replacement pages for the meeting packet:

- a. Meeting Packet Replacement Pages summary (Exhibit A)
- b. Public Hearing Script – Replaces packet pages 1-9 (Exhibit B)
- c. Staff Report ZC 2017-01 – Replaces packet pages 13-16 (Exhibit C)
- d. Staff Report CPMA/ZC 17-01 – Replaces packet pages 55-62A (Exhibit D)
- e. Ordinance 545-2017 – Replaces packet pages 11-12 (Exhibit E)
- f. Ordinance 546-2017 – Replaces packet pages 36-37 (Exhibit F)
- g. Ordinance 547-2017 – Replaces packet pages 53-54 (Exhibit G)

Mayor Ungricht read aloud the script for Quasi-Judicial and Legislative Land Use Public Hearings:

Now is the time set for public hearings to consider Three (3) quasi-judicial land use applications and one (1) Legislative Amendment to the Falls City Zoning and Development Code.

The first (1st) application ZC 17-01 is a request for a Zone Change from Public Assembly/Institutional (PAI) to Commercial/Residential (CR) to correct zoning map error at 85 Boundary Street, 212 N. Main Street, and 216 N. Main St.

The second (2nd) application CPMA/ZC 17-02 is a request for a Comprehensive Plan Map Amendment (CPMA) to change designation from Public Assembly/Institutional (PAI) to Residential (R) on portion of lot to remove split zone and Zone Change (ZC) from Public Assembly/Institutional (PAI) to Residential (R) on a portion of lot to remove split zone with no change of use for 223 S. Main Street.

The third (3rd) application CPMA/ZC 17-01 is a request for a Comprehensive Plan Map Amendments (CPMA) and Zone Change (ZC) from Residential (R) to Public Open Space (P) for the expansion of Michael Harding Park.

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Lastly, LA 17-01 is a request for certain Legislative Text Amendments to the Falls City Zoning and Development Ordinance to clarify the process to consolidate platted lots, replace Section 2.210 for Historic Resources and general housekeeping amendments. A Legislative public hearing is required when considering amendments to the zoning ordinance in accordance with Falls City Zoning and Development Code 3.106 and state law.

The Planning Commission is not able to act because of a lack of a quorum. Therefore, the Council must act as the Planning Commission for the three (3) quasi-judicial land use applications and in the dual role of Planning Commission and Council for the legislative action. Is there a motion for the Council to act in place of the Planning Commission?

A motion was made by Councilor D. Sickles and seconded by Councilor Lauder that the City Council of the City of Falls City act in place of the Planning Commission to process land use matters. Motion carried 5-0-0. Ayes: Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn.

Mayor Ungricht continued reading aloud the public hearing script:

Now we will proceed with the three (3) Quasi-Judicial Land Use Public Hearings. Each hearing will be conducted separately, and I will introduce the procedures for each hearing only once.

For the three (3) land use hearings, I will introduce the applicable substantive criteria upon which each case will be decided. Our City Planner Renata Wakeley will provide a staff report. When the staff report has been presented, I will open the public hearing to public testimony. Members of the public who want to testify are asked to sign in, come up when called, and give their name and city and address for the record before they testify. We ask for your address so that we can notify you of the City's final decision. If you have any written testimony or other evidence to submit, please give that to staff so it can be entered into the record. When public testimony has been concluded I will close the public hearing and open it up for council discussion and deliberation.

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

Mayor Ungricht asked if there any questions among the Council about the process. Council had no questions.

Mayor Ungricht continued to read aloud the public hearing script:

Oregon land use law requires several items be read into the record at the beginning of each public hearing. The following provision will be applicable to all three (3) quasi-judicial land use public hearings tonight.

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

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

Councilor Meier disclosed he was the property owner of 212 N Main Street ZC 17-01, and head of the corporation that sold 223 S Main Street CPMA/ZC 17-02. City Planner Wakeley stated application ZC 17-01 was merely trying to correct a clerical error in zoning to comply with the Comprehensive Plan. She stated it was Councilor Meier choice if he wanted to abstain from the discussion and vote; she did not object his participation and the public would be given an opportunity to object. Councilor Meier clarified that he was

not the owner of 223 S Main Street. Councilor Meier decided not abstain from the discussion or the vote for applications ZC 17-01 and CPMA/ZC 17-02.

Mayor Ungricht asked if there any challenges from the audience as to conflicts of interest, ex-parte contacts, or bias related to any member of the Council. There was none.

Mayor Ungricht and City Planner Wakeley asked if any councilor wished to disclose any ex-parte communications regarding ZC 17-01, CPMA/ZC 17-02, or CPMA/ZC 17-01. There was none.

4) Public Hearing: Zone Change from Public Assembly/Institutional (PAI to Commercial/Residential (CR) to correct zoning map error (ZC-17-01) 85 Boundary street, 212 N Main Street, and 216 N Main Street

Mayor Ungricht read aloud the required statements for ZC 17-01:

The applicable substantive criteria upon which ZC 17-01 will be decided are found in Section 2.102, 2.105, 3.105 and 3.207 of the Falls City Zoning and Development Ordinance.

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

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

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

Mayor Ungricht called upon City Planner Renata Wakeley to present the staff report for the first (1st) application.

City Planner Wakeley complimented staff on the submission of very complete applications resulting in fewer COG staff hours to process each application.

City Planner Wakeley stated that the Comprehensive Plan Map correctly identifies the subject properties as Commercial Residential and the approval of this zone change will bring the Zoning Map into compliance with the Comprehensive Plan Map.

City Planner Wakeley stated that the Staff Report was amended to include Oregon State Planning Goal 12-Transportation at the recommendation of Falls City legal counsel. All zone change requests are required to address impacts to traffic. City Planner Wakeley stated that two of the three subject properties are already developed and the application did not propose a change of use or increased development. The third subject property is undeveloped and when the lot is developed, the development will be required to comply with the Zoning and Development Code. Therefore, an increase in traffic is unlikely but is possible. She stated that someone could argue if a Commercial Residential zoned property is changed to Public Assembly/Institutional (the reverse) could generate more traffic.

City Planner Wakeley stated that Public Works staff had reviewed all applications and had no comments or conditions.

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City Planner Wakeley reviewed the exhibits, approval criteria, staff findings, and recommendations for conditions of approval. Staff found all applicable criteria have been met. She reviewed the conditions of approval.

Councilor Flynn asked if the subject properties are actual zoned Public Assembly/Institutional (PAI). Mayor Ungricht stated that the subject properties are actually zoned Public Assembly/Institutional on the Zoning Map. City Planner Wakeley stated that the Comprehensive Plan Map correctly reflects the subject properties as Commercial Residential. Clerk Protheroe reported that staff determines the zone of a property using the zoning map.

Councilor Drill asked if there is any loss or gain. If an existing structure were destroyed by fire, needed major repair or the owner wanted an addition, the owner would be required to take extra steps requiring additional time and expense for a variance for non-conforming use because residential structures are not a permitted use in the PAI zone and are considered a non-compliant use for the zone. The owner of the vacant lot would be required to apply for and pay for a zone change before submitting a site plan for a residential structure or business development because the PAI zone does not offer conditional uses.

City Planner Renata Wakeley noted that the zone change might trigger a change in the tax rolls but she could not confirm. She stated that PAI zone is often tax exempt, but the City needs to make sure a property is taxed on the actual use. Clerk Protheroe referred to the Assessor Summary Report that reflected a value for the residential structures and use, while also reflecting the PAI zone. The City will notify the County Assessor of all approved zone changes.

Councilor Drill asked if the change of zone would affect their water and sewer rates. Clerk Protheroe stated city utility rates would not change; the City bills the developed properties at the residential rate.

Councilor Lauder asked why the subject properties were zoned PAI. Clerk Protheroe reported that the City recognized a clerical error on the zoning map that mistakenly zoned the vacant lot at 85 Boundary Street, 212 N Main Street, and 216 N Main Street as Public Assembly/Institutional. City Planner Wakeley confirmed that a church was zoned Commercial Residential and a church was a permitted use in the CR zone. Councilor Meier recalled seeing a map with an arrow pointed to the church that indicated the PAI Zone; he thought this was the likely source of the mistake.

Mayor Ungricht opened the Public Hearing for application # ZC 17-01 at 6:29 pm.

Mayor Ungricht provided instructions for public comments and invited comments as follows:

- All persons speaking before the City Council must state their name and address for the record.
- I invite the Applicant to present their case.
- I invite those in support of the application to speak.
- I invite those opposed to the application to speak.
- I invite those who are neither for nor against the application to speak.
- I invite public agencies to comment.
- I invite the Applicant to present any rebuttal to the testimony presented.

Hearing no public comments Mayor Ungricht closed the Public Hearing for application # ZC 17-01 at 6:30 PM.

Mayor Ungricht asked if there was a request to keep the hearing open. Hearing no request Mayor Ungricht stated it was time to consider a motion by Council.

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5) Consider adoption of the staff report for ZC-17-01 and authorize Mayor Ungricht to sign the final decision

A motion was made by Councilor Flynn and seconded by Councilor D. Sickles to approve the requested Zone Change, subject to the conditions of approval as set forth in the staff report, from Public Assembly/Institutional (PAI) to Commercial/Residential (CR) to correct zoning map error for 85 Boundary street, 212 N Main Street, and 216 N Main Street based upon the findings set forth in the staff report for application #ZC-17-01 and to authorize the Mayor to sign a final decision approving the application and incorporating the findings from the staff report. Motion carried 7-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn, Terry Ungricht

6) Public Hearing: Comprehensive Plan Map Amendment (CPMA) to change destination from Public Assembly/Institutional to Residential on portion of lot to remove split Zone and Zone Change (ZC) from public Assembly/Institutional to Residential on Portion of Lot to remove split Zone. No change of use CPMA/ZC 17-02 223 S Main street

Mayor Ungricht read aloud the required statements for CPMA/ZC 17-02:

The applicable substantive criteria upon which CPMA/ZC 17-02 will be decided are found in Section 2.101, 2.105, 3.105, 3.206 and 3.207 of the Falls City Zoning and Development Ordinance.

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

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

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

Mayor Ungricht called upon our City Planner Renata Wakeley to present the staff report for the application.

City Planner Wakeley acknowledged that it was uncommon and a bit confusing to have three hearings in one night, and all zone changes, but the City is trying to see some efficiency.

City Planner Wakeley reviewed the application. The Application requests a Comprehensive Plan Map Change and a Zone Change to remove split zoning that reflected prior church ownership and use. Spit zoning is rare. The property has spit zoning of both Residential and Public Assembly/Institutional. The church sold the subject property for to a private party. The zoning change is important to reflect the current use.

City Planner Wakeley summarized the staff report, approval criteria for the Zone change, and the five additional criteria for the Comprehensive Plan Map change, staff findings and recommendations for conditions of approval. Public Works has reviewed the application and had not comments or conditions. Staff found all applicable criteria have been met. The staff reported listed one recommended condition of approval.

Mayor Ungricht opened the Public Hearing for application #CPMA/ZC 17-02 at 6:45 pm.

Mayor Ungricht provided instructions for public comments and invited comments as follows:

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

Mayor Ungricht stated that the applicant has already presented their case.

I invite the Applicant to present their case.

I invite those in support of the application to speak.

I invite those opposed to the application to speak.

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

I invite public agencies to comment.

I invite the applicant to present any rebuttal.

Hearing no comments from the public Mayor Ungricht closed the Public Hearing for application # CPMA/ZC 17-02 at 6:46 PM.

Councilor Meier stated that the split zoning reflected the parsonage and a 20-foot strip of land was used by the church.

Councilor Flynn asked if this change would align with the plat system. City Planner Wakeley confirmed it would.

Mayor Ungricht asked if there was a request to keep the record open. No request.

7) Consider adoption of the staff report for CPMA/ZC 17-02 authorize Mayor Ungricht to sign the final decision

A motion was made by Councilor D. Sickles and seconded by Councilor Lauder to approve the Comprehensive Plan Map Amendment (CPMA) to change designation from Public/Assembly/Institutional (PAI) to Residential (R) on a portion of lot to remove split zone, and Zone Change (ZC) from Public Assemble/Institutional to Residential on portion of lot to remove spit zone for 223 S. Main Street based upon the findings set forth in the staff report for application #CPMA/ZC 17-02 and to authorize the Mayor to sign a final decision approving the application and incorporating the findings from the staff report. Motion carried 7-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn, Terry Ungricht

8) Public Hearing: Comprehensive Plan Map Amendments (CPMA) and Zone Change(ZC) from Residential (R) to Public Open Space (P) for the expansion of Michael Harding Park (CPMA/ZC 17-01)

Mayor Ungricht read aloud the Required Statements for CPMA/ZC 17-01:

The applicable substantive criteria upon which CPMA/ZC 17-01 will be decided are found in Section 2.101, 2.104, 3.105, 3.206 and 3.207 of the Falls City Zoning and Development Ordinance.

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

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

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

Mayor called upon City Planner Renata Wakeley to present the staff report for the second (3rd) application.

City Planner Wakeley reviewed the application. She thought this was a great project and congratulated the City for the award of grant funds for the acquisition of the property. This application seeks to change the zone and the Comprehensive Plan designation from Residential to Public Open Space, which is a condition of the acquisition grant. She stated that the criteria are the same as the prior application: five zoning change criteria and five comprehensive plan criteria. She reported earlier in the meeting that the City Council is tasked with determining the decision on the application even though the City is the applicant and owns the property.

City Planner Wakeley asked Council if they would like her to review any of the criteria. She stated that staff found that applicable criteria have been met and there was one recommended condition of approval. Even though this property is publically owned, future development shall comply with policy and procedures including the Zoning and Development Code. This would include installing equipment, parking area, or any other development.

Councilor Drill asked if this change would affect the insurance rate because the property has been identified with natural hazards. Mayor Ungricht stated the insurance rate would be affected if the City develops the land.

Councilor Drill asked if the City would be required to pay property taxes and Mayor Ungricht replied that the City does not pay property taxes. Mayor Ungricht clarified that the City would pay property taxes if there were income (e.g., if the property was leased).

Mayor Ungricht opened the Public Hearing for application #CPMA/ZC 17-01 at 6:55 pm.

Mayor Ungricht provided instructions for public comments and invited comments as follows:

All persons speaking before the City Council must state their name and address for the record.
I invite the Applicant to present their case – Mayor Ungricht stated that the case has been made.
I invite those in support of the application to speak

Janelle Anzalone of Storybook Farm in Polk County, and Chair of the Park and Recreation Committee stated Yea!

I invite those opposed to the application to speak.
I invite those who are neither for nor against the application to speak.
I invite public agencies to comment.
I invite the Applicant to present any rebuttal to the testimony presented.

Hearing no other comments from the public Mayor Ungricht the Public Hearing for application # CPMA/ZC 17-01 at 6:55 PM

Mayor Ungricht asked if there was a request to keep the record open. No request.

9) Consider adoption of the staff report for CPMA/ZC 17-01 and authorize Mayor Ungricht to sign the final decision

A motion was made by Councilor Lauder and seconded by Councilor Flynn to approve the Comprehensive Plan Map Amendment (CPMA) to Change designation from Residential (R) to Public Open Space (P) on Map and Tax Lot 8621BB03600 and Zone Change (ZC) from Residential (R) to Public Open Space (P) for Map and Tax Lot 8621BB03600 based upon the findings set forth in the staff report for application #CPMA/ZC 17-01 and to authorize

the Mayor to sign a final decision approving the application and incorporating the findings from the staff report. Motion carried 7-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn, Terry Ungricht

10) Public Hearing: Legislative amendments to the Development Code (LA 17-01) Amend the Development Code to clarify the process to consolidate platted lots, replace section 2.210 for processing of Historic Resources and general housekeeping amendments

Mayor Ungricht read aloud the required statements for LA 17-01:

City Council will now consider a Legislative Amendment to the Falls City Zoning and Development Ordinance. A Legislative public hearing is required when considering amendments to the zoning ordinance because the decision makers are considering making new law that will have widespread effects.

There can be pre-hearing contact between citizens and the decision makers on legislative matters. That is, "ex parte contact" is not a concern. Decision makers are seeking all the input they can get on the issues in order to make a reasonable decision on the proposed amendments. Declaration of an actual or potential conflict of interest in this matter is required.

This hearing will be held in accordance with the land use procedures required by the City and the State of Oregon.

A legislative amendment to the Development Ordinance is a Type IV process with the decision made by the City Council after a public hearing (3.102, D)

The Development Code, Section 3.106, sets forth the review procedure and approval criteria for a legislative amendment to the Development Code.

Mayor Ungricht asked if any member of City Council wished to declare an actual or a potential conflict of interest in this matter. There was none.

Mayor Ungricht called on City Planner Renata Wakeley to present the staff report for the Legislative Amendment.

City Planner Wakeley reported the first proposed text amendment pertained to the Lot Line Adjustment process. She reported that she heard public comments relating to the complexity and cost of a lot line adjustment during a prior City of Falls City land use meeting. The current Zoning and Development Code treats Lot Line Adjustments applications similar to a subdivision application. Staff is proposing to amend the code to simplify the process in order to remove some of the barriers. County and State Law processes will not be changed. Text changes listed in **bold** and ~~strikeout~~ fonts for clarity.

City Planner Wakeley reported the second text amendment would add processes for the Historic Landmark Commission for a Certificate of Appropriateness and would add new criteria and replace old criteria. Clerk Protheroe added that the proposed change would be a complete replacement of Section 2.210 based on the Oregon State Historic Preservation Office. She reported that the Historic Landmark Commission would like to become more active and seek National Landmark designations for select properties. The new code section provided clarity and provided the Historic Landmark Commissioners instructions on how to serve as a Quasi-Judicial board. The proposed changes would eliminate confusion by replacing definitions with those compliant with state law. Clerk Protheroe reported that the current code did not provide staff or Commissions with clear definitions of terms that caused confusion about whether or not the Historic Landmark Commission had jurisdiction for our Inventory of Historic Homes. The Commission did not have

jurisdiction because the Inventory of Historic Homes were not included in Comprehensive Code nor had the City secured signatures of approval from individual property owners.

Mayor Ungricht asked if the City Council had the final authority to allow properties to be added to the National Register of Historic Places or the Local Landmark Register. Clerk Protheroe replied only if the City owns the subject property. The Historic Preservation Officer would be required to obtain approval in writing from property owners before the properties could be considered for either registry. Clerk Protheroe added that only the City Council has the authority to amend the Comprehensive Code because that is a legislative amendment. Clerk Protheroe confirmed that the Jail could only be considered for the National Register of Historic Places with approval of City Council and by signature of the Mayor or City Manager. City Planner Wakeley added that the City Council would hear appeals for Historic Landmark Commission decisions. Clerk Protheroe confirmed that the Oregon State Preservation Office helped the City with this update and the Historic Landmark Commission reviewed and approved proposed changes and the Commission had reviewed simple test cases for new processes.

City Planner Wakeley informed Council that an Ordinance would be presented at the September City Council if Council approved the Legislative Amendments.

Mayor Ungricht asked what would happen if City Council did not adopt the Ordinance. City Planner Wakeley reported that Council would need to approve the legislative amendment, followed by the approval of the Ordinance, before this change became law. If the Ordinance was not adopted this change would not become law. She clarified that the City Council does not have to amend their code.

City Planner Wakeley summarized proposed text changes. Jim Jacks, Senior City Planner for Mid-Willamette Council of Governments prepared the text change for Property Line Adjustments. Staff along with the Historic Landmark Commission and the State Historic Preservation Office collaborated on the replacement text for Historic Landmarks.

City Planner Wakeley directed Council to page 128 of the packet. She reviewed the decision making criteria and staff findings. For a legislative amendment, the City makes a decision based on four criteria: Statewide planning goals, comments from any applicable state or federal agency regarding applicable statutes or regulations, any intergovernmental agreements and any applicable comprehensive plan policies or provision. Department of Land Conservation and Development was notified of proposed text amendments, Council of Governments had conversations with the Polk County Assessors Office and Clerks Office because they record lot/property line adjustments. Public Notice was provided. Measure 37 notification was not provided because it was determined that no property would be negatively affected by the proposed text changes that adopt procedures for Historic Landmarks and ease procedures for property line adjustments.

Mayor Ungricht opened the Public Hearing for Legislative Amendment to the Falls City Zoning and Development Ordinance # LA 17-01 at 7:13 PM.

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

I invite those in support of the proposed amendments to speak

I invite those opposed to the proposed amendments to speak

I invite those who are neither for nor against the proposed amendments to speak.

I invite public agencies to comment.

Does staff wish to respond to any testimony presented?

Hearing no comments from the public Mayor Ungricht closed the Public Hearing for the Legislative Amendment LA 17-01 at 7:14 PM.

Mayor Ungricht asked if there was a request to keep the record open. No request.

Mayor Ungricht asked if Council would like to deliberate or ask staff questions on this matter.

Councilor Flynn asked for clarity about platted lots, tax lots, and historic properties. City Planner Wakeley reported that there are two amendments. One amendment would simplify the removal of platted lot lines within subdivisions. Mayor Ungricht stated that the second amendment is for the Historic Landmarks Commission process. Councilor Flynn reported he had heard concerns from the public related to the definition of the plat lines versus the tax lot lines. Mayor Ungricht reported that when someone submits a building permit for a building that spans two buildable platted lots they are required to consolidate the platted lots. The zoning code requires all development, including septic systems, to be contained on one-platted lots. It has nothing to do with tax lots. Clerk Protheroe shared something to help understand the difference between a platted lot and a tax lot. A Tax Lot is an administrative convenience to combine platted lots owned by one party for the property tax rolls; tax lots are not a recorded deed on the property whereas platted lots are recorded at the County. If someone has twenty adjoining platted lots, they could request combining all lots under one tax lot. Mayor Ungricht added that under this scenario, the owner of the twenty lots could build on each platted lot if the individual lot conformed to the Zoning Code.

City Planner Wakeley confirmed that that the proposed changes did not affect the processing of subdivision applications.

Councilor Drill asked if this would affect property line disputes. Mayor Ungricht replied it would not.

Councilor Flynn asked if someone wanted to replace a septic field in the northwest corner of their property on a platted lot that differs from the platted lot of the residential structure, would he be required to file for a property line adjustment to remove the lot line [consolidate the lots]. Mayor Ungricht stated they would not need to file a property line adjustment in this case but they would need to apply for a property line adjustment if they planned to replace or add to the residents, or build an accessory structure. Mayor Ungricht clarified if the person intended to use the existing septic for a replacement building they would need to file a property line adjustment to consolidate lots. Councilor Flynn stated he was confused by other parts of the code that allowed livestock on property of a certain size. Mayor Ungricht stated that the nuisance code had nothing to do with the development code.

City Planner Wakeley cited a recent example: A property owner wanted to build an accessory structure. They had two legal platted lots of record. The applicant proposed building an accessory structure on one of the legal lots of record, but their primary residence was on the other legal lot of record. The Falls City Zoning and Development Code does not allow an accessory structure to be free standing on its own lot of record, this common in most zoning code. If the City had allowed them to build the accessory structure on the legal lot of record that was separate from their residents, they could have turned around and sold the lot with the accessory structure two weeks later. This would have created a nonconforming structure - a shed or garage on a lot of record without a primary residents. Outside of taxation interest, the City is preserving new developments that are compliant with the Zoning Code and not creating future noncompliant structures.

11) Consider adoption of the staff report for LA 17-01 and authorize Mayor Ungricht to sign the final decision

A motion was made by Councilor Drill and seconded by Councilor Meier to approve Legislative amendments to the Falls City Zoning and development Ordinance (LA 17-01) to clarify the process to consolidate platted lots, replace Section 2.210 for processing of Historic Resources and general housekeeping amendments based upon the findings set forth in the staff report for application #LA17-01. Motion Carried: 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill,

Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

Before moving to the first reading of the Ordinances, City Planner Wakeley informed Council that the State Senate adopted SB1051 which mandated cities with populations over 2,500 allow Accessory Dwelling Units (ADUs) in any zone that allows single-family dwellings. Council of Governments will read the lengthy senate bill to determine impacts on smaller cities, such as Falls City, and will issue a memo with their findings. She stated this is example of the State Legislator telling cities how to do their development code and they did so under the Affordable Housing Cap.

The Council and Clerk Protheroe thanked City Planner Wakeley for her service to the City, after which she left the meeting.

12) First reading of Ordinance 545-2017 An Ordinance Amending the City of Falls City Zoning Map, related to application File No. ZC 17-01

Mayor Ungricht read the Ordinance by Title only and summarized the Ordinance.

A motion was made by Councilor D. Sickles and seconded by Councilor L. Sickles that the City Council of the City of Falls City read the Ordinance 545-2017 for the first time by title only "Ordinance No 545-2017 An Ordinance Amending the City of Falls City Zoning Map, Related to Application File No. ZC 17-01. Motion Carried: 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

13) First reading of Ordinance 546-2017 An Ordinance Amending the Falls City Zoning and Comprehensive Plan Maps, related to Application File No. CPMA/ZC 17-02

Mayor Ungricht read the Ordinance by Title only and summarized the Ordinance.

A motion was made by Councilor Lauder and seconded by Councilor Meier that the City Council of the City of Falls City read the Ordinance 546-2017 for the first time by title only "Ordinance No 546-2017 An Ordinance Amending the City of Falls City Zoning and Comprehensive Maps, Related to Application File No. CPMA/ZC 2017-02. Motion Carried: 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

14) First Reading of Ordinance 547-2017 An Ordinance amending the City of falls City Zoning and Comprehensive Plan Maps, Related to Application File No. CPMA/ZC 17-01

Mayor Ungricht read the Ordinance by Title only and summarized the Ordinance.

A motion was made by Councilor Flynn and seconded by Councilor Lauder that the City Council of the City of Falls City read the Ordinance 547-2017 for the first time by title only "Ordinance No 547-2017 An Ordinance Amending the City of Falls City Zoning and Comprehensive Plan Map, Related to Application File No. CPMA/ZC 2017-01. Motion Carried: 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

15) First Reading of Ordinance 548-2017 An Ordinance adoption of legislative text amendment to the Falls City Zoning and Development Ordinance Section 3.201.01 B, 1.202.02, 3.2.08, 3.102, 3.103, 3.106, and replacing section 2.210 in its entirety

This item was tabled until the next regular Council meeting August 10, 2017 in order to incorporate changes from the City Attorney.

Mayor Ungricht thanked Clerk Protheroe who was point person on the changes that he felt would help the city.

The meeting adjourned at 7:36 pm.

_____ Mayor Terry Ungricht

Attested: _____ City Clerk Domenica Protheroe

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MEETING PACKET REPLACEMENT PAGES

DATE: 07/20/2017

Public Hearing Script: Replaces packet pages 1-9

Staff Report ZC 2017-01: Replace packet pages 13-16

Staff Report CPMA/ZC 17-01: Replace packet pages 55-62 A

Ordinance 545-2017: Replace packet pages 11-12

Ordinance 546-2017: Replace packet pages 36-37

Ordinance 547-2017: Replace packet pages 53-54

Ordinance 548-2017 Table until next Regular City Council Meeting Pages 92-129

Exhibit B

Now is the time set for public hearings to consider Three (3) quasi-judicial land use applications and one (1) Legislative Amendment to the Falls City Zoning and Development Code.

The first (1st) application ZC 17-01 is a request for a Zone Change from Public Assembly/Institutional (PAI) to Commercial/Residential (CR) to correct zoning map error at 85 Boundary Street, 212 N. Main Street, and 216 N. Main St.

The second (2nd) application CPMA/ZC 17-02 is a request for a Comprehensive Plan Map Amendment (CPMA) to change designation from Public Assembly/Institutional (PAI) to Residential (R) on portion of lot to remove split zone and Zone Change (ZC) from Public Assembly/Institutional to Residential on Portion of Lot to remove split Zone with no change of use for 223 S. Main Street.

The third (3rd) application CPMA/ZC 17-01 is a request for a Comprehensive Plan Map Amendments (CPMA) and Zone Change (ZC) from Residential (R) to Public Open Space (P) for the expansion of Michael Harding Park.

Lastly, LA 17-01 is a request for certain Legislative Text Amendments to the Falls City Zoning and Development Ordinance to clarify the process to consolidate platted lots, replace section 2.210 for Historic Resources and general housekeeping amendments. A Legislative public hearing is required when considering amendments to the zoning ordinance in accordance with Falls City Zoning and Development Code 3.106 and state law.

The Planning Commission is not able to act because of a lack of a quorum. Therefore, the Council must act as the Planning Commission for the three (3) quasi-judicial land use applications and in the dual role of Planning Commission and Council for the legislative action. 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 to process all four (4) land use matters. (Council Votes)

Now we will proceed with the three (3) Quasi-Judicial Land Use Public Hearings. Each hearing will be conducted separately, and I will introduce the procedures for each hearing only once.

For the three (3) land use hearing I will introduce the applicable substantive criteria upon which each case will be decided. Our City Planner Renata Wakeley, Community Development Director, Mid-Willamette Valley Council of Governments will provide a staff report. When the staff report has been presented I will open the public hearing to public testimony. Members of the public who want to testify are asked to sign in, come up when called, and give their name and city and address for the record before they testify. We ask for your address so that we can notify you of the City's final decision. If you have any written

testimony or other evidence to submit, please give that to staff so it can be entered into the record. When public testimony has been concluded I will close the public hearing and open it up for council discussion and deliberation.

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

Are there any questions among the Council about the process?

Oregon land use law requires several items be read into the record at the beginning of each public hearing. The following provision will be applicable to all three (3) quasi-judicial land use public hearings tonight.

Conflicts of Interest/Ex-Parte Contacts/Bias

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

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

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

Required Statements ZC 17-01

The applicable substantive criteria upon which ZC 17-01 will be decided are found in Section 2.102, 2.105, 3.105 and 3.207 of the Falls City Zoning and Development Ordinance.

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

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

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

Public Hearings

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-I now open the Public Hearing for application # ZC 17-01 at _____ PM.

I call on our City Planner Renata Wakeley to present the staff report for the first (1st) application.

RENATA will review Staff report.

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

I invite the Applicant to present their case.

I invite those in support of the application to speak

I invite those opposed to the application to speak

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

I invite public agencies to comment.

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

I close the Public Hearing for application # ZC 17-01 at _____ PM.

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

See page 9 if you have a request to keep the record open. (Hearing will be closed, but record will be left open for the submission of additional written evidence and testimony.)

[If there is no request to keep the record open] Now it is time for Council deliberation and discussion. (* NOTE: Only questions asked of staff are allowed after the hearing is closed.)

MOTION TO APPROVE: *I move to approve the requested Zone Change, subject to the conditions of approval as set forth in the staff report, from Public Assembly/Institutional (PAI) to Commercial/Residential (CR) to correct zoning map error for 85 Boundary Street, 212 N. Main Street, and 216 N. Main Street based upon the findings set forth in the staff report for application # ZC 17-01 and to authorize the Mayor to sign a final decision approving the application and incorporating the findings from the staff report.*

OR MOTION TO APPROVE WITH MODIFICATIONS: *I move to approve the requested Zone Change, subject to the conditions of approval as set forth in the staff report, as modified to reflect the changes made by the City Council, from Public Assembly/Institutional (PAI) to Commercial/Residential (CR) to correct zoning map error for 85 Boundary Street, 212 N. Main Street, and 216 N. Main Street based upon the findings set forth in the staff report for application # ZC 17-01 and to authorize the Mayor to sign a final decision approving the application and incorporating the findings from the staff report.*

OR MOTION TO DENY: *I move that the ZC 17-01 Zone Change application from Public Assembly/Institutional (PAI) to Commercial/Residential (CR) to correct zoning map error for*

85 Boundary Street, 212 N. Main Street, and 216 N. Main be denied based on the following reasons:

(The Council member making motion to deny needs to state the reasons for denial)

Required Statements for CPMA/ZC 17-02

The applicable substantive criteria upon which CPMA/ZC 17-02 will be decided are found in Section 2.101, 2.105, 3.105, 3.206 and 3.207 of the Falls City Zoning and Development Ordinance.

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

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

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

I now open the Public Hearing for application # CPMA/ZC 17-02 at _____ PM.

I call on our City Planner Renata Wakeley to present the staff report for the second (2nd) application.

RENATA will review Staff report.

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

I invite the Applicant to present their case.

I invite those in support of the application to speak

I invite those opposed to the application to speak

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

I invite public agencies to comment.

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

I close the Public Hearing for application # CPMA/ZC 17-02 at _____ PM.

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

See page 9 if you have a request to keep the record open. (Hearing will be closed, but record will be left open for the submission of additional written evidence and testimony.)

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[If there is no request to keep the record open] Now it is time for Council deliberation and discussion. (* NOTE: Only questions asked of staff are allowed after the hearing is closed.)

MOTION TO APPROVE: *I move to approve the Comprehensive Plan Map Amendment (CPMA) to Change designation from Public/Assembly/Institutional(PAI) to Residential (R) on a portion of lot to remove split zone, and Zone Change (ZC) from Public Assemble/Institutional to Residential on portion of lot to remove spit zone for 223 S. Main Street based upon the findings set forth in the staff report for application #CPMA/ZC 17-02 and to authorize the Mayor to sign a final decision approving the application and incorporating the findings from the staff report.*

OR MOTION TO APPROVE WITH MODIFICATIONS: *I move to approve the requested Comprehensive Plan Map Amendment (CPMA) and Zone Change (ZC), subject to the conditions of approval as set forth in the staff report, as modified to reflect the changes made by the City Council, to Change designation from Public Assembly/Institutional(PAI) to Residential (R) on a portion of lot to remove split zone and Zone Change (ZC) from Public Assemble/Institutional to Residential on portion of lot to remove spit zone for 223 S. Main Street based upon the findings set forth in the staff report for application # ZC 17-01 and to authorize the Mayor to sign a final decision approving the application and incorporating the findings from the staff report.*

Or MOTION TO DENY: *I move that the Comprehensive Plan Map Amendment (CPMA) to Change designation from Public Assembly/Institutional (PAI) to Residential (R) on a portion of lot to remove split zone and Zone Change (ZC) from Public Assemble/Institutional to Residential on portion of lot to remove spit zone for 223 S. Main Street be denied based on the following reasons:*

(The Council member making motion to deny needs to state the reasons for denial)

Required Statements for CPMA/ZC 17-01

The applicable substantive criteria upon which CPMA/ZC 17-01 will be decided are found in Section 2.101, 2.104, 3.105, 3.206 and 3.207 of the Falls City Zoning and Development Ordinance.

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

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

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

I now open the Public Hearing for application # CPMA/ZC 17-01 at _____ PM.

I call on our City Planner Renata Wakeley to present the staff report for the second (3rd) application.

RENATA will review Staff report.

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

I invite the Applicant to present their case.

I invite those in support of the application to speak

I invite those opposed to the application to speak

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

I invite public agencies to comment.

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

I close the Public Hearing for application # CPMA/ZC 17-01 at _____ PM.

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

See page 9 if you have a request to keep the record open. (Hearing will be closed, but record will be left open for the submission of additional written evidence and testimony.)

[If there is no request to keep the record open] Now it is time for Council deliberation and discussion. (* NOTE: Only questions asked of staff are allowed after the hearing is closed.)

MOTION TO APPROVE: *I move to approve the Comprehensive Plan Map Amendment (CPMA) to Change designation from Residential (R) to Public Open Space (P) on Map and Tax Lot 8621BB03600 and Zone Change (ZC) from Residential (R) to Public Open Space (P) for Map and Tax Lot 8621BB03600 based upon the findings set forth in the staff report for application #CPMA/ZC 17-01 and to authorize the Mayor to sign a final decision approving the application and incorporating the findings from the staff report.*

OR MOTION TO APPROVE WITH MODIFICATIONS: *I move to approve the requested Comprehensive Plan Map Amendment (CPMA) and Zone Change (ZC), subject to the conditions of approval as set forth in the staff report, as modified to reflect the changes made by the City Council, to Change designation from Residential (R) to Public Open Space (P) on Map and Tax Lot 8621BB03600 and Zone Change (ZC) from Residential to Public Open Space (P) for Map and Tax Lot 8621BB03600 based upon the findings set forth in the staff report for application # ZC 17-01 and to authorize the Mayor to sign a final decision approving the application and incorporating the findings from the staff report.*

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Or MOTION TO DENY: I move that the Comprehensive Plan Map Amendment (CPMA) to Change designation from Residential (R) to Public Open Space (P) on Map and Tax Lot 8621BB03600 and Zone Change (ZC) from Residential to Public Open Space for Map and Tax Lot 8621BB03600 be denied based on the following reasons:

(The Council member making motion to deny needs to state the reasons for denial)

Required Statements for LA-01

City Council will now consider a Legislative Amendment to the Falls City Zoning and Development Ordinance. A Legislative public hearing is required when considering amendments to the zoning ordinance because the decision makers are considering making new law that will have widespread effects.

There can be pre-hearing contact between citizens and the decision makers on legislative matters. That is, "ex parte contact" is not a concern. Decision makers are seeking all the input they can get on the issues in order to make a reasonable decision on the proposed amendments. Declaration of an actual or potential conflict of interest in this matter is required.

This hearing will be held in accordance with the land use procedures required by the City and the State of Oregon.

A legislative amendment to the Development Ordinance is a Type IV process with the decision made by the City Council after a public hearing (3.102, D)

The Development Code, Section 3.106, sets forth the review procedure and approval criteria for a legislative amendment to the Development Code.

Before we begin, does any Commissioner wish to declare an actual or a potential conflict of interest in this matter?

I now open the Public Hearing for **Legislative Amendment** to the Falls City Zoning and Development Ordinance # LA 17-01 at _____ PM.

I call on our City Planner Renata Wakeley to present the staff report for the Legislative Amendment.

RENATA will review Staff report.

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

I invite those in support of the proposed amendments to speak

I invite those opposed to the proposed amendments to speak

I invite those who are neither for nor against the proposed amendments to speak.

I invite public agencies to comment.

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Does staff wish to respond to any testimony presented?

I close the Public Hearing for the Legislative Amendment LA 17-01 at _____ PM.

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

If you have a request to keep the record open. (Hearing will close, but record will be left open for the submission of additional written evidence and testimony. Set date for when record closes.)

[If there is no request to keep the record open] Now it is time for Council deliberation and discussion. (*NOTE: The Council's deliberation may include questions to staff and to any person present.)

MOTION TO APPROVE: *I move to approve Legislative amendments to the Falls City Zoning and Development Ordinance (LA 17-01) to clarify the process to consolidate platted lots, replace section 2.210 for processing of Historic Resources and general housekeeping amendments based upon the findings set forth in the staff report for application #LA 17-01.*

MOTION TO APPROVE WITH CHANGES: *I move to approve Legislative amendments to the Falls City Zoning and Development Ordinance (LA 17-01), as modified to reflect the changes made by the city Council, to clarify the process to consolidate platted lots, replace section 2.210 for processing of Historic Resources and general housekeeping amendments based upon the findings set forth in the staff report for application #LA 17-01.*

Or MOTION TO DENY: *I move that the LA 17-01 to clarify the process to consolidate platted lots, replace section 2.210 for processing of Historic Resources and general housekeeping amendments be denied based on the following reasons:*

(The Council member making motion to deny needs to state the reasons for denial)

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

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

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

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

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

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CITY OF FALLS CITY

299 Mill Street
Falls City, OR 97344
503-787-3631

Exhibit C

STAFF REPORT

ZONE CHANGE (ZC 2017-01)

Staff Report: JULY 10, 2017

City Council Hearing: JULY 20, 2017

I. BACKGROUND

FILE NUMBER: ZC 17-01
NATURE OF APPLICATION: Zone Change from Public Assembly/Institutional (PAI) to Commercial/Residential (CR) to correct zoning map error.
APPLICABLE CRITERIA Falls City Zoning and Development Ordinance, Sections 2.102, 2.105, 3.105, and 3.207
PROPERTY LOCATION: 1: 85 Boundary Street (Assessor's Tax Lot: 8621BA/03500)
2: 212 N. Main Street (Assessor's Tax Lot: 8621BA03600)
3: 216 N. Main Street (Assessor's Tax Lot: 8621BA03700)
APPLICANT **City of Falls City**
OWNERS: 1: Royal Hilliard
2: Anthony Meier
3: Kenneth and Darlene Beaty
ZONE DESIGNATION: Public Assembly/Institutional (PAI)
COMP. PLAN DESIGNATION: Commercial-Residential (CR)
CURRENT USE: 1: Vacant
2: Residence and business (Iddell Dew Gardens)
3: Residence
SIZE: Total: Approximately 0.68 acres
SURROUNDING ZONING: North: Commercial Residential
South: Residential
East: Commercial Residential
West: Commercial Residential
EXHIBITS: A: Assessors Map
B: Existing and Proposed Zoning
C: LU Application

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II. REQUEST

The Falls City Zoning Map incorrectly identifies the three parcels as Public Assembly/Institutional (PAI). Staff assumes that a clerical error resulted from incorrectly identifying the parcel where the Methodist Church is located at 242 N. Main Street (west of 216 N. Main Street). The Comprehensive Plan Map correctly identifies all three parcels as Commercial/Residential (CR).

A correction to the zoning map is needed because homes and/or business are not a permitted use in the PAI Zone. There are no conditional uses in the PAI zone. Furthermore, this error results in the classification of existing residential structures as nonconforming.

The clerical error places an unfair burden on land owners because more stringent land use processes would be required. A land owner would be required to apply for a nonconforming use permit and a building permit to alter or repair a structure. The owner of the vacant land would be required to apply for a Variance to Standards and a building permit if they wanted to develop a residence or a business. A Land Use Application for a Variance to Standards and a building permit would be required to replace the existing residential structures.

III. PROCEDURE

A Zone Change is a Type III Procedure (Quasi-Judicial). Type III decisions are made by the Planning Commission after a public hearing, with appeals reviewed by the City Council. Type III decisions generally use discretionary approval criteria.

Because the City of Falls City does not currently have a Planning Commission, this application for a Zone Change will be heard and decided by the City Council.

III. CRITERIA – ZONE CHANGE

Section 3.207(D): Criteria for Approval: Zone change proposals shall be approved if the applicant provides evidence substantiating the following:

1. The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use designation.

Applicant Response: The Comprehensive Plan Map correctly identifies all three parcels as Commercial/Residential and the City believes a clerical error occurred with the zone map.

Findings: Staff finds the proposed rezone is appropriate as it aligns with the current Comprehensive Plan designation for the subject properties. Staff finds this criterion is met.

2. Adequate public facilities, services and transportation networks are in place or are planned to be provided concurrently with the development of the property.

Applicant Response: Two of the subject properties are currently developed with residential structures. Public Works staff has confirmed adequate public facilities, services and transportation networks currently serve or are in place to serve the subject properties.

Findings: Staff finds adequate public facilities, services and transportation networks currently serve or are in place to serve the subject properties. Goal 12 is implemented via the State Transportation Planning Rules (TPR) 660-012-0060. The TPR applies to comprehensive plan and zone amendments and

requires mitigation where those amendments would significantly affect an existing or planned transportation facility. On the subject parcel, more traffic may be generated by the proposed zone of Commercial/Residential than could be generated under the current zoning of Public/Institutional. However, two of the subject three properties are currently developed and no development is proposed as part of the subject application. Any new development, change of use, or alteration of existing structures or subject properties shall be in compliance with the FCZDO, as included as a recommended condition of approval. For this reason, the proposed amendments will not significantly affect any existing or planned transportation facility. Staff finds the proposed amendment complies with Goal 12 and this Staff finds this criterion can be met, with conditions.

3. The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.

Applicant Response: Two of the subject properties are currently developed with residential structures. Public Works staff has confirmed adequate public facilities, services and transportation networks currently serve or are in place to serve the subject properties.

Findings: Staff finds the proposed rezone of the subject properties can be served by existing public facilities, services and transportation networks. Any new development, change of use, or alteration of existing structures or subject properties shall be in compliance with the FCZDO, as included as a recommended condition of approval.

4. Allowed uses in the proposed zone can be established in compliance with the development requirements in this Ordinance.

Applicant Response: Two of the subject properties are currently developed with residential structures. Public Works staff has confirmed adequate public facilities, services and transportation networks currently serve or are in place nearby to serve the subject properties.

Findings: Staff finds the proposed rezone of the subject properties can be served by existing public facilities, services and transportation networks. Any new development, change of use, or alteration of existing structures or subject properties shall be in compliance with the FCZDO, as included as a recommended condition of approval. A decision approving the proposed zone change is for land use purposes only. Due to septic, well and drainfield replacement areas, subject properties may not be able to support all activities permitted within the zone. To be sure subject properties can accommodate future proposed uses, interested parties must check with the City of Falls City and the Building Inspection Division.

5. For residential zone changes, the criteria listed in the purpose statement for the proposed zone shall be met.

Applicant Response: N/a.

Findings: Staff finds this criterion does not apply as the application is not a proposal to rezone from a current residential zone but rather to rezone the property to a residential zone, in compliance with the existing Comprehensive Plan Map. Staff finds this criterion does not apply.

6. The following additional criteria shall be used to review all non-residential changes:

- a. The supply of vacant land in the proposed zone is inadequate to accommodate the projected rate of development of uses allowed in the zone during the next five (5) years, or the location of the appropriately zoned land is not physically suited to the particular uses proposed for the subject property, or lack site specific amenities required by the proposed use.

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Applicant Response: The proposed application is to bring the Zone map into compliance with the Comprehensive Plan map and existing/surrounding uses.

Findings: Staff finds the subject properties are more appropriately suited for the Commercial/Residential zone in compliance with existing uses and the existing Comprehensive Plan designation.

- b. The proposed zone, if it allows uses more intensive than other zones appropriate for the land use designation, will not allow uses that would destabilize the land use pattern of the area or significantly adversely affect adjacent properties.

Applicant Response: N/a.

Findings: Staff finds the proposed rezone aligns with the Comprehensive Plan Map designation and surrounding uses and zones which are Commercial/Residential to the north, east, and west and Residential to the south. Staff finds this criterion is met.

IV. CONCLUSIONS AND RECOMMENDED CONDITIONS OF APPROVAL

Staff finds the application meets the criteria for a Zone change from Public Assembly/Institutional (PAI) to Commercial/Residential (CR) based upon the findings outline above and in compliance with FCZDO Section 3.207(D). Staff recommends approval of the requested Zone Change from Public Assembly/Institutional (PAI) to Commercial/Residential (CR), subject to the following conditions of approval:

1. Any new development, change of use, or alteration of existing structures or subject properties shall be in compliance with the FCZDO.
2. A decision approving the proposed zone change is for land use purposes only. Due to septic, well and drainfield replacement areas, subject properties may not be able to support all activities permitted within the zone. To be sure subject properties can accommodate future proposed uses, interested parties must check with the City of Falls City and the Building Inspection Division.

V. COUNCIL ACTION

The City Council may take one of the following actions:

- A. Make a motion to adopt the staff report and approve the requested Zone Change, subject to the conditions of approval set forth in the staff report.
- B. Make a motion to adopt the staff report and approve the requested Zone Change, subject to the conditions of approval set forth in the staff report, as modified to reflect the changes made by the City Council.

Note: The Council member making the motion needs to state the reasons for the modifications and any revised conditions of approval.

- C. Make a motion to continue the public hearing to a date and time certain and state the additional information that is needed to allow for a future decision.

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D. Make a motion to deny the requested Comprehensive Plan Map Amendment and Zone Change.

Note: The Council member making the motion needs to state the reasons for the recommendation of denial.

CITY OF FALLS CITY

299 Mill Street
Falls City, OR 97344
503-787-3631

Exhibit D

STAFF REPORT
COMPREHENSIVE PLAN MAP AMENDMENT/ZONE CHANGE (CPMA/ZC 17-01)
Staff Report: JULY 13, 2017
City Council Hearing: JULY 20, 2017

I. BACKGROUND

FILE NUMBER: CPMA/ZC 17-01

NATURE OF APPLICATION: Comprehensive Plan Map and Zone Change from Residential (R) to Public Open Space (P) for expansion of Michael Harding Park.

APPLICABLE CRITERIA Falls City Zoning and Development Ordinance, Sections 2.101, 2.104, 3.105, 3.206, and 3.207

PROPERTY LOCATION: Assessors Tax Lot: 8621BB/03600

APPLICANT/OWNER: **City of Falls City**

ZONE DESIGNATION: Residential (R)

COMP. PLAN DESIGNATION: Residential (R)

CURRENT USE: Recreational open space/No structures

SIZE: Approximately 1.13 acres

SURROUNDING ZONING: North: Residential (R)
South: Public Open Space (P)
East: Residential (R)
West: Residential (R) and Public Open Space (P)

EXHIBITS: A: Assessors Map
B: Existing and Proposed Zoning
C: LU Application

II. REQUEST

Comprehensive Plan Map Amendment and Zone Change from Residential (R) to Public Open Space (P) (approximately 1.13 acres) for expansion of Michael Harding Park.

Both the Comprehensive Plan Map Amendment and the Zone Change are Type III Procedures (Quasi-Judicial). Type III decisions are made by the Planning Commission after a public hearing, with appeals reviewed by the City Council. Type III decisions generally use discretionary approval criteria.

Because the City of Falls City does not currently have a Planning Commission, this application for a Comprehensive Plan Map Amendment and Zone Change will be heard and decided by the City Council.

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III. CRITERIA - COMPREHENSIVE PLAN MAP AMENDMENT

Section 3.206(D): Criteria for Approval: Approval or denial of the application shall be based upon the following criteria:

1. The proposed amendment is consistent with applicable goals and policies of the Comprehensive Plan.

Applicant Response: Relevant Comprehensive Plan Goals and Policies

- Citizen Involvement: A Type III land use application provides several opportunities for public comment, including public notice and a public hearing
- Land Use: This land use application will be processed in accordance with the Falls City Zoning and Development Ordinance as a Type III comprehensive plan map amendment. The process requires a public hearing and provides notice.
- Public and Semi-Public Land: In 2008, the community launched a grassroots "Save the Falls" campaign to raise money for the purchase of The LAND from a private owner. Their goal-protect public access to the Falls for which the City is named, and protect the recreational use of the Land for future generations. Falls City Alliance nonprofit group acquired The LAND on September 5, 2013. This effort speaks loudly for the communities' desire to preserve The LAND as Public Open Space. The City was awarded a land acquisition grant (LG16-011) from the Oregon Parks and Recreation Department Local Government Grant in September 2016 to purchase The LAND for the expansion of Michael Harding Memorial Park. The City took ownership of The LAND on December 13, 2016.
- Preservation of Stream Corridors: The LAND has 300' Little Luckiamute River frontage. Rezoning the land to Public Open Space (P) would allow preservation of the stream corridor for this section of the river. The LAND combined with surrounding properties zoned Public Open Space (P) would ensure that approximately 575' of the riparian zone is already protected as Public Open Space on the south side of the Little Luckiamute River when considering Fay Wilson Memorial Park, the public works Old Mill Lot and Michael Harding memorial Park.
- Open Spaces and Recreational Sites: Initially, the community raised money to purchase The LAND from a private land owner in order to protect as open space for future generations. The LAND and Falls are treasured by the community. This effort speaks loudly for the communities' desire to preserve The LAND as Public Open Space.
- Protect Natural Resources: This proposal does not directly relate to the goal of participation on the Luckiamute River Watershed Council, nor directly contribute to regional planning for fish recovery. Still, with approval of this proposal, an additional 300' of the Little Luckiamute River will be buffered as open space which will enhance water quality, and fish and wildlife habitat.
- Air, Water and Land Resources Quality: The LAND has 300' of Little Luckiamute River frontage. Rezoning this land to Public Open Space (P) would allow this section of the river to be buffered from development. The LAND when combined with surrounding properties on the north side of the river zoned Public Open Space (P) would ensure a buffer zone of 575' for water quality and fish.
- Air Quality Resources: Walking trails and paths reduce vehicle traffic for close trips. Protecting The LAND as Public Open Space (P) will also provide the community with a highly desirable recreation designation within walking distance. Additionally, The Park and Recreation Committee draft Park Master Plan includes a trail on The LAND.
- Areas Subject to Natural Disasters and Hazards: The LAND has been identified with several natural hazards in the 2009 Polk County Multiple Jurisdictional Hazard Mitigation Plan: 100-year flood plain, moderate landslide hazard area (14-32 degrees), very high fire hazard area, strong local earth quake hazard zone (peak acceleration 15-20 kg), and potential erosion hazard area.

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Public Open Space is the highest and best use of The LAND when considering the identified hazards.

- **Recreational Facilities:** The intent of this proposal is to zone The LAND as Public Open Space (P). It is the intention of the City Council to dedicate The LAND, and adjoining Public Open Space for the expansion of the Michael Harding Memorial Park. The Park and Recreation Committee draft Park Master Plan includes a trail on The LAND.
- **Energy Conservation:** Walking trails and paths reduce vehicle use for close trips. The Park and Recreation Committee draft Park Master Plan includes a trail on The LAND.

Findings: The City of Falls City Comprehensive Plan goals and policies align with Statewide Planning Goals, as outlined below. In addition, the applicant provided specific and applicable citations to adopted Falls City Comprehensive Plan goals and alignment with the subject application under Exhibit C. Staff finds the application is consistent with applicable goals and policies of the Falls City Comprehensive Plan.

2. The proposed amendment is not in conflict with the Statewide Planning Goals, applicable Oregon Administrative Rules, or State statutes.

Applicant Response: See applicant response under Statewide Planning Goals, below.

Findings: See findings under Statewide Planning Goals, below.

3. There is a public need for the proposed amendment.

Applicant Response: A 2008 community grassroots fundraising program led by the Falls City Alliance and labeled "Save the Falls" raised funds to acquire The LAND from a private party. This effort speaks loudly for the public need to protect access to the City namesake Falls. The City of Falls City was awarded OPRD land acquisition grant to purchase The LAND. The OPRD land acquisition grant requires that the zoning of the property to be Public (Public Open Space (P)).

Findings: The City of Falls City took ownership of the subject property in December 2016 with the intention of expanding Michael Harding Memorial Park and as a condition of the award and funding assistance from OPRD. Staff finds there is a need for the proposed amendment to ensure the protection of the grant award and acceptance of the land dedication to the City of Falls City and this condition is met.

4. The property included in a Map Amendment is physically suited for the uses permitted by the proposed comprehensive plan designation, considering the size, shape, topography and vegetation of the subject site.

Applicant Response: The topography has a natural slope for water run-off. The property is partially forested with native plants with full river frontage and a view of the Falls. The LAND is undeveloped open space that is currently used for recreation. Parks, nature trails, nature preserves or scenic areas are a permitted use within the Public Open Space zone (P).

Findings: Staff finds the subject property is suited for the permitted uses under the proposed zone and this criterion is met.

5. The property included in a Map Amendment is presently serviced, or will be serviced concurrently with development, with adequate public facilities and services and transportation networks to support the uses permitted by the proposed comprehensive plan designation.

Applicant Response: The use of The LAND will continue to serve recreational needs. Public Open Space (P) surrounds The LAND with three exceptions:

1. East-Residential: Single family dwelling
2. Northwest-Residential: Vacant residential property border the property (Lot 17 and 18). Lot 17 and 18 are undeveloped and zoned Residential (R). Lot 17 is approximately 3,030

square feet in area and lot 18 is approximately 3,550 square feet in area. Both lots of record can be developed for residential purposes, provided they meet the requirements for a Legal Lots of Record as defined by the Falls City Zoning and Development Code Section 2.200.01: Lots of Record

3. North-Residential properties are located on the north side of Mitchell Street.

Findings: The subject application does not approve nor propose development of the subject property but rather the change from Residential to Public Open Space. Compliance with the FCZDO shall apply to any future proposed development of the subject property, as included as a recommended condition of approval. Staff finds this criterion can be met with conditions.

STATEWIDE PLANNING GOALS

Goal 1: *Citizen Involvement.*

Applicant Response: The request includes a quasi-judicial review process, so ensuring the opportunity for citizen involvement is necessary.

Findings: The public will be given the opportunity to voice their concerns at the public hearing before the City Council and will be notified of decisions made on the application. Notice of the public hearing was posted on the subject property and mailed to property owners within 250 feet in compliance with FCZDO 3.105. Staff finds Goal 1 is met.

Goal 2: *Land Use Planning.* Establishes a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Applicant's Response: Goal 2 is relevant because the proposal includes a planning review and recommendation, which must have a factual basis. The proposal will be reviewed in accordance with the Falls City Zoning and Development Ordinance and the Falls City Comprehensive Plan.

Findings: The review of this application is being conducted according to the procedures set forth in the Falls City Development Code, Section 3.105: Type III Procedure, Section 3.206: Comprehensive Plan Amendments, and Section 3.207: Zone Change Requests. The application is being considered for conformance with the standards set forth in Section 2.104: Public Open Space Zone, as well as for its adherence to the broader goals of the Comprehensive Plan. Staff finds Goal 2 is met.

Goals 3: *Agricultural Lands.* This goal is not applicable. The subject property is not agricultural land and is located inside the urban growth boundary.

Goal 4: *Forest Lands.* This goal is not applicable. The subject property is not forest land and is located inside the urban growth boundary.

Goal 5: *Natural Resources, Scenic and Historic Areas, and Open Areas.* This goal aims to protect natural resources and conserve scenic and historic areas and open spaces.

Applicant Response: By approving this proposal, an additional 300' of the Little Luckiamute River will be buffered as open space which will enhance water quality, and fish and wildlife habitat. The LAND when combined with surrounding properties on the north side of the river zoned Public Open Space(P) would ensure approximately 575' buffer zone for water quality and fish. The LAND has been used by generations of residents and regional community members for recreation.

Findings: Staff concurs with the applicant that the rezone of the property to Public Open Space and subsequent dedication of land for recreational uses in perpetuity will serve to conserve natural

resources, provide additional buffering of the Luckiamute River, and protect additional open space. Staff finds Goal 5 is met.

Goal 6: Air, Water and Land Resources. This goal endeavors to maintain and improve the quality of the air, water and land resources of the State.

Applicant Response: By approving this proposal, an additional 300' of the Little Luckiamute River will be buffered as open space which will enhance water quality, and fish and wildlife habitat. The LAND when combined with surrounding properties on the north side of the river zoned Public Open Space(P) would ensure approximately 575' buffer zone for water quality and fish. The LAND has been used by generations of residents and regional community members for recreation.

Findings: Staff concurs with the applicant that the additional 300' feet of the Luckiamute River with additional park and open space will serve to maintain and improve water resources of the State. Staff finds Goal 6 is met.

Goal 7: Areas Subject to Natural Disasters and Hazards.

Applicant Response: The intent of Goal 7 is to protect people and property from the dangers of natural disasters. The LAND has been identified with several natural hazards by the 2009 Polk County Multiple Jurisdictional Hazard Mitigation Plan: 100-year flood plain, moderate landslide hazard area (141-32 degrees), very high fire hazard area, strong local earthquake hazard zone (peak acceleration 15-20 kg), and potential erosion hazard area. Therefore, Public Open Space is the highest and best use of The LAND.

Findings: Staff concurs with the applicant that the rezone and subsequent dedication of the subject property for park and open space will serve to protect additional areas subject to natural hazards as identified in the Polk County Hazard Mitigation Plan (2009). Exhibit E also shows the southern portions of the subject property as within the 100-year FEMA floodplain boundary area. Staff finds Goal 7 is met.

Goal 8: Recreation Needs.

Applicant Response: Goal 8 is applicable because The LAND is used for and will continue to be used to meet the recreational needs of residents and residents of surrounding communities. Access to waterways, nature, and wildlife viewing areas has been identified as top priority needs by Oregon Resident Outdoor Recreation Demand Analysis.

Findings: The City of Falls City does not have an adopted Parks Master Plan. However, acceptance of the subject property by the City of Falls City for future park and open space will serve to meet the recreational needs of the community into the future and staff finds Goal 8 is met.

Goal 9: Economy of the State.

Applicant Response: This request is the first step to expand the Michael Harding Memorial Park to both sides of the river. The future dedication of The LAND for the expansion of Michael Harding Memorial Park will result in preserving the City of Falls City namesake Falls, which residents of Falls City and residents of surrounding areas regard as an attraction for area recreation. Access to waterways, nature, and wildlife viewing areas has been identified as top priority needs by Oregon Resident Outdoor Recreation Demand Analysis. An increase of tourism will benefit local businesses.

Findings: Staff finds the rezone of the subject property and expansion of the Michael Haring Memorial Park can serve to attract visitation and increase "stays" or use of the commercial core. The applicant included as part of their application (see Exhibit C, sub Exhibit G) information from the American Planning Association on the intrinsic and potential economic benefits of parks and open space. Staff finds the proposed application may have a beneficial and not detrimental impacts upon commercial activities in the community and Goal 9 is met.

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Goal 10: *Housing.*

Applicant Response: Goal 10 is applicable because The LAND is located within Urban Growth Boundary/City Limits. Falls City Comprehensive Plan Land Use Element was last revised in 2001; though fifteen years old, the data still offers value because the population of Falls City has decreased from 966 in 2000 to 950 in recent years. The Falls City Comprehensive Plan Land Use Element Table 2 - Buildable Residential Land Falls City (2001) identifies 76 Vacant (acres), 174.9 Partially Vacant (acres) and 1.7 Redevelopable (acres) for a total of 252.6 available acres of residential land. Approval of this proposal will remove 1.3 acres from the buildable land inventory. Additionally, and as stated under Goal 7 - Area Subject to Natural Hazards, The LAND has been identified to have several natural hazards, therefore is not ideal for residential development and is best suited as public open space.

Findings: Staff concurs with the applicant that removal of 1.3 acres of land from the available residential land inventory will not have a significant impact upon available residential land to serve the needs of the community- especially since Falls City has seen a decrease in population since the 2001 buildable lands inventory. In addition, as part of a pending land use application to be reviewed the same evening, the City is reviewing the rezone of 0.68 acres from Public Assembly to Commercial/ Residential (File ZC-17-01) to correct a zoning map error (and to comply with the Comprehensive Plan designation). Staff finds the site is also significantly constrained as outlined above and the rezone of the 1.3 acres will serve to meet the open space needs to current and future residents. Staff finds Goal 10 is met.

Goal 11: *Public Facilities and Services.*

Applicant Response: OAR 660-11 implements Goal 11, and notes, "Cities or counties shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons..." The most recent 2015 Portland State University population forecast for the City of Falls City documents a population of 950. The population is less than 2,500; therefore this goal does not apply.

Findings: Public Works reviewed the subject application and expressed no concerns with the proposed change from Residential (R) to Public Open Space (P). Indeed, while the City does not have an adopted Parks Master Plan, the City Council did accept the land for permanent dedication of a park in December 2016. Staff finds Goal 11 is met.

Goal 12: *Transportation*

Applicant Response: Goal 12 is not applicable. According to the applicant, there are no plans to develop facilities on this land at this time. Increased vehicle traffic is not anticipated because the current use of the land will not change.

Findings: The proposed Comprehensive Plan Map Amendment and Zone Change include an expansion of the existing Michael Harding Park. Parking facilities are not located at the location nor does the City have current plans for developing the property. The proposed rezone and map amendment do not include develop proposals. If the City decides to pursue development in the future, compliance with the FCZDO shall be required. The Transportation Planning Rule (TPR) applies to comprehensive plan and zone amendments and requires mitigation where those amendments would significantly affect an existing or planned transportation facility. On the subject parcel, less traffic is likely to be generated by the proposed zone change from Residential to Public/Open Space than could be generated under the current zoning as no development is proposed and, as the applicant notes, much of the use of the site is generated by foot traffic and existing pedestrian facilities. Any new development, change of use, or alteration of existing structures or subject properties shall be in compliance with the FCZDO, as included as a recommended condition of approval. For this reason, the proposed amendments will not

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significantly affect any existing or planned transportation facility. Staff finds the proposed amendment complies with Goal 12 and this criterion can be met, with conditions.

Staff finds Goal 12 can be met, with conditions.

Goal 13: *Energy Conservation.*

Applicant Response: The proposal does not include any development or energy producing/consuming elements. Indirectly, walking trails and paths reduce vehicle use for close trips. The Park and Recreation Committee draft Park Master Plan includes a trail on The LAND.

Findings: The subject application includes no development proposal as part of the map amendments. While the City has expressed interest in a future trail on the site, no development is currently proposed. Indeed, dedication of the land for a future park/park expansion limits energy demand required for the site. Staff finds this goal has little to no impact and is not applicable.

Goal 14: *Urbanization.*

Applicant Response: Goal 14 is not applicable.

Findings: The proposed rezone and map amendment do not include develop proposals. If the City decides to pursue development in the future, compliance with the FCZDO shall be required. Staff finds Goal 14 does not apply.

Goals 15-19.

Applicant Response: Goals 15-19 are not applicable.

Findings: These goals apply to specific geographic locations, none of which are impacted here. Staff finds these goals do not apply.

IV. CRITERIA – ZONE CHANGE

Section 3.207(D): Criteria for Approval: Zone change proposals shall be approved if the applicant provides evidence substantiating the following:

1. The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use designation.

Findings: Staff finds the proposed zone change is appropriate for surrounding uses to the south (Michael Harding Memorial Park) and Publicly zoned land to the west. Residential properties to the north and east are complementary to public and opens spaces. Staff finds this criterion is met.

2. Adequate public facilities, services and transportation networks are in place or are planned to be provided concurrently with the development of the property.

Findings: No public utilities currently serve the property nor is developed proposed as part of the subject application. Staff finds this criterion is met.

3. The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.

Findings: No development is proposed as part of the subject application. The site is currently underdeveloped. Staff finds this criterion does not apply.

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4. Allowed uses in the proposed zone can be established in compliance with the development requirements in this Ordinance.

Findings: No development is proposed as part of the subject application and the applicant has stated the rezone and map amendment is to expand the existing Michael Harding Memorial Park. Permitted uses in the Public zone include outdoor recreation facilities, nature trails, and natural preserves or scenic areas under FCZDO 2.104.03. Staff finds this criterion is met.

5. For residential zone changes, the criteria listed in the purpose statement for the proposed zone shall be met.

Findings: Staff finds this criteria does not apply.

6. The following additional criteria shall be used to review all non-residential changes:

a. The supply of vacant land in the proposed zone is inadequate to accommodate the projected rate of development of uses allowed in the zone during the next five (5) years, or the location of the appropriately zoned land is not physically suited to the particular uses proposed for the subject property, or lack site specific amenities required by the proposed use.

Findings: The City does not have an adopted Parks Master Plan in order to determine whether the current supply of open space/parks is sufficient to meet need. Staff finds the proposed rezone of 1.3 acres from the available residential land inventory will not have a significant impact upon available residential land to serve the needs of the community—especially since Falls City has seen a decrease in population since the 2001 buildable lands inventory. In addition, as part of a pending land use application to be reviewed the same evening, the City is reviewing the rezone of 0.68 acres from Public Assembly to Commercial/Residential (File ZC-17-01) to correct a zoning map error (and to comply with the Comprehensive Plan designation). Staff finds the site is also significantly constrained as outlined above and the rezone of the 1.3 acres will serve to meet the open space needs to current and future residents. Staff finds Goal 10 is met.

b. The proposed zone, if it allows uses more intensive than other zones appropriate for the land use designation, will not allow uses that would destabilize the land use pattern of the area or significantly adversely affect adjacent properties.

Findings: Staff finds this criterion does not apply. The Public zone does not allow more intensive permitted uses than those Residential surrounding uses.

V. CONCLUSIONS AND RECOMMENDED CONDITIONS OF APPROVAL

Staff finds the requested Comprehensive Plan Map and Zone Change from Residential (R) to Public Open Space (P) can meet the criteria in the FCZDO, with conditions. Staff recommends approval of the requested Comprehensive Plan Map and Zone Change from Residential (R) to Public Open Space (P), subject to the following conditions of approval:

1. The approval of a zone and comprehensive plan map amendment does not include develop proposals. If the City decides to pursue development of the subject property in the future, compliance with the FCZDO is be required.

VI. COUNCIL ACTION

The City Council may take one of the following actions:

- A. Make a motion to adopt the findings in the staff report and approve the requested Comprehensive Plan Map Amendment and Zone Change, subject to the conditions of approval set forth in the staff report.
- B. Make a motion to adopt the findings in the staff report and approve the requested Comprehensive Plan Map Amendment and Zone Change, subject to the conditions of approval set forth in the staff report, and as further modified by the City Council.

Note: The Council member making the motion needs to state the reasons for the modifications and any revised conditions of approval.

- C. Make a motion to continue the public hearing to a date and time certain and state the additional information that is needed to allow for a future decision.
- D. Make a motion to deny the requested Comprehensive Plan Map Amendment and Zone Change.

Note: The Council member making the motion needs to state the reasons for the recommendation of denial.

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AN ORDINANCE AMENDING THE CITY OF FALLS CITY ZONING MAP, RELATED TO APPLICATION FILE NO. ZC 17-01.

FINDINGS: On May 24, 2017, the City of Falls City submitted an application for zone map changes (File No. ZC 17-01) for 8621BA03500 85 Boundary Street, 8621BA03600 212 N. Main Street, and 8621BA03700 216 N. Main Street, Falls City, Oregon 97344 to change the zone from Public Assembly/Institutional (PAI) to Commercial/Residential (CR); and

FINDINGS: The City recognized a zoning map error that incorrectly identified the three properties as Public Assembly/Institutional (PAI) however the Comprehensive Plan Map correctly identified the subject properties as Commercial Residential (CR); and

FINDINGS: A correction to the Zoning Map was needed because homes/and or businesses are not a permitted use in the PAI Zone and there are no conditional uses. Furthermore, this error resulted in the classification of existing residential structures as nonconforming and thereby placed an unfair burden on the owners of the subject properties; and

FINDINGS: A correction to the zoning map will allow Commercial/Residential (CR) permitted and conditional uses compliant with the Falls City Zoning and Development Ordinance; and

FINDINGS: The subject properties are located within the City of Falls City city limits; and

FINDINGS: The owners of the subject properties signed the Land Use Application for the zone change; and

FINDINGS: Proper notice of the a public hearing was given to the public pursuant to applicable state statutes; and

FINDINGS: The Falls City City Council, serving as the Planning Commission, conducted a public hearing on July 20, 2017 at which time interested parties were given full opportunity to be present and heard on the proposed zone change map amendment; and

FINDINGS: At the close of the public hearing, the City Council voted to approve the request.

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

SECTION 1. The City Council of the City of Falls City hereby adopts the findings in support of this redesignation and rezone, as set forth in the above recitals and as detailed in the attached **Exhibit A.**

SECTION 2. The zoning for the subject properties is hereby changed from Public Assembly/Institutional (PAI) to Commercial/Residential (CR).

SECTION 3. This Ordinance will go into full force and effect 30 days after its adoption.

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AN ORDINANCE AMENDING THE CITY OF FALLS CITY ZONING AND COMPREHENSIVE PLAN MAPS, RELATED TO APPLICATION FILE NO. CPMA/ZC 17-02.

FINDINGS: On May 24, 2017, the City of Falls City submitted an application for a zone change and comprehensive plan map amendment (File No. CPMA/ZC 17-02) for 8621BD01800 223 S Main Street, Falls City, Oregon 97344 for a Comprehensive Plan Map Amendment (CPMA) designation from Public Assembly/Institutional (PAI) to Residential (R) on a portion of lot to remove split zone and Zone Change (ZC) from Public Assembly/Institutional (PAI) to Residential (R) on portion of lot to remove split zone; and

FINDINGS: The split zoning reflects the historic use of the subject property that was no longer applicable as the result of the July 2015 sale of a parish home for a private ownership; and

FINDINGS: A zone change correction will allow Residential (R) permitted and conditional uses compliant with the Falls City Zoning and Development Ordinance; and

FINDINGS: The subject property is located within the City of Falls City city limits; and

FINDINGS: The agent and owner of the subject property signed the Land Use Application for the zone change; and

FINDINGS: Proper notice of the a public hearing was given to the public pursuant to applicable state statutes; and

FINDINGS: The Falls City City Council, serving as the Planning Commission, conducted a public hearing on July 20, 2017 at which time interested parties were given full opportunity to be present and heard on the proposed zone change and comprehensive plan map amendment; and

FINDINGS: At the close of the public hearing, the City Council voted to approve the request.

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

SECTION 1. The City Council of the City of Falls City hereby adopts the findings in support of this redesignation and rezone, as set forth in the above recitals and as detailed in the attached **Exhibit A.**

SECTION 2. The split zoning and comprehensive plan designation for the subject property is hereby changed from Public Assembly/Institutional (PAI) Residential (R).

SECTION 3. This Ordinance will go into full force and effect 30 days after its adoption.

AN ORDINANCE AMENDING THE CITY OF FALLS CITY ZONING AND COMPREHENSIVE PLAN MAPS, RELATED TO APPLICATION FILE NO. CPMA/ZC 17-01.

FINDINGS: On May 24, 2017, the City of Falls City submitted an application for a zone change and comprehensive plan map amendment (File No. CPMA/ZC 17-01) for 8621BB03600, Falls City, Oregon 97344 for a Comprehensive Plan Map Amendment (CPMA) designation from Residential (R) to Public Open Space (P) and a Zone Change (ZC) from Residential (R) to Public Open Space (P); and

FINDINGS: Initially, the community raised money to purchase the subject property in order to protect as open space for future generation; and

FINDINGS: The City was awarded a land acquisition grant (LG16-001) from the Oregon Parks and Recreation Department Local Government Grant in September 2016 to purchase the subject property for the expansion of Michael Harding Memorial Park; and

FINDINGS: The City recorded the Notice of Grant at Polk County on December 12, 2016 stating that the City was bound by the terms of the Oregon Parks and Recreation Department (OPRD) Grant Agreement that the subject property shall be managed for recreation purposes and consistent with the purposes for which it was entered into, and shall not be converted to other uses, and the City shall not dispose of, exchange, encumber its title or other interest in, or convert the use of the subject property without the approval of OPRD; and

FINDINGS: The City took ownership of the land on December 13, 2016; and

FINDINGS: There is a need for the proposed amendment to ensure the protection of the OPRD grant award and acceptance of the land dedication to the City; and

FINDINGS: The subject property is located within the City of Falls City city limits; and

FINDINGS: Proper notice of the a public hearing was given to the public pursuant to applicable state statutes; and

FINDINGS: The Falls City City Council, serving as the Planning Commission, conducted a public hearing on July 20, 2017 at which time interested parties were given full opportunity to be present and heard on the proposed zone change and comprehensive plan map amendment; and

FINDINGS: At the close of the public hearing, the City Council voted to approve the request.

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

SECTION 1. The City Council of the City of Falls City hereby adopts the findings in support of this redesignation and rezone, as set forth in the above recitals and as detailed in the attached **Exhibit A.**

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City of Falls City
City Council Special Meeting Minutes
Thursday, August 31, 2017
Meeting Location: 320 N Main Street, Falls City, Oregon 97344

Council Present: Mayor Terry Ungricht, Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Charlie Flynn

Staff Present: Sean O'Day, Executive Director, Mid-Valley Council of Governments and JoHanna Birr, City Clerk

Mayor Ungricht called the meeting to order at 6:00 pm. Councilor D. Sickles' absence was excused.

1) Roll Call

Clerk Birr took roll call.

2) Pledge of Allegiance

None

3) Motion to adopt the entire Agenda

A motion was made by Councilor Meier and seconded by Councilor Flynn to adopt the entire Agenda. Motion carried 5-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Charlie Flynn

Mr. O'Day directed Council and candidates in preparation for the interviews. He also assisted with questions to aid Council in gaining the most insight of candidate knowledge and experience.

4) Interview of City Recorder Candidates

Megan George was the first candidate interviewed by Council. Ms. George is a recent graduate of Portland State University with a Master's Degree in Public Administration. She also gained a Bachelor of Arts in Environmental Studies at Illinois Wesleyan University with experience at the Danish Institute of Study Abroad.

Ms. George has served with the City of Carlton as Intern to the City Manager. She has working experience with Council and committees, grant writing, annual budget and public outreach and communication. Other areas include; Intergovernmental relations, finance, contracts/RFP's.

Ms. George introduced herself and Council proceeded with the interview.

Cody T. DeCamp was the second candidate interviewed. Mr. DeCamp is a recent graduate of Western Oregon University with a Bachelor's degree in Public Policy & Administration. City Planning and Community Development are his primary interests as well as a strong academic performance in finance and political science and sociology.

Mr. DeCamp has served as an Intern at both Adair Village City Hall and Independence City Hall. He has working knowledge of code enforcement, conflict resolution, customer service, data collection/organization and presentation. Mr. DeCamp's prior management experience was in food service at a popular local family restaurant.

Council welcomed Mr. DeCamp and proceeded with the interview.

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Mayor Ungricht called for a short break at 7:25pm.

Joshua I. Thornton was not present for scheduled interview at 7:45pm. Council allotted a fifteen-minute wait period for Mr. Thornton and continued the break from 7:50 pm until 8:05 pm.

5) Adjourn

The meeting adjourned at 8:05 pm.

Attested:

_____ Mayor Terry Ungricht

_____ City Clerk, JoHanna Birr

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AGENDA REPORT

TO: CITY COUNCIL
FROM: DOMENICA PROTHEROE, THROUGH MAYOR TERRY UNGRICHT
SUBJECT: ORDINANCE 548-2017 AN ORDINANCE ADOPTING A LEGISLATIVE TEXT AMENDMENT TO THE FALLS CITY ZONING AND DEVELOPMENT ORDINANCE SECTIONS 1.202.02, 2.210, 3.102, 3.103, 3.105, 3.106, 3.208, AND 3.210.01.B. FILE NO. LA 17-01
DATE: 08/22/2017

SUMMARY

Second reading of Ordinance by title only and consider motion to adopt Ordinance

PROCESS FOR ADOPTION

8/10/2017 – Motion to read Ordinance for first time by title only

9/14/2017 – Motion to read Ordinance for a second time by title only and motion to adopt Ordinance

The Legislative Amendment will take effect 30 days after City Council adopts the Ordinance.

PREVIOUS COUNCIL ACTION

8/10/2017 First reading of Ordinance by title only.

7/20/2017 Public Hearing for LA 17-01

7/20/2017 By unanimous vote, the City Council approved the Legislative Amendments to the Falls City Zoning and Development Code.

I move to approve Legislative amendments to the Falls City Zoning and Development Ordinance (LA 17-01) to clarify the process to consolidate platted lots, replace section 2.210 for processing of Historic Resources and general housekeeping amendments based upon the findings set forth in the staff report for application #LA 17-01

Falls City Council determined that the Falls City Zoning and Development Ordinance placed an unfair burden on parties who desired to consolidate abutting lots of record. City Council directed staff to ease this burden in order to encourage development and redevelopment.

ALTERNATIVES/FINANCIAL IMPLICATIONS

N/A

STAFF RECOMMENDATION

Staff recommends the City Council read Ordinance 548-2017 by title only for the second time and adopt ordinance.

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EXHIBIT

Exhibit A - ORDINANCE 548-2017 AN ORDINANCE ADOPTING A LEGISLATIVE TEXT AMENDMENT TO THE FALLS CITY ZONING AND DEVELOPMENT ORDINANCE SECTIONS 1.202.02, 2.210, 3.102, 3.103, 3.105.E, 3.105G.2, 3.105.H.3-5, 3.106.A, 3.106.B, 3.106.H, 3.208, and 3.210.01.B. FILE NO. LA 17-01

PROPOSED MOTIONS

Read and vote on both motions.

I move the City Council of the City of Falls City read the Ordinance 548-2017 for the **Second Time** by title only. "ORDINANCE 548-2017 AN ORDINANCE ADOPTING A LEGISLATIVE TEXT AMENDMENT TO THE FALLS CITY ZONING AND DEVELOPMENT ORDINANCE SECTIONS 1.202.02, 2.210, 3.102, 3.103, 3.105.E, 3.105G.2, 3.105.H.3-5, 3.106.A, 3.106.B, 3.106.H, 3.208, and 3.210.01.B. FILE NO. LA 17-01"

I move the City Council of the City of Falls City adopt ORDINANCE 548-2017 AN ORDINANCE ADOPTING A LEGISLATIVE TEXT AMENDMENT TO THE FALLS CITY ZONING AND DEVELOPMENT ORDINANCE SECTIONS 1.202.02, 2.210, 3.102, 3.103, 3.105.E, 3.105G.2, 3.105.H.3-5, 3.106.A, 3.106.B, 3.106.H, 3.208, and 3.210.01.B. FILE NO. LA 17-01

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ORDINANCE 548-2017

ORDINANCE 548-2017 AN ORDINANCE ADOPTING A LEGISLATIVE TEXT AMENDMENT TO THE FALLS CITY ZONING AND DEVELOPMENT ORDINANCE SECTIONS 1.202.02, 2.210, 3.102, 3.103, 3.105.E, 3.105G.2, 3.105.H.3-5, 3.106.A, 3.106.B, 3.106.H, 3.208, and 3.210.01.B. FILE NO. LA 17-01

Findings:

1. There are several platted subdivisions in the city where a party owns more than one abutting lots; and
2. The lots are lots of record because they were created legally and in accordance with the regulations in effect at the time of the subdivision; and
3. The Falls City City Council determined that Falls City Zoning and Development Ordinance placed an unfair burden on parties who desired to consolidate abutting lots of record; and
4. The Falls City City Council directed staff to ease the burden in order to encourage development and redevelopment; and
5. The Falls City Historic Landmarks Commission reviewed the Oregon State Historic Preservation Office model ordinance for historic preservation and desired the clarity offered by the model ordinance for terms and processes; and
6. The Historic Landmarks Commission worked with staff to modify the model ordinance specifically for the City of Falls City; and
7. The Historic Landmarks Commission approved the modified Historic Preservation Ordinance and made a recommendation to the City Council to adopt; and
8. State Statute ORS 197 changed the Department of Land Conservation and Development notice requirements; and
9. Proper notice of a public hearing was given to the public pursuant to applicable state statutes for legislative amendments; and
10. Notice of a Proposed Change to a Comprehensive Plan or Land Use Regulation was provided to the Oregon Department of Land Conservation and Development (DLCD); and
11. The Falls City Council conducted a public hearing on July 20, 2017, at which time interested parties were given full opportunity to be present and heard on the proposed text changes to the Falls City Zoning and Development Ordinance; and
12. At the close of the public hearing, the City Council voted to approve the request.

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ORDINANCE 548-2017

ORDINANCE 548-2017 AN ORDINANCE ADOPTING A LEGISLATIVE TEXT AMENDMENT TO THE FALLS CITY ZONING AND DEVELOPMENT ORDINANCE SECTIONS 1.202.02, 2.210, 3.102, 3.103, 3.105.E, 3.105G.2, 3.105.H.3-5, 3.106.A, 3.106.B, 3.106.H, 3.208, and 3.210.01.B. FILE NO. LA 17-01

NOW THEREFORE THE CITY OF FALLS CITY ORDAINS AS FOLLOWS:

Section 1. The City Council hereby adopts findings in support of this legislative amendment to the Falls City Zoning and Development Ordinance, as set forth in the above recitals and as detailed in the attached "Exhibit B".

Section 2. Sections 1.202.02, 2.210, 3.102, 3.103, 3.105.E, 3.105G.2, 3.105.H.3-5, 3.106.A, 3.106.B, 3.106.H, 3.208, and 3.210.01.B of the Falls City Zoning and Development Ordinance are hereby amended as set forth in the attached "Exhibit A".

Section 3. All unamended provisions of the Falls City Zoning and Development Ordinance shall remain in full force and effect.

Section 4. This Ordinance will go into full force and effect 30 days after its adoption.

READ FIRST TIME by the Common Council of the City of Falls City this 10TH day of August, 2017.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

READ SECOND TIME AND ADOPTED by the Common Council of the City of Falls City this _____ day of _____, 2017.
AYES: NAYS: ABSTAIN: ABSENT:

Terry Ungricht, Mayor

ATTEST _____
Domenica Protheroe, City Clerk

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1.202.02, Definitions

Property Line Adjustment: *A relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.*

3.210.01, Replatting

B. ***Except where a property line adjustment application has been approved by the city to relocate or eliminate all or a portion of a common property line, a replat of a recorded subdivision plat shall be reviewed as a new request for a subdivision and shall be subject to all provisions of this Section [the Development Code section on Subdivisions]. When a utility easement is proposed to be realigned, reduced in width or omitted by a replat, all affected utility companies or public agencies shall be notified.***

3.208 **Property** LINE ADJUSTMENTS

A. Process: **Property** line adjustments shall be processed in accordance with the procedures for a Type I-A ministerial review as set forth in Subsections 3.102(A) and 3.103.

B. Submittal Requirements and Review Criteria: An application for a **property** line adjustment must be made upon a form provided by the City staff and contain the information required therein.

C. Criteria for Approval: Approval or denial of the application shall be based on the following criteria:

1. The number of lots or parcels resulting from the adjustment is the same or less than the number of lots or parcels existing prior to the adjustment.

2. Following the adjustment, all lots **and parcels** must comply with lot **or parcel** size and dimensional standards of the applicable land use or zoning district. For nonconforming lots **or parcels**, the adjustment shall not increase the degree of nonconformity of the subject property or surrounding properties.

3. If there are existing structures on the **lots or parcels**, the adjustment may not result in a setback violation.

4. All lots or parcels having access to a public or private street before the adjustment must retain access **to a public or private street** after the adjustment.

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3.102 SUMMARY OF APPLICATION TYPES AND REVIEW PROCEDURES

All development permits and land use actions, except building permits, shall be decided using the procedures contained in this Section. The procedure "type" assigned to each permit governs the decision-making process for that permit. There are four (4) types of permit/decision-making procedures: Type I, II, III, and IV. These procedures are described in subsections A-D below.

A. Type I Procedure (Administrative). Type I decisions are administrative reviews processed by the City staff. The review standards are generally clear and objective and allow little or no discretion. This process is further divided into two parts:

1. Type I-A: A ministerial action reviewed by staff based on clear and objective standards. No conditions may be placed on the decision and the decision is sent only to the applicant. **An appeal is not provided to any party because the approval criteria are clear and objective.** The following actions are processed under a Type I-A procedure:

- a. Access Permit (public street)
- b. Home Occupation Permit
- c. **Property Line Adjustment**
- d. Sign Permit
- e. **Certificate of Appropriateness (COA) (Historic Preservation Officer)**

2. Type I-B: A ministerial action reviewed by the Planning Commission based on generally clear and objective standards with some discretion afforded to Planning Commission. Conditions may be placed on the decision and notice is sent to the applicant and property owners within the required notice area. Section 3.104 lists the notice requirements. **An interpretation of the Development Code's language may be included in the decision.** Appeal is to the City Council. The following actions are processed under the Type I-B procedure:

- a. Partitions
- b. Site Design Review
- c. Temporary Hardship Dwelling
- d. Flood Plain Development Permit
- e. **Property Line Adjustment with discretion**

B. Type II Procedure (Administrative): Type II decisions are made by the City Recorder with public notice **sent to the applicant and property owners within the required notice area.** **An interpretation of the Development Code's language may be included in the decision.** The appeal of a Type II decision is heard by the Planning Commission. The following shall be processed under the Type II procedure:

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1. Code Interpretation (*standalone application*)
2. Modification to Approval *of a land use action*
3. Partition Plat Modification

C. Type III Procedure (Quasi-Judicial): Type III decisions are made by the Planning Commission *and the Historic Landmark Commission* after a public hearing, with appeals reviewed by the City Council. Type III decisions *include* discretionary approval criteria. *An interpretation of the Development Code's language may be included in the decision.* The following actions are processed under a Type III procedure:

1. Conditional Use Permit
2. Variance
3. Subdivision
4. Manufactured home park, Planned Unit Development, or Historic Buildings and Sites
5. Comprehensive Plan Map Amendments involving five (5) or fewer adjacent land owners
6. Any Type II application referred by Staff due to Staff's determination that the application does not meet the criteria for a Type II action.
7. *Certificate of Appropriateness (COA) (Historic Landmark Commission)*
8. *Designation of a Historic Resource to the Local Landmark Register (Historic Landmark Commission)*
9. *Removal of a Historic Resource from the Local Landmark Register (Historic Landmark Commission)*

D. Type IV Action Procedure (Legislative): Type IV procedures apply to legislative matters. Legislative matters involve the creation, revision, or large-scale implementation of public policy (e.g., adoption of land use regulations, zone changes, and comprehensive plan amendments which apply to entire districts). Type IV matters are considered initially by the Planning Commission with final decisions made by the City Council. *An interpretation of the Development Code's language may be included in the decision.* The following actions are processed under a Type IV procedure:

1. Text Amendments to the Comprehensive Plan
2. Text Amendments to the Zoning and Development Code
3. Enactment of a new Comprehensive Plan or Zoning and Development Code text
4. Comprehensive Plan Map Amendments involving more than five (5) adjacent land owner or non-adjacent properties
5. Zone changes
6. Annexation.

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3.103 TYPE I-A PROCEDURE (MINISTERIAL)

A. Application Requirements.

1. Application Forms. Type I-A applications shall be made on forms provided by the City.
2. Application Requirements. Type I-A applications shall:
 - a. Include the information requested on the application form;
 - b. Address the criteria in sufficient detail for review and action; and
 - c. Be filed with the required fee.

B. Administrative Decision Requirements. The City Recorder's decision shall address all of the approval criteria. Based on the criteria and the facts contained within the record, the City Recorder shall approve or deny the requested permit or action. A written record of the decision shall be provided to the applicant and kept on file at City Hall.

C. Final Decision. The decision shall be final on the date it is mailed or otherwise provided to the applicant, whichever occurs first. The decision is the final decision of the City.

D. Effective Day. The decision is effective the day after it is final.

3.106 TYPE IV PROCEDURE (LEGISLATIVE)

This subsection establishes the procedures to be followed by the City in the consideration of amendments to the text of this Ordinance or the Comprehensive Plan, or to amendments to the Comprehensive Plan Map or Zoning Map which affect a group of properties or a large area of the City. Such actions are legislative land use actions.

A. Initiation: A legislative land use action may be initiated by a majority vote of either the Planning Commission or the City Council.

B. Notice of Hearing.

1. Required hearings. A minimum of two hearings are required for all Type IV applications, except annexations where only one hearing by the City Council is required.
2. Notification requirements. Notice of public hearings for the request shall be given by the City Recorder in the following manner:
 - a. At least 20 days, but no more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance that proposes to rezone property, a notice shall be prepared in conformance with ORS 227.175 and mailed to:

Exhibit A

i. Each owner whose property would be rezoned in order to implement the ordinance (i.e., owners of property subject to a comprehensive plan amendment shall be notified if a zone change would be required to implement the proposed comprehensive plan amendment.

ii. Any affected governmental agency;

iii. Any person who requests notice in writing;

iv. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.

b. At least 10 days before the scheduled Planning Commission public hearing and 10 days before the City Council's final hearing date, notice shall be published in a newspaper of general circulation in the City.

c. The City Recorder or their designee shall:

i. For each mailing of notice, file an affidavit of mailing in the record as provided by Subsection a; and

ii. For each published notice, file in the record the affidavit of publication in a newspaper that is required in subsection b.

d. The Department of Land Conservation and Development (DLCD) shall be notified in writing of the proposed comprehensive plan and development code amendments at least **35 calendar** days before the first public hearing at which public testimony or new evidence will be received.

e. Notifications for annexation shall follow the provisions of this section, except as required for local government boundary commissions (ORS 199).

H. Notice of Decision. Notice of a Type IV decision shall be mailed to the applicant, all *parties who testified orally or in writing at the Planning Commission or City Council public hearings*, and the Department of Land Conservation and Development, within **20 calendar** days after the **Ordinance is signed**.

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2.210 Historic Preservation

2.210.01 Purpose

The City of Falls City recognizes that certain significant historic resources located within its boundaries contribute to the unique character of the community and are irreplaceable, and as such, merit preservation. The City of Falls City establishes a Historic Preservation Ordinance to identify, recognize, and preserve significant properties related to the community’s history; encourage the rehabilitation and ongoing viability of historic buildings and structures; strengthen public support for historic preservation efforts within the community; foster civic pride; and encourage cultural heritage tourism.

2.210.02 Applicability

- A. No provision of this Ordinance shall be construed to prevent the ordinary maintenance of a Landmark when such action does not involve a change in design, materials, or appearance. No provision in this Ordinance shall be construed to prevent the alteration, demolition, or relocation of a Landmark when the Building Official certifies that such action is required for public safety. At his or her discretion, the Building Official may find that under state law and Section 2.210.07.D.4 that a Landmark does not meet current building code but is not dangerous.*
- B. Section 2.210 is applicable to all properties listed in National Register of Historic Places and/or listed in the Local Landmark Register that are located within corporate boundaries of the City of Falls City.*

2.210.03 Definitions

The following definitions apply to terms used in this Ordinance. Terms not defined have their commonly construed meaning:

Alteration: An addition, removal, or reconfiguration that changes the appearance of a Landmark. Painting, when color is not specifically noted in Landmark’s Record of Designation and ordinary maintenance are excluded from this definition.

Building: A house, barn, church, hotel, or similar construction created principally to shelter any form of human activity.

Certificate of Appropriateness (COA): A document issued by the Historic Preservation Officer indicating that the applicant has satisfactorily met the provisions of this Ordinance for the alteration, relocation, or demolition of a Landmark.

Commission: The City of Falls City Historic Landmark Commission.

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Demolition: *The complete destruction or dismantling of sixty-five (65) percent of, or greater, of the entirety of a Landmark.*

District: *A significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.*

Eligible/Contributing: *A building, structure, object, or site originally constructed within the applicable period of significance that retains and exhibits sufficient integrity (location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history. These properties strengthen the historic integrity of an existing or potential historic district.*

Eligible/Significant: *A building, structure, object, or site originally constructed within the applicable period of significance that retains and exhibits sufficient integrity (location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history. These properties strengthen the historic integrity of an existing or potential historic district, and are likely individually eligible for listing in the Local Landmark Register.*

Exceptional Significance: *The quality of historic significance achieved outside the usual norms of age, association, or rarity.*

Exterior: *Any portion of the outside of a historic resource or any addition thereto.*

Interested Person:

- A. Any occupant, owner, agent for the owner or purchaser of real property for which an application for designation of a historic district, historic resource or Certificate of Appropriateness is being made;*
- B. Owners of record of property on the most recent property tax assessment roll where such property is located within one hundred feet of the property which is the subject of the notice;*
- C. Any person actually aggrieved by the decision; or*
- D. A member of a recognized historic preservation-interest group who has requested in writing that they be notified.*

Historic Context Statement: *An element of a comprehensive plan that describes the important broad patterns of historical development in a community and its region during a specified time period. It also identifies historic resources that are representative of the important broad patterns of historical development.*

Historic Integrity: *The quality of wholeness of historic location, design, setting, materials, workmanship, feeling, and/or association of a historic resource, as opposed to its physical condition.*

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Historic Preservation Officer: *The City Manager or his or her designate.*

Historic Preservation Plan: *An element of the comprehensive plan that contains the local government's goals and policy for historic resource preservation of the processes for creating and amending the program to achieve the goal.*

Historic Resource: *A building, structure, object, site, or district that is at least fifty (50) years old or is of exceptional significance and potentially meets the age, integrity, and significance criteria for listing in the Local Landmark Register, but may not necessarily be recorded in the Historic Resource Survey.*

Historic Resource Survey: *The record of buildings, structures, objects, and sites recorded by the City of Falls City used to identify historic resources potentially eligible for listing in the Local Landmark Register.*

Historic Significance: *The physical association of a building, structure, site, object, or district with historic events, trends, persons, architecture, method of construction, or that have yielded or may yield information important in prehistory or history.*

Landmark: *A building, structure, site, object, or district listed in the City of Falls City Local Landmark Register.*

Local Landmark Register: *The list of historic resources officially recognized by the City of Falls City as important in its history and afforded the protection under this Ordinance.*

Locally Significant Historic Resource: *A building, structure, object, site or district deemed by a local government to be a significant resource according to the requirements of this division and criteria of the Comprehensive Plan.*

National Register of Historic Places: *The nation's official list of buildings, structures, sites, objects, and districts important in the nation's history and maintained by the National Park Service in Washington, D.C., and hereinafter referred to as the "National Register." Historic resources listed in the National Register are referred to as "Historic Resources of Statewide Significance" in Oregon Revised Statutes.*

National Register Resource: *A building, structures, objects, sites, or districts listed in the National Register of Historic Places pursuant to the National Historic Preservation act of 1966 (PL 89-665; 16 U.S.C. 470).*

Non-Contributing: *A building, structure, object, or site originally constructed within the applicable period of significance that does not retain or exhibit sufficient integrity (location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history. These properties do not strengthen the historic integrity of an existing or potential historic district in their current condition.*

Not in Period: *A building, structure, object, or site that was originally constructed outside the applicable period of significance.*

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Object: *A construction that is largely artistic in nature or is relatively small in scale and simply constructed in comparison to buildings or structures, including a fountain, sculpture, monument, milepost, etc.*

Ordinary Maintenance: *Activities that do not remove materials or alter qualities that make a historic resource eligible for listing in the Local Landmark Register, including cleaning, painting, when color is not specifically noted in Landmark’s Record of Designation, and limited replacement of siding, trim, and window components when such material is beyond repair and where the new piece is of the same size, dimension, material, and finish as that of the original historic material. Excluded from this definition is the replacement of an entire window sash or more than twenty (20) percent of the siding or trim on any one side of a Landmark at any one time within one (1) calendar year.*

Owner:

- A. Means the owner of fee title to the property as shown in the deed records of the county where the property is located; or*
- B. Means the purchaser under a land sales contract, if there is a recorded land sales contract in force for the property; or*
- C. Means, if the property is owned by the trustee of a revocable trust, the settlor of a revocable trust, except that when the trust becomes irrevocable only the trustee is the owner; and*
- D. Does not include individuals, partnerships, corporation or public agencies holding easement or less than fee interests (including leaseholds) of any nature; or*
- E. Means, for locally significant historic resource with multiple owners, including a district, a simple majority of owners defined in A – D.*
- F. Means, for Natural Register Resources, the same as defined in 36 CFR 60.3(k)*

Period of Significance: *The time period, from one to several years or decades, during which a Landmark was associated with an important historic event(s), trend(s), person(s), architecture, or method(s) of construction.*

Protect: *To require local governments review of applications for demolition, relocation, or major exterior alteration of a historic resource, or to delay approval of, or deny, permits for these actions in order to provide opportunities for continued preservation.*

Record of Designation: *The official document created by the Historic Preservation Officer that describes how a Landmark meets the criteria for listing in the Local Landmark Register.*

Rehabilitation: *The process of returning a Landmark to a state of utility through repair or alteration, which makes possible an efficient use while preserving those portions and features of the Landmark and its site that convey its historic significance.*

Relocation: *The removal from or moving of a Landmark from its original location noted in the Record of Designation.*

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SHPO: *The Oregon State Historic Preservation Office. Each State has a designated State Historic Preservation Office (SHPO) to help the Federal Government administer provisions of the National Historic Preservation Act. The SHPO is aided by a professional staff and review board.*

Significant Historic Resource: *A locally significant Historic Resource or a National Register Resource.*

Site: *The location of a significant event, prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value regardless of any existing building, structure, or object.*

Structure: *A functional construction made usually for purposes other than creating human shelter, such as an aircraft, bridge, fence, dam, tunnel, etc.*

Streetscape: *The physical parts and aesthetic qualities of a public right-of-way, including the roadway, gutter, tree lawn, sidewalk, retaining walls, landscaping and building setback.*

2.210.04 Severability

If any portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance shall remain in force and effect.

2.210.05 Commission Duties

The Commission shall have the following duties:

- A. Employing the procedures and criteria in Section 2.210.06, the Commission shall identify and evaluate properties in the City of Falls City and maintain a Historic Resource Survey consistent with the standards of the Oregon State Historic Preservation Office, hereinafter referred to as "SHPO."*
- B. Employing the procedures and criteria in Section 2.210.07, the Commission shall designate properties to the Local Landmark Register.*
- C. Employing the procedures and criteria in Section 2.210.08, the Commission shall review and act upon applications for the alteration, relocation, or demolition of Landmarks.*
- D. The Commission shall support the enforcement of all state laws relating to historic preservation.*

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- E. The Commission shall perform any other functions defined in the City of Falls City Municipal Code definition of the Historic Landmark Commission or by resolution or motion of the City Council.*
- F. The Commission may publish and adopt written and graphic guidelines and example materials to clarify the criteria in this Ordinance and to assist applicants in developing complete and viable applications to designate, alter, rehabilitate, relocate, or demolish Landmarks. Documents intended to be used for the regulation of alterations as defined in this Ordinance must be voted on and adopted by the Commission and approved as part of the City of Falls City Zoning and Development Code using the established procedures for amendments.*
- G. The Commission may undertake to inform the citizens of, and visitors to the City of Falls City, regarding the community's history and prehistory; promote research into its history and prehistory; collect and make available materials on the preservation of Landmarks; provide information on state and federal preservation programs; and document Landmarks prior to their alteration, demolition, or relocation and archive that documentation.*
- H. For purposes consistent with this Ordinance and subject to the approval the City Council, the Commission may seek, accept, and expend public appropriations; seek, accept, and expend grant and gift funds; cooperate with public and private entities; assist the owners of Landmarks in securing funding for the preservation of their properties; and report on such activities to the City Council.*
- I. The Commission may recommend incentives and code amendments to the City Council to promote historic preservation in the community.*
- J. The Commission may comment on local, state, or federal issues, laws, and requests relating to historic preservation.*
- K. The Commission may, subject to the approval of the City Council, employ clerical and expert assistance and elect to form ad-hoc committees to carry out its business.*
- L. The Commission may adopt and amend by-laws to regulate its internal operations.*
- M. Commissioners are required to publicly announce any conflict of interest, as defined by State Law, and describe the nature of the conflict before participating in discussions, public hearings, or taking any action.*

2.210.06 *Identification and Evaluation of Historic Resources.*

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The Historic Resource Survey lists, describes, and determines the eligibility of historic resources for listing in the Local Landmark Register. Not all properties listed in the Historic Resource Survey are eligible for listing in the Local Landmarks Register. A property need not be first listed in the Historic Resource Survey before being nominated to the Local Landmark Register under Section 2.210.07.

- A. The Commission shall determine and periodically revise priorities for the identification and evaluation of historic resources based on the community's needs and interests.*
- B. Before commencing inventory studies or updates, the Commission shall provide public notice describing the inventory, its purposes, and invite public participation.*
- C. Surveyed properties shall be identified as Eligible/Significant (ES), Eligible/Contributing (EC), Non-Contributing (NC), or Not in Period (NP). Evaluation and documentation of properties in the Historic Resource Survey shall meet the requirements of the document "Guidelines for Historic Resource Surveys in Oregon, 2010" or most recent guidance for such efforts published by the SHPO and be supplied to the agency within six (6) months of the completion of the study.*
- D. The Historic Resource Survey shall be maintained as a public record with the exception of archaeological sites, which is prohibited by State law.*
- E. Citizens shall have the opportunity to review and correct information included in the Historic Resource Survey. Any member of the public may place a property in the Historic Resource Survey; however, the Commission retains the authority to determine the property's eligibility for listing in the Local Landmark Register.*
- F. The Commission may collect further information including, but not limited to, current photographs, architectural descriptions based on on-site observations, or archival documentation for properties already listed in the Local Landmark Register or National Register for the purposes of administering this Ordinance pursuant to the provisions of this Section.*

2.210.07 Local Landmark Register.

The Commission may designate historic resources to the Local Landmark Register as a means of providing recognition of their significance and providing incentives and guidelines for their preservation. The Local Landmark Register is maintained by the Historic Preservation Officer and shall be available to the public.

- A. Historic resources within the corporate boundaries of the City of Falls City and listed in the National Register, including all National Register-listed historic districts in their entirety may be listed in the Local Landmark Register using the*

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procedures outlined in Section C, but need not be documented as outlined in Section B.2 through B.5 of this Section. In such cases, the National Register nomination shall serve as the Record of Designation. As Historic Resources of Statewide Significance, all National Register-listed properties, including individual properties in recognized National Register-listed historic districts are subject to the regulations in Section 2.210.08.E, pursuant to Oregon State Law.

B. Criteria for designating Historic Resources to the Local Landmark Register. Any building, structure, object, site, or district may be designated to the Local Landmark Register if it meets all the Criteria of Section 2.210.07.A or all of the criteria listed below:

- 1. The property is located within the corporate boundaries of the City of Falls City.***
- 2. The property is over fifty (50) years of age or of exceptional importance, or in the case of a district, the majority of the properties are over fifty (50) years old or have exceptional significance.***
- 3. The property possesses sufficient historic integrity, in that there are no major alterations or additions that have obscured or destroyed the significant historic features. Major alterations that may destroy the historic integrity include, but are not limited to, changes in pitch of the main roof, enlargement or enclosure of windows on principal facades, addition of upper stories or the removal of original upper stories, covering the exterior walls with non-historic materials, moving the resource from its original location to one that is dissimilar to the original, additions which significantly detract from or obscure the form and appearance of the historic resource when viewed from the public right-of-way.***
- 4. The property has historic significance as demonstrated by meeting at least one of the following criteria:***
 - (a) Association with events that have made a significant contribution to the broad patterns of our history; and/or***
 - (b) Association with the lives or persons significant in our past; and/or***
 - (c) Embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; and/or***

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(d) Have yielded, or may be likely to yield, information important in prehistory or history.

5. The property's legal owner(s) shall provide to the City a written statement acknowledging that that the owner has read the Historic Preservation Ordinance and understands the nomination process and the results of such a designation, and wishes to have their property listed in the Local Landmark Register. Within locally-designated historic districts a boundary may be established, but only those that submit a statement as described above will be listed in the Local Landmark Register. In cases where multiple persons or entities own a single property, a simple majority of the property owners must submit a written statement. This provision does not apply to individual historic resources and historic districts listed in the National Register.

C. Nomination Procedure. Any person, group, including the Commission or government agency may nominate a property for listing in the Local Landmark Register. The nomination procedures are as follows:

- 1. Designation of a historic resource to the Local Landmark Register is a Type III Procedure (Quasi-Judicial) as set forth in Section 3.102 Summary of Application Types and Review Procedures.*
- 2. The nomination for a historic resource to the Local Landmark Register must include a description of the boundaries of the proposed nominated area and the structures, objects, and sites contained therein, and a statement explaining how the historic resource(s) meet(s) the criteria under B of this Section. The Historic Preservation Officer may establish additional standards for a complete application.*
- 3. The Historic Preservation Officer shall inform property owners in writing of the nomination process pursuant to local and state law.*
- 4. The Commission may approve, deny, or table the application pending further testimony, or to allow for the petitioner to provide additional information as requested by the Commission. The Commission shall develop written findings to support its decisions.*
- 5. Upon final approval by the Commission, the Historic Preservation Officer shall prepare a Record of Designation that includes the original nomination materials, and any testimony or additional materials considered during the nomination process that establishes the eligibility of the historic resource for listing in the Local Landmark Register.*

6. *Historic Resources designated as Landmarks shall be noted as such in the Local Landmark Register.*
7. *A Record of Designation may be amended through the process described in this Section. The Historic Preservation Officer may administratively add additional materials gathered under the provisions of Section 2.210.06 to keep the record current or elaborate on established facts in the Record of Designation. Notice of such an action shall be provided to the Commission at their next regular meeting.*

D. Results of listing in Local Landmark Register. Historic resources listed in the Local Landmark Register receive the following benefits:

1. *All uses and restrictions established by the underlying zoning, existing conditional use permits, and other applicable design standards shall remain in effect unless changed through due process.*
2. *Landmarks are protected under the provisions of Section 2.210.08 through 2.210.16.*
3. *City staff shall consider granting zoning variances and/or conditional use permits in order to encourage the productive use and preservation of Landmarks.*
4. *The local Building Official shall consider waiving certain code requirements in accordance with the existing state building code.*
5. *Property owners of Landmarks may seek technical or financial assistance from the Commission in applying for grants or tax incentives for rehabilitating their properties as resources and funds are available.*
6. *Property owners of Landmarks are eligible to receive City-funded grants and loans to assist with the preservation of their buildings as resources and funds are available.*

2.210.08 *Treatment of Historic Resources listed in the Local Landmark Register.*

The Commission shall use the provisions of this Section to preserve the exterior character-defining features of individual Landmarks; the exterior of individual buildings in Landmark historic districts.

A. Activities not subject to the provisions of this Section:

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- 1. Alterations to building interiors when building interiors not specifically noted as historical significant in Record of Designation.*
 - 2. Application of exterior paint color when color not specifically noted in Record of Designation.*
 - 3. Alterations to landscape features not specifically noted in the Record of Designation.*
- B. No Landmark or exterior landscape or archaeological element noted as significant in the Record of Designation shall be altered, relocated, or demolished, or a new building or structure constructed within the area defined in the Record of Designation without a Certificate of Appropriateness signed and issued by the Historic Preservation Officer. Certificates of Appropriateness must be presented to the City Planner and Building Official before a building or demolition permit is issued.*
- 1. An application for a Certificate of Appropriateness must include a description of the proposed activity, accompanying maps, photographs, drawings, and other documentation. The Historic Preservation Officer may establish additional standards for a complete application, including defining different criteria for a complete application under provisions C, D, and E of this Section.*
 - 2. Upon acceptance of a complete application, the Historic Preservation Officer shall decide within 14 calendar days if the proposed work is subject to provisions C, D, or E of this Section.*
 - 3. The Historic Preservation Officer shall prepare a staff report that summarizes the proposed project, notes the criteria specified in this Ordinance under which the application shall be considered, and make a recommendation to the Commission to approve, approve with conditions, or deny the application for a Certificate of Appropriateness. Materials that may be used in the preparation of the staff report include the Record of Designation; and/or National Register nomination; and/or other archival photos, maps; and/or other documentary evidence specific to the subject property; and/or observations from on-site inspections from the public-right-of way to document its historic appearance or alteration over time; and/or documents and publications of the National Park Service or Oregon State Historic Preservation Office. Documents that are not available from the City at the time of application for a Certificate of Appropriateness shall be made available to the applicant at least ten (10) calendar days before a public hearing is held or administrative decision is made.*

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4. *The Commission shall review and act upon applications for the alteration, relocation, and demolition of a Landmark. Applications for the alteration of a Landmark may be approved, approved with conditions, or denied. Applications for the relocation or demolition of a Landmark may be approved, approved with conditions, or the action delayed for up to one (1) year. The Commission shall develop written findings to support its decisions. The Historic Preservation Officer shall include any conditions imposed by the Commission in the Certificate of Appropriateness pursuant to this Section.*
 5. *A Certificate of Appropriateness issued for the alteration of a Landmark shall be effective for a period of two (2) years from the date of its issuance. A Certificate of Appropriateness issued for the relocation or demolition of a historic resource shall be effective for a period of one (1) year.*
 6. *A Landmark may be altered, relocated, or demolished without a Certificate of Appropriateness if the Building Official attests in writing that the condition of a Landmark poses a clear and immediate hazard to public safety. The comments of the Building Official with sufficient evidence to support his or her conclusions shall be provided to the Historic Preservation Officer within fifteen (15) calendar days of making his or her decision. The Historic Preservation Officer will make these materials available to the Commission at their next regular meeting. The property owner(s) must submit an application for a Certificate of Appropriateness as required under this Ordinance within thirty (30) calendar days of the Building Official submitting his or her written statement to the Historic Preservation Officer.*
- C. *The Historic Preservation Officer may issue a Certificate of Appropriateness, under a Type I-A Procedure (Ministerial) as set forth in Section 3.102 Summary of Application Types and Review Procedures, for the alteration of a Landmark when the proposed alteration will not significantly change the qualities that merited the listing of the Landmark in the Local Landmark Register. A completed Certificate of Appropriateness must be presented to the City Planner before a permit is issued. The Historic Preservation Officer shall make a list of certificates issued in this manner available to the Commission at each regular meeting. Activities eligible for a Certificate of Appropriateness issued as described in this provision include the following:*
1. *Construction of a fence that meets Section 2.201.08, Fences, Walls, and Hedges.*

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2. *Demolition of an outbuilding noted as sharing a lot with a Landmark and not noted as historically significant in its Record of Designation.*
 3. *New addition to a Landmark or new construction not visible from the public right-of-way.*
- D. *A Type III Procedure (Quasi-Judicial) as set forth in Section 3.102 Summary of Application Types and Review Procedures for a Certificate of Appropriateness shall be required for activities not exempted in A.1 through A.3, and C.1 through C.3 of Section 2.210.08.*
1. *Prior to submitting an application for a permit pursuant to this Section, proponents are encouraged to request a Land Use Pre-Application Conference to review concepts and proposals. The Historic Preservation Officer may assign a staff member to perform these duties or contract with other parties to complete the consultation. The Commission may also form ad-hoc committees for this purpose. Commission members participating in pre-application conferences shall disclose their ex-parte contact at the time of a public hearing on the proposal.*
 2. *In order to approve an application for the alteration of a Landmark, the Commission must find that the proposal meets the following guidelines as applicable:*
 - (a) *A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships; and/or*
 - (b) *The historic integrity of a property shall be retained and preserved. The relocation of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided; and/or*
 - (c) *A property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, shall not be undertaken; and/or*
 - (d) *Changes to a property that have acquired historic significance in their own right shall be retained and preserved; and/or*
 - (e) *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved; and/or*

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Exhibit A

- (f) Deteriorated historic features shall be repaired rather than replaced. The severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence; and/or*
- (g) Chemical and physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used; and/or*
- (h) Archeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken; and/or*
- (i) New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment; and/or*
- (j) New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*
- 3. In addition to meeting the applicable guidelines in 2(a) through 3(j) of this Section, in order to approve an application for the alteration of a Landmark the Commission must find that the proposal meets the following design standards as applicable:*
- (a) Vacant buildings shall be weather- and vandal-proofed in order to minimize further deterioration and the threat to public safety; and/or*
- (b) Rehabilitation work, especially on the exterior and the principal facades shall preserve the existing historic features or replace them if absolutely necessary with features and materials known to have existed on the building through verifiable evidence such as photographs. Alterations to Landmarks shall not be based on speculation, but instead on documentary evidence; and/or*

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- (c) New additions shall be subordinate to the original building, meaning lower in height, attached to the rear or set back along the side, smaller in scale, and have less architectural detail; and/or*
- (d) Height, width, setback, roof shape, and the overall scale and massing of new buildings within historic districts and on lots with existing Landmarks, or additions to Landmarks shall be compatible with the existing historic building(s) and, in the case of historic districts, the overall streetscape; and/or*
- (e) In historic districts and on lots with existing Landmarks, materials on at least the primary façade(s) of new buildings shall be similar in size, shape, color, and texture to the original materials on the facades of surrounding historic buildings; and/or*
- (f) Architectural details on new construction (including wood or metal trim, porches, cornices, arches, and window and door features, etc.) shall be complimentary, but shall not replicate historic features on surrounding historic buildings; and/or*
- (g) Window and door opening should be similar in size and orientation (vertical to horizontal) to openings on historic buildings and shall take up about the same percentage of the overall façade as those on surrounding historic buildings; and/or*
- (h) In historic districts and on lots with existing Landmarks, the relationship of the width to the height of the principal elevations for new buildings and additions to existing Landmarks shall be in scale with the surrounding structures and streetscape. Wider new building can be divided into segments that more closely resemble the façade widths of historic buildings; and/or*
- (i) In historic districts and on lots with existing Landmarks, the roof shape of new buildings and additions to existing Landmarks shall be visually compatible with the surrounding structures and streetscape. Unusual roof shapes, materials, and pitches are discouraged; and/or*
- (j) Moving Landmarks shall be avoided, especially to create artificial groupings; and/or*
- (k) The demolition of Landmarks shall be avoided whenever possible; and/or*

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(l) Any applicable design guidelines adopted by the Commission in Section 2.210.05.

E. A Type III Procedure (Quasi-Judicial) as set forth in Section 3.102 Summary of Application Types and Review Procedures and a Certificate of Appropriateness shall be required to relocate or demolish a Landmark or any property listed in the National Register of Historic Places individually or as part of a historic district.

1. To approve, approve with conditions, or deny an application the Commission shall find that the demolition request meets the following applicable criteria:

(a) The applicant has completed a replacement plan for the site including drawings approved by the City Planner. If the property is located within a historic district, plans must be submitted for review by the Commission pursuant to Section 2.210.08.D as it relates to new construction; and

(b) The Building Official determines and states in writing that the building may not be safely removed from the site; and

(c) The value to the community of the proposed use of the property outweighs the value of retaining Landmark at the original location. Public testimony shall be considered when making this determination.

2. To approve, approve with conditions, or deny an application for the relocation of a Landmark, Commission must find that:

(a) The relocated Landmark remains within the corporate boundaries of the City of Falls City.

(b) The new site is provides a suitable setting and ensures the building's long term preservation.

(c) The applicant has completed a plan for the new site; including drawings approved by the City Planner.

3. In approving or denying an application for the relocation or demolition of a Landmark, the Commission may impose the following conditions:

(a) Photographic, video, or drawn recordation of the Landmark in its origin location; and/or

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- (b) *In the case of demolition, the Landmark be transported to a new site, and that, to the extent possible, the new location is similar to the original site and that the original setback and orientation of the building is replicated on the new lot; and/or*
- (c) *In the cases of properties listed in the National Register, that the applicant attempt to obtain permission to move the Landmark from the National Park Service in order to retain the property's listing in the National Register and/or assume all responsibility and cost of removing if permission cannot be obtained; and/or*
- (d) *Other reasonable mitigation measures.*
4. *At the public hearing of an application to relocate or demolish a Landmark the Commission may, in the interest of exploring reasonable alternatives, delay issuance of a Certificate of Appropriateness for up to one hundred eighty (180) calendar days from the date of the hearing. Not more than sixty (60) and not less than thirty (30) calendar days prior to the expiration of the delay period, the Historic Preservation Officer shall schedule a public hearing pursuant to local and state laws to allow the Commission to consider if there are still reasonable alternatives to explore, and if the group will request in writing that the City Council continue the delay for an additional period of up to one hundred eighty (180) calendar days.*
5. *The Commission may not delay the relocation or demolition of a Landmark for more than three-hundred sixty (360) calendar days subject to the provisions of this Section. At the end of the waiting period, the Historic Preservation Officer shall issue a Certificate of Appropriateness for the relocation or demolition of the Landmark.*
6. *Upon issuing a Certificate of Appropriateness for the demolition of a Landmark, the Historic Preservation Officer shall post a legal notice in a local newspaper of general circulation announcing the demolition, the criteria under which the demolition was approved, the historic significance of the property, and invite the public to provide alternatives to the demolition for consideration by the Commission.*
7. *Relocated Landmarks shall remain listed in the Local Landmark Register unless removed under Section 2.210.09.*
8. *Demolished Landmarks shall be removed from the Local Landmark Register using the procedures described in Section 2.210.09.*

2.210.09***Removal of Landmarks from the Local Landmark Register.***

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A Type III Procedure (Quasi-Judicial) as set forth in Section 3.102 Summary of Application Types and Review Procedures and a signed Certificate of Appropriateness shall be required for the removal of a Historic Resource from the Local Landmark Register and shall be subject to this section.

- A. Landmarks concurrently listed in the Local Landmark Register and National Register will be considered for removal from the Local Landmark Register only after the Landmark is removed from the National Register and the SHPO has provided written evidence of the removal to the Historic Preservation Officer.***
- B. Any individual or group, including the Commission acting on its own initiative, may initiate the removal of a Landmark or individual property within a historic district from the Local Landmark Register by submitting a complete application to the Historic Preservation Officer.***
- C. The Historic Preservation Officer shall establish standards for a complete application for the removal of a Landmark from the Local Landmark Register. Upon acceptance of a complete application, the Historic Preservation Officer shall schedule a public hearing pursuant to applicable local and state laws.***
- D. The City of Falls City shall be required to remove a Landmark from the Local Landmark Register if the designation was imposed on the property by the City of Falls City and the owner at the time of designation:***
 - (a) Has retained ownership since the time of the designation, and***
 - (b) Can demonstrate that the owner objected to the designation on the public record, or***
 - (c) Were not provide an opportunity to object to the designation, and***
 - (d) Requests that the City of Falls City remove the Landmark from the Local Landmark Register.***
- E. In order to approve an application for the removal of a Landmark from the Local Landmark Register the Commission must find the following:***
 - (a) The Landmark has ceased to meet the criteria for listing in the Local Landmark Register because the qualities with caused it to be originally listed have been lost or destroyed; and/or***

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- (b) The property owner at the time the property was added to the Local Landmark Register did not provide written permission for such action; and/or*
 - (c) Additional information shows that the Landmark no longer satisfies the criteria for recognition as a historic resource or did not satisfy the criteria for recognition as a historic resource at time of listing; and/or*
 - (d) The building official declares that the Landmark poses a clear and immediate hazard to the public safety and must be demolished to abate the unsafe condition.*
- F. An application to remove a Landmark from the Local Landmark Register shall not be considered for one (1) year after the date of decision for the denial of an application for the relocation or demolition of the same Landmark under Section 2.210.09.B.*
- G. Landmarks accidentally destroyed by flood, fire, or other natural or accidental act or demolished under the provisions of Section 2.210.08 and meeting the definition of “demolished” as defined in this Ordinance may be removed administratively from the Local Landmark Register by the Historic Preservation Officer. Notice of this action and written evidence documenting the demolition of the Landmark shall be provided to the Commission at their next regular meeting. This same documentation shall be provided to the SHPO. If a Landmark is also listed in the National Register, the Commission shall request that the SHPO remove the property from the National Register if not requiring the owner to do so under Section 2.210.08.E.3.*
- H. Upon removing a Landmark from the Local Landmark Register, the Historic Preservation Officer shall post a legal notice in a local newspaper of general circulation announcing the removal, the criteria under which the removal was approved, and the historic significance of the property.*

2.210.10 Economic Hardship

The Commission shall grant a Certificate of Appropriateness for relocation, demolition, or, at the Commission’s discretion, modify or exempt a property from the requirements of Section 2.210.08 if the applicant can demonstrate that complying with the provisions of this Ordinance creates an economic hardship that prevents the profitable use of the subject property.

- A. Economic Hardship may only be considered in a separate hearing after an application for a Certificate of Appropriateness for the alteration, relocation, or demolition of a Landmark has been issued or denied and all pending appeals to the*

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Land Use Board of Appeals, the Land Conservation and Development Commission, and local, state, and federal courts are resolved.

B. *Separate standards for demonstrating an economic hardship are established for investment or income-producing and non-income-producing properties:*

- 1. *Economic hardship for an income-producing property shall be found when the property owner demonstrates that a reasonable rate of return cannot be obtained from the Landmark if it retains its historic features, buildings, or structures in either its present condition or if it is rehabilitated.***
- 2. *Economic hardship for a non-income-producing property shall be found when the property owner demonstrates that the Landmark has no beneficial use as a single-family dwelling or for an institutional use in its present condition or if rehabilitated.***

C. *Property owners seeking a Certificate of Appropriateness for economic hardship must provide sufficient information, as determined by the Historic Preservation Officer, to support the application for the Certificate. Demonstration of an economic hardship shall not be based on or include any of the following circumstances:*

- 1 *Willful or negligent acts by the owner; and/or***
- 2. *Purchase of the property for substantially more than market value; and/or***
- 3. *Failure to perform normal maintenance and repairs; and/or***
- 4. *Failure to diligently solicit and retain tenants; and/or***
- 5. *Failure to provide normal tenant improvements.***

2.210.11 Appeals

A. *Any interested person may, within fifteen (15) calendar days from the date of a final decision, appeal a decision of the Historic Preservation Officer or the Historic Landmark Commission by filing a written notice of appeal. The filing of such notice shall have the effect of suspending any challenged permits pending final determination. Upon receipt of the notice of appeal, a public hearing shall be set which is at least thirty (30) calendar days from the date of receipt of the notice.*

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- B. *Decisions of the Historic Preservation Officer are appealable to the Commission. Decisions of the Commission are appealable to the City Council. Decisions of City Council are appealable to the Oregon State Land Use Board of Appeals.***

2.210.12 *Re-submittal of an Application Previously Denied.*

An application for a Certificate of Appropriateness which has been denied or an application which was denied and which on appeal has not been reversed by a higher authority, including the Land Use Board of Appeals, the Land Conservation and Development Commission, or the courts, may not be resubmitted for the same or a substantially similar proposal or for the same or substantially similar action for a period of at least two (2) years from the date the final City action is made denying the application unless there is a substantial change in the facts or a change in City policy which would change the outcome.

2.210.13 *Enforcement of the Provisions of this Ordinance*

- A. *See Section 1.103 Violations***

- B. *In addition to Section 1.103 Violations, any violation of any provision of Section 2.210 Historic Preservation this shall result in a restraint order or stop-work order.***

2.210.14 *Conflicts with Other Laws*

If the provisions of this Ordinance are found to be in conflict with federal or state laws the federal or state law shall prevail. In cases of conflict with other City ordinances the previously established statute shall take precedence.

2.210.15 *Relationship to Other Land Use Reviews*

Projects which require an historic review may also require other land use reviews. If other reviews are required, the review procedures may be handled concurrently. Fees for other application shall be established from time to time by City Council Resolution.

2.210.16 *Public Projects*

All projects sponsored by the City or other Governmental agencies are subject to the same review as private projects.

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3.105 TYPE III PROCEDURE (QUASI-JUDICIAL)

- E. Application Review: Quasi-judicial applications shall be heard by the Planning Commission *or Historic Landmark Commission* at a public hearing conducted in accordance with the provisions of Chapter Three – Application and Review Provisions. Public notice shall be in accordance with the procedures set forth in Section G, below. Appeal of the *hearing body* decision is to the City Council. The decision of the City Council shall be the final land use action on the application.
- G. Notice of Hearing.
2. Content of Notice. Notice of appeal of a Type II Administrative decision or a Type III hearing to be mailed, posted and published per Subsection 1 above shall contain the following information:
 - a. The nature of the application and the proposed land use or uses which could be authorized for the property;
 - b. The applicable criteria and standards from the development code that apply to the application;
 - c. The street address or other easily understood geographical reference to the subject property;
 - d. The date, time, and location of the public hearing;
 - e. A statement that the failure to raise an issue in person, or by letter at the hearing, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue, means that an appeal based on that issue cannot be filed with the State Land Use Board of Appeals (LUBA);
 - f. The name of a City representative to contact and the telephone number where additional information on the application may be obtained;
 - g. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards can be reviewed at City Hall at no cost and that copies shall be provided at a reasonable cost;
 - h. A statement that a copy of the City's staff report and recommendation to the *hearing body* shall be available at no cost at least 7 days before the hearing, and that a copy shall be provided on request at a reasonable cost;

- i. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings;
- j. The following notice: “Notice to mortgagee, lien holder, vendor, or seller: The Falls City Development Ordinance requires that if you receive this notice it shall be promptly forwarded to the purchaser.”

H. Conduct of the Public Hearing.

- 3. If the hearings body leaves the record open for additional written evidence or testimony, the record shall be left open for at least 7 days after the hearing. Any participant may ask the City in writing for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the *hearing body* shall reopen the record per subsection 1 of this section;
 - a. When the hearings body re-opens the record to admit new evidence or testimony, any person may raise new issues which relates to that new evidence or testimony;
 - b. An extension of the hearing or record granted pursuant to Section H is subject to the limitations of ORS 227.178 (“120 day rule”), unless the continuance or extension is requested or agreed to by the applicant;
 - c. If requested by the applicant, the City shall allow the applicant at least 7 days after the record is closed to all other persons to submit final written arguments in support of the application, unless the applicant expressly waives this right. The applicant’s final submittal shall be part of the record but shall not include any new evidence.
- 4. The record.
 - a. The record shall contain all testimony and evidence that is submitted to the City and the hearings body and not rejected;
 - b. The *hearing body* may take official notice of judicially recognizable facts under the applicable law. If the *hearing body* takes official notice, it must announce its intention and allow persons participating in the hearing to present evidence concerning the noticed facts;
 - c. The review authority shall retain custody of the record until the City issues a final decision.
- 5. Participants in the appeal of a Type II Administrative decision or a Type III hearing are entitled to an impartial review authority as free from potential conflicts of interest and pre-hearing ex-parte contacts (see Section 6 below) as reasonably

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possible. The public has a countervailing right of free access to public officials. Therefore:

- a. At the beginning of the public hearing, hearings body members shall disclose the substance of any pre-hearing ex-parte contacts (as defined in Section 6 below) concerning the application or appeal. The *hearing body* member shall state whether the contact has impaired their impartiality or their ability to vote on the matter and shall participate or abstain accordingly;
- b. A member of the hearings body shall not participate in any proceeding in which they, or any of the following, has a direct or substantial financial interest: Their spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner, any business in which they are then serving or have served within the previous two years, or any business with which they are negotiating for or have an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the hearing where the action is being taken;
- c. Disqualification of a member of the hearings body due to contacts or conflict may be ordered by a majority of the members present and voting. The person who is the subject of the motion may not vote on the motion to disqualify;
- d. If all members abstain or are disqualified, those members present who declare their reasons for abstention or disqualification shall be re-qualified to make a decision;
- e. If a member of the hearings body abstains or is disqualified, the City shall provide a substitute in a timely manner subject to the impartiality rules in Section 6;
- f. Any member of the public may raise conflict of interest issues prior to or during the hearing, to which the member of the hearings body shall reply in accordance with this section.

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AGENDA REPORT

TO: CITY COUNCIL
FROM: MAYOR UNGRICHT
SUBJECT: LIBRARY INFORMATION
DATE: 8/16/2017

SUMMARY

Council discussed running a levy for the operation of the Library and there was a motion tabled to close the Library as of June 30, 2018.

BACKGROUND

Council directed staff to investigate the process of an operational levy for the library. In the discussion there was a motion to close the Library as of June 30, 2018, which was tabled. Staff has investigated ORS 357.621 which governs the closing of a Public Library. I recommend that if Council desires to have the issue on the ballot we still follow ORS 357.621 and start the process of closing the Library in case the measure does not pass.

Under ORS 357.621 we would publish a Public Notice for Public Hearings in the November 29th and December 6, 2017 I/O. We would schedule the meetings for January 11, 2018 and May 10th, 2018, which are our regularly scheduled Council Meetings. I have asked the State Library Board that with us starting the process if there was a ballot measure that was successful if we could cancel the closing.

I also reached out to the Chemeketa Cooperative Regional Library Service on what services would still be available for our residents, I attached a flyer they sent to me explain the services offered. A sub group of the Service Integration Team has been meeting to design a transportation service that could drop off citizens at the Dallas or Monmouth Public Library, giving our citizens another way to access library services. The main area affecting our citizens is access to the computers, I do not have a good suggestion for this loss of service.

I also emailed the Librarian, Andy, and Art Houghtailing to notify them of the current discussion.

PREVIOUS COUNCIL ACTION

Joint meetings with the School Board, Council discussion, and tabled motion.

ALTERNATIVES/FINANCIAL IMPLICATIONS

If Library is closed on June 30, 2018 we would have a balance left in the Wagner trust fund of \$89,228.00 minus this year's operating expenses, estimated at \$47,000.

STAFF RECOMMENDATION

N/A

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EXHIBITS

- A) ORS Chapter 357, Public Libraries.
- B) Email to State notifying of possible closure.
- C) Handout from Chemeketa Cooperative Regional Library Service.

PROPOSED MOTION

(Tabled Motion)

I move the City Council of the City of Falls City close the Wagner Public Library as of June 30, 2018.

I move the City Council of the City of Falls City close the Wagner Public Library as of June 30, 2018 unless the ballot measure authorizing an operational levy is passed by the residents of Falls City on the May 15, 2018 ballot.

Library Support and Development Services

Department	Oregon Library Laws - Revised Statutes - Public Libraries
About Us	Oregon Revised Statutes
Contact Us	Chapter 357 - Libraries; Archives; Poet Laureate
Online Library Directory	PUBLIC LIBRARIES
Grants & Aid	357.400 Definitions for ORS 357.400 to 357.621. As used in ORS 357.400 to 357.621:
Library Statistics	(1) "Governing body" means the board, commission, council or other body which governs the local government unit.
Library Technology	(2) "Local government unit" means any city, county, library service district established under ORS chapter 451, school district, community college district or a library district established under ORS 357.216 to 357.286.
Academic Libraries	(3) "Public library" or "public library system" means a public agency responsible for providing and making accessible to all residents of a local government unit library and information services suitable to persons of all ages.
School Libraries	
Youth Services	
Resources for Libraries	357.410 Authority of local government units for public libraries. Any local government unit may:
Projects & Publications	(1) Establish, equip and maintain a public library.
Online Catalog	(2) Contract with an established public library or with a private society or corporation owning and controlling a secular or nonsectarian library for the purpose of providing free use of the library for the residents of the local government unit, under such terms and conditions as may be agreed upon.
Request Materials	(3) Contract with one or more units of local government or library boards pursuant to ORS 190.003 to 190.620 to provide jointly a public library or public library service or share in the use of facilities, under such terms and conditions as may be agreed upon.
	(4) Enter into an interstate library agreement pursuant to Article VI of the Interstate Library Compact (ORS 357.340).
	(5) Contract with the Trustees of the State Library for assistance in establishing, improving or extending public library service.
	(6) Levy annually and cause to be collected, as other general taxes are collected, a tax upon the taxable property in the local government unit to provide a library fund to be used exclusively to maintain such library.
	(7) Levy and cause to be collected, as other taxes are collected, a special tax upon the taxable property in the local government unit, or contract bonded indebtedness under the provisions of ORS chapter 287 to provide a public library building fund to be used exclusively for the purchase of real property for public library purposes and for the erection and equipping of public library buildings including branch library buildings.
	(8) Levy or impose such other taxes as may be authorized to the unit by city charter or the charter of a home-rule county.
	357.417 Methods of establishing public library by local government unit.
	(1) A public library may be established by a local government unit by any of the following ways:
	(a) The governing body may pass and enter upon its minutes a resolution or ordinance to the effect that a public library is established under the provisions of ORS 357.400 to 357.621.
	(b) When a petition requesting an election on the question of establishing and supporting a public library is filed as provided in this section, the governing body shall make and enter an order for an election requesting approval by the electors of the establishment and support of a public library.
	(c) Upon its own motion, the governing body may make and enter an order for an election requesting approval by the electors of the establishment and support of a public library.
	(2) Except as provided in subsection (3) of this section, the requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition:
	(a) In the case of a county, in ORS 250.165 to 250.235.
	(b) In the case of a city, in ORS 250.265 to 250.346.
	(c) In the case of any other local government unit, in ORS 255.135 to 255.205.
	(3) If ORS 250.155 makes ORS 250.165 to 250.235 inapplicable to a county or if ORS 250.255 makes ORS 250.265 to 250.346 inapplicable to a city, the requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition under the county or city charter or an ordinance adopted under the

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county or city charter.

(4) Elections held under this section shall be held on a date specified in ORS 255.345.

357.430 Methods of financing public library by local government unit. If a governing body acts under ORS 357.417 (1)(a) or (c), its order shall state the manner in which the local government unit proposes to finance the library, including the estimated amount of any annual tax levy necessary to provide for the library. If the governing body determines that financing may be had only through a local option tax to be submitted to the electors pursuant to ORS 357.525, the order shall so state. The notice, time and manner of election shall be governed by the applicable provisions of ORS chapters 250 and 255.

357.435 Local government required to file plan with State Library. Any local government unit acting under ORS 357.417 shall notify in writing the State Library of its plan for establishing a public library. The State Library shall respond in writing within 30 days, commenting on the plan for establishing the library and on its relationship to the long-range plans for the statewide development and coordination of library services. The State Library's advice or comment is not binding upon the local government unit, and if no such advice or comment is received within 30 days of the request, the local government unit may act without further delay.

357.460 Financial interest of public library board and appointive body; compensation.

(1) No member of any public library board or the body appointing such board shall have any financial interest, either directly or indirectly, in any contract to which the library is a party, nor shall receive a salary or any payment for material or for services rendered the board.

(2) Board members may be reimbursed for expenses incurred in the performance of their duties.

357.465 Public library board.

(1) Each public library established under ORS 357.417 shall be governed by a library board unless some other method is specified in the charter, ordinance or resolution establishing the library.

(2) Upon resolution, ordinance or election pursuant to ORS 357.417, the governing body may appoint a library board. The library board of a city, county or county service district, as determined by the governing body, shall consist of not less than five members nor more than 15 members. In the case of a school district or community college district, such board shall consist of five, seven or more members at the discretion of the governing body.

(3) If the board will consist of five members, one member shall initially hold office for one year, one for two years, one for three years and two for four years, from July 1 in the year of their appointment. If the board will consist of seven members, one member shall initially hold office for one year, two for two years, two for three years, and two for four years, from July 1 in the year of their appointment. If the board will consist of six members or more than seven members, the members first appointed shall hold office for such terms as will achieve the staggered term base established for smaller boards by this section. Succeeding appointees shall hold office for a term of four years from July 1 in the year of their appointment. At the expiration of the term of any member of such board, the governing body shall appoint a new member or may reappoint a member for a term of four years. If a vacancy occurs, the governing body shall appoint a new member for the unexpired term. No person shall hold appointment as a member for more than two full consecutive terms, but any person may be appointed again to the board after an interval of one year.

357.470 Board organization; name of library. After appointment, the public library board shall meet and organize by the election of a chairperson from among its members. The librarian shall serve as secretary to the board and keep the record of its actions.

357.490 Library board general powers. In the ordinance or resolution establishing the library, the governing body shall determine the library board's responsibility for:

(1) Appointment of the librarian and staff, fixing their compensation, determining their working conditions and prescribing their duties.

(2) Formulating rules and policies for the governance of the library.

(3) Preparing and submitting an annual budget request.

(4) Approving, or delegating to the librarian the responsibility for approving, all expenditures from the library fund or the public library building fund.

(5) Acceptance, use or expenditure of any real or personal property or funds donated to the library, or purchase, control or disposal of real and personal property necessary for the purposes of the library, except that each donation shall be administered in accordance with its terms, and all property or funds shall be held in the name of the governing body.

(6) Selection of sites for public library buildings or for location of library facilities.

(7) Entering into contracts.

(8) Such other activities as the governing body may assign.

357.520 Annual report. Each public library established under ORS 357.417 shall make an annual report to the State Library and to the governing body on a form supplied by the State Library.

357.525 Election to authorize local option tax.

(1) A local option tax for any of the purposes stated in ORS 357.410, 357.417 or 357.490 shall be submitted at an election as provided in this section. The governing body of the local government unit:

(a) May order the election on its own resolution; or

(b) Shall order the election when a petition is filed as provided in this section.

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(2) The resolution or the petition calling the election under this section shall state the purpose for which the funds are to be expended, the period during which the proposed taxes are to be levied and the amount to be levied each year, which amount shall be uniform throughout the period of levy.

(3) Except as provided in subsections (4) and (5) of this section, the requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition:

(a) In the case of a county, in ORS 250.165 to 250.235.

(b) In the case of a city, in ORS 250.265 to 250.346.

(c) In the case of any other local government unit, in ORS 255.135 to 255.205.

(4) If ORS 250.265 to 250.346 apply to a city, then notwithstanding ORS 250.325, the city governing body shall submit the local option tax question to the electors without first considering its adoption or rejection.

(5) If ORS 250.155 makes ORS 250.165 to 250.235 inapplicable to a county or if ORS 250.255 makes ORS 250.265 to 250.346 inapplicable to a city, the requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition under the county or city charter or an ordinance adopted under the county or city charter.

(6) The notice, time and manner of election shall be governed by the applicable provisions of ORS chapter 250 and:

(a) In the case of a county or city, ORS chapters 246 to 260.

(b) In the case of any other local government unit, ORS chapter 255.

(7) Upon approval by a majority of the electors voting at the election, the taxing unit shall levy each year during the approved period the amount so approved. The tax proceeds shall be handled as provided by ORS 357.410 or 357.430, or as otherwise provided by law.

357.610 Conformity to ORS 357.400 to 357.621 by libraries organized prior to enactment of those statutes; effect on executed library contracts.

(1) Libraries organized under Oregon laws prior to September 13, 1975, are continued, and may have their organizations changed so as to conform to ORS 357.001 to 357.200, 357.330, 357.360, 357.400 to 357.621, 357.975 and 357.990 by resolution of the governing body of the local government unit which established the library. The resolution shall outline the procedure necessary to be taken for such change.

(2) Nothing contained in ORS 357.001 to 357.200, 357.330, 357.360, 357.400 to 357.621, 357.975 and 357.990 shall affect nor change the terms of any library contract executed prior to September 13, 1975. However, by mutual consent, the parties to the contract may amend the contract so as to make it conform to all or any of the provisions of ORS 357.001 to 357.200, 357.330, 357.360, 357.400 to 357.621, 357.975 and 357.990.

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.

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AGENDA REPORT

TO: CITY COUNCIL
FROM: DOMENICA PROTHEROE, THROUGH MAYOR TERRY UNGRICHT
SUBJECT: MUNICIPAL CODE REPLACEMENT PAGES
DATE: 08/14/2017

Each time an ordinance (law) is adopted by Council, the Municipal Code is updated to reflect the new, revised or repealed law.

Replacement pages for the Municipal Code contained in your binder titled, City Council Resource Book, distributed earlier this year, will be distributed at the September City Council Meeting.

PREVIOUS COUNCIL ACTION

8/10/2017 City Council passed a motion unanimously to read Ordinance 544-2017 by title only for the second time, and passed a motion to adopt Ordinance 544-2017.

7/13/2017 City Council passed a motion unanimously to read Ordinance 544-2017 by title only for the first time.

EXHIBIT

Replace page 11-12. Updated for 32.01.080 Nonexistence of a Planning Commission, adopted 8/10/2017.

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32.01 PLANNING COMMISSION

- 32.01.010 Planning Commission established.
- 32.01.020 Membership qualifications.
- 32.01.030 Terms of office
- 32.01.040 Meetings.
- 32.01.050 Purpose.
- 32.01.060 Compensation of members.
- 32.01.070 Rules and regulations.
- 32.01.080 Nonexistence of a Planning Commission.

32.01.010 Planning Commission Established.

The Planning Commission is hereby established. The commission shall be composed of seven members appointed by the mayor, with the consent of the council. The Planning Commission members shall elect, at their first regular meeting, a chairperson, vice chairperson and secretary from their membership. Thereafter, the commission shall elect a chairperson at its first meeting each year, to serve for the calendar year and until the chairperson's successor has been elected; provided, however, that no member shall serve more than two consecutive terms as chairperson.

32.01.020 Membership Qualifications

At least six members of the planning commission must reside in the city at the time of their appointment and continue to be a resident of the city at all times during their term in office. One nonresident member may be appointed to the planning commission if that person has resided within the city urban growth boundary one year immediately preceding that person's appointment and continues to reside within the city urban growth boundary at all times during the term of that person's term in office. No more than two voting members of the commission may engage principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation, that engages principally in the buying, selling or developing of real estate for profit. No more than two members shall be engaged in the same kind of occupation, business, trade or profession.

32.01.030 Terms of Office; Vacancies and Removal

Planning commission members shall hold office for four years, except when filling the unexpired portion of a vacancy in office. Any vacancies in the commission shall be filled by appointment by the Mayor, with the consent of the council. A member of the commission who is absent from two consecutive meetings without the approval of the commission is presumed to be in nonperformance of duty and the council may remove the member from the commission and declare the position vacant.

32.01.040 Meetings

Four members of the commission shall constitute a quorum. When a quorum is present, the concurrence of a majority of the members present shall be required to decide any matter. It shall

meet at least twice per year, at such times and places as may be fixed by the chairperson, or as directed by the city council. If necessary, members may attend a meeting of the commission by conference call in accordance with state law.

32.01.050 Purpose

The Planning Commission serves in an advisory capacity to the City Council on land use policy planning matters, which guide the future development of the City. The Planning Commission has final approval authority on certain cases and recommends action to the City Council on others. Areas of focus include:

Conducting a detailed review of all types of development projects and individual land use requests, such as subdivision maps, specific plans, conditional use permits, planned developments, and appeals of administrative approvals, as well as others

Assisting the Council in the formulation of policies and ordinances that implement the General Plan, such as amendments to the Zoning Code, the adoption of new code sections, changes to the existing zoning text and maps, etc.

The City Planning Commission shall also have all the powers which are now, or may hereafter be given to it under the general laws of the State.

All recommendations and suggestions made to the council by the commission shall be in writing.

32.01.060 Compensation of Members

The planning commission members shall receive no compensation for their services. The planning commission members shall have no authority to make any expenditure on behalf of the city, or obligate the city for payment of any sums of money. However, they may make recommendations to the city council from time to time regarding expenditures and/or obligations.

32.01.070 Rules and Regulations

The board may adopt rules and regulations to conduct its affairs, which rules and regulations shall be consistent with the laws of the state of Oregon, Falls City Charter and city of Falls City code and ordinances.

32.01.080 Nonexistence of a Planning Commission

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. (Ord. 544-20174, passed 8/10/2017)

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AGENDA REPORT

TO: CITY COUNCIL
FROM: MAYOR UNGRICHT
SUBJECT: WATER BOND UPDATE
DATE: 8/16/2017

SUMMARY

Council appointed me to negotiate terms for the refinance of our water debt bond currently held by USDA.

BACKGROUND

The City Council appointed me as the authorized representative on negotiations between D.A. Davidson and 3 other small Oregon City's to refinance our water debt bond with USDA. We are still on target to sale the bonds in October, looking like around the same savings of \$120,000 over the life of the current loan, and buy out the USDA bond.

We were interviewed by Standard and Poor for a financial rating, I believe it went well. Each City will receive a confidential rating and we will sale the bonds at the lowest rating of the group. Exhibit A, is a letter for Council review that sets up the marketing of the bond. Exhibit B is the appendix of the offering detailing facts about Falls City.

I expect the deal to be completed by November and we will see 2 years, or more, reduced on the life of our bond.

PREVIOUS COUNCIL ACTION

APPROVED MAYOR UNGRICHT AS AUTHORIZED REPRESENTATIVE.

ALTERNATIVES/FINANCIAL IMPLICATIONS

When bond is sold we expect to keep the yearly payment the same but cut off at least two years to the terms of the current bond held by USDA.

STAFF RECOMMENDATION

N/A

EXHIBITS

- A) Representative letter
- B) Appendix H

PROPOSED MOTION

N/A

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City of Falls City
299 Mill Street
Falls City, OR 97344
Ph. 503.787.3631

**OFFICE OF THE MAYOR
AND CITY MANAGER
TERRY UNGRICHT**

September (?), 2017

Matt Donahue
D.A. Davidson & Co.
1300 SW 5th Ave, Suite 1950
Portland, Oregon 97201

Re: Preliminary Official Statement
Oregon Cities Financing Pool
Full Faith and Credit Refunding Obligations, Series 2017

Dear Matt:

The undersigned hereby certifies and represents to D.A. Davidson & Co. (the "Underwriter"), that he/she is an authorized officer/official of the City of Falls City, Polk County, Oregon (the "Borrower"), and further certifies that:

- (1) This Certificate is delivered to enable the Underwriter to comply with the provisions of paragraph (b)(1) of Rule 15c2-12 under the Securities Exchange Act of 1934, as amended (the "Rule"), in connection with the offering of the Oregon Cities Financing Pool, Full Faith and Credit Refunding Obligations, (collectively, the "Obligations").
- (2) In connection with the offering of the Obligations, there has been prepared a Preliminary Official Statement, to be dated on or about _____ (the "Preliminary Official Statement"), setting forth, among other things, information concerning the Borrower and the Obligations.
- (3) A copy of the draft Preliminary Official Statement was circulated with City Council on September 14, 2017 for their review and I have reviewed the document as well;
- (4) For the purpose of enabling the Underwriter to comply with the provisions of paragraph (b)(1) of the Rule, the Preliminary Official Statement is hereby "deemed final" as of its date for purposes of the Rule, except for the omission of such information as is permitted by such paragraph.
- (5) D.A. Davidson & Co. is authorized to distribute and otherwise utilize the Preliminary Official Statement in connection with the marketing of the Obligations.

Sincerely,

Authorized Representative,
Mayor/Manager
City of Falls City

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APPENDIX H

**Financial, Economic, and Demographic
Information – City of Falls City**

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ECONOMIC AND DEMOGRAPHIC INFORMATION

City Geographic Overview

Falls City encompasses 1.23 square miles in Polk County, in western Oregon in the Willamette Valley and is approximately 75 miles south of Portland and 25 miles west of Salem nestled in the foothills of the Oregon Coastal range. The Kings Valley Highway (OR-223) and Highway 22 provide principal access between Falls City and Interstate 5.



City Overview

Falls City was incorporated in 1891 and currently provides a range of municipal services including fire protection, street construction and maintenance, parks, cemeteries, utility infrastructure, recreational activities, development review and planning, and building permitting. Falls City owns its water utility and relies upon surface water for distribution. Falls City also owns and operates a sanitary sewer system. Electricity, telephone, internet, and trash disposal are provided by private businesses. Polk County provides police services and Falls City School District operates a Pre-K-12 public education district.

Falls City is governed by an elected mayor and six councilors. The city council exercises policy-making and legislative authority and is responsible for legislation, adopting the budget, appointing committees, and hiring the city manager. The mayor serves a two year term, and councilors serve for four years, with three of the six councilor's terms expiring in each biennial election. The city manager and staff are responsible for carrying out the day-to-day operations of the Falls City. The mayor currently serves as city manager. The current mayor and city councilors are shown in the following table.

<u>Mayor and City Council</u>				
Name	Position	Occupation	Service Began	Term Expires
Terry Ungricht	Mayor	Falls City Manager	01/01/17	12/31/2018
Tony Meier	Councilor		01/01/15	12/31/2018
Lori J. Sickles	Councilor		01/01/15	12/31/2020
Dennis Sickles	Councilor		01/01/17	12/31/2018
Jennifer Drill	Councilor		01/01/15	12/31/2018
Cliff Lauder	Councilor		01/01/17	12/31/2020
Charlie Flynn	Councilor		01/01/17	12/31/2020

Source: The City.

Administration

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Falls City administrative staff includes a city manager, city clerk, and a lead public works employee.

Terry Ungricht, City Manager. Mr. Ungricht joined the City as City Manager on April 15, 2015. Mr. Ungricht has two years of experience in local government management, and seven years of local government experience. Prior, Mr. Ungricht served as City Councilor.

City Employees

Falls City has 4 full-time employees and 2 part-time employees. Falls City employees are not organized into bargaining units.

Population: State of Oregon, Polk County and the City of Falls City

Historical population estimates of the State, Polk County and the City of Falls City are shown in the following table.

July 1	State of Oregon	Polk County	City of Falls City
2016	4,076,350	79,730	950
2015	4,013,845	78,570	950
2014	3,962,565	77,735	950
2013	3,919,020	77,065	950
2012	3,883,735	76,625	945
2011	3,857,625	75,965	945
2010	3,837,300	75,495	945
April 1 ¹			
2010	3,831,074	75,403	947
2000	3,421,399	62,412	966
1990	2,842,321	49,541	818

¹ U.S. Census Counts on April 1.

Source: U.S. Census Bureau and Portland State University.

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Local Economy and Major Employers

Major employers in the Salem MSA are shown in the following table.

Employer	Product or Service	No.
State of Oregon	State Government	23,100
Salem-Keizer School District	K-12 Education	4,584
Salem Health/Salem Hospital	Healthcare	3,900
Chemeketa Community College	Post-secondary Education	1,584
Marion County	County Government	1,511
Federal Government	Federal Government	1,500
City of Salem	City Government	1,327
Kaiser Permanente	Health Care	1,200
Norpac Foods Inc.	Food Processing	1,200
State Accident Insurance Fund	Insurance	945

Source: City of Salem 2016 CAFR

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FALLS CITY FINANCIAL INFORMATION

City Water Fund - Statement of Revenues, Expenses and Changes in Fund Net Position (Modified Cash Basis)

	Audited			Unaudited
	2014	2015	2016	
Operating Items				
Operating Revenues				
Charges for Services	\$261,425	\$276,591	\$304,767	\$333,031
Miscellaneous	325	0	0	0
Total Operating Revenues	261,750	276,591	304,767	\$333,031
Operating Expenses				
Personal Services	101,581	85,218	71,081	\$93,440
Materials and Services	73,006	52,152	94,737	\$155,062
Total Operating Expenses	174,587	137,370	165,818	\$248,502
Operating Income	87,163	139,221	138,949	\$84,529
Nonoperating Items				
Capital Acquisitions	0	0	(3,486)	(3,418)
Debt Service	(65,473)	(65,473)	(65,473)	(65,473)
Total Nonoperating Items	(65,473)	(65,473)	(68,959)	(68,891)
Net Income Before Transfers	21,690	73,748	69,990	\$15,638
Transfers				
Transfers In	73,538	0	60,000	
(Transfers Out)	0	0	(80,000)	(82,000)
Net Transfers	73,538	0	(20,000)	(82,000)
Change in Net Position				
Change in Net Position	95,228	73,748	49,990	(66,362)
Net Position - July 1	38,441	133,669	207,417	257,407
Net Position - End of Year	133,669	207,417	257,407	191,045

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Water User	Customer Type	Total Charges
Luckiamute Domestic (4" meter)	Water Co-op	\$13,153.67
Luckiamute Domestic (3" meter)	Water Co-op	6,677.47
Green Haven RV Park	RV Park	7,212.20
Shane Turner	Residence	1,750.47
Falls City School District	K-12 School	2,392.08
Michael Atherton	Residence	1,425.24
Conway Behling	Residence	1,220.07
Matthew McDaniel	Residence	1,192.02
Dorian Mell	Residence	1,176.72
Bernard Lewis	Residence	1,176.72

Government-wide Statement of Activities (Modified Cash Basis)
(Fiscal Years Ended June 30)

	Audited		
	2014	2015	2016
Revenues			
Program Revenues:			
Fees, Fines and Charges for Service	\$412,561	\$432,045	\$457,841
Operating Grants and Contributions	63,874	160,605	82,903
Capital Grants	32,321	0	0
General Revenues:			
Property Taxes	100,539	102,382	107,755
Franchise Taxes	52,951	50,373	52,906
Intergovernmental	23,059	23,900	21,570
Miscellaneous	153,832	68,552	97,854
Total Revenues	839,137	837,857	820,829
Expenses			
Governmental:			
General Government	130,687	202,242	152,153
Community Development	227,058	19,251	49,776
Fire Service	52,152	116,848	65,642
Parks	12,931	10,927	6,510
Street	109,773	29,669	24,946
Interest on long-term debt	0	1,391	925

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Business-Type:				
Water Utilities	240,060	202,843	234,777	
Sewer Utilities	122,934	111,142	140,130	
Total Expenses	895,595	694,313	674,859	
Change in Net Position				
Change in Net Position	(56,458)	143,544	145,970	
Net Position, July 1	932,420	875,962	1,109,505	
Net Position, June 30,	875,962	\$1,019,506	\$1,165,475	

Source: City of Falls City- Audited Financial Statements

General Fund - Statement of Revenues, Expenditures and Changes in Fund Balance

	Audited			Unaudited
	2014	2015	2016	
Revenue				2017
Taxes and Assessments	\$100,539	\$102,382	\$107,755	\$101,000
Licenses and Permits	56,914	57,568	59,221	68,472
Charges for Services	472	157	201	410
Intergovernmental	32,505	105,477	48,149	143,086
Miscellaneous	7,835	13,661	12,281	10,723
Total Revenues	198,265	279,245	227,616	323,691
Expenditures				
General Government	130,687	200,298	150,191	250,339
Community Development	3,446	14,551	49,776	45,646
Fire Service	52,152	111,848	60,642	60,061
Parks	12,931	10,927	6,510	7615
Streets	0	0	0	0
Debt Service	0	8,335	7,887	7744
Total Expenditures	199,216	345,959	275,006	371,405
Revenues Over (Under) Expenditures	(951)	(66,714)	(47,390)	(47,714)
Other Financing Sources (Uses)				
Transfer In	46,322	67,136	120,180	95,646
(Transfer Out)	(30,821)	0	0	0
Total Financing Sources (Uses)	15,501	67,136	120,180	95,646
Net Change in Fund Balance				
Net Change in Fund Balance	14,550	422	72,790	47,932
Fund Balance - July 1	146,159	160,709	161,131	233,921
Fund Balance - End of Year	160,709	\$161,131	\$233,921	281,853

Source: City of Falls City - Audited Financial Statements

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General Fund Budget

(Fiscal Years Ended June 30)

The table below compares the City's general fund's actual financial results for the fiscal years ended June 30, 2016 and the adopted general fund budget for the fiscal year ended June 30, 2017 and June 30, 2018.

Sources	Actual Results Fiscal Year 2016	Adopted Budget Fiscal Year 2017	Adopted Budget Fiscal Year 2018
Beginning Fund Balance	\$161,131	\$124,050	\$205,000
Total Revenues	345,648	392,430	264,800
Total General Fund Resources	506,779	516,480	469,800
Uses			
Total Requirements	271,656	504,531	403,752
Resources Dedicated for Future Use/Contingency	235,123	11,949	64,798
Total General Fund Requirements	506,779	516,480	\$469,800

Source: City of Falls City— Audited Financial Statements for fiscal year 2016, and Adopted Budget for fiscal year 2018.

Major Taxpayers – Polk County

(Fiscal Year 2016-17)

Taxpayer	Business/Service	Tax ¹	Total Taxable Assessed Value ²	Percent of Value
Northwest Natural Gas Co.	Gas Utility	\$909,993.09	\$68,971,400	1.23%
Comcast	Cable/Telecom	806,833.27	47,106,900	0.84%
Riverplace Apt Homes LLC	Multi-Family Housing	317,180.54	15,964,390	0.28%
PG&E	Electric Utility	289,196.37	27,159,300	0.48%
Capital Manor	Retirement Community	259,756.02	15,735,420	0.28%
Willamette Park Villas LLC	Multi-Family Housing	230,013.34	13,038,620	0.23%
Orchard Ridge Apts LLC	Multi-Family Housing	226,113.50	12,806,030	0.23%
Weyerhaeuser Company	Wood/Paper Products	225,816.93	17,679,436	0.31%
Pacificorp (PP&L)	Electric Utility	222,135.58	17,635,000	0.31%
PRT Investors LLC	Real Estate	207,530.89	10,480,300	0.19%
Subtotal - ten largest taxpayers		3,694,569.53	246,576,796	4.39%
All other taxpayers			5,375,347,066	95.61%
Total			5,621,923,862	100.00%

¹ Tax amount is the total tax paid by the taxpayer. This amount is distributed to individual local governments by Linn County. A breakdown of amounts paid to each individual local government is not available.

² Assessed value does not exclude offsets such as urban renewal and farm tax credits.

Source: Polk County Department of Assessment and Taxation.

Major Taxpayers – Falls City

(Fiscal Year 2016-17)

Taxpayer	Business/Service	Tax ¹	Total Taxable Assessed Value ²	Percent of Value
Richard M. Bowman	Private Residence	\$6,504.34	517,980	1.33%
Valsetz Heights LLC	Residential Development	5,115.34	423,910	1.08%
Ann C. Howard Trust	Property Trust	5,111.60	414,720	1.06%
Jack and Carol Frank Trust	Property Trust	5,005.06	437,910	1.12%

Century Link	Telecom	4,047.75	369,900	0.94%
Nels H. Olsson Trust	Property Trust	3,689.10	318,360	0.81%
Kirby and Cathy Frink	Private Residence	3,473.53	295,060	0.75%
Wells Fargo	Commercial Bank	3,376.35	256,860	0.65%
Miller Loyal Milan	Private Residence	3,203.52	262,830	0.67%
Daniel and Christie Hammond	Private Residence	3,098.08	259,520	0.66%
Subtotal - ten largest taxpayers		\$42,624.67	3,557,050	9.10%
All other taxpayers			35,532,030	90.90%
Total			39,089,080	100.00%

¹ Tax amount is the total tax paid by the taxpayer. This amount is distributed to individual local governments by Linn County. A breakdown of amounts paid to each individual local government is not available.

² Assessed value does not exclude offsets such as urban renewal and farm tax credits.

Source: Polk County Department of Assessment and Taxation.

Taxes Collected – Polk County

Tax Collection Record¹

Fiscal Year	Percent collected as of	
	Levy Year ²	Cumulative as of June 30, 2017 ³
2017	97.09%	97.09%
2016	97.34	98.61
2015	97.16	99.04
2014	96.70	99.44
2013	95.76	99.72

¹ Percentage of total tax levy collection in Polk County. Pre-payment discounts are considered to be collected when outstanding taxes are calculated. The tax rates are before offsets.

² The percentage of taxes collected in the “year of the levy” represents taxes collected in a single levy year, beginning July 1 and ending June 30.

³ The percentage of taxes collected represents taxes collected for that levy year through June 30, 2017.

Source: Polk County Office of Assessor

Property Values – City of Falls City

Taxable Property Values

The following table presents historical Real Market Value and Assessed Value (used for calculating property taxes) for the City.

Taxable Property Values				
Fiscal Year	Measure 5 Real Market Value ¹	Total Taxable Assessed Value	Urban Renewal Excess Value	Net Assessed Value to Compute the Taxes ²
2017	\$50,768,681	\$39,089,080	\$0	\$39,089,080
2016	45,755,814	37,477,833	0	37,477,833
2015	40,411,539	35,453,181	0	35,453,181

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¹ Value represents the Real Market Value of taxable properties, including the reduction in Real Market Value of specially assessed properties such as farm and forestland. This value is also commonly referred to as the Measure 5 Real Market Value by county assessors.

² Assessed value of property in the City on which the permanent rate is applied to derive *ad valorem* property taxes, excluding any other offsets.

Source: Polk County Department of Assessment and Taxation and the Oregon Department of Revenue.

Fiscal Year 2017 Representative Levy Rates – City of Falls City

(Rates Per \$1,000 of Assessed Value)

The following table illustrates the Fiscal Year 2017 tax rates for one representative tax code (the tax code with the highest combined tax rate) in the City, including taxing jurisdictions within Polk County that overlap the City. The City’s Operating Tax Rate Limit is \$2.9202 per \$1,000 of assessed property value. The Operating Tax Rate Limit was calculated in 1997 in conjunction with the implementation of Measure 50. The Billing Rate shown in the following table is the rate that is actually applied to the assessed value of the taxing district. Additionally, the Billing Rates may be different from the Operating Tax Limit of the taxing district due to the decision by the taxing district to levy less than its Operating Tax Rate Limit.

County assessors report levy rates by tax code. Levy rates apply to the assessed property value. Measure 5 Limits are based on the Taxable Real Market Value and are only reported in total dollar amount of compression, if any, for each taxing jurisdiction. (See “REVENUE SOURCES - Property Taxes – Tax Rate Limitation (Measure 5)” herein.)

General Government	Billing Rate	Bond Levy Rate	Local Option Rate ¹	Consolidated Rate
Falls City	2.9202	0.0000	0.0000	2.9202
Polk County	1.7160	0.5043	0.3196	2.5399
Polk Soil/Water Conservation District	0.0500	0.0000	0.0000	0.0500
4-H Extension District	0.0750	0.0000	0.0000	0.0750
Chemeketa Regional Library	0.0818	0.0000	0.0000	0.0818
Total General Government	4.8430	0.5043	0.3196	5.6669
Education				
Falls City School District No. 57	4.2052	0.0000	1.2500	5.4552
Chemeketa Community College	0.6259	0.2759	0.0000	0.9018
Willamette ESD	0.2967	0.0000	0.0000	0.2967
Total Education	5.1278	0.2759	1.2500	6.6537
TOTAL TAX RATES	9.9708	0.7802	1.5696	12.3206

¹ Local Option Levies are voter-approved serial levies. They are limited by ORS 280.060 to five years for operations or ten years for capital construction. Local Option Levy rates compress to zero before there is any compression of taxing district billing rates. (See “REVENUE SOURCES - Property Taxes – Tax Rate Limitation (Measure 5)” herein.)

Source: Polk County Department of Assessment and Taxation, Tax Code Area 5701

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Labor Force and Unemployment

Salem MSA labor trends by employment and industry are shown in the following tables.

	2016		2015		2014		2016 Change from:	
							2015	2014
Civilian Labor Force	196,681	189,205	184,748				7,476	11,933
Unemployment	10,060	11,222	13,459				-1,162	-3,399
Unemployment Rate	5.1%	5.9%	7.3%				-0.8%	-2.2%
Total Employment	186,621	177,983	171,289				8,638	15,322

	2016		2015		2014		2016 Change from:	
							2015	2014
Total Nonfarm Payroll Employment	161,100	155,800	150,500				5,300	10,600
Total Private	118,300	114,200	109,700				4,100	8,600
Mining, logging and construction	10,600	9,900	9,000				700	1,600
Manufacturing	13,200	13,000	12,200				200	1,000
Trade, transportation, and utilities	26,600	25,900	25,100				700	1,500
Information	1,200	1,000	1,000				200	200
Financial activities	7,100	6,800	7,100				300	0
Professional and business services	13,900	13,100	12,800				800	1,100
Educational and health services	25,700	24,700	23,800				1,000	1,900
Leisure and hospitality	14,700	14,300	13,600				400	1,100
Other services	5,400	5,200	5,100				200	300
Government	42,700	41,700	40,800				1,000	1,900

Source: State of Oregon Employment Division, Department of Human Resources

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State and County Personal and Per Capita Income

Historical personal income and per capital income for the State, Polk County and the Salem Metropolitan Statistical Area are shown in the following table.

Year	State of Oregon		Polk County		Salem Metropolitan Statistical Area	
	Total Personal Income (\$000)	Per Capita Income	Total Personal Income (\$000)	Per Capita Income	Total Personal Income (\$000)	Per Capita Income
2016	184,407,086	45,049	N/A	N/A	N/A	N/A
2015	176,401,260	43,830	2,417,899	31,829	15,223,071	37,121
2014	163,652,836	41,220	2,495,964	32,719	14,198,097	35,159
2013	154,869,050	39,426	2,580,284	33,644	13,278,266	33,312
2012	152,371,092	39,083	2,731,699	35,029	12,927,976	32,627
2011	145,083,738	37,512	2,921,372	36,797	12,528,853	31,810

Source: U.S. Department of Commerce, Bureau of Economic Analysis.

Building Permits

Historic building permits for single-family and multi-family housing in Polk County are shown in the following tables.

Polk County				
Year	New Single Family		New Multi-Family	
	Number of Buildings	Construction Cost	Number of Buildings	Construction Cost
2016	177	\$45,132,564	14	\$11,683,021
2015	152	\$38,548,495	10	\$21,649,936
2014	106	\$26,902,775	15	\$12,985,630

Source: U.S Census Bureau

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DEBT AND CONTINGENT LIABILITY INFORMATION

Outstanding Long-Term Borrowings (as of July 1, 2017)

Issue	Issue Date	Final Maturity	Original Amount	Outstanding Amount
Government Type Activities				
LOCAP Series 2008B	9/1/2008	7/1/2018	\$29,000	\$5,000
Polk Cnty Community Dev Loan (Property Mrtge)	2/14/2017	8/1/2046	57,586	51,524
TOTAL GOVERNMENT TYPE ACTIVITIES				\$56,524
Business Type Activities				
Oregon Cities Financing Pool, Series 2017 ¹	10/11/2017			
USDA Water System Revenue Bonds ²	5/25/2000	5/25/2040		925,965
(Less: Bonds to be refunded) ³				(925,965)
TOTAL BUSINESS TYPE ACTIVITIES³				
Total Borrowings³				

¹ The Bonds. Preliminary; subject to change.

² Bonds or certificates being refunded.

³ Preliminary; subject to change.

Source: Falls City's Audited Financial Report for the Fiscal Year ended June 30, 2016 and this issue.

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Projected Debt Service Requirements

Fiscal Year	Existing Sewer Revenue Supported Obligations					Oregon Cities Financing Pool, Series 2017		Total Debt Service**
	Principal	Interest	Total Debt Service	Less: Refunded Debt Service	Principal*	Interest**		
2018	\$23,805	\$41,668	\$65,473	\$65,473				
2019	24,876	40,597	65,473	65,473				
2020	25,996	39,477	65,473	65,473				
2021	27,165	38,308	65,473	65,473				
2022	28,388	37,085	65,473	65,473				
2023	29,665	35,808	65,473	65,473				
2024	31,000	34,473	65,473	65,473				
2025	32,395	33,078	65,473	65,473				
2026	33,853	31,620	65,473	65,473				
2027	35,377	30,096	65,473	65,473				
2028	36,968	28,505	65,473	65,473				
2029	38,632	26,841	65,473	65,473				
2030	40,370	25,103	65,473	65,473				
2031	42,187	23,286	65,473	65,473				
2032	44,086	21,387	65,473	65,473				
2033	46,069	19,404	65,473	65,473				
2034	48,143	17,330	65,473	65,473				
2035	50,309	15,164	65,473	65,473				
2036	52,573	12,900	65,473	65,473				
2037	54,939	10,534	65,473	65,473				
2038	57,411	8,062	65,473	65,473				
2039	59,994	5,479	65,473	65,473				
2040	61,758	2,779	64,537	64,537				
Total	\$925,959	\$578,984	\$1,504,943	\$1,504,943				

* The principal amortization schedule for the Bonds is provided for illustrative purposes only and is preliminary and subject to change.

** Interest and Total Debt Service amounts will be completed in the Final Official Statement.

Source: City's Audited Financial Report for the Fiscal Year ended June 30, 2016 and this issue.

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Summary of Overlapping Debt

Property tax-backed debt shown in the following table does not include appropriation credits, conduit revenue bonds, dedicated niche obligations, revenue bonds, obligations issued for less than 13-month, lease purchase agreements, loans, lines of credit or other non-publicly offered financial obligations.

Overlapping Issuer Name	Overlapping Debt			
	Overlapping Real Market Valuation	Percent Overlapping	Gross Property Tax-Backed Debt ¹	Net Property Tax-Backed Debt ²
Chemeketa Community College	\$46,944,803,075	0.11%	\$119,399,048	\$80,186,466
Polk County	6,938,212,288	0.73	2,105,559	1,540,559
Polk County SD No. 2 (Dallas)	1,860,223,843	0.03	7,474,940	7,474,940
Polk County SD No. 57 (Falls City)	119,166,165	42.19	1,418,470	1,418,470
Willamette ESD	51,747,103,538	0.10	22,984,787	9,756,880
			<u>\$153,382,804</u>	<u>\$100,377,316</u>

¹ Gross Property Tax-Backed Debt includes all limited and unlimited tax supported debt.

² Net Property Tax-backed Debt is Gross Property Tax-Backed debt less self-supporting unlimited tax general obligation debt and less self-supporting full faith and credit debt.

Source: Debt Management Division, The Office of the State Treasurer.

Debt Ratios

The following table presents information regarding the City's tax supported direct debt, including the Bonds, and the estimated portion of the debt of overlapping taxing districts allocated to the City's property owners. Property tax-backed debt shown in the following table does not include appropriation credits, conduit revenue bonds, dedicated niche obligations, revenue bonds, obligations issued for less than 13-month, lease purchase agreements, loans, lines of credit or other non-publicly offered financial obligations.

Debt Ratios		
Real Market Value ¹		\$50,768,681
Estimated Population		950
Per Capita Real Market Value		53,440.72
Debt Information	Gross Property Tax-Backed Debt ^{2,3}	Net Property Tax-Backed Debt ^{2,4}
Direct Debt	\$982,489	\$56,524
Overlapping Direct Debt	767,472	707,973
Total Direct Debt	<u>\$1,749,961.00</u>	<u>\$764,497</u>
Bonded Debt Ratios ²		
Direct Debt to Real Market Value	1.935%	0.111%
Total Direct Debt to Real Market Value	3.447%	1.506%
Per Capita Direct Debt	\$1,034.20	\$59.50
Per Capita Total Direct Debt	\$1,842.06	\$807.87

¹ Real Market Value for all properties before any adjustment for exemptions and specially assessed properties.

² Preliminary; subject to change.

³ Gross Property Tax-Backed Debt includes all limited and unlimited tax supported debt, including the Bonds.

⁴ Net Property Tax-backed Debt is Gross Property Tax-Backed debt less self-supporting unlimited tax general obligation debt and less self-supporting full faith and credit debt.

Source: Polk, Oregon State Treasury, City's Audited Financial Statements and the Bonds.

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Short-term Borrowing

The City does not expect to issue any short-term notes in fiscal year 2017-18.

Debt Payment Record

The City has promptly met principal and interest payments on outstanding bonds, obligations and other indebtedness in the past ten years when due.

Future Financings

The City has no authorized but unissued bonds. The City does not expect to issue additional debt in fiscal year 2017-18.

City of Falls City Net Unfunded Pension Liability

	2015 Valuation ⁽¹⁾	2014 Valuation ⁽¹⁾
Allocated pooled SLGRP T1/T2 UAL	\$274,472	\$326,874
Allocated pre-SLGRP pooled liability/(surplus)	0	0
Transition liability/(surplus)	(75,698)	(76,839)
Allocated pooled OPSRP UAL	20,374	23,143
City Side Account	0	0
Net unfunded pension actuarial accrued liability/(surplus)	219,148	273,178
Allocated pooled RHIA UAL	\$696	\$1,609

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Note: The pre-SLGRP pooled liability/(surplus) is the liability or surplus that existed when the State/Community College pool and the LGRP were discontinued and the SLGRP was formed. These are pooled liabilities/surpluses. The transition liability/(surplus) is the liability or surplus that was created when the individual employer joined the SLGRP and is solely the individual employer's.

- (1) Takes into account an Oregon Supreme Court ruling reversing most of the legislative changes made during the 2013 Legislation Session and 2013 Special Session, as well as the changes in the actuarial assumptions by the PERB at its July 31, 2015 meeting. See "2014 Legislative Changes," "Challenges To PERS Modifications," and "Actuarial Assumptions – 2014 and 2015 Valuations" herein.

Source: 2015 City Valuation and 2014 City Valuation.

City of Falls City Pension Contribution Rates

	<u>2015-17 Biennium</u>			<u>2017-19 Biennium</u>		
	T1/T2	OPSRP General	OPSRP P&F	T1/T2	OPSRP General	OPSRP P&F
Normal cost rate	12.03%	7.33%	11.44%	14.81%	8.02%	12.79%
T1/T2 UAL rate	4.50%	4.50%	4.50%	6.03%	6.03%	6.03%
OPSRP UAL rate	0.61%	0.61%	0.61%	1.27%	1.27%	1.27%
Pre-SLGRP pooled liability rate	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Transition liability/(surplus) rate	(4.45%)	(4.45%)	(4.45%)	(5.56%)	(5.56%)	(5.56%)
Side account rate relief	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Retiree Healthcare rate (RHIA)	<u>0.53%</u>	<u>0.53%</u>	<u>0.53%</u>	<u>0.50%</u>	<u>0.43%</u>	<u>0.43%</u>
Total net contribution rate	<u>13.22%</u>	<u>8.44%</u>	<u>12.55%</u>	<u>17.05%</u>	<u>10.19%</u>	<u>14.96%</u>

Source: 2015 City Valuation and 2014 City Valuation

City Contributions. The City's historical and projected annual contributions to PERS are provided in the following table.

City Pension Contributions

Fiscal Year	City Contribution
2017 ⁽¹⁾	17,237
2016	15,112
2015	33,468

(1) Projected.

Source: City and City Audited Financial Statements.

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AGENDA REPORT

TO: COUNCIL
FROM: MAYOR UNGRICHT
SUBJECT: COMMITTEE APPOINTMENTS
DATE: 09/06/2017

SUMMARY

The City has received an application to fill vacancies on the Parks and Recreation Committee.

BACKGROUND

The City has received an application for a committee appointment from Amy Bliss for the Parks and Recreation Committee. As per the City Charter, the Mayor appoints committee members with the consent of Council.

PREVIOUS COUNCIL ACTION

N/A

ALTERNATIVES/FINANCIAL IMPLICATIONS

There are no fiscal impacts.

STAFF RECOMMENDATION

N/A

EXHIBIT

Committee application.
Committee members with term expiration date.

PROPOSED MOTION

I move the Falls City Council grant its consent to appoint Amy Bliss to the Parks and Recreation Committee.

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Application for Committees

City of Falls City

299 Mill Street, Falls City, Oregon 97344

RECEIVED
SEP 06 2017
BY: 

Instructions: Fill out both sides of form and submit to City Hall.

Contact Information

Name: *Amy Bliss*
 Street Address: *273 Mill St. Falls City, OR 97344*
 Mailing Address: *same*
 City/State/Zip Code:
 Home Phone: 
 Work Phone:
 E-Mail Address: 

Background

Years of Residence in Falls City: *7 months*
 Place of Employment:
 Occupation:
 Educational Background: *GED
certificate of Accounting
2 years of Business Management*
 Prior Civic Activities: *my volunteer work has all been
at schools.*

Committees of Interest

Please check all of the following Committees that interest you:

- Budget Review Committee
- Planning Commission
- Parks and Recreation Committee
- Public Works Committee
- Historic Landmark Commission

~~Economic Development Committee~~ *N/A*

* See page 2

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Special Skills or Qualifications

Summarize any special training, skills or experience you may have pertinent to the Committees to which you are applying.

I have lots of experience in working in teams. I love planning. I don't see problems I find solutions.

Motivation

Discuss your motivation for serving on this Committee.

I have lived here for only a short time, but this is home to me. This community is beautiful & I want to help it prosper. I want my kids to love it as much as me & be proud to say they are from Falls City. I love helping & seeing success.

Special Notice

Please be advised that members of the City Council and Planning Commission are required to file an annual **Statement of Economic Interest** with the State of Oregon.

Agreement and Signature

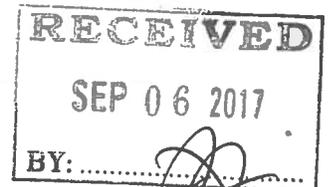
By submitting this application, I affirm that the facts set forth in it are true and complete. I understand that if I am accepted as a volunteer, any false statements, omissions, or other misrepresentations made by me on this application may result in my immediate dismissal.

Name (printed)

Signature

Date

Amy Bliss
[Handwritten Signature]
8-6-17



Thank you for completing this application form and for your interest in volunteering with us.

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City Council, Commission, and Committee Members

- 1.) City Council
- 2.) Parks and Recreation Committee
- 3.) Public Works Committee
- 4.) Budget Review Committee
- 5.) Historic Landmark Commission
- 6.) Economic Development Committee
- 7.) Planning Commission

1.) City Council

- | | | |
|----|----------------------------------|-----------------------|
| 1. | Mayor Terry Ungricht | Term ends: 12/31/2018 |
| 2. | Council President Dennis Sickles | Term ends: 12/31/2020 |
| 3. | Lori Jean Sickles | Term ends: 12/31/2018 |
| 4. | Jennifer Drill | Term ends: 12/31/2018 |
| 5. | Anthony (Tony) Meier | Term ends: 12/31/2018 |
| 6. | Charlie Flynn | Term ends: 12/31/2020 |
| 7. | Cliff Lauder | Term ends: 12/31/2020 |

2.) Parks and Recreation Committee

- | | | | |
|----|-----------------------------|-----------------------|-----------------------|
| 1. | Janelle Anzalone (Chair) | Appointed: 09/11/2014 | Term ends: 12/31/2018 |
| 2. | Dennis Sickles (Vice Chair) | Appointed: 11/18/2014 | Term ends: 12/31/2018 |
| 3. | Jennifer Drill (Secretary) | Appointed: 02/12/2015 | Term ends: 12/31/2018 |
| 4. | Lori Jean Sickles | Appointed: 11/18/2014 | Term ends: 12/31/2018 |
| 5. | John Hawkins | Appointed: 03/12/2015 | Term ends: 12/31/2018 |
| 6. | Open | Appointed: 08/11/2016 | Term ends: 12/31/2020 |
| 7. | Janet Propp | Appointed: 09/08/2016 | Term ends: 12/31/2020 |

3.) Public Works Committee

- | | | | |
|----|-----------------------------|-----------------------|-----------------------|
| 1. | Mitchell Padilla (Chair) | Appointed: 11/13/2014 | Term ends: 12/31/2018 |
| 2. | Mike McConnell (Vice Chair) | Appointed: 10/14/2014 | Term ends: 12/31/2018 |
| 3. | Guy Mack (Secretary) | Appointed: 10/14/2014 | Term ends: 12/31/2018 |
| 4. | Mayor Terry Ungricht | Appointed: 02/12/2015 | Term ends: 12/31/2018 |
| 5. | Open | Appointed: 02/12/2015 | Term ends: 12/31/2018 |
| 6. | Councilor Cliff Lauder | Appointed: 01/12/2017 | Term ends: 12/31/2020 |
| 7. | Councilor Tony Meier | Appointed: 01/12/2017 | Term ends: 12/31/2018 |

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4.) Budget Review Committee

1-7. City Council and Mayor (All seven members)

In addition, seven residents:

- | | | |
|--------------------|-----------------------|-----------------------|
| 1. Debera Ellis | Appointed: 2014 | Term ends: 12/31/2017 |
| 2. Guy Mack | Appointed: 2014 | Term ends: 12/31/2017 |
| 3. Steve Dixon | Appointed: 2014 | Term ends: 12/31/2017 |
| 4. Dawn Taylor | Appointed: 2014 | Term ends: 12/31/2017 |
| 5. Open | Appointed: 02/12/2015 | Term ends: 12/31/2018 |
| 6. Amy Houghtaling | Appointed: 02/12/2015 | Term ends: 12/31/2018 |
| 7. Patti Sample | Appointed: 02/11/2016 | Term ends: 12/31/2019 |

5.) Historic Landmark Commission

- | | | |
|---------------------------------|-----------------------|-----------------------|
| 1. Amy Houghtaling (Vice Chair) | Appointed: 02/12/2015 | Term ends: 12/31/2018 |
| 2. Guy Mack (Secretary) | Appointed: 01/14/2016 | Term ends: 12/31/2019 |
| 3. Randolph Osman | Appointed: 10/07/2014 | Term ends: 12/31/2018 |
| 4. Bruce Garrett | Appointed: 10/07/2014 | Term ends: 12/31/2018 |
| 5. Open | Appointed: 08/11/2016 | Term ends: 12/31/2018 |
| 6. Open | Appointed: | Term ends: |
| 7. Open | Appointed: | Term ends: |

6.) Economic Development Committee

(limited term committee/Ends 12/31/2017)

1. Councilor Tony Meier (Chair)
2. Gerald Melin (Secretary)
3. Patti Sample
4. Rose Bajorins
5. Open
6. Open
7. Open

7.) Planning Commission

- | | |
|------------------|-----------------------------------|
| 1. Tracy Young | |
| 2. Rose Bajorins | Appointed 2016 (Serves 2016-2019) |
| 3. Open | |
| 4. Open | |
| 5. Open | |
| 6. Open | |
| 7. Open | |

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**Mayor's Report,
August 10, 2017 Council Meeting**

With our Special Council meetings I believe that Council is up to date on what staff has been working on, but a quick recap. The Falls City Wastewater project team will be meeting with the CDBG funders to develop a plan to help us move the project along. The State of Oregon is changing how they will award funds in the future, they will only fund ready to move projects and expect the project to be accomplished in 3 years. We are seeking final design and environmental along with construction, this will be the last year available for this type of submission. With meeting with CDBG representatives and our team, made up of the City Manager, Council of Governments, and our City Engineer, we have decided our chances of success would raise if we only submit for Final Design Engineering and environmental. This is the last year to submit for these type of projects, it lowers are asking price from 2.5 million to around \$600,000, and this is work we need to get done before construction faze anyway. I should be able to update further at the meeting.

Code Enforcement; the person I hired just had a new baby and there has been complications so he has not been working at developing cases. I will council him but we might have to replace the position or develop another way to move forward.

Public Works is busy with before the rains housekeeping. We are discussing ways to repair a few of the paved roads before winter hits, especially Fair Oaks. We will also start on the upper park project to set up for a park host that Council approved. Our new employee, Jay, is working out well. Jay has been a many year volunteer on the Fire Department and I believe he will enhance the staff team.

Auditor will be starting the yearly procedure/budget audit on Monday the 18th, so staff will be busy for a few days in that time frame.

We will move on the Recorder job offer to the candidate that scored the highest to see if we can work out an employment agreement and to set a start date. I should have more information on this at the meeting.

MONTHLY EXPENSE REPORT

MAYOR UNGRICHT

08/02/2017:	48 Miles, West Salem, sewer parts.
08/02/2017:	142Miles, Eugene, sewer parts.
08/03/2017:	25 Miles, Monmouth, Bank.
08/08/2017:	25 Miles, Monmouth, Bank.
08/10/2017:	25 Miles, Monmouth, Bank.
08/14/2017:	21 Miles, Dallas, SWRFD meeting.
08/15/2017:	25 Miles, Monmouth, Bank.
08/17/2017:	25 Miles, Monmouth, Bank.
08/24/2017:	52 Miles, Salem, CDBG training.
08/25/2017:	25 Miles, Monmouth, Bank.
08/30/2017:	25 Miles, Monmouth, Bank.

Miles 438 x 53.5 = \$234.33 mileage.

Parking in Salem, pd with my credit card, receipt attached. \$9.00

Total reimbursement = \$ 242.33

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Welcome to Salem

Valid Until:

THURSDAY
AUG 24 2017

2:51 PM

AMOUNT: \$4.50C
ARRIVAL TIME: 8/24/2017 11:51 AM
RECEIPT NR: 2758 METER ID :39-E-SUMMER-A
DISPLAY FACE-UP ON DASH

00665777

RECEIPT

ENTRY:
AUG24
11:51 AM
PAID:
\$4.50

EXPIRES:
AUG24
2:51 PM

Welcome to Salem

Until:

THURSDAY
AUG 24 2017

2:51 PM

AMOUNT: \$4.50C
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Welcome to Salem

Valid Until:

THURSDAY
AUG 24 2017

12:24 PM

AMOUNT: \$4.50C
ARRIVAL TIME: 8/24/2017 9:25 AM
RECEIPT NR: 2754 METER ID :39-E-SUMMER-A
DISPLAY FACE-UP ON DASH

00665773

RECEIPT

ENTRY:
AUG24
9:24 AM
PAID:
\$4.50

EXPIRES:
AUG24
12:24 PM

Welcome to Salem

Until:

THURSDAY
AUG 24 2017

12:24 PM

AMOUNT: \$4.50C
ARRIVAL TIME: 8/24/2017 9:25 AM
RECEIPT NR: 2754 METER ID :39-E-SUMMER-A
DISPLAY FACE-UP ON DASH

00665773

RECEIPT

ENTRY:
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\$4.50

EXPIRES:
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Total \$9.00

August 2017 Falls City Stats

Falls City Calls for Service						
Alarm	DOA		Intox Person	4	Susp Activity	1
Assault	FIR		Menace	1	Susp Person	2
Animal	Domestic Dist	6	Misc Crime	2	Susp Vehicle	
Area Check	Drug	1	Mental		Theft	
Assault	DUII		Noise	2	Tow	
Assist Other Agency	Fire/EMS	1	Overdose	1	traffic assist	
ATL (attempt to locate)	Follow up	10	prowler		Traffic Stops	7
Burglary	Fight	3	runaway		Trespass	2
Citizen Contact	Fraud		sex offense		Warrant	1
Civil Paper Service	Gen Disturb	3	Shots Fired		Welfare Check	3
Criminal Mischief	Harassment	1	Stolen Veh		Unclass	

Falls City Calls for Service	103	Of the FC Calls for Service	12	involved crimes
Total Calls for Service (county wide)	2367	FC Cases Cleared by Arrest	4	33.3% clearance
Falls City % of Total Calls	4.4%	Total Arrests in Falls City	5	4.1% of total arrests

Total Service Calls (Polk County)	2367	Junvenile Arrests	7	(county wide)
Cases Cleared by arrest	194	Crimes Occ	63.4%	
Total Arrests (county wide)	123	Junvenile Arrests	2	(Falls City)
	122	(only true crimes reported here)		

Public works Staff Report for August, 2017

Tuesday, 1 Upper park maintenance.

Wednesday, 2 Sewer, problem 79 North Main, pump tank, replace effluent pump.

Thursday, 3 Unplug septic tank 570 Alder, chlorine delivery WTP.

Friday, 4 Pumping septic tanks, upper park, 570 Alder, 85 and 93 North Main.

Saturday, 5 Routine sewer, had cites Gator stolen from WTP.

Sunday, 6 Routine water and sewer.

Monday, 7 Working at WTP new chlorine system.

Tuesday, 8 Repairing septic tank 100 Prospect, clean-outs.

Wednesday, 9 Finish 100 Prospect, upper park maintenance.

Thursday, 10 517 Hopkins, septic tank plug, had pump.

Friday, 11 Upper park maintenance.

Saturday, 12 Routine water and sewer, Old Timers Picnic.

Sunday, 13 Gator recovered, routine water and sewer.

Monday, 14 Lower park, repair slide hand rails.

Tuesday, 15 Grounds, WTP.

Wednesday, 16 130 South Main, septic problem float, valve control problem.

Thursday, 17 Called out Valley Electrical, repaired faulty wire.

Friday, 18 Upper park maintenance, WWTP grounds maintenance, Salem Gator parts.

Saturday, 19 Sunday, 20 Routine water and sewer.

Monday, 21 Eclipse, office had day off.

Tuesday, 22 Park maintenance, plan for spot for park host.

Wednesday, 23 Did yearly water audit. City hired Jay Epperson.

Thursday, 24 Meter reading.

Friday, 25 Rereads, high consumption.

Saturday, 26 Sunday, 27 Routine water and sewer.

Monday, 28 Meter replacement, repaired broken meter bottom Frost RD.

Tuesday, 29 Cleaning upper and lower shops.

Wednesday, 30 Road work on Mitchell.

Library Director's Report

August 2017

- **Attendance** for the month of August was 111 adults and 75 children (186 total). 139 (75%) were there for research related activity.
- I have applied for the **2018 Summer Reading Grant**.
- Wagner Library has been fitted with new window shades.

Andy Rommel – Library Director