

City of Falls City
City Council Regular Meeting Minutes
October, 11 2018 7:00 PM.
Meeting Location: 320 N Main Street, Falls City, Oregon 97344

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

Staff Present: Renata Wakely, COG City Planner, Mac Corthell, City Manager, JoHanna Birr, City Clerk, Rachel Inman Assistant City Clerk

1. Call to Order Mayor Gordon called the meeting to order at 7:05 pm.

2. Roll Call

Clerk Inman took roll call.

Councilor L. Sickles excused, Councilor D. Sickles excused

3. Pledge of Allegiance

Mayor Gordon led the pledge.

4. 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 4-0-0. Ayes: Jennifer Drill, Tony Meier, Cliff Lauder, Charlie Flynn

A. Consent Agenda

A motion was made by Councilor Meier and seconded by Councilor Flynn to adopt the consent agenda. Motion carried 4-0-0. Ayes: Jennifer Drill, Tony Meier, Cliff Lauder, Charlie Flynn

5. Announcements

A. Public Works Committee Meeting in November will be at 7:00 pm on the 3rd Thursday of the month at the Community Center.

B. The next regular Council meeting will be held on November 8, 2018 at 7pm in the Community Center.

6. Community & Government Organizations

No comments.

7. Proclamations and Recognition

Erma Ferguson, a long-standing citizen and contributor to Falls City has passed away. Mayor Gordon presented a Certificate of Appreciation before Council for her exceptional service to Falls City as a community member, council member and a volunteer.

8. Communications

Rachel Burke of Parry Road read a letter of her concerns with the industrial permit on County property. The applicant uses a jet engine to dry coal for an alternative "cleaner" fuel business and there are constant booms going off. It is on timber property with no fire hydrants on Parry Rd. The City has no jurisdiction as this is on County Property. Chief Young would like to survey the land as first responders if anything was to happen. Ms. Burks wanted everyone to be aware of

what is going on. It is unclear if a permit has been issued. She thinks this should be in an industrial area. The applicant wants to respond to community comments and any objections before the director makes any decision which can be appealed. Mayor Gordon advised any complaints should be based on how the director made the decision. Mayor Gordon also thanked Ms. Burks for keeping us informed.

City Manager Corthell addressed the Council regarding the DEQ Corrective Action and stated the actions and responses we took adequately demonstrated that the City completed the Corrective Action requested.

The Charter Rate increase notice is informational and written within the contract.

9. Consent Agenda

A motion was made by Councilor Meier and seconded by Councilor Flynn to adopt the approval of October 09, 2018 minutes. Motion carried 4-0-0. Ayes: Jennifer Drill, Tony Meier, Cliff Lauder, Charlie Flynn

10. Public Comments

None

11. New Business

None

12. Tabled Business

Polk Community Development Revolving Fund

Mayor Gordon stated Rita Grady is not available tonight to speak and Councilor Drill suggested the council discuss any questions before a decision is made. Mayor Gordon wants to hold off on making decision and table it to November. It will not have an impact on the City and the deadline for the CDFI (Community Development Financial Institution) application was extended. Mayor Gordon suggested having another informational gathering. City Manager Corthell, a council member and Mayor Gordon could make sure the City could all work with the same set of facts. Councilor Drill thanked City Manager Corthell for his report as it was very well put together and she stated she was prepared to make a decision. Councilor Drill also stated that Polk County was not aware what Polk CDC was doing and is not contributing anything at this time. They have not been asked to join but they have the majority of the funds. Councilor Flynn stated he is against it because the city deserves much better representation for themselves. Councilor Flynn had the impression if you do not have sewer you cannot get the loan and is worried it cuts out half the city. Mayor Gordon suggested a possible meeting with a Councilor to accompany City Manager Corthell to CDC. City Manager Corthell said he will try to set up a work session if the council had any other questions.

A motion was made by Councilor Meier and seconded by Councilor Lauder to table the CDC discussion until the next Council Meeting November 08, 2018. Motion carried 4-0-0. Ayes: Jennifer Drill, Tony Meier, Cliff Lauder, Charlie Flynn

13. Land Use and Planning Site Design Review 2018-01 (18-06)

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 this application. Is there a motion for the Council to act in place of the Planning Commission?

A motion was made by Councilor Drill and seconded by Councilor Meier that the City Council of the City of Falls City acts in place of the Planning Commission. Motion carried 4-0-0. Ayes: Jennifer Drill, Tony Meier, Cliff Lauder, Charlie Flynn.

Mayor Gordon read the script for Partition Application (1-B) Public Meetings aloud:

Now we will proceed with the application. The application review will be conducted separately, but I will introduce the procedures for this application once. We will start each application by receiving a staff report. When the staff report has been presented, Council can ask questions of staff and deliberate on the application.

Renata Wakely COG city planner presented the site design review application (SRD 18-01). This is a proposal to construct a new gymnasium structure (measuring approximately 9,600 square feet in size) on Public Assembly /Institutional (PAI) zoned property located on the north of the existing Falls City Elementary School (across Prospect Street). The subject property measure approximately 1.72 acres.

Falls City Zoning and Development Ordinance (FCZDO) section 3.203 requires a site design review for all new developments and major expansion or remodel of existing development under a Type I-B action. The planning Commission, or the City Council in the absence of a Planning Commission, review of type I-B administrative actions are based upon generally clear and objective standards with some discretion afforded to the review authority. Conditions may be placed on the decision and notice was sent to the applicant and property owners within the required notice area (100 feet of the subject site.) Appeal is to the Land Use Board of Appeals (LUBA).

Are there any questions among the Council about this process?
There was none.

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

Do any Councilors wish to make disclosures?
There was none.

The City has criteria for site development review application staff has determined because this is a new development or expansion on an existing property. Exhibit A1 is a copy of Polk County Assessor map, A2 is a summary report from the Assessor office, Exhibit B is the site plan and application, Exhibit C is comments from Public Works and Fire Department. There are nine

criteria for a site review design. The application has to meet, improve or condition the criteria to improve and meet the recommended criteria.

1. Conformance with the general development standards contained in this Ordinance including:
 - a. Streets
 - b. Off-street parking
 - c. Public facilities, including storm drainage, and utility lines
 - d. Signs
 - e. Site and landscaping design
2. Characteristics of adjoining and surrounding uses.
3. Drainage and erosion control needs.
4. Public health factors
5. Parking, traffic safety, and connectivity of internal circulation to existing and proposed streets, bikeways and pedestrian facilities.
6. Provision for adequate noise and/or visual buffering from non-compliance uses.
7. Retention of existing natural features on site.
8. Problems that may arise due to development within potential hazard areas.
9. Access: As part of the design review process, the City may impose the following conditions on a new or expanding development:
 - a. Limit or prohibit access to local streets which principally serve residential uses.
 - b. Require a traffic impact analysis.
 - c. Require the dedication of additional right-of-way and/or street improvements where necessary to meet City street standards.

City staff is recommending part of this approval the City requires the additional 5 feet of right-of-way on the subject property. The primary access to the property is the South access on Prospect Street. City staff is not recommending but you can require sidewalks along Fair Oaks that would be justified with the Falls City Zoning Development (FCZD). The sidewalks along Fair Oaks are not required the primary access is on Prospect Street. It is not recommended to condition that Fair Oaks will be improved. The applicant site plan indicates a future vehicle access parking from Fair Oaks which is not in this process of the application. The site plan is available to City water and sewer and recommendation condition of approval the applicants will connect to city water and sewer in accordance with the Falls City Public Works Design Standards and FCZDO 3.211.12 Utilities and shall require review and approval by the City Public Works Director and City Engineer (Recommendation 8). Staff is recommending a condition of approval for compliance with FCZDO 2.202 be required for the City review and approval as part of and prior to building/structural permit approval on the property, including information supporting the vehicle parking space requirements of FCZDO 2.202.B.7. The applicants will be required to show plans for sufficient parking on-site parking to prior to building/structural permit approval. Councilor Drill asked what the vision of the structure is. The applicant responded by stating the vision for this structure is an indoor play area for P.E. and eventually a middle school gym for volleyball and basketball games. Once seats and benches are done the access on Fair Oaks would be done. Councilor Drill thinks sidewalks would make a nice addition and safety for people coming and going from structure and wants to include sidewalks as a condition. The applicant thanked Renata for being here and keeping in touch and answering questions. They wished they had more people there to answer more question.

Staff recommended the approval of the requested site design review (SDR-2018-01) and adopts the findings in the staff report with the conditions of approval in section V and two additions eight and nine. At the time of a proposed new access off Fair Oaks an access permit and an improvement of Fair Oaks Street to the collectors' street standards for paving and sidewalk shall be required.

A motion was made by Councilor Drill and seconded by Councilor Flynn to approve the site design review (SDR2018-01) with two additions eight and nine. The Motion carried 4-0-0. Ayes: Jennifer Drill, Tony Meier, Cliff Lauder, Charlie Flynn.

14. City Manager Report

None

15. Mayor and Council Reports

None

16. Adjourn

The meeting adjourned at 8:58 pm.



Mayor, Jeremy Gordon

Attested:



Assistant City Clerk, Rachel Inman