



Falls City Oregon City Council Meeting

Monday, May 1, 2023 at 6:00 pm

Meeting Location

320 N Main St • Falls City, OR 97344

How to Attend and/or Participate

1. In Person: 320 N Main St. Falls City, OR 97344
2. Call-in: a. 1-253-215-8782 Passcode: 878 7406 4319
You will be muted but may “raise your hand” to indicate you wish to comment.
3. Web Application: Zoom Webinar <https://us06web.zoom.us/j/87874064319>
You will be muted but may “raise your hand” to indicate you wish to comment during Public Comments.
4. Write-In: Using regular mail or email. a. info@fallscityoregon.gov; 299 Mill St. Falls City, OR 97344

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1. CALL TO ORDER & ROLL CALL

Mayor TJ Bailey, Council President Houghtaling, Councilor Nick Backus, Councilor Martha Jirovec, Councilor Tony Meier, Councilor Dennis Sickles, Councilor Lori Jean Sickles

2. PLEDGE OF ALLEGIANCE

3. ANNOUNCEMENTS, APPOINTMENTS, APPRECIATIONS, & PROCLAMATIONS

4. PUBLIC COMMENTS & LETTER COMMUNICATIONS

In order to encourage an environment of openness, courtesy and respect for differing points of view, please refrain from behavior that is disruptive to the meeting such as making loud noises, clapping, shouting, booing, or any other activity that disrupts the orderly conduct of the meeting. Abusive language will not be tolerated.

Please limit your commentary to 3 minutes or less.

5. PUBLIC HEARINGS

Public comment will be allowed in items appearing on the section of the agenda following a brief staff report representing the item and action requested.

a. VARIANCE 22-03 - 210 Terrace

Attachments:

- **Staff Report** (VAR_2022-03_SR_-_Martinez_Setback_Variance.pdf)
- **Exhibit B.1** (Exhibit_B.1_-_Proposed_Site_Plan_with_Driveway_Location.pdf)
- **Exhibit B.2** (Exhibit_B.2_-_Proposed_Site_Plan__Building_Elevations.pdf)
- **Exhibit B.3** (Exhibit_B-3_Applicant_s_Variance_Narrative.pdf)

6. CONSENT AGENDA

a. April 10, 2022 Minutes

Attachments:

- **Minutes** (2023.04.10_Council_Minutes.pdf)

7. REPORTS OR COMMENTS FROM MAYOR AND COUNCIL MEMBERS

a. Mayor's Report

b. Councilor Comments

8. REPORTS FROM CITY MANAGER & STAFF

a. City Manager's Report

Attachments:

- **Manager's Report** (2023.05.01_Monthly_Manager_s_Report.pdf)

9. RESOLUTIONS

a. Resolution 03-2023 - WWTP Construction Bid Award

Attachments:

- **Staff Report** (Res_3-2023_SR_Authorization_of_Award_of_Wastewater_Treatment_Project_Bid.pdf)
- **Exhibit A** (Res_3-2023_Recommendation_of_Award_Letter_for_WWTP_Exhibit_A.pdf)
- **Resolution 03-2023** (Resolution_3-2023-_Authorization_of_Award_of_Wastewater_Treatment_Project_Bid_Exhibit_B.pdf)

10. GOOD OF THE ORDER

11. ADJOURN

Posted for Public at the City Hall Bulletin Board, Community Center, & Falls City Website

STAFF REPORT

VARIANCE APPLICATION (File #VAR 22-03)

STAFF REPORT: April 21, 2023
CITY COUNCIL HEARING DATE: MAY 1, 2023

APPLICANT/OWNERS: Ben and Kalene Martinez

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

LOCATION: 210 Terrance Street

PROPERTY SIZE: 11,264 square feet

TAX MAP / LOT: Polk County Tax Assessor’s Map 8-6-20AA, Lot 4000

CRITERIA: Falls City Zoning and Development Ordinance, Section 3.202 (Variance)

EXHIBITS:

- Exhibit A: Exhibits from staff
A.1 Polk County Tax Assessor’s Map / Vicinity
- Exhibit B: Exhibits from applicant
B.1 Applicant’s Proposed Site Plan
B.2 Applicant’s Building Elevation and Floor Plans
B.3 Applicant's Narrative / Written Response to Criteria
- Exhibit C: Public Testimony
None received to date.

I. REQUEST

This is a proposal to vary from the building setback (distance) standards of the Falls City Zoning and Development Ordinance (FCZDO). Where FCZDO standards in Section 2.101.06.B.1 describe a minimum front yard setback of 20 feet, the applicant requests a reduced setback of 10 feet for placement of a single-family dwelling on the property addressed at 210 Terrance Steet.

II. PROCEDURE

FCZDO Section 3.102.C explains how applications for Variance are subject to a public hearing process described in Section 1.105. Accordingly, hearing notice of the applicant’s variance proposal was mailed to property owners within 250 feet of the subject property at least 20 days prior to the hearing.

FCZDO Section 3.202.E authorizes the Planning Commission (City Council) to allow a variance from a requirement or standard of the FCZDO after conducting a public hearing, provided that the applicant

provides evidence that circumstances substantially exist (referring to approval criteria, addressed herein) in favor of the proposal.

III. APPEAL

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

IV. BACKGROUND

The subject property is one tax lot. No utility easements are shown to encumber the property. The subject property once contained a dwelling that has been removed / demolished. According to the applicant, the property has been cleared of overgrown vegetation. The applicant also explains how the property is relatively flat with a depressed corner at the intersection of Terrance Street and Parry Street. Properties to the north, east, south and west are zoned residential (R). According to the applicant, the septic field (serving the former dwelling) was deemed unusable, and a new septic field has been installed. Staff refer to the applicant's site plan for all other existing and proposed items (Exhibit B.1).

V. REVIEW STANDARDS AND CRITERIA - VARIANCE

Below are Variance approval criteria from FCZDO, Section 3.202.E. Staff findings follow each criterion.

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

Staff incorporate the applicant's narrative response to these criteria (Exhibit B.3).

FINDINGS: According to the applicant, the existing lot configuration is trapezoidal. The applicant also explains how the property has three separate street frontages. According to the applicant, with three street frontages and 20-foot setbacks applicable on all sides, building area (resulting) is limited. The applicant also explains how the proposed dwelling is designed to tuck into the corner (of buildable space) to the best extent possible.

Staff concur and observe how Criterion No. 1 identifies "lot shape" to be among the "exceptional or extraordinary circumstances" that apply to a property subject to Variance consideration. Staff also observe the last part of Criterion No. 1 to identify "or other circumstances substantially exist" and how the applicant's property is uniquely situated along three streets and how FCZDO requires a 20-front yard to each street frontage. Comparatively, staff observes how most properties in Falls City are not situated along three streets. Exhibit A.1 of this report is a vicinity map (Polk County Tax Map 8-6-20A) showing the subject property and other properties in the vicinity. To Exhibit A.1 a number is shown, indicating the number of street frontages abutting each property (for purpose of comparison and findings in response to Criterion No. 1 where it refers to exceptional or extraordinary circumstances ... which do not apply to other properties...).

Conclusion: In response to Criterion No. 1, staff finds that “lot shape” may be considered an “exceptional or extraordinary circumstance” in this case because the subject property (at 11,264 square feet or roughly ¼ of an acre) appears to be constrained for the purpose of installing a septic system (intended to serve the proposed dwelling) in concert with the applicant’s unique property characteristics - being situated along three separate streets, which is unlike other properties found in the same zone or vicinity.

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

FINDINGS: According to the applicant, neighboring properties are bordered by either one or two streets, not three streets as is the case with this property. The applicant further explains the hardship this causes to construct a similar dwelling, compatible to others in the vicinity.

Staff concur and observe how the applicant’s plans (Exhibit B.2) include floor plans of the proposed dwelling. Staff finds the building area dimensions / floor area to be modest and generally consistent, comparable with the size of dwellings found in the same vicinity / zone.

Conclusion: In response to Criterion No. 2, staff finds that the subject property is a legally created lot for the purpose of home construction and that the applicant proposes to develop the property for a dwelling, at size consistent / comparable with size of other residentially zoned properties in the vicinity. Staff therefore finds in favor of Criterion No. 2.

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

FINDINGS: According to the applicant, building a two-story home is consistent with other dwellings in the neighborhood and the city plan. The applicant also explains how the proposed setback encroachments sought are minimal. The applicant also observes how proposed encroachments are away from / outside of vision clearance triangles where applicable along street frontages. The applicant’s narrative also identifies topographically grade differences, in explanation of how the subject property is several feet below the neighboring parcel and therefore visually smaller in scale – as seen from the neighboring parcel.

Staff concur and observe how applicant’s site plan clearly shows the location of the proposed dwelling in proximity to existing street improvements and the front property line(s). 20 feet is typical for a front yard setback as it provides sufficient space for accommodating the length of most vehicles (i.e., to park in a driveway between the garage entrance and the nearest street). FCZDO applies a consistent front yard setback of 20 feet for all portions of the dwelling. Some development codes (e.g., City of Dallas) apply a minimum of 20-feet to the driveway street approach and a minimum front yard of 15-feet for other portions of a dwelling (non-garage).

In response to Criterion No. 3, staff observe how the applicant’s site plan illustrates all streets and further demonstrates how the proposed garage will be angled from Parry Street with driveway access to Terrace Street as shown. Vehicles parked in front of the garage will not encroach the street with this plan.

Conclusion: Staff finds in support of Criterion No. 3. Staff also recommends one condition approval – that the construction of the dwelling (more so the garage) be consistent with the plans identified to the staff report (Exhibit B.1) with an angled garage and driveway access to Terrace Street as shown.

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

FINDINGS: In part, the applicant’s response to criterion No. 4 explains how the subject property (prior to purchase) was overgrown, had squatters living in it and was a nuisance to the city and neighbors. The applicant also explains how discussion ensued with the city about plans to clear the lot and build a new home in a similar character to nearby homes. The applicant also explains how the septic leech field was determined to be unusable and how a new leech field was installed by local tradesmen.

Staff concur and observe the septic leach field/lines (shown to the applicant’s site plan) occupy a substantial portion of the property. Staff incorporate the findings above (in response to Criterion 1) explaining how the applicant’s property is uniquely situated along three streets, unlike other properties, and how FCZDO requires a 20-foot front yard (setback) to each street.

Conclusion: Staff also finds no reason to conclude any negligence as Criterion No.4 describes. For the reasons explained above, staff therefore finds that Criterion No. 4 is met.

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

FINDINGS: According to the applicant, great care has been taken to follow the natural grades and property shape, to stay clear of tree roots, and keep the structure simple and economical to build. To the extent possible, the house with attached garage is tucked into the corner of the property where it best fits. To keep the building code required 10-foot clearance from the structure and the septic field, the setback encroachment is necessary.

Staff concur and observe how the requested variance of 10 feet for a front yard setback is half the distance of the standard 20-foot front yard setback. As explained in response to Criterion No. 3, FCZDO applies a consistent front yard setback of 20 feet for all portions of the dwelling as measured from each street right-of-way. Staff acknowledge how some development codes (of other cities) apply the 20-foot standard only to the driveway approach the street, allowing a reduced setback to other portions of the dwelling (non-driveway approach). Staff incorporate the findings from Criterion No. 3 herein. As explained in response to Criterion No. 3, the proposed length of driveway (as shown) is sufficient to accommodate parking for the full length of a vehicle (without encroaching the street). The garage is also angled away from Terrace Street (where the setback reduction is proposed). Staff also observe the applicant’s Variance proposal to be limited to one street frontage (where Criterion No. 5 refers to “minimum” ... alleviate the hardship).

Conclusion: Staff incorporate the conclusion in response to Criterion No. 3 above, recommending one condition approval.

6. *Strict adherence to the requirement or standards is unnecessary because the proposed variance will reasonably satisfy both of the following objectives:*

- a. *Granting the variance will not create significant adverse effects to the appearance, function or safety of the use on the subject property; and*
- b. *Granting the variance will not impose limitations on other properties in the area, including uses which would be allowed on vacant or underdeveloped sites.*

FINDINGS: According to the applicant, granting the variance will not create adverse effects to safety, function or appearance to the subject property. The applicant also explains how the subject property was in dire disrepair and the owners have already cleared and improved the property and neighborhood views. The applicant also states that no limitations will be imposed on other neighboring properties.

Staff concur and incorporate the findings from Criterion No. 3 (in response to item “a” of Criterion 6 where it refers to safety). Staff finds granting the variance will not impose limitations on other properties in the area, including uses which would be allowed on vacant or underdeveloped sites (as “b” describes).

Conclusion: Staff finds in support of Criterion No. 6 for the reasons stated above.

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

FINDINGS: According to the applicant, the Comprehensive Plan designates this property as Residential and the single-family dwelling is outright permitted. The applicant also states that approval would support the policies and objectives. Staff concurs and finds proposal to increase housing supply for the city.

Conclusion: Staff finds in support of Criterion No. 7 for the reasons stated above.

VI. SUMMARY FINDINGS, RECOMMENDATION, AND CONDITIONS OF APPROVAL

Based upon the findings contained in the staff report, staff recommend **approval** of VAR 2022-03 with the following condition:

- 1) The dwelling is to be constructed consistent with the plan identified to the staff report, Exhibit B.1, with angled garage and driveway access location to Terrace Street as shown.

VII. CITY COUNCIL ACTION OPTIONS

- A. Approve Variance 2022-03, based on the findings in response to the applicable approval criteria and exhibits to the record, with the one condition as identified in the staff report.
- B. Deny Variance 2022-03, based on findings [with this motion, state the findings / observations].
- C. Continue the public hearing to a time certain, or indefinitely [considering the 120-day limit on applications].

Exhibit A.1 – Tax Assessor’s Map / Vicinity

Number in rectangle indicates number of street frontages

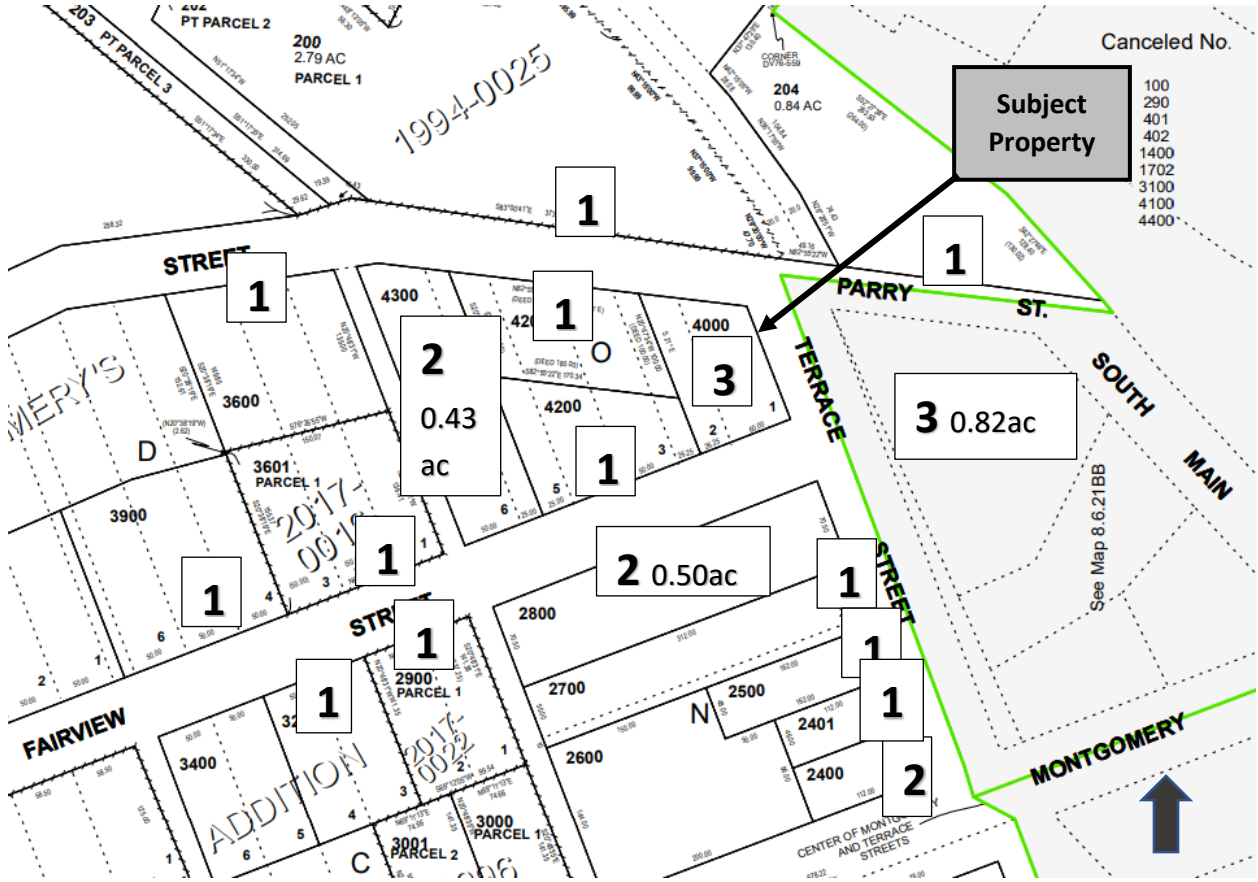
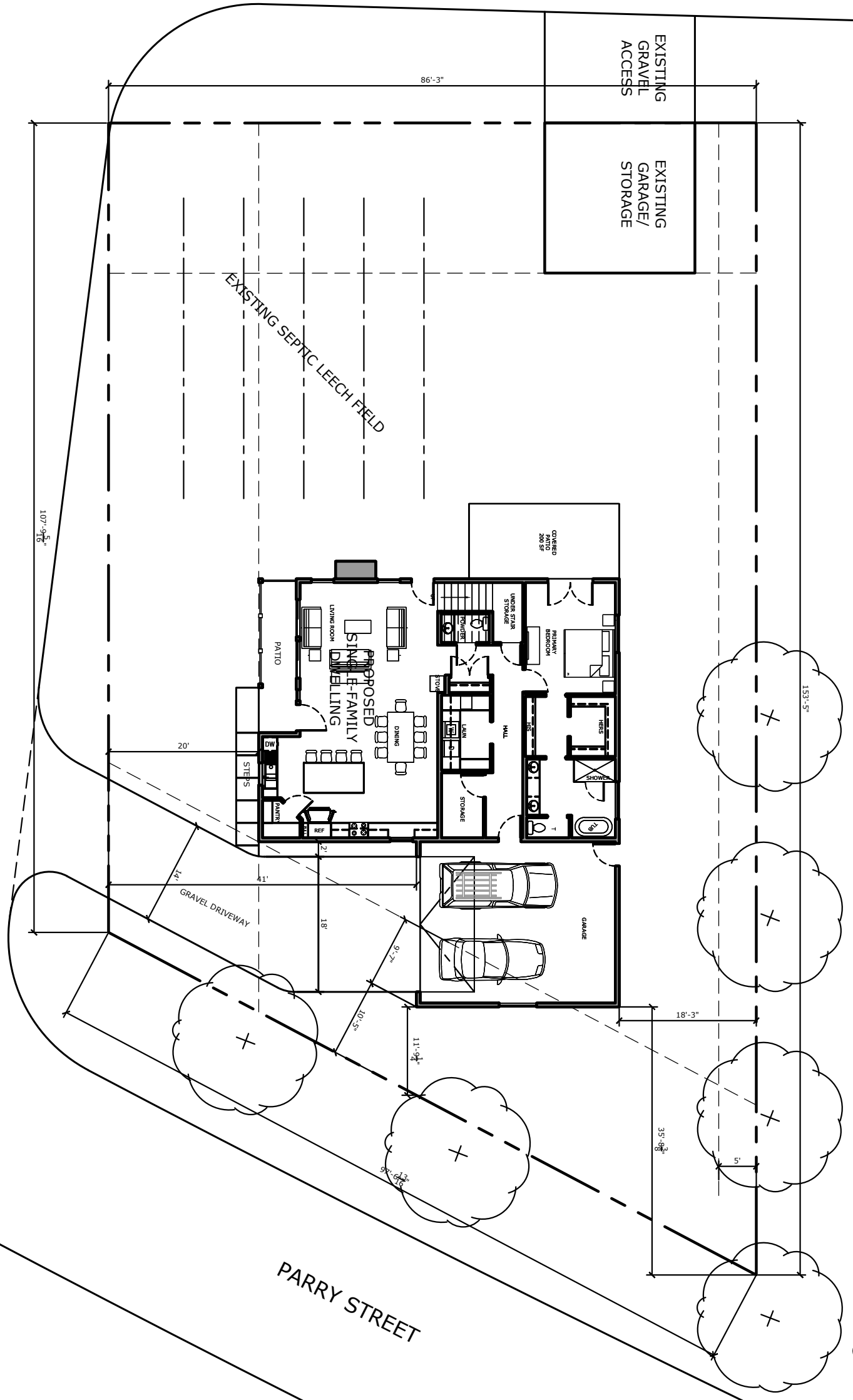


Exhibit B.1

FAIRVIEW STREET

TERRACE STREET

PARRY STREET



PROPOSED SITE PLAN

A
SCALE : 1/16" = 1'-0"

Approx. locations of existing trees and abutting streets are shown to this plan. Also, proposed driveway access to Terrace Street is shown.

SECOND FLOOR PLAN

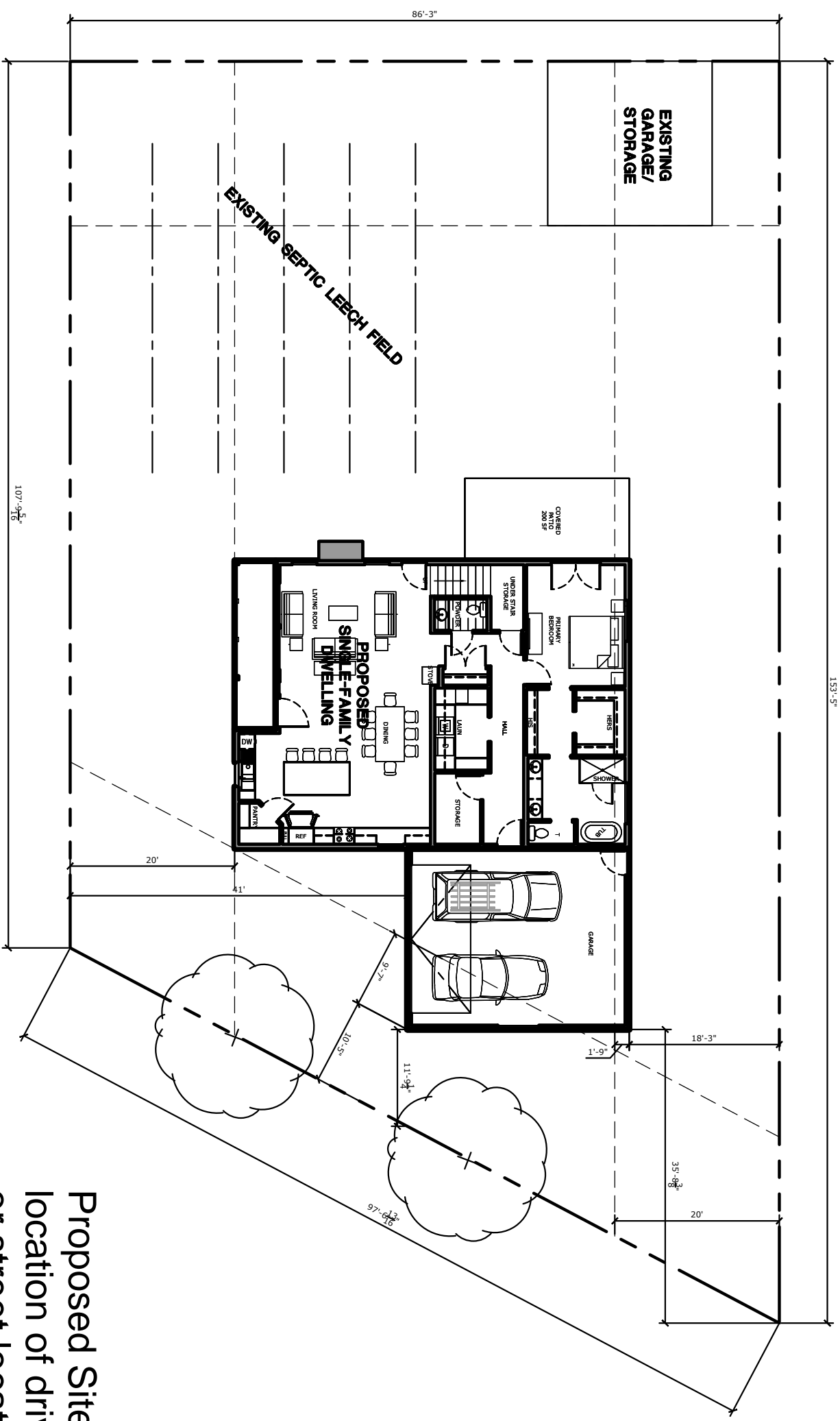
MARTINEZ RESIDENCE
210 FAIRVIEW ST
FALLS CITY, OR 97344

DATE: 03-24-23
SITE

CLIENT'S SIGNATURE:

REVISIONS:

Exhibit B.2

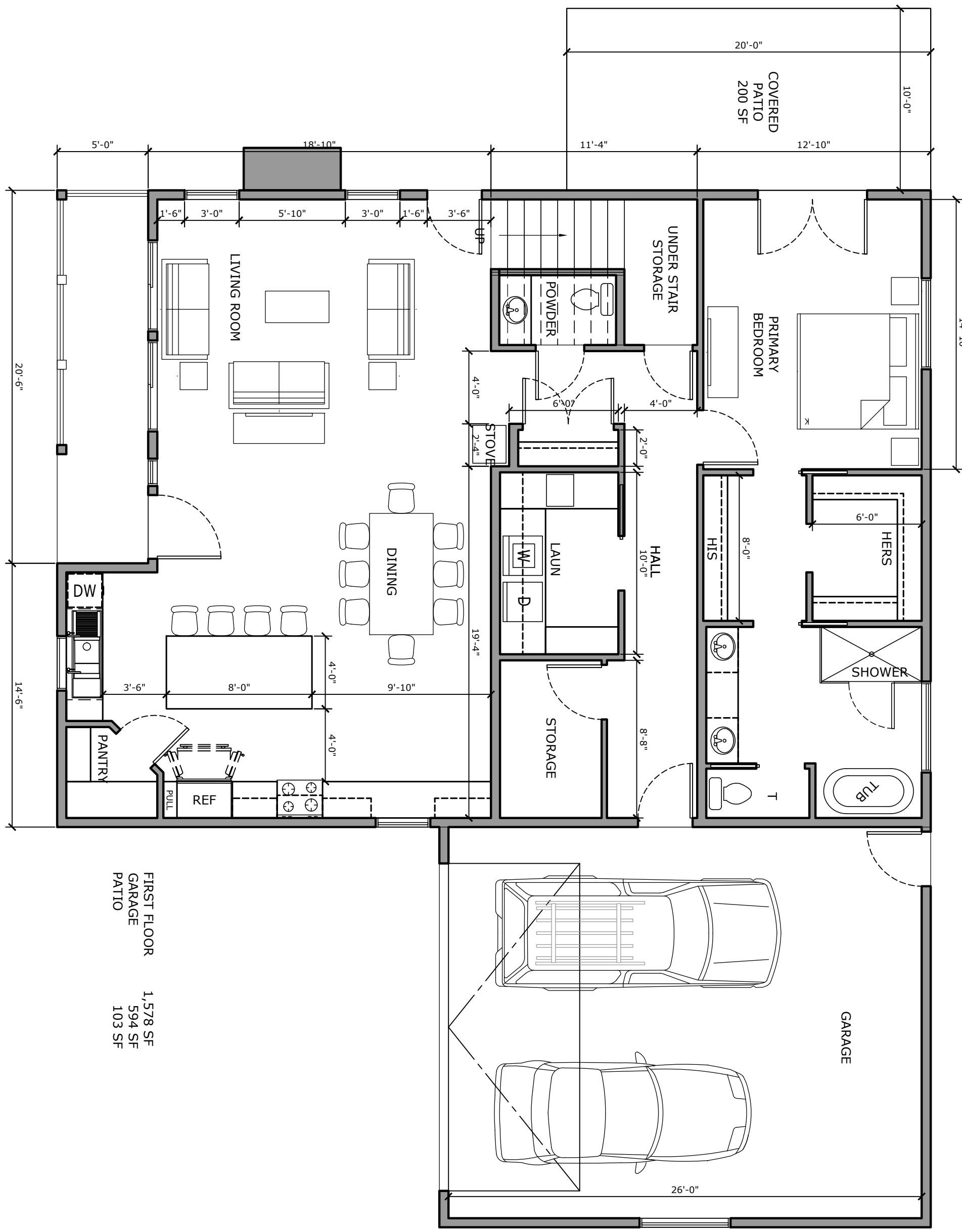


Proposed Site Plan without location of driveway access or street locations shown.

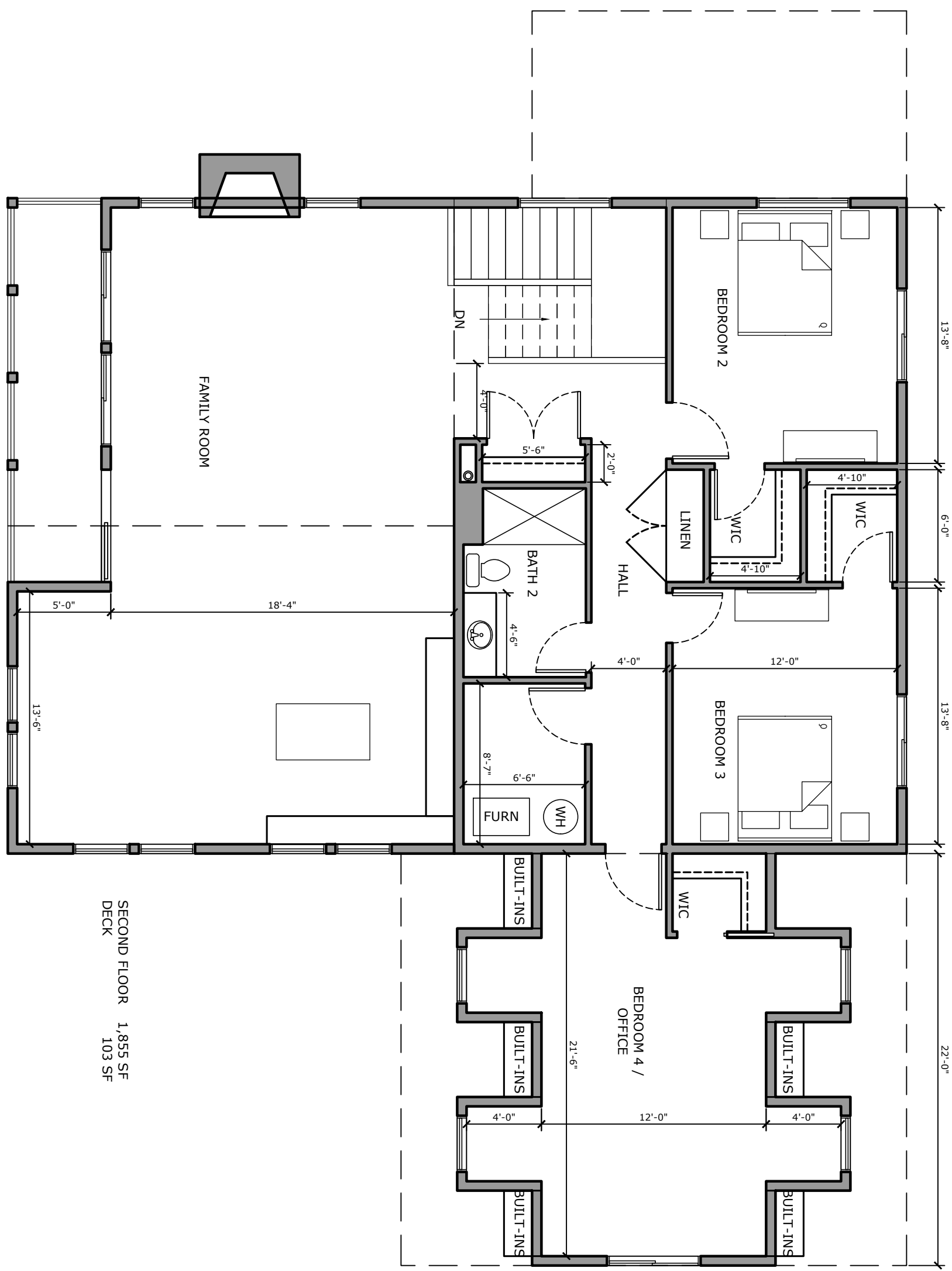
PROPOSED SITE PLAN

A

SCALE : 1/16" = 1'-0"



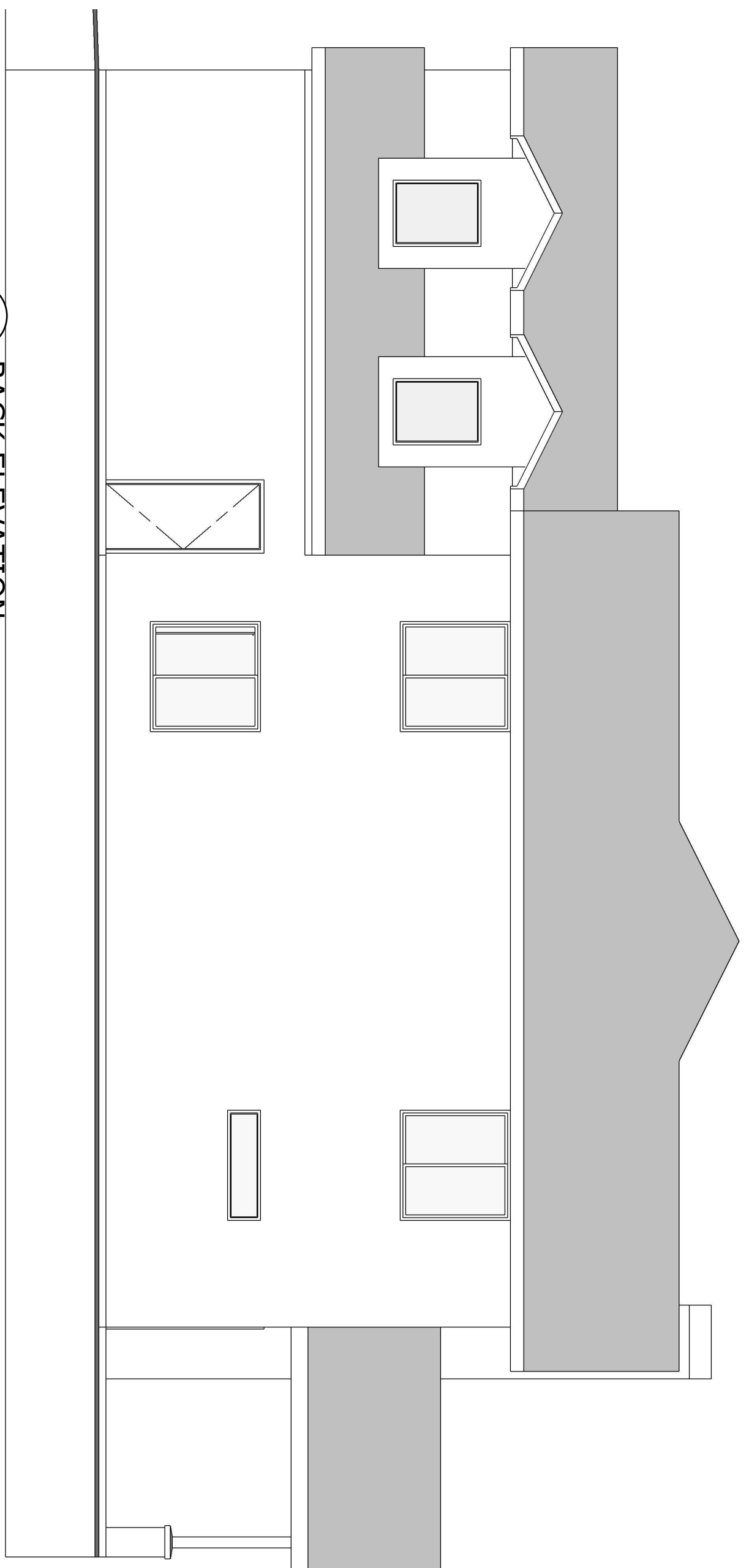
FIRST FLOOR 1,578 SF
 GARAGE 594 SF
 PATIO 103 SF



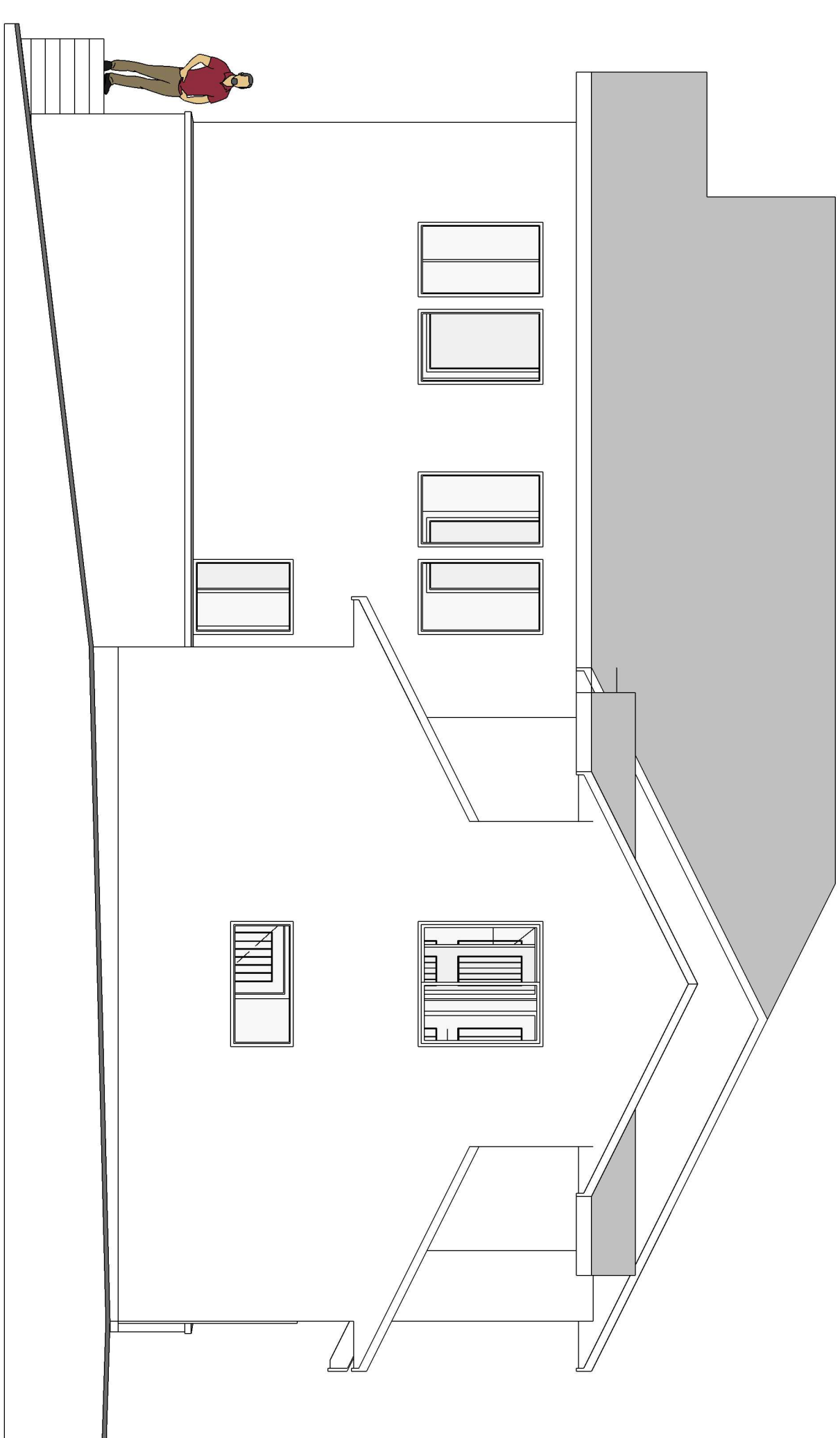
SECOND FLOOR 1,855 SF
DECK 103 SF



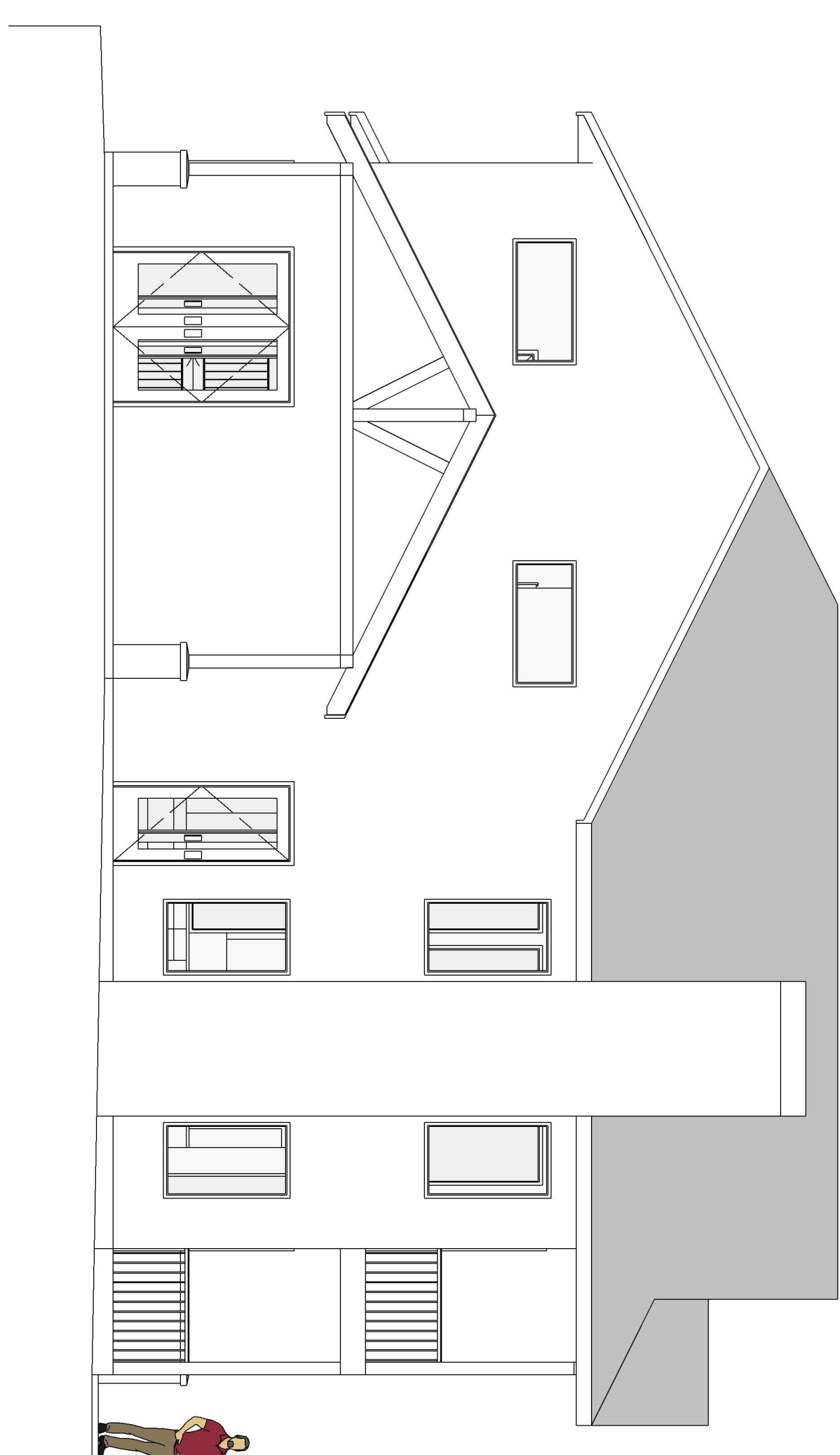
A FRONT ELEVATION
SCALE: 1/4" = 1'0"



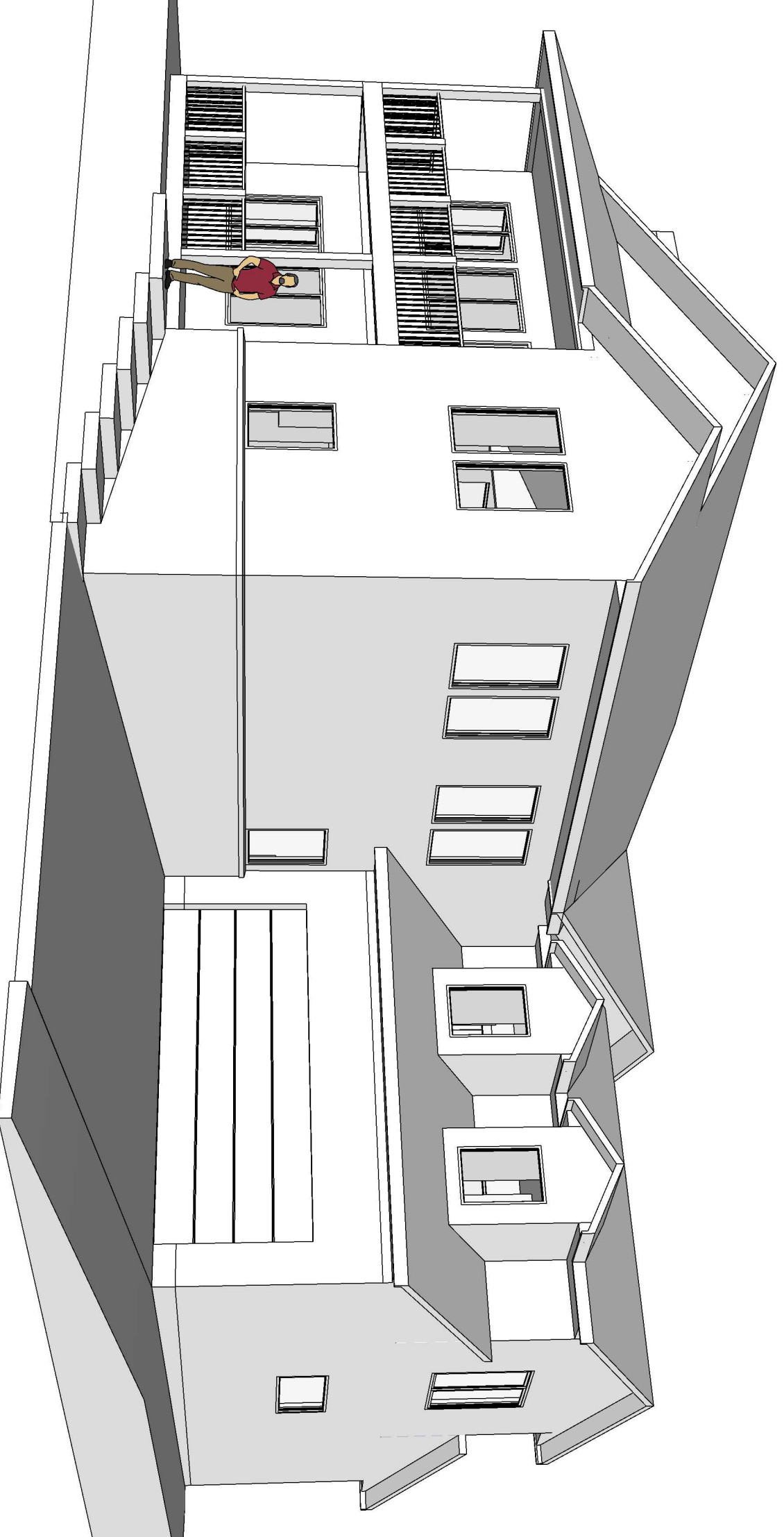
C BACK ELEVATION
SCALE: 1/4" = 1'0"



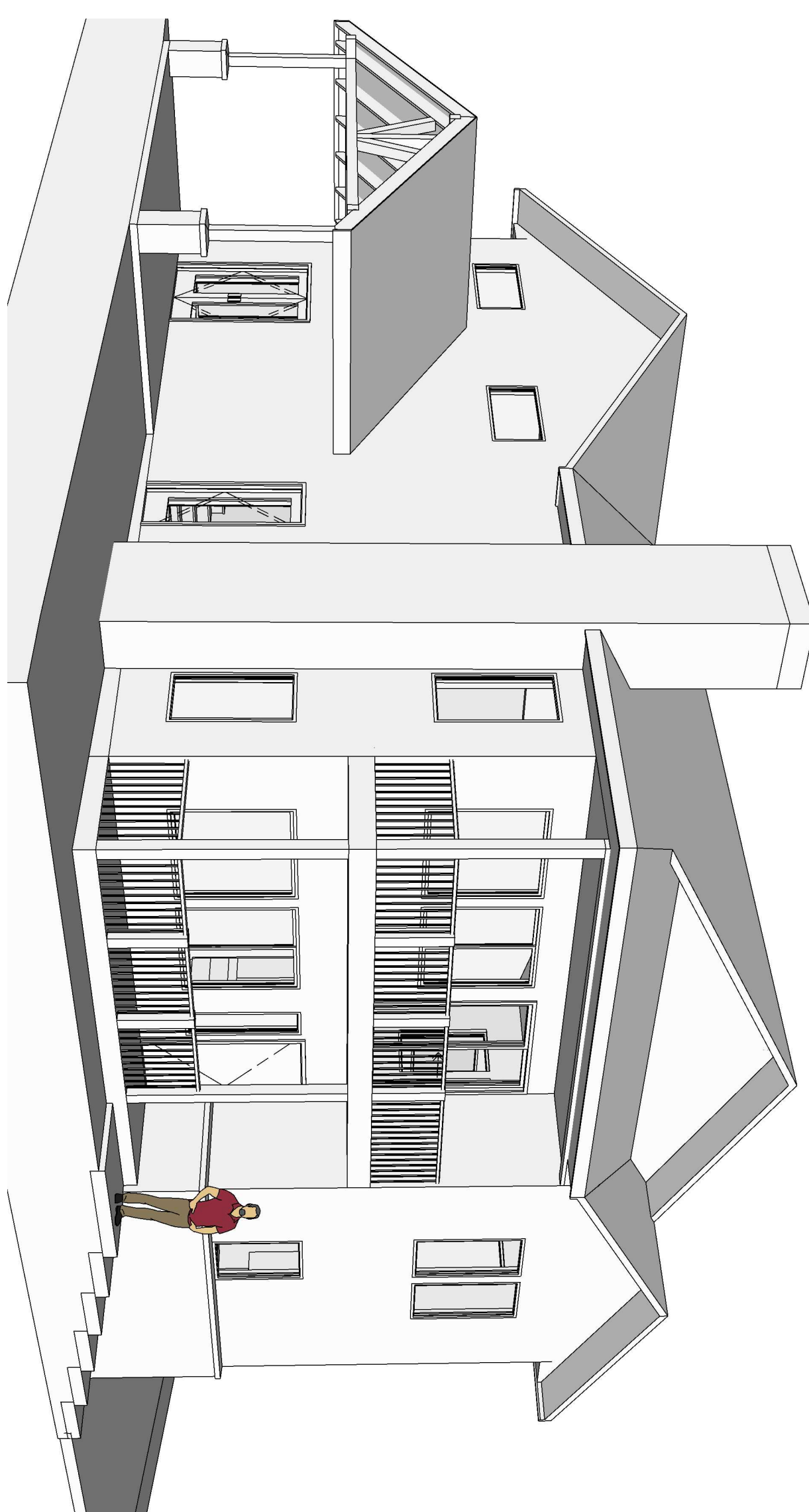
B RIGHT ELEVATION
SCALE: 1/4" = 1'0"



D LEFT ELEVATION
SCALE: 1/4" = 1'0"



E NE PERSPECTIVE
SCALE: NTS



F SE PERSPECTIVE
SCALE: NTS

MARTINEZ RESIDENCE
210 FAIRVIEW ST
FALLS CITY, OR 97344

EXTERIOR ELEVATIONS

REVISIONS:

DATE: 03/24/23
CLIENT'S SIGNATURE:

Exhibit B.3

Ben and Kalene Martinez Variance Narrative

3-20-2023

I. INTRODUCTION / BACKGROUND

1. The applicant requests approval of the following variances from the Residential Zone (R) standards in order to build the single family residence on the site.

A. Structure Setbacks (2.101.06 B). The minimum side yard setback for single-family dwellings shall be (5) five-feet except that the side yard adjacent to a street on a corner lot shall be a minimum of (20) twenty-feet. *This house is surrounded by streets on 3-sides. Applicant requests a minor garage protrusion into side yard on Parry Street, outside of vision clearance triangles.*

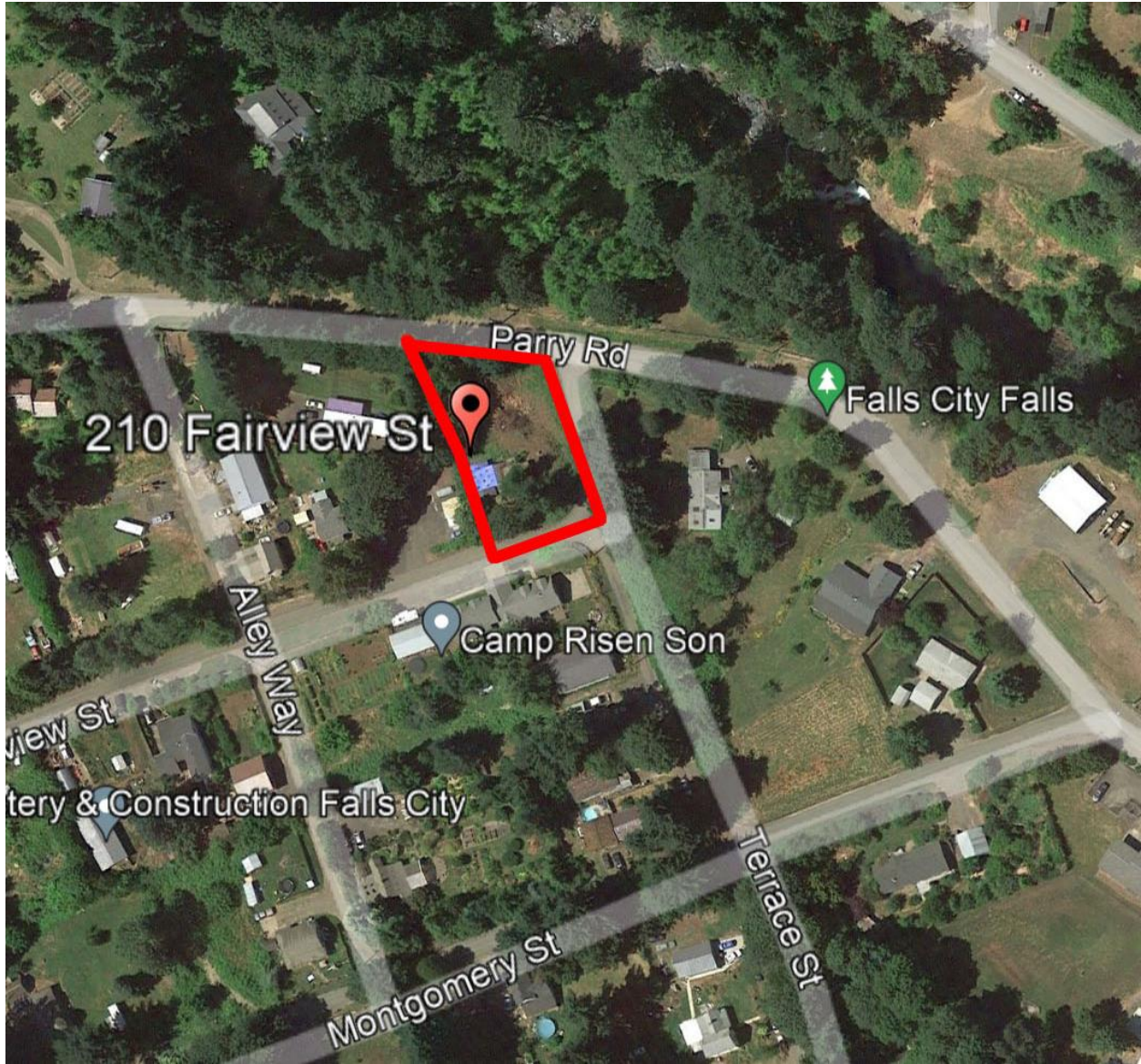
Rear yard setback for any permitted use shall be a minimum of (20) twenty-feet, except that an accessory structure of 200 square feet shall maintain a minimum of a (5) five-foot rear yard. The rear yard is on an angle from the front yard. *Applicant requests up to 21" projection (18'-3") eighteen-feet three-inch setback on rear yard.*

2. The subject property is 11,264 square feet and has an existing storage structure. The property contained a run-down house with squatters and was overtaken by blackberries and unkempt vegetation prior to Ben and Kalene purchasing the property. The house was unsalvageable and has been demolished and removed. The property has been cleared of all overgrown vegetation. Neighboring properties are also Residential Zone (R) and developed as single-family dwellings.

3. The site is relatively flat with a depressed corner at the Terrace Street and Parry Street corner. This is the intended driveway entrance to the property.

4. Septic field was deemed unusable. A new septic field has been installed.

II. SITE LOCATION



SUBJECT PROPERTY: 210 TERRACE STREET

III. COMPLIANCE WITH APPLICABLE STANDARDS

CITY OF FALLS CITY – ZONING AND DEVELOPMENT ORDINANCE

2.100 ZONING DISTRICTS

2.101 RESIDENTIAL ZONE (R)

2.200 GENERAL DEVELOPMENT STANDARDS

2.201 YARD AND LOT STANDARDS

3.200 APPLICATION SUBMITTAL REQUIREMENTS, REVIEW PROCESS

3.202 VARIANCE APPLICATIONS

2.101 RESIDENTIAL ZONE (R)

2.101.03.A: Single Family Dwelling. *The proposed house is a permitted use.*

2.101.04.B: Accessory Uses. *The subject property has an existing 400sf detached garage. This existing structure is located within setback along Fairview Street. This structure was in fair condition and is remaining. Siding is intended to be refurbished.*

There is a septic leech field within the setbacks along Fairview Street and Terrace Street.

2.101.06.A.1.a: Minimum Lot Area: 10,890 square feet. 11,264 sf actual.

2.101.06.A.1.b: Minimum Lot Width: 75 feet at the front building line. 86.25 feet actual, although house is oriented toward Terrace Street, with 107.75 feet front building line.

2.101.06.A.1.c: Minimum Average Lot Depth: 100 feet. 107.75 feet minimum, 130.6 feet average.

2.101.06.B.1: Front yard setback shall be a minimum of 20 feet. We comply.

2.101.06.B.2: Side yard setback for single-family dwellings shall be (5) five-feet, except that the side yard adjacent to a street on a corner lot shall be a minimum of 20 feet. *As we are surrounded on by 3 streets, we are requesting a triangular reduction on Parry Street. Setbacks of 20 foot on all sides severely limits buildable area, especially with regards to septic field.*

2.101.06.B.4: The rear yard setback for any permitted use shall be a minimum of 20 feet, except that an accessory structure of 200 square feet or less shall maintain a minimum of a (5) five-foot rear yard. *With the trapezoidal nature of our site, we request the rear-yard setback be reduced to 18 feet.*

2.101.06.C: Structure height shall not exceed 35 feet. We comply.

2.101.07 EXCEPTIONS TO DIMENSIONAL STANDARDS

2.101.07.A: The dimensional standards of this zoning district may be modified as provided in Sections 2.200 and 2.201.

2.101.09 ADDRESSING

For all residential uses, the front of the home shall face the street on which the address will be placed. Minimum six-inch high reflective address numbers shall be at the front of the main building or at the driveway access.

2.201 YARD AND LOT STANDARDS

2.201.02 GENERAL YARD REQUIREMENTS

2.201.02.B Regardless of other provisions in this Ordinance, carport and garage structures (attached or detached) on which the main opening is toward a street, shall maintain a minimum setback of 20 feet from the street right-of-way. *The main opening is facing Terrace Street and is set back 41 feet. We are requesting a reduction of the 20-foot setback along Parry Street where the garage as designed encroaches the setback.*

2.201.04 PROJECTIONS INTO REQUIRED YARDS

Architectural features and certain structures may project into required yards under the following provisions:

2.201.04.A: Eaves, chimneys, steps, and other ornamental architectural features may project into the required yard not more than one-third the distance of the setback requirement, and not exceeding 40 inches into any required yard adjoining a street right-of-way.

3.202 VARIANCE APPLICATION

3.202.A: Purpose: The variance procedures are intended to provide flexibility while ensuring that the purpose of each development standard is met.

3.202.B: Applicability: Under the following provisions, a property owner or his designate may propose a modification or variance from a standard or requirement of this Ordinance, except when one or more of the following applies:

1. The proposed variance would allow a use which is not permitted in the zone; (Single family dwellings are outright permitted in the (R) zone.)
2. Another procedure and/or criteria is specified in the Ordinance for modifying or waiving the particular requirement or standard; or
3. Modification of the requirement or standard is prohibited within the district. (Reduced setbacks are not prohibited)

3.202.C: Process: Variance applications shall be heard in accordance with the public hearing process set forth in Subsection 3.105.

3.202.D: Submittal requirements: An application for a variance shall be filed with the City Recorder and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application, including findings that address relevant criteria and the review criteria listed in Subsection 3.202.E, below.

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

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this Ordinance, topography, or other circumstances substantially exist. *The lot configuration is trapezoidal in nature. We have designed the to tuck into corner of lot to best extent possible. With 3 street frontages and 20 foot setbacks on all sides, building area is limited.*
2. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or zone. *Neighboring properties are bordered by either 1 or 2 streets, not 3 streets as is the case with this property. To get a similar dwelling compatible to others in the vicinity, a variance is necessary.*

3. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located, or otherwise conflict with the objectives of any City plan or policy. *Building a two-story home is consistent with other dwellings in the neighborhood and the city plan. The setback encroachments we seek are minimal. They are outside of vision clearance triangles, limited to a small triangle on Parry Street and a small rear setback adjustment. This property is several feet below the neighboring parcel and therefore visually smaller in scale than if they were at the same elevation.*

4. That the special conditions and circumstances on which the application is based do not result from the negligent or knowing violation by the applicant. *When the property was purchased, it was overgrown, had squatters living in it and was a nuisance to the city and neighbors. As part of the purchase, Ben and Kalene discussed with the city their plans to clear the lot and build a new home in a similar character to nearby homes. The variance process was introduced and encouraged, as the city wanted to clean up an eyesore in the community. The septic leech field was determined to be unusable and a new leech field was installed by local tradesmen.*

5. The variance request is the minimum variance which would alleviate the hardship. *The request is the minimum variance necessary to build the dwelling designed. Great care has been taken to follow the natural grades and property shape, to stay clear of tree roots, and keep the structure simple and economical to build. To the extent possible, the house with attached garage is tucked into the corner of the property where it best fits. To keep the building code required 10-foot clearance from the structure and the septic field, the setback encroachment is necessary.*

6. Strict adherence to the requirement or standard is unnecessary because the proposed variance will reasonably satisfy both of the following objectives:

a. Granting the variance will not create significant adverse effects to the appearance, function or safety of the use or uses on the subject property; and

b. Granting the variance will not impose limitations on other properties in the area, including uses which would be allowed on vacant or underdeveloped sites.

Granting the variance will not create adverse effects to safety, function or appearance to the subject property. The subject property was in dire disrepair and the owners have already cleared and improved the property and neighborhood views. No limitations will be imposed on other neighboring properties.

7. Approval of the application does not conflict with policies and objectives of the Comprehensive Plan. *The Comprehensive Plan designates this property as Residential and the single family dwelling is outright permitted. Approval would support the policies and objectives.*

3.202.F: An approved variance shall lapse and become void unless substantial improvements related to the variance are commenced within six months of the date that the approval is granted. *Owners are excited and prepared to build a new single-family dwelling as soon as possible. With the granting of this variances, design and drawings can be completed and submitted for permits in short order, with substantial construction beginning once permits are issued.*

IV. CONCLUSION

Ben and Kalene fell in love with the area and small town feel of Falls City. When this property became available, they set about working with the City to get pre-approvals at each stage in the process to build their home. Planning has been supportive of and amenable to adjusting the setbacks in light of the significant time and effort Ben and Kalene have put into cleaning up this property.

Due to street frontage on 3 sides, setbacks reduce a great amount of useable site area. The trapezoidal shape also limits buildable areas. The minor adjustments requested are the minimal amount necessary to provide a house fitting between the septic drain field clearance required and squeezed into the narrow corner of the site.

The applicant has presented the appropriate forms, drawings and other materials, providing substantial evidence in the record to support the proposal. Based on the analysis and findings presented above, along with submitted record materials, the proposed Variance comply with all applicable regulations and standards of the City of Falls City. The approval of the variance will yield a compatible dwelling and improved neighborhood. The applicant respectfully requests approval of the Variance.

FALLS CITY CITY COUNCIL		MONDAY, APRIL 10, 2023	
The Falls City City Council met in regular session on Monday, April 10, 2023 at 6:00 p.m. in the Community Center located at 320 N. Main Street			
Council Members Present: Council President Amy Houghtaling, Councilor Nick Backus, Councilor Martha Jirovec, Councilor Tony Meier, Councilor Dennis Sickles and Councilor Lori Jean Sickles arrived at 7:01 pm			
Staff Present: City Manager AJ Foscoli, City Recorder Jeremy Teal			
AGENDA		ACTION	
Announcements, Appointments, Appreciations & Proclamations		There were none.	
Public Comment		<p>Mayor Bailey opened the Public Comments at 6:01 p.m.</p> <p>Tracy Young, 68 Prospect St. Ms. Young noted she had been researching junk yards and scrap yards and found the owners need a dismantlers license to do so. She stated she called the DMV and they were working on 234 Prospect.</p> <p>Chris Martin, 112 Bridge St. Mr. Martin stated that nothing at the mill lot had developed over the last year, and he suggested creating a parking area for a fee and wondered what the next step would be. He noted he marked out an area appropriate for that, but part of the mill lot was not suitable for parking as it was part of a former mill pond.</p> <p>Council President Houghtaling stated that historically the mill lot had always been available for overnight parking depending on the situation. She asked what the safety issues were.</p> <p>The Council discussed the issue of the mill lot and referred the subject to the Public Works Committee.</p> <p>Mayor Bailey asked Ms. Young for more information regarding the dismantler's license. Ms. Young stated the license was through DMV and the contact person was Deena Delarosa. She noted that Ms. Delarosa would send a link to a form where a person could fill in the information and attach photos.</p>	

	<p>Commissioner Gordon asked Mr. Foscoli what the next steps were from the feasibility study to get the entire city on sewer.</p> <p>Mr. Foscoli explained that the city was currently working to complete the first phase and was unsure where the next steps would come in. He thanked the county for study and had shared the price tag to include the entire city with sewer would run about 34 million.</p> <p>Commissioner Gordon noted it was wise to follow up and suggested getting meetings setup to phase in over time. He stated he didn't want the city to lose site of the next phase and other methods of payment and financing for it.</p> <p>Mayor Bailey closed the Public Comments at 6:22 p.m.</p>
<p>Consent Agenda</p> <ul style="list-style-type: none"> a) March 13, 2023 Minutes b) OLCC Applications 7 Star Convenience Store c) Park Board Applications Peirson Reservation Smith Reservation d) Budget Committee Applications Chris Walls Jeremy Gordon Leanne Merrill e) Street Closure Happy Dance 	<p>Councilor Jirovec asked about charging for park usage.</p> <p>The Council discussed the issue and referred it to the Parks & recreation Committee to research.</p> <p>It was moved by Council Amy to approve the Consent Agenda as presented. The motion was duly seconded by Councilor Backus and CARRIED with a vote of 5-0 with Councilors Backus, Jirovec, Meier, D Sickles, and Council President Houghtaling voting YES.</p>
<p>Reports or Comments from Mayor and Council Members</p> <ul style="list-style-type: none"> a) Mayor's Report 	<p>Mayor Bailey reported that on April 13 in Hillsboro that US senators and their representatives would be attending a conference for mayors to discuss their own cities and our concerns. He noted on April 20 would be the Homeless Prevention meeting. He mentioned the Falls City partners meeting would be April 25 at 5:00-6:30 p.m. at the Community Center, and on April 28 would be the Polk County breakfast. He advised that the skate park design survey went well with an 8.34 approval. He noted recommendations would be taken and added to the design and then go out again for another vote. He stated there had been very positive</p>

b) Councilor Comments

comments regarding the design and the overall skate park.

Council President Houghtaling reported she had been attending homelessness meetings and the Happy Dance would be Saturday, May 20.

Councilor Jirovec noted there would need to be some supplementals moving forward and we needed to be aggressive and ready for next year. She stated she was willing to spend time and help. She mentioned she would be willing to be the budget officer.

Mayor Bailey mentioned the Council had selected a budget officer, but if the Council wanted to change officers, they could do that.

Councilor D Sickles recommended getting in touch with Councilor Jirovec and setup meetings to fix the budget so the City can avoid issues with the state.

Councilor Jirovec suggested getting a contract with a bookkeeper to help with journal entries and help with the city.

Council President Houghtaling mentioned the Councilor Jirovec's recommendation was to update quickbooks and maybe check with other small cities to see what they use. Mr. Foscoli noted it had not been purchased yet.

It was moved by Council President Houghtaling to direct the City Manager to purchase the online Quickbooks. The motion was duly seconded by Councilor Meier and carried with a vote of 5-0 with Councilors Backus, Jirovec, Meier, D Sickles, LJ Sickles and Council President Houghtaling voting YES.

Councilor Meier stated the Budget Officer was appointed at the last meeting. Mayor Bailey noted that Mr. Foscoli would not be removed from it but would check with Councilor Jirovec for accuracy.

<p>c) Public Works Committee</p>	<p>It was moved by Council President Houghtaling to change the Budget Officer to Councilor Jirovec. The motion was duly seconded by Councilor Backus and carried with a vote of 4-1 with Councilors Backus, Jirovec, Meier, LJ Sickles and Council President Houghtaling voting YES and Councilor D Sickles voting NO.</p> <p>Councilor Jirovec reported she attended the Oregon Preparedness Conference and found a lot of resources and possible grants available to Falls City especially for fire related projects. She noted she thought a Neighborhood Night Out would be a good summer event to help the community meet their neighbors.</p> <p>Councilor Meier reported that the committee discussed the sewer pumping issue and Main Street Parking. He noted the solution for the pumping was to charge \$7.09 a month for 60 and that would allow the city to have the money to deal with pumping tanks. He stated the parking was decided that there would be no parking from Ellis Street to out of town.</p> <p>Councilor Jirovec asked about parking permits per house. Councilor Meier stated that permits would be discussed in the next meeting.</p> <p>Councilor Jirovec asked if the apartments were paying for water and sewer correctly. Councilor Meier stated that all apartments were paying a separate water and sewer fee.</p>
<p>Reports from City Manager & Staff</p> <p>a) Falls City Fire Report</p> <p>b) Polk County Sheriff Report</p> <p>c) Falls City Public Works Report</p> <p>d) City Manager Report</p>	<p>There were no comments.</p> <p>Councilor Jirovec asked if it would be possible to show a bar graph with the top 5 offenses in Falls City. Mr. Teal noted he would ask the Sheriff.</p> <p>There were no comments.</p> <p>Mr. Foscoli gave his report regarding the wastewater project out for bid, LCB, Code enforcement with a citizen stepping up and Polk County hiring a new Community Service Officer, towing, speed signs, safe routes to school</p>

	<p>project, community center roof leak, and excessive domestic sewer pumping.</p>
<p>Good of the Order</p>	<p>Mayor Bailey thanked Councilor LJ Sickles and the Boondocks for the easter egg hunt.</p> <p>Councilor LJ Sickles reported that it was a great and successful easter egg hunt and thanked all the volunteers.</p> <p>Councilor Meier and Council President Houghtaling thanked Councilor LJ Sickles for the great event.</p> <p>Councilor D Sickles asked if the valves on the football field were ready to install. Mr. Foscoli noted that the upgrade to fixing the problem was above ground valves to help alleviate the traffic of bad stuff.</p> <p>Councilor Jirovec shared the visioning meetings would be June 25 and July 15 from noon to 3 p.m. at the Community center with RDI facilitating the meeting.</p> <p>Councilor D Sickles noted the community cleanup was after Labor Day after the falls park is closed for the season. Councilor Jirovec stated the if Solve was contacted about the event they would provide bags and gloves. She mentioned the Saturday after Labor Day would September 9.</p> <p>Mayor Bailey asked when the City Clean Up would be. Mt. Teal noted Saturday, June 3.</p>
<p>Adjourn</p>	<p>There being no further business the meeting was adjourned at 7:28 p.m.</p>
<p>Read and approved this ____ day of _____ 2023.</p> <p>Mayor: _____</p> <p>ATTEST:</p> <p>City Recorder: _____</p>	



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

City Manager's Report May 1, 2023

Introduction

This spring is starting to feel like summer much too quickly, but at least it is bringing great news for the city's various projects. We have received several bids for our Wastewater Treatment Plant Project and considering that we were anxious about receiving any at all under the estimated budget, we are very satisfied with the result. This means that we will be working very diligently in the next weeks and months sorting through the bureaucratic process of submitting documents to the various funding agencies in order to receive the funds for the project as it moves through its process.

Wastewater Project –Our contract engineer Westech has reported to us that the bid documents have come back with 5 bids (we needed at least 3), though some of them are quite a bit higher than their estimate, 2 have come under. Statutorily, we are required to accept the lowest bid and we will have a council action on Monday's agenda to help us move along in this process. The engineer has shared with us that all bidders have good standing with the relevant regulatory authorities, so we feel confident with our choice. In preparation for the actual construction phase of the project, we have finally purchased the property that will house the lagoons for our new system. We have submitted our first major reimbursement to Business Oregon for \$147,574. We are also concurrently working with the property owner whose land borders the lagoon site and has given us an outflow easement to the Little Luckiamute to ensure that they have proper fencing during and post-construction. Staff is also continuing to lobby both state and county organizations to bring that loan amount down as much as possible.

Luckiamute Community Building – We have been working with Polk County partners to bring a Business Resource Fair to the Luckiamute Community Building so as to extend business support opportunities to our local companies. The date for this event is Friday, May 12. We would be grateful for additional promotion of this to the local community, so please share the flyer for this event we have sent to all council members. The work our current tenants have been doing in the building is helping to make the space usable for a variety of activities, such as the resource fair and are actively recruiting other businesses for additional temporary uses of the space. There is a plan to use the space for healthcare related activities as well, so we are confident the facility will become a focus of downtown activities in the coming months and years.

Note: If you have questions/concerns, please respond to me individually by email, phone, or in person. This way we avoid violating any public meetings laws with a "reply all" response, or multiple councilors discussing on the same thread.

Code Enforcement & Municipal Court – Polk County Sheriff’s Office has recently hired someone for the Community Service Deputy position so we are confident that there will be a resumption of towing of vehicles that are illegally parked within city limits. In addition, we have identified a local resident who is interested in the Code Enforcement position and will be looking at helping City Hall deal with additional code infractions. We are still working through what a program will entail to address as many code issues as possible with the funding that we have in place.

Towing Services – In order to have more leverage to deter extended parking, reviewing a permit-only parking zone program on Main Street was brought up to the March & April council meetings which then instructed the City Manager to liaise with the Public Works Committee on what can be done on N. Main Street. The committee deliberated at their March meeting over what a permit-only parking program would look like on N. Main Street. There were several proposals and one motion to change part of N. Main to “No Parking”. The committee will be meeting again in April to come up with a final set of guidelines to present to the City Council for review. In addition, a towing company has offered to start a pilot program in Falls City to tow away abandoned vehicles. Based on the value of the vehicle, this service would either cost a minor fee, be free or remunerate the owner a small amount for the vehicle release.

Safe Routes to School Project – The Safe Routes to School project elicited several comments from the Public Works Committee about the design and how it potentially impacts planned streets that are in our transportation plan. The concerns stemmed from how planned roads would be affected by the walking path up Boundary Street, which due to lack of funding have never been improved. The contract engineers have done their best to take into consideration all access needs and are working through alternatives to ensure that the new pathway between the High School and Elementary School is as safe and accessible as the topography allows.

Community Center Roof Leaks – Staff is working with construction professionals to set up a time to repair the roof above the Community Center. This is usually dry weather work, so it will most likely be scheduled for later in the spring/early summer.

Excessive Domestic Sewer Pumping – The Public Works Committee deliberated at their March meeting over how to deal with excessive domestic sewer pumpings. The discussion revolved around enacting fees which would be equitable and not penalize residents who are on shared tanks. As there were many factors to consider, the committee has chosen to bring several proposals to the next meeting and discuss the merits of each. One possible motion that will come from the committee will be to possibly increase the city’s sewer fees for Commercial customers, as it is currently in line with residential ones though they have a higher impact on the system. The committee will be meeting again in April to identify which motions to present to the City Council for consideration.

Sincerely,



Note: If you have questions/concerns, please respond to me individually by email, phone, or in person. This way we avoid violating any public meetings laws with a “reply all” response, or multiple councilors discussing on the same thread.

Clerk's Report

City Hall

- **All City Garage Sale** May 27th
- **City Clean Up Day** June 3rd

Public Works

- **Speed signs** will be installed when the weather improves
- **Speed test** will be conducted this spring by the County
- **Rumble strips** are ready to install as soon as we get some warmer weather
- **Old Grader liquidation** – continuing work with State Surplus

Luckiamute Community Building

- **Exterior cameras** are ready to install as soon as we get some decent weather

STAFF REPORT

TO: HONORABLE MAYOR, AND CITY COUNCIL
FROM: CITY MANAGER, AJ FOSCOLI
SUBJECT: ACCEPTING WASTEWATER TREATMENT FACILITY CONSTRUCTION BID
DATE: 5/1/2023

BACKGROUND

The City's contract engineering firm, Westech, has identified a winning bid for the Wastewater Treatment Plant Project.

SUMMARY

As the city has been working for several years on the Wastewater Treatment Plant Project, Westech has assisted Falls City with all its engineering needs. Their latest estimate of \$5.7 million for the project was generally in line with the \$6.1 million average from the five construction bids received. The engineer has shared with us that all bidders have good standing with the relevant regulatory authorities, and as is standard with these projects, the city of Falls City is statutorily required to choose the lowest bidder, Strider Construction, which came in at \$5.25 million.

In the accompanying letter from Westech, the engineering firm recommends that the City authorize award of a contract for (\$5,520,000) to Strider Construction Co. Inc., subject to final authorization by any applicable funding agencies.

RELEVANT COUNCIL ACTION

City Council must authorize award of a contract for (\$5,520,000) to Strider Construction Co. Inc., subject to final authorization by any applicable funding agencies in order for the project to move forward.

STAFF RECOMMENDATION

Adopt the contract award authorization as presented in the resolution.

ATTACHMENTS

Exhibit A – Westech Engineering Recommendation of Award Letter
Exhibit B – Resolution 3-2023 Authorization of Award of Wastewater Treatment Project Bid

April 26, 2023

The Honorable Mayor and City Council
City of Falls City
299 Mill Street
Falls City, OR 97344

RE: Recommendation for Award, Wastewater Treatment Plant Improvement Project
JO. 2969.3012.0

Ladies and Gentlemen:

Bids for the above referenced project were received and opened at our office at 2:00 p.m. on April 25, 2023. There were a total of three responsive bids received from qualified bidders. Two non-responsive bid(s) were submitted, these bidders failed to submit the subcontractor disclosure form that was due within two hours bids. The two non-responsive bids were quite a bit higher in price than the low bid. In that situation is somewhat common for the higher bidders to not submit the subcontractor disclosure form. So, the non-responsive bidders are not a big concern.

Overall we are pleased with the level of interest the project generated among contractors, and with the bid response. The low bid was submitted by Strider Construction Co.. Inc. of Bellingham, Washington. The bid prices, are shown in the table below. Complete bid tabulations are also attached for your review and records.

Summary of Bids

Bidder	Bid Total
Strider Construction Co. Inc	\$5,520,000
R&G Excavating	\$5,541,690
K&E Excavating, Inc.	\$6,200,000
Emery & Sons Construction Co. Inc	\$6,326,171
Orr Inc.	\$6,994,000

We spoke with the low bidder by telephone, and they indicated that they are comfortable with their bid numbers and plan to pursue the project.

If it is the City's desire to proceed with the project at this time, we recommend that the City authorize award of a contract for *(\$5,520,000)* to Strider Construction Co. Inc., subject to final authorization by any applicable funding agencies.

We will be sending out the Notice of Intent to Award to all bidders as required by OAR 137-049-0395.1 *(the notice is subject to final authorization by the City Council, and approval by applicable funding agencies)*. Sending out the Notice of Intent to Award will start the statutory time limit for the 7 day bid protest period, but does not obligate the City to issue the final Notice of Award.

April 26, 2023
City of Falls City
Page 2

Upon expiration of the 7 day protest period (*assuming no bid protests*) and approval by the City Council and applicable funding agencies, we will then proceed to issue a Notice of Award to the Contractor, after which we will proceed with obtaining the required signatures for the Contract Documents, and schedule a preconstruction conference with the Contractor, the City and any affected utilities. We plan to issue the notice to proceed as soon as practical after contracts are signed and the preconstruction conference is held.

We hope this information is useful and will assist the City Council in making a final decision on the award of this project. We are happy to attend the City Council meeting and to answer questions or to discuss the project in more detail if you desire.

If you have any questions or need additional information regarding this matter, please contact us at (503) 585-2474.

Sincerely,

WESTECH ENGINEERING, INC.



Christopher J. Brugato, P.E.
Project Manager

cjb
encl.
cc:

BID TABS

Strider Construction **R&G Excavating** **K&E Ex** **Emery & Sons** **Orr Inc.**

(Bid Non-responsive due to failure to submit subcontractor disclosure form) (Bid Non-responsive due to failure to submit subcontractor disclosure form)

See specification section 01025 for additional description of each schedule item.

Item No.	Description	Estimated Quantity	Unit	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1. Lump Sum Bid Schedule Items													
a.	Water Supply System Improvements	ALL	L.S.	Lump Sum	\$4,750,000.00	Lump Sum	\$5,158,590.00	Lump Sum	\$5,685,000.00	Lump Sum	\$5,690,237.00	Lump Sum	\$6,607,000.00
b.	Power Company Connection Fee Allowance	ALL	L.S.	Lump Sum	\$25,000.00	Lump Sum	\$25,000.00	Lump Sum	\$25,000.00	Lump Sum	\$25,000.00	Lump Sum	\$25,000.00
c.	As-Built Drawings Complete (stipulated price)	ALL	L.S.	Lump Sum	\$5,000.00	Lump Sum	\$5,000.00	Lump Sum	\$5,000.00	Lump Sum	\$5,000.00	Lump Sum	\$5,000.00
d.	O&M Manuals Complete (stipulated price)	ALL	L.S.	Lump Sum	\$5,000.00	Lump Sum	\$5,000.00	Lump Sum	\$5,000.00	Lump Sum	\$5,000.00	Lump Sum	\$5,000.00
e.	Trench Foundation Stabilization (stipulated price)	100	C.Y.	\$50.00	\$5,000.00	\$50.00	\$5,000.00	\$50.00	\$5,000.00	\$50.00	\$5,000.00	\$50.00	\$5,000.00
					Part 1 Subtotal (Base Bid)	\$4,790,000.00	\$5,198,590.00	\$5,725,000.00	\$5,730,237.00	\$6,647,000.00			
2. Mandatory Bid Alternates Schedule Items													
A1	Fair Oaks Sewer	ALL	L.S.	Lump Sum	\$360,000.00	Lump Sum	\$154,000.00	Lump Sum	\$205,000.00	Lump Sum	\$313,606.00	Lump Sum	\$236,000.00
A2	Existing Treatment Plant Demolition	ALL	L.S.	Lump Sum	\$100,000.00	Lump Sum	\$189,100.00	Lump Sum	\$270,000.00	Lump Sum	\$282,328.00	Lump Sum	\$111,000.00
					Part 2 Subtotal	\$460,000.00	\$343,100.00	\$475,000.00	\$595,934.00	\$347,000.00			
					Total Base Bid Plus Mandatory Alternates (Part 1 Subtotal + Part 2 Subtotal)	\$5,250,000.00	\$5,541,690.00	\$6,200,000.00	\$6,326,171.00	\$6,994,000.00			

Exhibit B

RESOLUTION 3-2023

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR (\$5,520,000) TO STRIDER CONSTRUCTION CO. INC, SUBJECT TO FINAL AUTHORIZATION BY ANY APPLICABLE AGENCIES.

Whereas:

1. The City’s new wastewater treatment facility is estimated at \$5.7 million to construct; and
2. The City has received a minimum of three bids for the construction of said facility; and
3. In order to move forward with the process, the City Council must authorize the award by resolution.

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

Section 1. City Council of Falls City authorizes award of a contract for (\$5,520,000) to Strider Construction Co. Inc., subject to final authorization by any applicable funding agencies.

Section 2. Effective Date.

1. This resolution becomes effective upon passage.

ADOPTED BY THE FALLS CITY COUNCIL ON THIS 1st DAY OF MAY 2023.

VOTE: AYE ____ NAY ____ ABSTAIN ____ ABSENT ____

Signed:

TJ Bailey, Mayor

Date

Attest:

Jeremy Teal, City Recorder

Date