



Falls City Oregon City Council Meeting

Monday, December 2, 2024 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 b. Meeting ID: 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

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.

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. FEMA PRESENTATION

Attachments:

- **Staff Report** (Scott__1_Staff_Memo_to_Mayor_and_Council.pdf)
- **Exhibit 3** (Scott__2_Exhibit_2_-_DLCD_PICM_FAQ_of_10-4-24.pdf)

6. CONSENT AGENDA

a. November 4, 2024 Minutes

Attachments:

- **Minutes** (2024.11.04_Council_Minutes.pdf)

7. REPORTS OR COMMENTS FROM MAYOR AND COUNCIL MEMBERS

- Mayor's Report
- Councilor Comments
- Public Works Committee Report

Attachments:

- **Minutes** (PW_Minutes.pdf)

8. REPORTS FROM CITY MANAGER & STAFF

a. City Manager's Report

Attachments:

- **Report** (2024.12.02_Monthly_Manager_s_Report.pdf)

9. ORDINANCES

a. Ordinance 568-2024

Attachments:

- **Staff Report** (2024.12.02_SR_1_Proposed_4-way_Stop_Sign_on_Bridge_Street.pdf)
- **Exhibit A** (2024.12.02_SR_Exhibit_A_ORD_568-2025_4-Way_Stop_Sign_on_Bridge_Street.pdf)
- **Exhibit B** (2024.12.02_SR_Exhibit_B_Proposed_4-way_Intersection.pdf)
- **Exhibit C** (2024.12.02_SR_Exhibit_C_FC_TSP_Draft_Section_I_-_Chapter_2_Pg._4.pdf)
- **Exhibit D** (2024.12.02_SR_Exhibit_D_FC_TSP_Draft_Section_I_-_Chapter_2_Pg._12.pdf)
- **Exhibit E** (2024.12.02_SR_Exhibit_E_FC_TSP_ODOT_Regulations.pdf)

10. GOOD OF THE ORDER

11. ADJOURN

Posted for Public at the City Hall Bulletin Board, Community Center, Falls City Website, Falls City Market, LCB Bulletin Board, and City Facebook page



To: Mayor and Members of the City Council
From: Scott Whyte, Contract City Planner for Falls City, MWVCOG
Subject: December 2 Work Session to further explain, discuss and select a FEMA Pre-Implementation Compliance Measure for NFIP-ESA Integration in Oregon.
Date: November 22, 2024, for the December 2, 2024, City Council meeting

Summary Issue

The Federal Emergency Management Agency (FEMA) administers the National Flood Insurance Program (NFIP) to which Falls City participates. As a participant, Falls City agrees to regulate development within the Special Flood Hazard Area (SFHA). These areas are shown to FEMA's Flood Insurance Rate Maps (FIRM), Exhibit 1. FEMA floodplain development regulations are found in the Code of Federal Regulations (CFR, Title 44) and are incorporated to FEMA's Model Floodplain Code, designed for local governments to implement via local development codes.

Falls City Development Code includes an earlier version of FEMA's Model Floodplain Code (found in section 2.205.05). In August 2024, FEMA updated the Model Code for Endangered Species Act (ESA) compliance and informed cities of the need for selecting one of three Pre-Implementation Compliance Measures (PICMs) as described herein.

Action Requested

Staff recommends selecting PICM Option 1 (adoption of the updated FEMA model code). This action would initiate legislative proceedings to amend the Falls City Development Code. This action differs from the interim action / staff recommendation to Council on November 4.

Background Information

There is a long fifteen-year history on this topic beginning with successful lawsuit against FEMA in year 2009. Attached is an FAQ prepared by the Department of Land Conservation and Development (DLCD, Exhibit 2). In part, the FAQ explains what led to the lawsuit and the result.

Summary Options for Action on December 2

PICM options apply to several cities throughout the state (Exhibit 2 includes a map to where). December 1, 2024 is the deadline set by FEMA for cities to select a PICM option. The attached FAQ from DLCD describes these PICM options in further detail. Below is the staff summary.

- Option 1 - Adopt the FEMA Model Code which means updating existing standards in section 2.205.06 of the Falls City Development Code for consistency with recent model standards enacted by FEMA for NFIP-ESA compliance / integration in Oregon.

- Option 2 - Review development on a permit-by-permit basis that would not require a code amendment but would require those seeking a *Floodplain Development Permit* (through Falls City) to assess potential impacts to ESA species habitat and mitigation via direction as provided from other sources (e.g., 44 CFR on the FEMA website).
- Option 3 - Adopt a prohibition of new development in the Special Flood Hazard Area (100-year floodplain/way) where applicable in the city.

Advantages / Disadvantages

Under options 1 and 2, those who propose development or activity in the floodplain are still required to obtain a Floodplain Development Permit (existing) through the city. Key difference between options 1 and 2 is how the city communicates these new standards for ESA habitat assessment, impact, and mitigation. Below is a table summary of advantages / disadvantages.

PICM Option	Advantage	Disadvantage
1. Model Floodplain Code adoption.	<ul style="list-style-type: none"> • One source for applicants, staff & decision makers to access, localized in concert with other code standards. • Existing Falls City code in Section 2.205.06 is similar in format & contains many similar / same definitions & standards as new / updated model code. 	<ul style="list-style-type: none"> • As model code has been recently designed for NFIP-ESA Integration, there could be additional need to amend Falls City code (again) after adoption (e.g., if FEMA were to identify error or item having changed or N/A). This could mean another hearing for code amend / correction.
2. Permit-by-Permit (no code amendment to incorporate model code).	<ul style="list-style-type: none"> • Same note as shown under disadvantage for adoption of model code. Also, no grant funding has been made available for purpose of code amendment. There have been informational webinars but no \$ allocated / available for staff time. 	<ul style="list-style-type: none"> • Current Dev. Code does not include “No net loss” def., standards / mitigation (pertaining to habitat loss) so city staff (current & future) need to be mindful of conveying the need for additional analysis necessary under new NFIP-ESA if not shown to Falls City Code.
3. Prohibit development in the floodplain.	<ul style="list-style-type: none"> • Simplicity (in the context of a definitive answer provided by the city in response to future proposed activity in the 100-year floodplain). 	<ul style="list-style-type: none"> • Though limited & restricted, Falls City Dev. Code currently allows development in the floodplain. This option would necessitate a code amendment. This option may also extend to city and school projects. City Attorney input recommended before proceeding with Option 3

Q and A

At the Council work session of December 2, staff will address this topic in further detail. Below is a Q and A for addressing questions of general interest.

Q: Where can I obtain more information about NFIP – Endangered Species Act Integration?

A: <https://www.fema.gov/about/organization/region-10/oregon/nfip-esa-integration>.

Q: Is the recently updated FEMA Model Code available for view on-line? If so, where?

A: https://www.fema.gov/sites/default/files/documents/fema_r10_oregon-nfip-esa-model-ordinance_082024.pdf

Note: The model code is also designed for coastal areas of the state where different development standards apply (e.g., V flood zones not applicable to inland communities). Coastal floodplain development standards are shown in **purple** to the model code and would not be included to an update prepared for Falls City (i.e., for hearing consideration).

Q: Generally, what does the new Model Code introduce that is different from existing code?

A: Key item is “No Net Loss” (related to ESA species habitat impact) including a definition, standards and mitigation measures.

Q: Does the new Model Code (PICM Option 1) entail significant changes to Falls City Code?

A: No. Focus of amendment would be Section 2.205.06 (replacement text). The new model code follows the same format. Existing Falls City permit and process would remain unchanged.

Q: How many properties in Falls City are shown to contain a portion of the 100-yr. floodplain?

A: The number is difficult to assess because of the “A” flood zone applied to Little Luckiamute River and Boughey Creek. In short, Zone A means no base flood elevations (BFE) determined as the area has not been studied. Zone A is a.k.a. “the approximate zone” as it represents an approximate location of the Special Flood Hazard Area (a.k.a. 100-yr. floodplain/way). Polk County has a map (see Exhibit 1) for general location (not accurate).

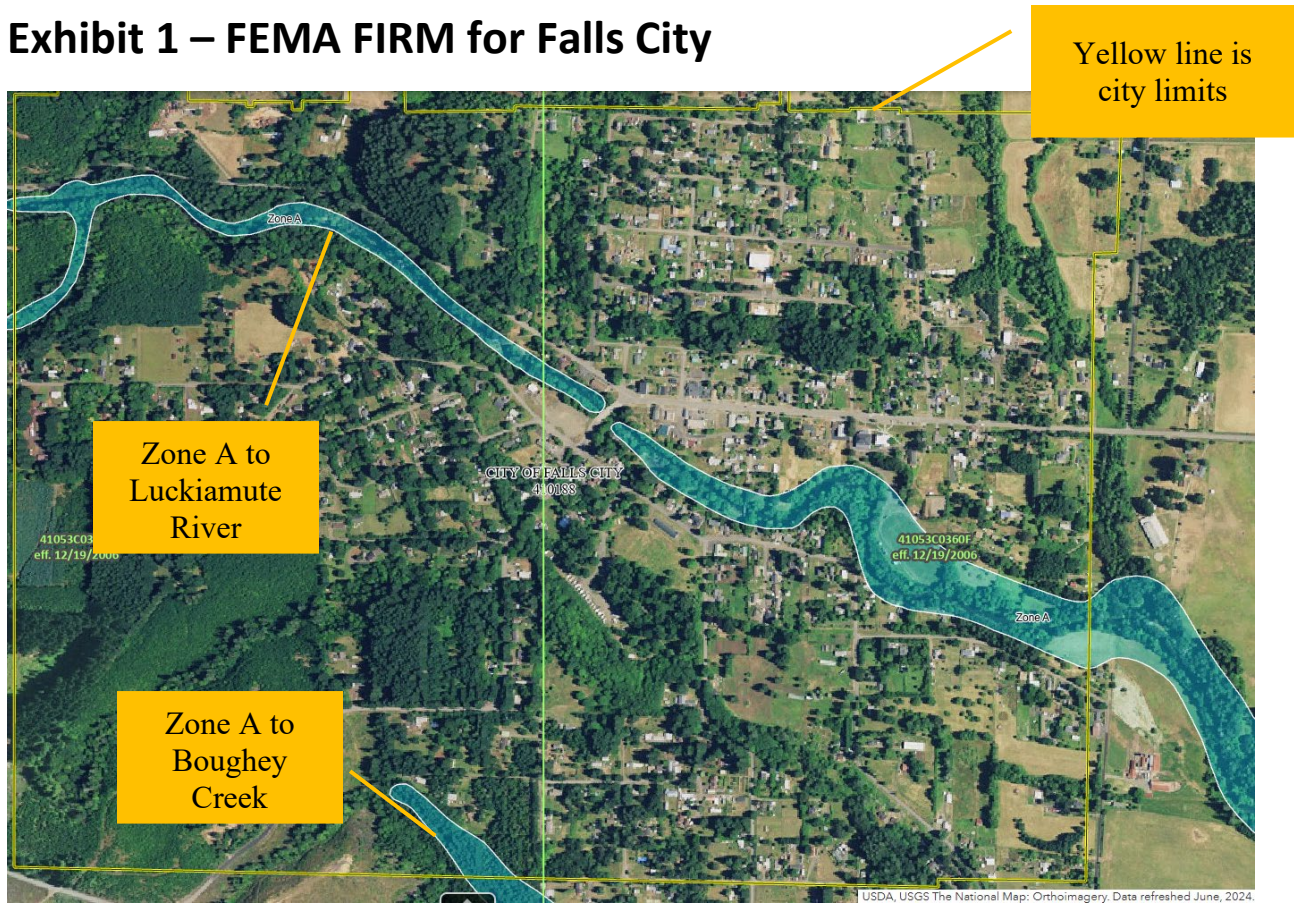
Q: What happens if the Council decides not to proceed with a code amendment (i.e., takes no action in response)?

A: No action defaults to what Option 2 describes (where habitat assessment / mitigation is not part of the Falls City Development Code but remains applicable). If no code update, city staff needs to be mindful of additional habitat provisions not within the Development Code that still must be applied in review of future Floodplain Development Permit applications through the city. To clarify, as a participant in the NFIP, Falls City is not mandated to adopt code changes but must ensure administrative compliance with the new ESA standards. Annual reporting of Flood Development Permit activity (by city administration) is necessary and periodic audits will occur for compliance with minimum program requirements.

Exhibits

1. FEMA FIRM for Falls City - location of Zone A shown inside city limits / Polk Co. GIS map.
2. FAQ prepared by the Department of Land Conservation and Development (DLCD, Exhibit 2).

Exhibit 1 – FEMA FIRM for Falls City



The above graphic / aerial photo is from FEMA’s website (Region 10). FEMA’s Flood Insurance Rate Maps (FIRM) for Falls City indicate a Special Flood Hazard Area (SFHA) localized to the L. Luckiamute River and Boughey Creek and proximity. Zone A is called the “approximate zone” as it represents an approximate location of the 100-year floodplain. Zone A means no base flood elevations (BFEs) have been determined as the area has not been studied.



The above graphic is from the Polk County GIS website. Area shown highlighted in light green is same Zone A to portions of Little Luckiamute River in the city – over the County’s tax lot base map (this is not a survey map).



Frequently Asked Questions about Pre-Implementation Compliance Measures

October 4, 2024

Disclaimer: This FAQ is general guidance based on the information available to DLCDC staff at this time. It is not a DLCDC decision. It is not legal advice for any specific situation. Cities and counties should consult their legal counsel for advice on specific decisions.

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What are “Pre-Implementation Compliance Measures”?

In July 2024, the Federal Emergency Management Agency (FEMA) sent a letter to cities and counties in Oregon instructing them to make short term changes to how the city or county regulates development

in flood hazard areas. FEMA describes these short-term actions as “pre-implementation” because they are occurring before FEMA fully implements long-term changes to the National Flood Insurance Program (NFIP) to comply with the Endangered Species Act.

What led up to PICM?

In 2009, environmental advocacy organizations sued the Federal Emergency Management Agency (FEMA) alleging that FEMA violated the Endangered Species Act by not consulting with National Marine Fisheries Services (NMFS) about how the National Flood Insurance Program (NFIP) could jeopardize threatened species. FEMA resolved the lawsuit by formally consulting with NMFS to review the impact of the NFIP. In April 2016, NMFS issued its [Biological Opinion](#) (BiOp) that concludes that the NFIP in Oregon jeopardizes the survival of several threatened species, including salmon, sturgeon, eulachon, and orcas. The BiOp contained a reasonable and prudent alternative (RPA) with recommendations from NMFS to FEMA on how to avoid jeopardizing the threatened species. In October 2021, FEMA issued a draft implementation plan on how to reduce the negative impacts of the NFIP on threatened species.

In 2023, FEMA started reviewing the draft implementation plan using a National Environmental Policy Act (NEPA) process, which is still underway. Under the NEPA process FEMA will analyze whether there are additional alternatives or changes to the 2021 draft implementation plan to consider.

In September 2023, environmental advocacy organizations filed a lawsuit alleging that FEMA has been too slow to implement the BiOp. Plaintiffs included the [Center for Biological Diversity](#), the [Northwest Environmental Defense Center](#), [Willamette Riverkeeper](#), and [The Conservation Angler](#). See also coverage in the [Oregonian](#).

In July 2024, FEMA announced a new program of pre-implementation compliance measures (PICM or short-term measures) for the BiOp, separate from the NEPA full implementation (long-term measures) process. FEMA hosted four [PICM webinars](#) in July and August, and is planning additional outreach to assist NFIP communities in the fall of 2024. Some of the PICM pathways are included in the 2016 BiOp under RPA, element 2.

FEMA now has two separate, but similar processes: NEPA evaluation of the full implementation plan, and interim action through PICM. FEMA’s webpage [“Endangered Species Act Integration in Oregon”](#) contains information about both processes, but does not clearly distinguish between the two processes.

What is the role of the Oregon Department of Land Conservation and Development in PICM?

FEMA and the state provide funds to the Oregon Department of Land Conservation and Development (DLCD) for staff to help cities and counties participate in the NFIP. DLCD floodplain staff do not set program policies and cannot make decisions on behalf of FEMA. As FEMA provides more information about what they are requiring through PICM, DLCD floodplain staff will try to explain the program to cities and counties.

While the floodplain staff at DLCD have a coordinating role communicating with FEMA, cities and counties are always free to communicate directly with FEMA staff. In this role, DLCD staff provided feedback on the full implementation plan (long-term measures) through the NEPA process. DLCD staff provided information about how the land use planning system in Oregon would affect the full implementation plan. DLCD did not have an opportunity to play a similar role while FEMA developed PICM.

On September 26, 2024, Governor Tina Kotek sent a [letter to FEMA](#) expressing concerns about PICM, similar to concerns raised in a [letter from members of congress](#) in August. DLCD will work with FEMA to address the governor's concerns.

What does a city or county need to do now?

FEMA is requiring cities and counties to select one of three PICM short-term paths by December 1, 2024:

- Pathway 1: Adopt the [PICM model floodplain management ordinance](#) that considers impacts to fish habitat and requires mitigation to a no net loss standard.
- Pathway 2: Review individual development proposals and require permit-by-permit habitat mitigation to achieve no net loss using "Floodplain Habitat Assessment and Mitigation" guidance from FEMA.
- Pathway 3: Prohibit all new development in the floodplain.

FEMA is also requiring cities and counties to gather additional data on local floodplain permitting starting January 31, 2025, and submit an annual report to FEMA starting January 2026.

If a city or county does not choose a PICM path by December 1, 2024, then FEMA expects the city or county to use Pathway 2 for permit-by-permit habitat assessment and mitigation.

Once local planning staff review the FEMA documents ([PICM model ordinance](#) and [habitat assessment guidance](#)), planning staff may want to discuss the PICM paths with other internal local staff, and their local legal counsel. A starting point could be to determine how much developable land is within the Special Floodplain Hazard Area (SFHA). With that data to inform local decision making, staff might want to report to decision makers and the public explaining the situation and may find this FAQ useful as background. An informational work-session could be helpful to explore options for what may or may not work at the local level. DLCD staff ([regional representatives](#) and [flood hazards staff](#)) are available for technical assistance; however, many questions will need to go to FEMA. Use the dedicated email address: FEMA-R10-MIT-PICM@fema.dhs.gov.

Does Pathway 3 "Prohibit floodplain development" require a moratorium?

No. A city or county has at least two options for prohibiting development in the special flood hazard area: temporary moratorium or permanent rezoning.

Option A: Temporary Moratorium

[ORS 197.520 to 197.540](#) defines a process for a city or county to declare a moratorium to temporarily prevent all development in a specific area. Typically, a city or county would declare a moratorium where there are insufficient public facilities, which would not apply in this case. ORS 197.520(3) allows a different type of moratorium if a city or county demonstrates there is a compelling need based on the findings below:

For urban or urbanizable land:

- That application of existing development ordinances or regulations and other applicable law is inadequate to prevent irrevocable public harm from development in affected geographical areas;
- That the moratorium is sufficiently limited to ensure that a needed supply of affected housing types and the supply of commercial and industrial facilities within or in proximity to the city or county are not unreasonably restricted by the adoption of the moratorium;
- Stating the reasons alternative methods of achieving the objectives of the moratorium are unsatisfactory;
- That the city or county has determined that the public harm which would be caused by failure to impose a moratorium outweighs the adverse effects on other affected local governments, including shifts in demand for housing or economic development, public facilities and services and buildable lands, and the overall impact of the moratorium on population distribution; and
- That the city or county proposing the moratorium has determined that sufficient resources are available to complete the development of needed interim or permanent changes in plans, regulations or procedures within the period of effectiveness of the moratorium.

For rural land:

- That application of existing development ordinances or regulations and other applicable law is inadequate to prevent irrevocable public harm from development in affected geographical areas;
- Stating the reasons alternative methods of achieving the objectives of the moratorium are unsatisfactory;
- That the moratorium is sufficiently limited to ensure that lots or parcels outside the affected geographical areas are not unreasonably restricted by the adoption of the moratorium; and
- That the city or county proposing the moratorium has developed a work plan and time schedule for achieving the objectives of the moratorium.

Moratoriums are legally complicated. This description is only a summary of the law. A city or county should consult carefully with their legal counsel to determine whether and how a moratorium would work in their specific situation, and to review the applicable timelines for which a moratorium may be in place and circumstances for extending a moratorium.

Option B: Permanent Rezoning

A city or county could permanently rezone the land within the special flood hazard area to a zone that would not permit development. This would not be appropriate for all cities and counties, but could be appropriate if the area in the SFHA is relatively small, unlikely to develop, or publicly owned.

Is a “Measure 56 Notice” required for PICM short-term options?

Most likely yes, but cities and counties should consult with their legal counsel on how the notification requirements apply in the specific local circumstances.

Background on Measure 56 Notices

Cities and counties in Oregon are required to send a notice to landowners before “rezoning” property. This requirement was originally enacted through Ballot Measure 56 in 1998, and is codified in [Oregon Revised Statutes \(ORS\) 227.186](#) for cities and [ORS 215.503](#) for counties. The requirement uses a broad definition of rezoning that includes any change that “limits or prohibits land uses previously allowed.” DLCDC maintains a [webpage on the landowner notification requirement](#).

Pathway 1 – Model ordinance

Cities and counties staff should carefully review current zoning and development regulations for property within the SFHA. If properties are zoned for open space or conservation, then the [PICM model ordinance](#) might not further limit uses.

If properties are zoned for residential, commercial or industrial use, the [PICM model ordinance](#) would likely limit those uses, and the Measure 56 notification requirement could apply. Most local floodplain codes require owners to obtain a permit for development in the floodplain. Permit processing varies for each city or county. Oregon’s model floodplain Ordinance (version 2020) meets minimum NFIP standards. However, the updated [PICM model ordinance](#) contains new standards in section 6.0 (highlighted in yellow) which could limit currently allowed uses, in which case the Measure 56 notification requirement would apply.

Pathway 2 – Permit-by-permit habitat assessment and mitigation

Cities and counties should carefully review any existing requirements for habitat mitigation. Most cities and counties do not require mitigation for habitat impacts, so the city or county would be adopting a new ordinance to require assessment and mitigation for development in flood hazard areas. These new development regulations would most likely limit currently allowed uses, and thus the Measure 56 notification requirement would apply.

Pathway 3 – Prohibit floodplain development

If a city or county declares a temporary moratorium under ORS 197.520 to 197.540, then the Measure 56 notification requirements would likely apply because a moratorium would limit or prohibit uses that would otherwise be allowed.

If a city or county rezones land or amends development regulations to permanently prohibit development within the SFHA, then the city or county should carefully review the previous zoning and allowed uses for each parcel. If some properties were previously zoned for open space or conservation, then the prohibition on development is not likely to be a limitation on future use. If some properties are zoned for residential, commercial or industrial use, then the prohibition on development would limit those uses, and thus the Measure 56 notification requirement would apply.

A city or county may not want to completely prohibit all development in the floodplain and may want to think about explicitly adding in activities exempt from the no net loss standards as listed in section 6.3 of the [PICM Model Ordinance](#). Some of the exempt activities include normal maintenance of structures, street repairs, habitat restoration activities, routine agricultural practices, and normal maintenance of above ground utilities and would still require a local floodplain development permit. However, if a city or county wishes to include activities beyond those listed in section 6.3, then the city or county will likely need to adopt the model ordinance or require permit-by-permit habitat mitigation for the uses that are still allowed. It may be simpler to choose pathway 1 (model ordinance) or pathway 2 (permit-by-permit) instead. Cities and counties should communicate with FEMA about any exemptions.

Will the state waive legislative adoption requirements?

Each city or county has its own requirements for adopting an ordinance. The state has no authority to waive those requirements.

[ORS 197.610 through 197.625](#) requires cities and counties to submit notice to DLCDC 35 days before the first hearing to adopt a change to a comprehensive plan or a land use regulation. The statute does not authorize DLCDC to waive this requirement. If it is not possible to send the notice 35 days prior to the hearing, cities and counties should send the notice as soon as possible. The notice can include a draft ordinance that will be revised before adoption. If a city or county does not provide notice 35 days prior to the hearing, this does not invalidate the ordinance. A party that did not appear before the local government in the proceedings would be allowed to appeal the ordinance.

DLCDC has no authority to waive the required Measure 56 notification to landowners that is described above.

What if a city or county cannot complete the ordinance process by December 1, 2024?

Start the process of evaluating the PICM pathways as soon as possible. Keep FEMA informed via their PICM inbox FEMA-R10-MIT-PICM@fema.dhs.gov regarding your PICM path and progress.

Send questions to FEMA early in the process to give them time to respond, and document when replies are received.

Communicate often to FEMA to update them on your status and expected adoption date.

Is the model ordinance clear & objective?

Background on Clear and Objective Standards

Oregon Revised Statutes [197A.400](#) requires cities and counties to:

“adopt and apply only clear and objective standards, conditions and procedures *regulating the development of housing*, including needed housing, on land within an urban growth boundary.”
[emphasis added.]

The legislature amended this statute to include areas within unincorporated communities and rural residential zones. The amendment takes effect on July 1, 2025.

Reviewing Model Ordinances

DLCD plans to review the existing [Oregon Model Flood Hazard Ordinance](#) to identify standards for residential development that may not be clear and objective. Over the past year, DLCD also reviewed an early draft of the model ordinance in the NEPA process for the full implementation of the BiOp. DLCD identified several aspects of that early draft model ordinance that may not be clear and objective and suggested that FEMA revise those aspects. DLCD has not yet determined whether the [PICM Model Ordinance](#) has only clear and objective standards.

What is changing for cities and counties for letters of map revision based on fill?

FEMA has temporarily suspended processing of applications for letters of map revision based on fill (LOMR-F) and conditional letters of map revision based on fill (CLOMR-F) as of **August 1, 2024**. FEMA is doing this to remove any perceived incentive to using fill and to avoid potentially negative effects on habitat for threatened species.

FEMA is not prohibiting fill in the SFHA, rather they are suspending the opportunity for owners or developers to revise floodplain maps to be released from mandatory flood insurance. Therefore, if fill is used for structure elevation and there is a federally backed mortgage on the property, flood insurance will still be required. Cities and counties should continue to enforce their existing floodplain ordinance on regulations regarding placement of fill in flood hazard areas.

If an applicant asks for a community acknowledgement form (CAF) for a CLOMR-F or LOMR-F for a project not covered in the exceptions below, it would be wise to [contact FEMA](#) before signing.

Exceptions for L/CLOMR-F processing:

- Projects that are undergoing Section 7 consultation via an alternative federal nexus
- LOMR-Fs for already processed CLOMR-Fs
- CLOMRs required for habitat restoration projects

What are the Measure 49 implications to the PICM pathways?

Measure 49 could apply in some situations, but it is unlikely that a city or county would have to pay compensation to a landowner. Cities and counties should consult with their legal counsel to analyze their specific situation.

Background:

[Ballot Measure 49](#) was approved by Oregon voters in 2007. Its initial impact was on property owners who acquired their property before land use regulations were established in the 1970's and 1980's. In many cases, those owners were permitted to build up to three houses, even though the current zoning would not allow new houses.

Measure 49 also applies to future changes in land use regulations. Those provisions are codified in [ORS 195.300 to 195.336](#). If a state or local government enacts a land use regulation that restricts a residential use and reduces the fair market value of a property, then the owner can apply for just compensation. The compensation can be monetary, or a waiver to allow the owner to use the property without applying the new land use regulation. This requirement does not apply if the new regulation is for the protection of public health and safety.

Pathway 1 – Model ordinance

If a property owner applied for just compensation as a result of a city or county adopting the PICM model ordinance, the city or county would process the claim as provided in ORS 195.300 through 314. This includes evaluating the claim to determine whether it is valid, and then deciding whether to waive the regulation or pay monetary compensation.

First, determine whether the claimant owned the property before the city or county adopted the new regulations in the model ordinance.

Next determine whether the new regulations restrict the use of the property for single-family dwellings. The statute does not include a specific definition of “restrict” in this context. If the new ordinance has the effect of completely prohibiting residential use, then it clearly restricts the use. If the new ordinance allows single-family dwellings, but places design standards or conditions of development, these likely do not restrict the use.

Next, determine whether the regulations “restrict or prohibit activities for the protection of public health and safety” as provided in ORS 195.305(3)(b). Many aspects of regulating floodplains are based on safety; however, some of the regulations in the [PICM model ordinance](#) are based on improving fish habitat. This could result in complicated analysis to determine whether the habitat requirements restrict development beyond the restriction already created by regulations based on safety.

Next, review the property appraisals submitted by the claimant to determine whether the property value was actually reduced. Property in a flood hazard area may already have a low value. The property may still have value for agricultural use which would offset the loss due to the regulation.

If a property owner has a valid claim, then the city or county would decide to pay monetary compensation or to waive some regulations. The city or county is not required to waive all regulations, only “to the extent necessary to offset the reduction in the fair market value of the property” ORS 195.310(6)(b). The city or county could still apply regulations based on safety, and could still apply regulations that existed prior to adopting the [PICM model ordinance](#).

Pathway 2 – Permit-by-permit habitat assessment and mitigation

The results would be similar to pathway 1. In most cases the habitat mitigation requirement would not prevent development, and the owner would likely not be entitled to just compensation. If the habitat mitigation requirements did prevent development, then the owner could apply for just compensation. The city or county would use the steps described above to determine whether it is a valid claim, and decide to waive some of the requirements, or pay monetary compensation.

Pathway 3 – Prohibit floodplain development

A temporary moratorium would likely not lead to a claim for just compensation because it is not a new land use regulation. Also, a temporary moratorium is unlikely to significantly affect fair market value because potential buyers know that the moratorium will end.

Rezoning to prohibit all development within the SFHA would likely be a basis for a claim for just compensation, especially for a property entirely within the SFHA. If a property includes area inside and outside the SFHA, and the owner could still develop the same number of dwellings in a different location, then the owner would likely not be able to make a claim for just compensation.

The city or county would use the steps described above to determine whether it is a valid claim, and decide to waive some of the requirements, or pay monetary compensation.

Where can I find additional information or ask questions about PICM?

FEMA has a webpage for [Endangered Species Act Integration in Oregon](#). Email questions to the PICM email address: FEMA-R10-MIT-PICM@fema.dhs.gov.

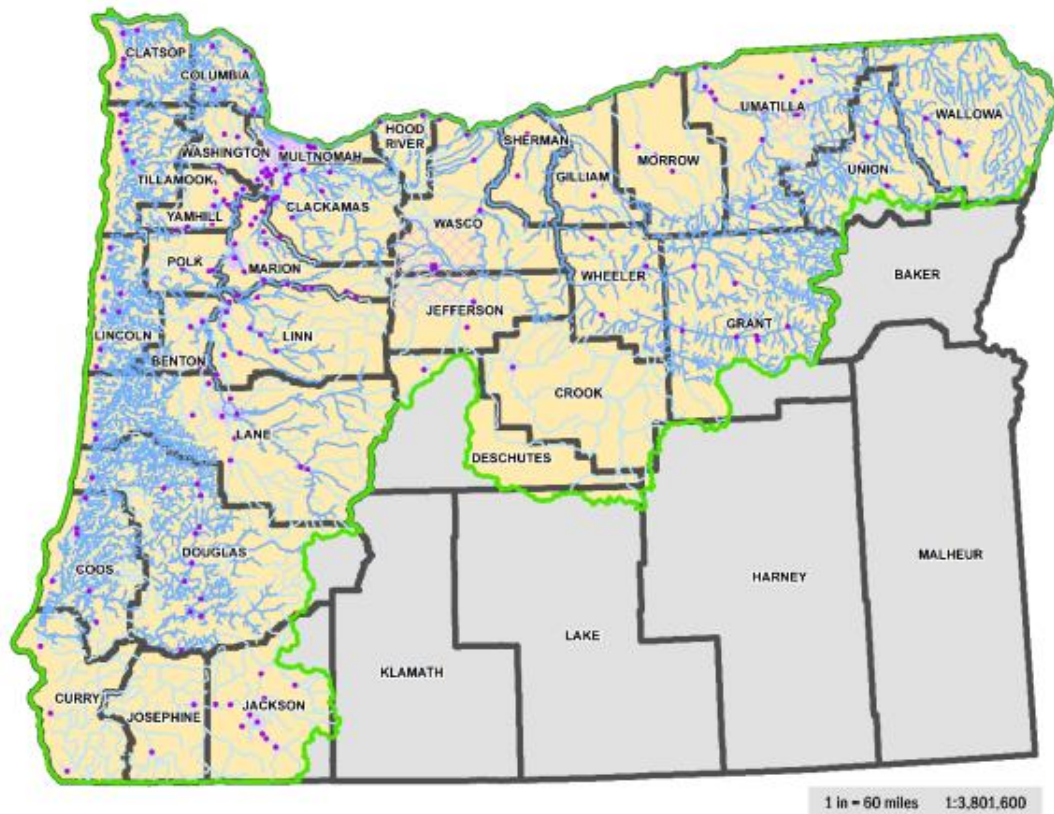
While DLCD staff are not responsible for PICM implementation, we are available to offer technical assistance. Email or call Oregon’s NFIP Coordinator at DLCD, Deanna Wright, deanna.wright@dlcd.oregon.gov, 971-718-7473.

What if a city or county received a PICM letter in error, or did not receive a PICM letter?

Staff may contact FEMA’s PICM inbox at: FEMA-R10-MIT-PICM@fema.dhs.gov to receive the letter, or you may contact DLCD staff. FEMA staff sent the email announcements to the city or county floodplain staff and the letter was mailed to each individual city or county chief elected officer. If you believe your community is outside of the BiOp action area (map instructions below), but you received a PICM letter, please contact FEMA PICM inbox for verification.

What area does the BiOp cover?

Below is a snapshot image of the Oregon NFIP BiOp Action Area:



OREGON NFIP BIOP ACTION AREA

2021.09.28

The BiOp is applicable in Special Flood Hazard Areas (SFHA) within the mapped salmon recovery domains for Oregon communities that participate in the NFIP. The BiOp covers approximately 90 percent of participating Oregon NFIP communities but does not apply to five counties.

[NOAA Fisheries GIS mapping application tool](#)

FEMA has published [directions](#) on how to determine if a proposed development or project area is within the BiOp area.

FALLS CITY CITY COUNCIL		MONDAY, NOVEMBER 4, 2024	
The Falls City City Council met in regular session on Monday, November 4, 2024 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.			
Staff Present: City manager AJ Foscoli and City Recorder Jeremy Teal			
AGENDA		ACTION	
Announcements, Appointments, Appreciations & Proclamations		<p>Mayor Bailey recognized Don Poe and Jon Creekmore with certificates of appreciation for their hard work on the football field.</p> <p>Mayor Bailey thanked everyone who helped with the fire on Ellis Street.</p> <p>Mr. Foscoli introduced Gabby Dominge as the RARE Participant.</p> <p>Ms. Dominge, RARE participant, outlined her work for the year regarding water, stormwater and public education.</p>	
Public Comment		<p>Mayor Bailey opened the public comments at 6:03 p.m.</p> <p>Jim Miner noted the motor home on Main Street was still there, but the cars were removed off Pine Street and that was great. Mayor Bailey stated the old motorhome was gone and the one on North Main Street now is a new one.</p> <p>Tracy Young asked Mayor Bailey about the conditional use permit. Mayor Bailey noted that things were in order, but he was unable to discuss the project. He noted that he would have a report in the next Council meeting agenda.</p> <p>David Drake thanked the Fire Dept for all their work in the community. He also thanked Dennis Sickles for always being about the kids. He asked about his meter box getting fixed. Mr. Foscoli stated he would handle the situation tomorrow.</p> <p>Mayor Bailey read a statement from Drew Baird, Consolidated Supply Representative regarding the freezing of the new water meters.</p>	

	<p>Tina Thompson stated the meters still needed wrapped or they were all going to freeze and break. She noted there needed to be more dirt in all the holes and wrap the meters with insulation so pipes don't freeze. Mr. Foscoli noted the meters had a 10-year warranty and they would be replaced at the suppliers cost.</p> <p>Mayor Bailey closed the public comments at 6:11 p.m.</p>
<p>Republic Services Presentation</p>	<p>Kenny Larson, Municipal Administrator with Republic Services, gave a brief presentation regarding the 4.1% increase for the new rates for the franchise agreement with Falls City. He noted a 35 gallon would increase \$2.04 bimonthly and the 90 gallon would increase \$3.40 bimonthly. He mentioned the Recycling Modernization Act would be taking effect next year and a new expanded list for recycling would be released soon.</p> <p>Mayor Bailey stated that he really appreciated the clean-up day every year. He noted the 165 residents that were helped really appreciated it.</p> <p>Councilor Jirovec asked about the household hazardous waste recycling day. Mr. Larson noted he would contract that out. Mr. Teal noted the gentleman at the county that used to do the event retired and the county is not sure they were going to bring it back.</p>
<p>Consent Agenda a) October 7, 2024 Minutes</p>	<p>It was moved by Council President Houghtaling to approve the Consent Agenda as presented. The motion was duly seconded by Councilor Backus and CARRIED with a vote of 6-0 with Councilors Backus, Jirovec, Meier, D Sickles, LJ Sickles and Council President Houghtaling voting YES.</p>
<p>Reports or Comments from Mayor and Council Members a) Mayor's Report</p>	<p>Mayor Bailey stated Falls City Veterans BBQ on Monday November 11 at noon at the Resource Center. Any volunteers, any desserts or any food would be helpful. He noted if the weather doesn't cooperate, they may need canopies and if it is really bad weather, they would move to the community center. He advised that prior to</p>

e) Flood Plain Discussion

upper park trees, and Rick Zunck Footbridge. He noted the dedication would be on Monday, November 11 at 11:30 am behind city hall.

Councilor Jirovec asked about the plan to spend the rest of ARPA funds. Mr. Foscoli noted that at the next Council meeting he would have a list to spend the remaining funds.

Councilor President Houghtaling stated the community center needed ADA doors.

Councilor Jirovec suggested a storage area for equipment in community center. She asked about the upper park trees being given away for firewood. Mr. Foscoli noted the whatever couldn't be sold would be available for firewood.

Mr. Foscoli gave a brief presentation regarding the FEMA flood plain decision the Council needed to make. He noted that in Falls City all but one property was already built on in the flood plain and option #3 would not allow any more building in the flood plain. He mentioned that every other jurisdiction was having the same discussion.

Council President Houghtaling noted that in 30 years she didn't want to have anyone unable to build anything on their property.

Mr. Foscoli stated that FEMA wanted a decision from the city by December 1. He noted that if the city didn't choose, FEMA would pick option 1.

Councilor Jirovec noted that ORS 90 was related to real estate and the legal responsibility to disclose to people of structures on the property in a flood plain.

Mayor Bailey outlined the options as #1 let FEMA handle the flood plain, #2 the city would require permits, and #3 no building in the flood plain.

Councilor D Sickles stated he thought option 2 would be a good way to go. Mr. Foscoli stated that Mr. Whyte would be attending the December 2 Council meeting to do a deep dive

	<p>into options 1 and 2. He noted that the decision needed to come first, then the implementation. Council President Houghtaling noted that option 2 would make the city jump through FEMA hoops which would accumulate a lot of city expenses.</p> <p>Chris Martin noted that the Corp of Engineers developed the map and they overexaggerated a huge swath along the river path. He stated that option 2 would be case by case and allow for some building in the flood plain. He mentioned the permit expense would be on the individual getting the permit.</p> <p>Councilor Backus asked if option 3 would allow variances in the flood plain. Mr. Foscoli noted Mr. Whyte would come to the next Council meeting and explain all of that.</p> <p>Councilor D Sickles stated option 3 was good option with the understanding, but at the next council meeting dive into options 1 and 2.</p> <p>Councilor Jirovec noted it was better to get all the information.</p> <p>It was moved by Council President Houghtaling to approve choice #3 to not allowing building in the flood plain. The motion was duly seconded by Councilor Backus and carried with a vote of 6-0 with Councilors Backus, Jirovec, Meier, D Sickles, LJ Sickles and Council President Houghtaling voting YES.</p>
<p>Good of the Order</p>	<p>Councilor D Sickles advised the girls volleyball team went to state, but unfortunately lost in Redmond. He noted the Football team also went to state and will be playing at Prairie City.</p> <p>Council President Houghtaling thanked the resource center for the Trick'n'Treat and handing out candy.</p> <p>Mayor Bailey thanked the Martins for hanging the breast cancer awareness flags. He also noted that on November 20 Travel Salem was awarding the Falls City Pride Committee an award for small town event and he would be there to receive it.</p>

	Council President Houghtaling advised the community Thanksgiving would be on November 23 and all donations were welcome.
Adjourn	There being no further business the meeting was adjourned at 7:08 p.m.
<p>Read and approved this ____ day of _____ 2024.</p> <p>Mayor: _____</p> <p>ATTEST:</p> <p>City Recorder: _____</p>	

**City of Falls City
Public Works Committee Meeting**

Thursday November 21, 2024 6:00PM
Meeting Location: 320 N. Main Street

Committee Members Present

Mike McConnell, Tony Meier, Tracy Young, Cliff Lauder, Jeff Propp, Guy Mack. Absent Gordon Hanson. City Manager, AJ Foscoli attended meeting.

1) Call to Order

Chair McConnell called the meeting to order at 6:04 PM, took roll call.

2) Pledge of Allegiance

Chair McConnell led the Committee in the Pledge of Allegiance.

3) Motion to Adopt the entire Agenda

Member Meier moved and Member Young seconded: **that we approve the entire agenda.** Motion carried 6-0-0. Ayes: Mike McConnell, Tony Meier, Tracy Young, Cliff Lauder, Jeff Propp, Guy Mack.

4) Consent Agenda: Motion Action Approving Consent Agenda Items

Member Young moved and member Meier seconded: **that we approve Consent Agenda Items, PWC Minutes August 22, 2024.** Motion carried 6-0-0. Ayes: Mike McConnell, Tony Meier, Tracy Young, Cliff Lauder, Jeff Propp, Guy Mack.

5) Public Comments

Community residents, Chris and Dawn Martin of 112 Bridge Street, related to the Committee that they have witnessed many incidences of speeding and reckless turns from Bridge Street onto South Main Street and the potential risk to children and adults of injury. They support a City Staff Report that proposes a 4-way stop on S. Main Street/Parry Road/Bridge Street and added striping for crosswalks, especially with the added foot traffic to the new Resource Center.

Committee member Meier stated that some people will speed and run stops signs no matter what is done and raised safety concerns about the fence along S. Main Street at 112 Bridge St.

Committee member Propp said that it is difficult to see if people/cars are coming from N. Main Street and that a 4-way stop would improve safety. He also mentioned that the trees at the Post Office make it difficult to see vehicles on Bridge St. heading to N. Main Street.

City Manager AJ Foscoli informed Committee that 1/4 time County Deputies can be used to curtail speeders and that foot traffic safety to the Resource Center would be improved with a 4-way stop.

Chair McConnell moved that: **The PWC recommends to the City Council that a new 4-way stop be established at S. Main St./Parry Road/Bridge St. with new crosswalk striping with the understanding to revisit this issue by January 2026.** Member Mack seconded.

Motion carried 6-0-0. Ayes Mike McConnell, Tony Meier, Tracy Young, Cliff Lauder, Jeff Propp, Guy Mack.

6) New Business - None

7) Old Business

a. 4 - Way Stop See above discussion under Public Comments.

b. Park Bathroom Renovations - Update

City Manager Foscoli informed Committee members that the City was going to install new steel doors (possibly with key pad entry), new footings and hot water tank. City is also considering installing video cameras at the restrooms.

8) Correspondence, Comments and Ex-Officio Reports

a. Chair McConnell asked City Manager Foscoli about the road repair caused by new line placement on N. Main Street from Ellis Street east to the City limits. City Manager Foscoli said that the street would be completely dug up (7 to 8 foot deep) and repaired for the entire section.

b. Member Lauder said that now that we are in the 'rainy season' it would be an excellent time to have a qualified professional assess and propose a solution to the water runoff from Frink's driveway onto to N. Main Street. City Manager Foscoli said that he would bring this to the attention of the Engineers and Contractor before the final road repair.

c. Member Young informed the Committee that she regrettably had to resign from PWC since she no longer lives in Falls City. Resignation accepted.

9) Committee Announcements

Next meeting to be determined as needed.

10) Adjourn

Member Lauder moved and member Mack seconded: **that we adjourn** Motion carried 6-0-0. Ayes: Mike McConnell, Tony Meier, Tracy Young, Jeff Propp, Cliff Lauder, Guy Mack. Meeting adjourned at 7:00.

_____ Public Works Committee Chair McConnell

Attested: _____ Public Works Committee Member



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

City Manager's Report November 4, 2024

Introduction

As we've moved into November, the weather predictions of a wetter and colder winter than normal in the west influenced by La Niña are starting to feel very real. Though the rainfall totals in October were below yearly averages, the city switched over to the Glaze creek intake (with a short pause to accommodate for high turbidity) due to the unseasonably high levels of rain in November. Though the month is not finished yet, we are at about 125% rainfall totals for the 30-day period. During the month, as part of an intensification of inclement weather, the city took the precautionary step to close all parks for a high wind advisory event, and we were happy to report that no major damage nor trespassing occurred. We will continue with this policy in order to keep the public safe.

Wastewater Project – The regular meetings with Strider Construction and our contract engineers are now on a tri-weekly schedule as work is going full steam at the lagoon site, and within city limits. Most of the subcontractors are working 10-hour days in order to make sure that all of the necessary work on the lagoons will be done. The exceptionally heavy & steady rains are helping to fill the “ponds”, which will help to get them ready for leakage testing in December, when the project will be able to draw permitted water from the Little Luckiamute to test the ponds' structural integrity. Construction at the school campus for the new pump station is continuing and should finish before the holidays. Currently, the base of the wet well has been compacted and subsequently, the concrete work will start.

Community Resource Center Project – The Falls City Resource Center's operation is in full swing as more and more service providers are slotting in client hours at the building. In November, a total of 77 people, 57 of which have taken advantage of the FCRC's services and 20 participated in the FCRC's Friendsgiving event on Nov. 22. We look forward to partnerships with all service providers to continue to serve the Falls City community.

Code Enforcement – Our Code Enforcement Officer has been steadily working through the city's index of citizen-generated complaints, as well as tackling recent complaints that have come to the attention of City Hall. Her approach of kindly educating community members who have non-compliance issues to resolve has led to a lot of voluntary compliance. When that approach has failed, she has been able to leverage the partnership the city has with Polk County Sheriff's Office to direct the 25% FTE Deputy to address these code compliance instances. We're also working with regional partners to develop a long-term strategy to address “zombie-RVs”, an issue that is plaguing cities, large and small, throughout Oregon.

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.

Parking Permit System on N. Main St. – The city in collaboration with the Polk County Sheriff’s Deputy is exploring the idea of having a Permit Parking system on N. Main Street, across from the High School to deter parking overstays. Residents have been approached and the conversations have been fruitful. We hope to have more to bring to council in the first part of 2025.

Upper Park Restroom – The estimate for measures to reduce the likelihood of future vandalism will cost the city about \$10,000. This is estimated at:

1. New Restroom Entrance Doors \$2,800
2. New Elevated Restroom Stalls \$2,400
3. New Plumbing for Sinks & Water Heater \$1,400
4. Outdoor Videocameras \$2,500 ([Connected to a separate project so it is on hold at this time](#))

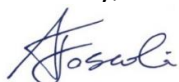
We intend to use part of the remaining ARPA funds to tackle this expenditure, in order to have improved facilities at this vital public space. Both the Parks & Recreation Committee and the Public Works Committee have agreed to some of the same improvement measures.

Upper Park Trees – The Department of Forestry have done a review of the health of the trees in the Upper Park and the preliminary findings indicate that a majority of trees are infected with root rot. A pathologist within the Department of Forestry has done an in-depth analysis of the extent and severity of the damage and we are now waiting to receive the assessment as to the next course of action.

Travel Salem MOPO Award – The Falls City Pride Festival was awarded the “Most Proud Award” as part of their annual Most Oregon Part of Oregon award ceremony. The event was held at the Salem Convention Center and had 200 regional partners in attendance to see Falls City’s Pride Festival organizers be recognized for their work in helping the LGBTQ community have an inclusive space to celebrate diversity. Several attendees stopped me after the ceremony to acknowledge my acceptance speech and being delighted with Falls City’s Pride Festival recognition.

Small Cities Allotment Grant – The city of Falls City has been awarded a SCA \$250,000 grant to complement the city’s existing Safe Routes To School grant funds to construct a pedestrian island and the “Y” intersection of N. Main, Mitchell & Bridge Streets, and sidewalks along 5th and Prospect Street to the Elementary School. This grant had been applied for in the past, but was not granted, which delayed the project as costs had increased too much due to COVID to go out to bidding and construction. Upon conferring with the engineering team, the city feels confident that work will begin and end in the summer of 2025 for the pedestrian island portion of the project.

Sincerely,



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STAFF REPORT

TO: HONORABLE MAYOR, AND CITY COUNCIL
FROM: CITY MANAGER, AJ FOSCOLI
SUBJECT: PROPOSED 4-WAY STOP ON S. MAIN STREET/PARRY STREET AND BRIDGE STREET
DATE: 12/2/2024

SUMMARY

The city is looking at reducing speeding along Bridge Street, especially at the intersection of S. Main Street/Parry Street and Bridge Street.

BACKGROUND

Though the city of Falls City has a contract for 25% FTE law enforcement with Polk County Sheriff's Office force, there are still several residents and non-residents who ignore posted speed signs. This happens in some parts of the city more than others. In the past, the city installed radar speed signs at both ends of N. Main Street near the school zone and this has had a positive effect in reducing speeding. This solution, though effective, is expensive and cannot be replicated easily throughout town. In order to reduce the speeding at one of the more speeding-prone intersections (S. Main Street/Parry Street and Bridge Street) a proposal to make this intersection into a 4-way stop has been submitted. Currently, traffic coming from N. Main Street, or from Chamberlain Rd (turns into Bridge Street) do not stop at that intersection, whereas traffic from S. Main Street and Parry have to stop. This change in traffic patterns within city limits was reviewed by the Public Works Committee. Their recommendation was to support this proposal. They would however like the ability to revisit the issue in January of 2026 to ascertain if the change has improved traffic flow and/or safety.

FINANCIAL IMPLICATIONS

If enacted, the change would entail the purchase of 2 Stop signs (\$125x2), and the staff time to install them, and striping for crosswalks (\$150 in paint and labor) for a total cost of \$500 to the city.

STAFF RECOMMENDATION

Staff recommends to City Council to support the proposed 4-way intersection at S. Main Street / Parry Street and Bridge Street.

PROPOSED MOTION

Recommend a motion to support the proposed 4-way intersection at S. Main Street / Parry Street and Bridge Street.

EXHIBIT

Exhibit A Ordinance 568-2025
Exhibit B Intersection Map at S. Main Street/Parry Street and Bridge Street
Exhibit C Falls City Transportation System Plan Roadway Classification
Exhibit D Falls City Transportation System Plan Crash Analysis
Exhibit E Falls City ODOT Regulations

ORDINANCE NO. 568-2025

AN ORDINANCE ESTABLISHING A STOP SIGN AT BRIDGE STREET AT THE NORTHERLY AND SOUTHERNLY DIRECTIONS; AMENDING THE TRAFFIC SCHEDULES IN FALLS CITY CODE CHAPTER 71, SECTION 1; REPEALING PRIOR ORDINANCE 363; AND DECLARING AN EMERGENCY.

The City of Falls City does ordain as follows:

Section 1. That traffic on Bridge Street in northernly and southernly directions shall come to a full and complete stop before proceeding at the S. Main Street / Parry Road intersection.

Section 2. That the traffic schedule in the Falls City Ordinance No. 363 Code Chapter 71, Section 1, is hereby amended as set forth in Section 1.

Section 3. That the City Administrator, or his designee, shall post such signage and street markings as may be necessary and appropriate to implement this ordinance and provide appropriate traffic controls.

Section 4. All prior and conflicting ordinances are hereby repealed.

Section 5. This ordinance being necessary for the peace, health and safety of the people of Falls City, an emergency is hereby declared, and this Ordinance shall take effect upon final passage by the council.

Read for the first time December 2, 2024.

Read for the second time January 6, 2025.

Adopted by the Falls City Council January 6, 2025.

Approved:

Date

TJ Bailey, Mayor

Attest:

Date

Jeremy Teal, City Recorder

Exhibit B



Table 2-1 2013 Roadway Ownership and Functional Classification

Roadway	Jurisdictional Responsibility	Functional Classification
Bridge Street	Falls City	Arterial
Main Street, North (N. Main)	Falls City	Arterial
Mitchell Street	Falls City	Arterial
Sheldon Avenue	Falls City	Arterial
Chamberlain Road	Falls City	Collector
Clark Street	Falls City	Collector
Ellis Street	Falls City	Collector
Fairoaks (5 th to Ellis)	Falls City	Collector
Lombard Street	Falls City	Collector
Main Street, South (S. Main)	Falls City	Collector
Parry Road	Falls City	Collector
5 th Street (Mitchell to Fairoaks)	Falls City	Collector

Note: All other streets are classified as Local Streets and are owned and maintained by Falls City

FUNCTIONAL CLASSIFICATIONS, STREET DESIGN STANDARDS AND ACCESS SPACING STANDARDS

Identifying the appropriate functional classification for roadways provides a basis for planning future improvements and establishing design standards, such as: access spacing, roadway width, right-of-way needs, design speed, and type of pedestrian and bicycle facilities. The Falls City Public Works Design Standards identify three (3) roadway classifications: Arterials, Collectors, and Local Streets. **Figure 2-1** shows the functional classifications of roadways within the Falls City and is identified as the **2013 Street Plan**.

CRASH ANALYSIS

To identify potential safety deficiencies or conflict points at study intersections within Falls City, five (5) years of crash data (from 2006 through 2010) were obtained from ODOT and analyzed. Crash data were reviewed at the intersection level in order to identify potential safety issues that should be addressed.

Typically, intersection safety is evaluated by calculating the intersection's crash rate (the number of crashes per million vehicles entering the intersection) and the frequency of crashes (the number of crashes per year). These rates are compared to other similar facilities and crash patterns are examined to determine whether a safety deficiency exists.

For this analysis, the critical rate method was used to evaluate each of the study intersections. **Section II - Appendix F** contains the raw ODOT crash data and **Section II - Appendix "G"** contains the critical crash rate calculations. Under this methodology, a critical crash rate is calculated for each intersection and compared to each intersection's observed crash rate. The critical crash rates are based on the performance of other study intersections with the same traffic control device¹.

Crash rates for intersections were calculated in crashes per million entering vehicles (MEV). The observed crash frequency, crash rate, and critical crash rate for each study intersection is summarized in **Table 2-3**². As shown in Table 2-3, none of the study intersections exceeded their critical rate.

Table 2-3 Crash Analysis Summary (2006-2010)

Intersection	Property Damage Only (PDO) Crashes	Injury Crashes	Fatal Crashes	Total Crashes	Crash Frequency (per year)	Observed Crash Rate (per MEV)	Critical Crash Rate	Exceeds Critical Rate?
N. Main Street/ Ellis Street	1	0	0	1	0.2	0.3	0.78	No
N. Main Street/ Mitchell Street/ Bridge Street	0	1	0	1	0.2	0.27	0.75	No
S. Main Street/ Bridge Street/ Parry Road	0	1	0	1	0.2	0.29	0.76	No

Source: KAI using ODOT data

¹ More information on the method can be found in the American Association of State Highway Officials (AASHTO) *Highway Safety Manual*, (Reference 3, see Chapter 4 Network Screening).

² Not all crashes that occur at an intersection are reflected in the reported data. Some crashes are not reported by motorists or do not exceed the property damage limit necessary to be reported and classified.

Falls City's Transportation System Plan does NOT call for a four-way stop at the intersection of S. Main Street/Parry Street and Bridge Street. However, neither does it preclude one. According to ODOT rules and regulations:

A four-way stop sign can be installed at an **arterial** road in Oregon if certain criteria are met:

- **Traffic congestion**

If there are frequent crashes or traffic congestion at an intersection with a two-way stop, a four-way stop may be used.

- **History of crashes**

If there have been five or more reported crashes in a two-year period at a local street intersection, an all-way stop may be used.

- **Through streets**

If there have been at least 1.5 crashes per million vehicles entering an intersection on a through street in a two-year period, an all-way stop may be used.

Though none of these variables have been met, there are regular near-misses that suggest a four-way stop would enhance traffic safety. The Public Works Committee supported the installation of a four-way stop proposal and would like to revisit their action a year after the change takes effect, to gauge its effectiveness in helping to enhance traffic safety, while still maintaining traffic flow.