



SCAPPOOSE *Oregon*

TUESDAY, JANUARY 17, 2017 ~ CITY COUNCIL MEETING AGENDA

Regular meeting 7:00 p.m.

Scappoose Council Chambers, 33568 East Columbia Avenue

ITEM	AGENDA TOPIC	Action
1.0	Call to Order	
2.0	Pledge of Allegiance	
3.0	Roll Call	
4.0	Approval of the Agenda	
5.0	Public Comments	
6.0	Old Business	Second Reading/Approval
	6.1 Ordinance No. 861: An Ordinance Relating to Land Use and Amending the Scappoose Municipal Code Chapter 17.74 (Airport Employment Overlay Zones) & Chapter 17.162 (Procedures For Decision Making- Quasi-Judicial) and the Scappoose Comprehensive Plan Text for the Airport Employment (AE) Plan Designation Staff: City Planner Laurie Oliver	
	6.2 Ordinance No. 860: An Ordinance Approving Annexation of Property to the City of Scappoose and Amending the Zoning Map ~ Request by Airpark Development, LLC to annex approximately 358 acres of land east of the Scappoose Industrial Airpark Staff: City Planner Laurie Oliver	Second Reading/Approval
7.0	New Business	
	7.1 Res No. 17-01 Whistleblower Protection Policy Staff: City Manager Michael Sykes	Approval
	7.2 Res No. 17-02 Risk Management Program Staff: City Manager Michael Sykes	Approval
	7.3 Res No. 17-03 Accident Reporting and Analysis Policy Staff: City Manager Michael Sykes	Approval
	7.4 Res No. 17-04 Extended Enterprise Zone Benefits for Cascade Tissue Staff: City Manager Michael Sykes and Program Analyst Alexandra Rains	Approval
	7.5 Purchase of Chemical Feed Pumps Staff: Treatment Plant Supervisor Darryl Sykes	Approval
	7.6 Preliminary Design for the Dutch Canyon Replacement Well Pump Station Improvements Project Staff: Public Works Director Robyn Bassett	Approval
	7.7 Appointment of Audit RFP Review Ad hoc Committee Mayor Scott Burge	Approval
	7.8 Appointment of County Commissioner Alex Tardif to the EDC Mayor Scott Burge	Approval
8.0	Announcements ~ information only	
	8.1 Calendar	
	8.2 City Manager, Police Chief, Councilors, and Mayor	
9.0	Adjournment	

This meeting will be conducted in a handicap accessible room. If special accommodations are needed, please contact City Recorder, Susan Reeves at (503) 543-7146, ext 224 in advance.

TTY 1-503-378-5938

City of Scappoose
Council Action & Status Report

Date Submitted: January 12, 2017

Agenda Date Requested: January 17, 2017

To: Scappoose City Council

Through: Planning Commission

From: Laurie Oliver
City Planner

Subject: Proposed text amendment to the Comprehensive Plan for the Airport Employment (AE) Plan Designation and amendment to Chapter 17.74 and 17.162 of the Development Code, related to the Airport Employment Overlay zones

Type of Action Requested:

<input type="checkbox"/>	<input type="checkbox"/>	Resolution	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Ordinance
<input type="checkbox"/>	<input type="checkbox"/>	Formal Action	<input type="checkbox"/>	<input type="checkbox"/>	Report Only

Issue:

When City Council approved the urban growth boundary (UGB) amendment in 2011, associated changes to the Comprehensive Plan and Development Code created the Airport Employment (AE) Comprehensive Plan designation and three different implementing Airport Employment Overlay Zones.

Chapter 17.74 of the Development Code identified the range of uses that would be permitted in each of the three overlay zones (Airport Industrial Park-AIP, Airport Business Park-ABP, and East Airport Employment-EAE) and illustrated conceptual locations of the overlay zones.

However, application of the overlay zones was deferred since the transportation impacts of the overlay zones had not been fully analyzed. The City's new Transportation System Plan (TSP) now accounts for airport employment

development. The proposed legislative amendments would apply the overlay zones to specific properties and make related text changes to simplify implementation.

Analysis:

When Chapter 17.74 was adopted in 2011, it included *Figure 17.74.1: Airport Employment Potential Future Zoning Map*, which illustrated the conceptual locations of Airport Employment Overlay Zones. Now that the TSP has been adopted it is timely to review the map and apply the overlay zones.

The proposed map is essentially the same as the current Figure 17.74.1 with the exception that one jog has been removed in the boundary between the ABP and AIP overlays south of Wagner Court (changing approximately half an acre from ABP to AIP) and other minor changes to align the boundaries with property lines.

The Code amendments would apply the overlay zones to all areas within City limits identified in the new Figure 17.74.1 and would also specify that land that annexes to the City would automatically be subject to the overlay zones. The overlay zones would not cause any existing developments to become nonconforming uses since the affected property is either undeveloped, has existing uses consistent with the overlay zones or—in the case of the existing houses—is already nonconforming in the PUA base zone.

Based on further evaluation of the existing code language and recent experience processing the land use application for the Cascades manufacturing facility on West Lane (SDR1-16), staff has proposed a number of other refinements to Chapter 17.74, including the following:

- Specifying the submittal requirements for Conceptual Master Plans (CMP's);
- Requiring CMP's for all developments over 4 acres, not just annexation or zone changes;
- Decreasing the site size for industrial/business parks from 10 acres to 5 acres for developments in the AIP and ABP overlays;
- Clarifying that while the EAE has minimum site sizes, larger site sizes are permissible;
- Identifying the review process for CMP's and modifications of approved CMP's (quasi-judicial proceedings per Chapter 17.162); and
- Removing the "Medium Industrial Service" and "Medium Manufacturing and Production" use categories from the AE Overlay Zones since these uses are not defined and the City generally only permits Light Industrial uses.

The proposed changes to the Comprehensive Plan text updates the Airport Employment findings and implementation text to ensure consistency between the phrasing used in the Comprehensive Plan and the Development Code.

Taken all together, the proposed amendments are intended to implement the EOA's vision for employment growth in the City.

The Planning Commission held a public hearing regarding this proposal on December 29, 2016. The Commission recommends approval by the City Council.

On January 3, 2017, City Council voted to approve CPTA2-16-DCTA1-16 and to adopt Ordinance 861 as presented.

Options:

1. Adopt the proposed ordinance, thereby accepting the findings in the CPTA2-16-DCTA1-16 staff report dated December 1, 2016 and amending the Scappoose Municipal Code and Comprehensive Plan.
2. Adopt findings demonstrating that the application does not comply with the Scappoose Municipal Code and deny the application.

Recommendation: Staff recommends that the Council adopt the Ordinance as presented.

Suggested Motion: N/A (second reading of the ordinance)

*** Please find attached:**

Ordinance 861

Exhibit A – Draft of amendments to Chapter 17.74 and 17.162

Exhibit B – Draft of amendments to Comprehensive Plan Text

Exhibit C – Staff report for Planning Commission dated December 1, 2016

(By reference, not included in your packet)

ORDINANCE NO. 861

AN ORDINANCE RELATING TO LAND USE AND AMENDING THE SCAPPOOSE MUNICIPAL CODE CHAPTER 17.74 (AIRPORT EMPLOYMENT OVERLAY ZONES) & CHAPTER 17.162 (PROCEDURES FOR DECISION MAKING – QUASI-JUDICIAL) AND THE SCAPPOOSE COMPREHENSIVE PLAN TEXT FOR THE AIRPORT EMPLOYMENT (AE) PLAN DESIGNATION

WHEREAS, the Scappoose City Council proposes to amend Scappoose Municipal Code Chapter 17.74-Airport Employment Overlay Zones and Chapter 17.162 -Procedures for Decision Making-Quasi-Judicial, to apply the Airport Employment Overlay zones to specific properties west of the Scappoose Industrial airport (in City limits), to clarify conceptual master plan requirements, and to specify review procedures; and

WHEREAS, Council proposes to amend the Comprehensive Plan text to update the findings and implementation text for the Airport Employment (AE) Plan Designation; and

WHEREAS, appropriate legal and public notices have been provided as required by law; and

WHEREAS, the Planning Commission held a hearing on the application on December 29, 2016 and the City Council held a hearing on the application on January 3 and January 17, 2017; now therefore,

THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:

Section 1. Title 17 of the Scappoose Municipal Code is hereby amended as indicated in Exhibit A, and the Comprehensive Plan text is hereby amended as indicated in Exhibit B, attached hereto and hereby incorporated by reference.

Section 2. The City Council adopts the recommendation of the Scappoose Planning Commission and the findings of fact in the Staff Report dated December 1, 2016 as the basis for this ordinance, attached hereto as Exhibit C.

PASSED AND ADOPTED by the City Council this 17th day of January, 2017, and signed by the Mayor and City Recorder in authentication of its passage.

CITY OF SCAPPOOSE, OREGON

Scott Burge, Mayor

First Reading: January 3, 2017

Second Reading: January 17, 2017

Attest: _____
Susan M. Reeves, MMC, City Recorder

In the text below, language to be omitted is ~~struck through~~, and proposed language additions are underlined.

Chapter 17.74

AIRPORT EMPLOYMENT OVERLAY ZONES

Sections:

- 17.74.010 Purpose.
- 17.74.020 Definitions.
- 17.74.030 Overlay zones and applicability.
- 17.74.040 Conformance with Public Use Airport Safety and Compatibility Overlay Zone.
- 17.74.050 Permitted uses.
- 17.74.060 Uses permitted subject to the acceptance of the airport sponsor.
- 17.74.070 Conditional uses.
- 17.74.080 Conceptual master plan requirements for large sites.
- 17.74.090 Dimensional requirements and development standards.
- 17.74.100 Environmental performance standards.

17.74.010 Purpose. The purpose of the Airport Employment Overlay Zones is to encourage employment opportunities called for in the 2011 Scappoose Economic Opportunities Analysis (EOA) while supporting the continued operation and vitality of the Scappoose Industrial Airpark. Master planning requirements ensure that land is developed efficiently, that large employment sites are retained, and that the provision of transportation and utility facilities occurs consistent with adopted plans.

17.74.020 Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

- A. "Airport Employment Overlay Zones" include the Airport Industrial Park (AIP) overlay zone, the Airport Business Park (ABP) overlay zone, and the East Airport Employment (EAE) overlay zone.
- B. "Airport sponsor" is the owner, manager, person or entity designated to represent the interests of an airport. For the Scappoose Industrial Airpark, the airport sponsor is the Port of St. Helens.

17.74.030 Overlay zones and applicability. The three Airport Employment Overlay Zones shall apply to selected parcels in

city limits in the vicinity of the Scappoose Industrial Airpark ~~generally~~ as illustrated on the Airport Employment Overlay Zones Potential Future Zoning map (Figure 17.74.1). ~~The precise location of overlay district boundaries will be determined through the zoning map amendment process pursuant to Chapters 17.160 or 17.162 as appropriate.~~ Upon annexation, the area annexed shall be automatically subject to the applicable Overlay Zones illustrated in Figure 17.74.1.

- A. The Airport Employment Overlay Zones supplement the Public Use Airport (PUA) base zone that applies to land within the Airport Employment (AE) plan designation. In the event of a conflict between the requirements of the PUA zone and those of the Airport Employment Overlay Zones, the requirements of the overlay shall control.
- B. The Airport Industrial Park (AIP) overlay zone allows industrial uses targeted in the ~~Scappoose~~-EOA.
- C. The Airport Business Park (ABP) overlay zone allows a mix of targeted light industrial, commercial service and office, and supporting lodging and restaurant uses targeted in the ~~Scappoose~~-EOA.
- D. The East Airport Employment (EAE) overlay zone protects large industrial and institutional sites identified in the ~~Scappoose~~-EOA.

17.74.040 Conformance with Public Use Airport Safety and Compatibility Overlay Zone. All uses, activities, facilities and structures allowed in the Airport Employment Overlay Zones shall comply with the requirements of the Public Use Airport Safety and Compatibility Overlay (AO) Zone, Chapter 17.88. In the event of a conflict between the requirements of Airport Employment Overlay Zones and those of the Public Use Airport Safety and Compatibility Overlay (AO) Zone, the requirements of the AO overlay shall control.

17.74.050 Permitted uses. All uses and activities permitted outright in the PUA zone as specified in Section 17.69.040 shall be permitted outright in the Airport Employment Overlay Zones. Table 17.74.1 describes additional use categories that are permitted or subject to specific standards in each of the following overlay zones:

- A. Airport Industrial Park (AIP) overlay zone;
- B. Airport Business Park (ABP) overlay zone;
- C. East Airport Employment (EAE) overlay zone.

17.74.060 Uses permitted subject to the acceptance of the airport sponsor. All uses and activities permitted subject to the acceptance of the Airport Sponsor in the PUA zone as specified in Section 17.69.050 shall be permitted subject to the acceptance of

the Airport Sponsor in the Airport Employment Overlay Zones.

17.74.070 Conditional uses. All uses and activities permitted conditionally in the PUA zone as specified in Section 17.69.060 shall be permitted conditionally in the Airport Employment Overlay Zones. Table 17.74.1 describes additional use categories that are permitted through the conditional use process (Chapter 17.130) in each of the following overlay zones:

- A. Airport Industrial Park (AIP) overlay zone.
- B. Airport Business Park (ABP) overlay zone.
- C. East Airport Employment (EAE) overlay zone.

17.74.080 Conceptual Master Plan requirements for large sites. Sites with a combined area of more than four acres under common ownership shall receive Planning Commission approval of a conceptual master plan (CMP) prior to or in conjunction with a development proposal annexation (Chapter 17.136) or zone change (Chapter 17.22) approval within any of the Airport Employment Overlay Zones. The CMP is not intended to serve as a binding site plan, but rather provides overall guidance regarding future configurations of open space, public facilities, streets, taxiways and lots within the overlay district.

A. Conceptual Master Plan submittal requirements.

1. A narrative detailing how the CMP complies with applicable approval criteria.
2. Scaled drawings illustrating the following elements for the development site and the surrounding area:
 - a. The location and rights-of-way for existing and planned streets, which shall provide access to all existing and proposed parcels, consistent with the Transportation System Plan;
 - b. The general location and size of existing and planned sanitary sewer, storm water and water facilities, at adequate levels to serve existing and proposed development;
 - c. The location and area of floodplain, riparian, wetlands, and slope hazard areas;
 - d. Pedestrian and bicycle facilities and connections consistent with the TSP;
 - e. Configurations of existing and proposed open space, lots, structures, and taxiways; and
 - f. Zoning designations and overlay zone boundaries.

AB. Conceptual Master Plan approval criteria. The applicant for CMP approval ~~must~~ shall demonstrate that the proposed CMP is consistent with the following criteria:

1. The CMP shall address the requirements of ~~Section~~

~~17.74.080(C) and (D)~~ subsections (B) through (D) and shall demonstrate how the proposed site and other sites within the same Airport Employment Overlay District can be efficiently developed ~~for the intended uses consistent with the Scappoose EOA.~~

2. The CMP shall encourage the safe and efficient operation of the Scappoose Airpark consistent with the Scappoose Industrial Airpark Master Plan and the AO Public Use Airport Safety and Compatibility Overlay Zone, Chapter 17.88.
3. The CMP shall facilitate safe and efficient access to Public Land ~~shown designated~~ on the ~~Scappoose~~ Comprehensive Plan map or on any adopted park and recreational plan.
4. The CMP shall provide for an efficient, multi-modal transportation system consistent with the Scappoose Transportation System Plan, any applicable transportation impact studies, and any applicable circulation plans approved with previous land divisions.
5. The CMP shall ensure provision of Taxi-way-taxiway access ~~shall be provided~~ to the majority of sites within each of the Airport Overlay Zones.
6. The CMP shall show how sanitary sewer, water and storm drainage facilities can be provided efficiently to the area proposed for annexation or zone change development and remaining land within the same Employment Overlay District.

BC. Site size for AIP and ABP overlay zones. The minimum site size for an industrial park development in the AIP overlay zone or for a business park in the ABP overlay zone is 105 acres.

ED. Site size for EAE overlay zone. The conceptual master plan ~~must~~ shall show how two large (approximately 50-acre) and two medium (approximately 20- to 30-acre) developable sites will be retained in conformance with industrial and campus site needs stated in Figure 33 of the ~~Scappoose~~ EOA: Employment Land Demand by Site Size for Scappoose (2030). Development sites may be larger than these minimum areas (smaller lots may be combined into larger lots with no maximum size).

DE. ~~Modifications to An-an approved CMP may be modified through any of the following processes shall be processed in accordance with Chapter 17.162. so long as t~~The criteria in Section 17.74.080(A) ~~through (C)~~ shall continue to apply.~~be met.~~

~~1. the Land Division process set forth in Chapters 17.150 and~~

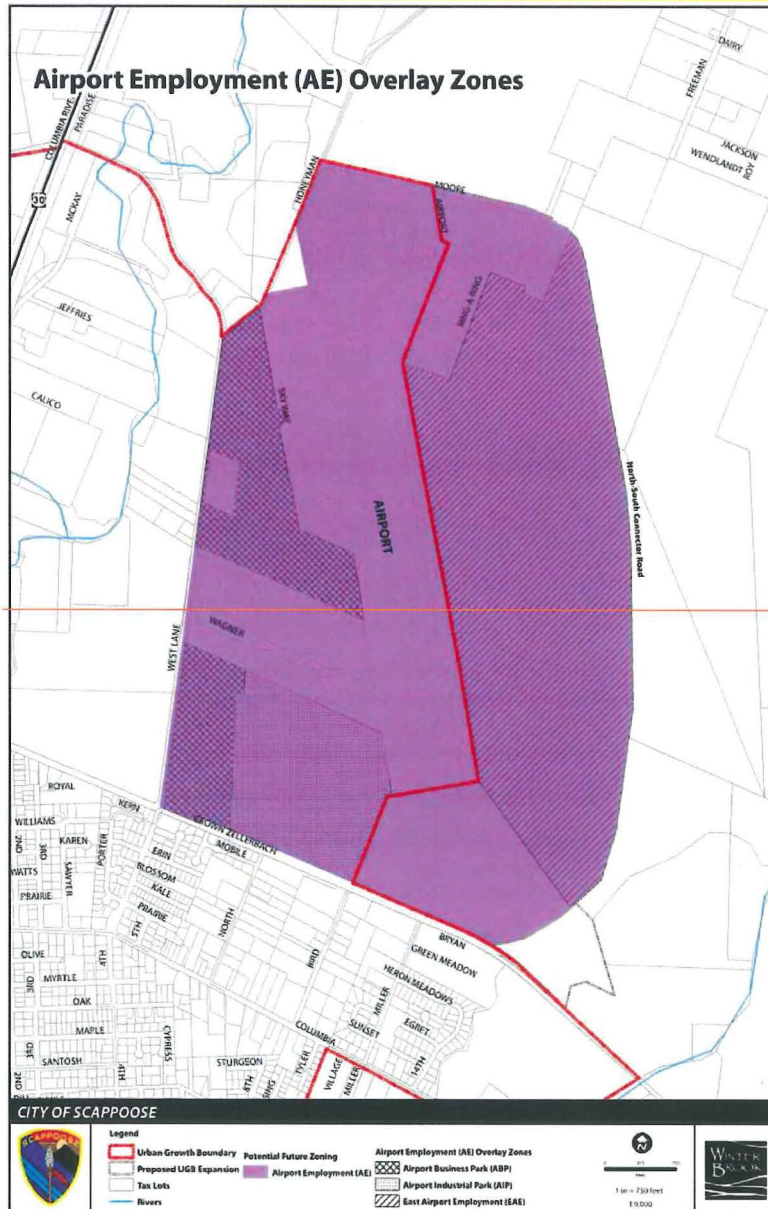
- ~~17.152,~~
~~2. the Zone Change process set forth in Chapter 17.22,~~
~~3. the Annexation process set forth in Chapter 17.136,~~
~~4. the Site Development Review process set forth in Chapter~~
~~17.120, or~~
~~5. the Conditional Use process set forth in Chapter 17.130.~~

17.74.090 Dimensional requirements and development standards.
The dimensional requirements and development standards within the Airport Employment Overlay Zones shall be in accordance with the standards for the PUA zone as specified in Section 17.69.070.

17.74.100 Environmental performance standards. The Environmental Performance Standards of Chapter 17.90 shall apply to all development in the Airport Employment Overlay Zones.

Figure 17.74.1: Airport Employment Overlay Zones~~Potential Future Zoning Map~~. ~~Conceptual location of Airport Employment Overlay Zones: Per Section 17.74.030, the precise location of zoning district boundaries will be determined at the time of the zone change request~~ The AE overlay zones only apply within city limits. Those areas illustrated in the map but outside city limits are regulated by Columbia County.

{DELETE THE FOLLOWING MAP AND REPLACE IT WITH THE ONE ON THE FOLLOWING PAGE}



Airport Employment Overlay Zones

Overlay Zones apply within City Limits. Property in Columbia County is not subject to the Overlay Zones.



Scappoose GIS

Streets

Taxlots

Airport Employment Comprehensive Plan designation

Urban Growth Boundary

Airport Employment Overlay Zones

Airport Business Park (ABP)

Airport Industrial Park (AIP)

East Airport Employment (EAE)



0 500 1,000 Feet

Table 17.74.1: Airport Industrial Park (AIP), Airport Business Park (ABP) and East Airport Employment (EAE) Use Categories

P = Permitted (subject to Chapter 17.130~~120~~120)

A = Accessory to primary permitted use

L = Limited (special restrictions apply, see footnotes)

C = Conditional Use (subject to Chapter 17.130)

X = Prohibited

Use Category	Operating Characteristics	AIP	ABP	EAE
Educational Services - Commercial and Public	Commercial educational service uses are characterized by activities conducted in an office setting and generally focusing on serving students with supplemental education, enrichment, and/or tutoring. Public education service includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree. Colleges tend to be in campus-like settings or on multiple blocks, though they may be contained in a single building.	X	P	P
Community Services	Community Services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on the site or have employees at the site on a regular basis, or provide a central location for service delivery. The service is ongoing, not just for special events. The use may also provide special counseling, education, or training of a public, nonprofit or charitable nature.	C	P	C
Office	Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services.	A	P	A

Use Category	Operating Characteristics	AIP	ABP	EAE
Commercial Retail	Sales-oriented: Stores selling, leasing, or renting the following items, provided that yards shall not be used for the storage or display of used building materials or any scrap or salvage; consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, and videos; and food sales.	A	L ¹	A
¹ Note: In the ABP overlay zone, commercial retail uses of 5,000 square feet or less of floor area are permitted; commercial retail uses between 5,000 and 20,000 square of floor area may be permitted through the conditional use process; and commercial retail uses of greater than 20,000 square feet of floor area are prohibited.				

Use Category	Operating Characteristics	AIP	ABP	EAE
Commercial Personal Service	Branch banks; laundromats; photographic studios; photocopy and blueprint services; hair, tanning, and personal care services; tax preparers, accountants, real estate, legal, financial services; business, martial arts, and other trade schools; dance or music classes; taxidermists; mortuaries; veterinarians; kennels limited to boarding, with no breeding; and animal grooming.	X	P	X
Medical & Dental Services	Medical offices; dental offices; urgent medical care; and medical centers including facilities providing medical or surgical care to patients and offering overnight care. Medical centers tend to be on multiple blocks or in campus settings.	C	P	C
Commercial Entertainment	Indoor or outdoor continuous entertainment activities such as bowling alleys, ice rinks, and game arcades; pool halls; theaters, health clubs, gyms, membership clubs, and lodges; hotels, and motels.	C	P	C
Commercial Food Services	Restaurants, cafes, cafeterias, delicatessens, taverns, and bars.	C	C	C
Commercial Repair & Service	Repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry drop off; quick printing; tailor; locksmith; and upholsterer.	P	P	P
Self Service Storage	Self-Service Storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing personal property.	X	C	X

Use Category	Operating Characteristics	AIP	ABP	EAE
Vehicle Repair	Firms servicing passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles.	P	C	P
Automobile Rental	Automobile rental agencies.	C	P	C
Light Industrial Service	Light Industrial Service firms are engaged in the repair or servicing of light industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.	P	P	P
Medium-Industrial-Service	Industrial Service firms are engaged in the repair or servicing of medium industrial, business or consumer machinery, equipment, products or by products. Few customers, especially the general public, come to the site.	P	C	P

Use Category	Operating Characteristics	AIP	ABP	EAE
Light Manufacturing and Production	Manufacturing and Production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.	P	P	P
Medium Manufacturing and Production	Manufacturing and Production firms are involved in the medium manufacturing, processing, or fabrication of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.	P	C	P
Warehouse & Distribution	Warehouse and Distribution involves the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.	P	C	P

Use Category	Operating Characteristics	AIP	ABP	EAE
Wholesale Sales	Wholesale Sales firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer.	P	P	P

In the text below, language to be omitted is ~~striketrough~~, and proposed
language additions are underlined.

Chapter 17.162

PROCEDURES FOR DECISION MAKING--QUASI-JUDICIAL

17.162.090 Approval authority responsibilities.

C. The planning commission shall conduct a public hearing in the manner prescribed by this chapter and shall have the authority to approve, approve with conditions, approve with modifications or deny the following development applications:

1. Recommendations for applicable comprehensive plan and zoning district designations to city council for lands annexed to the city;
2. A quasi-judicial comprehensive plan map amendment except the planning commission's function shall be limited to a recommendation to the council. The commission may transmit its recommendation in any form and a final order need not be formally adopted;
3. A quasi-judicial zoning map amendment shall be decided in the same manner as a quasi-judicial plan amendment and is subject to 17.160.120(C);
4. Conditional use pursuant to Chapter 17.130;
5. Major variance pursuant to Chapter 17.134;
6. Sensitive land permits and variances pursuant to Chapter 17.84, Chapter 17.85, and Chapter 17.86 for applications requiring planning commission action;
7. Type II home occupation pursuant to Chapter 17.142;
8. Historic overlay district exterior alteration and new construction applications pursuant to Chapter 17.82;
9. Public land tree removal associated with timber harvesting and clearing from designated public recreation areas;
10. Authorization of Similar Use pursuant to Chapter 17.43;
11. Fence or fence/berm combination greater than eight feet in height;

12. Conceptual master plan or modification of conceptual master plan pursuant to Chapter 17.74;

~~12~~13. Appeal of a decision made by the planner; and

~~13~~14. Any other matter not specifically assigned to the planner, or the city council under this title.

In the text below, language to be omitted is ~~strikethrough~~, and proposed language additions are underlined.

AIRPORT EMPLOYMENT (AE) DESIGNATION
FINDINGS, GOALS, POLICIES AND IMPLEMENTATION

Preface

The **Airport Employment (AE)** plan designation encourages airport related and compatible employment near the Scappoose Industrial Airpark. The AE plan designation is implemented by the **Public Use Airport** zone and three overlay zones that implement specific provisions of the **Scappoose Comprehensive Plan** and **2011 Economic Opportunities Analysis (EOA)**. Prior to development within any overlay district, a conceptual master land use, street, taxiway and utility concept plan shall be approved by the City to guide future development within the district. The concept plan shall indicate where and how large parcels will be retained for targeted employment uses over time.

The AE plan designation identifies locations for future employment types targeted in the Scappoose EOA that complement or capitalize on airport accessibility or operations. The AE designation protects sites for their intended employment activities while encouraging and supporting the Scappoose Industrial Airpark's continued operation and vitality.

Airport-related and -compatible employment uses are permitted outright by zoning within the AE designation – thus encouraging targeted employment types to locate near the airport where they can be served by planned taxiways where feasible. The AE designation specifically encourages educational facilities, such as Portland Community College, that offer airport-related coursework and training. The AE designation also encourages mixed use employment opportunities in a business park setting in specified locations.

Significant Findings Regarding the Airport Employment (AE) Land Use Designation

- 1) The Scappoose Industrial Airpark is located within the city limits of Scappoose, northeast of downtown. The AE designation is applied to lands within the urban growth boundary located on the east, south, and west sides of the existing airport runway. This chapter addresses only the Airport Employment designation that applies to land adjacent to the airport.

2) As noted in the Scappoose EOA, the Scappoose Industrial Airpark and suitable nearby employment sites provide substantial economic benefits to the City. The City and County support the continued operation and vitality of the airport and adjacent employment lands.

3) Access to the AE designation is provided by Crown Zellerbach Road to the south, West Lane Road to the west, a planned north-south connector to the east, and Moore and Honeyman Roads to the north. The north-south connector road separates land within the urban growth boundary from adjacent rural areas. This ring road provides a critical north-south alternative and is essential to the functionality of development within the AE designation for land east of the runway.

4) The Scappoose Industrial Airpark is owned, operated, and maintained by the Port of St. Helens, the airport sponsor. Although the Port owns some land within the AE, most of the property is privately owned.

5) Per the [2007](#) State Aviation System Plan, the Scappoose Industrial Airpark is a Category [2-II](#) airport and is the second busiest airport without an air traffic control tower in the State of Oregon. A Category [2-II](#) airport is defined as a business or high activity general aviation airport with over 30,000 operations per year and at least 500 turbine aircraft operations. In 2007, the Scappoose Industrial Airpark had over 80,000 operations. [The 2015 Scappoose Industrial Airpark Master Plan Update estimated 60,000 annual operations.](#)

6) The airport is one of three airports with a runway over 5,000 feet in length within a 30 nautical mile radius of the Portland International Airport. The airport currently has one runway, 5,100 feet by 100 feet, and one main parallel taxiway on each side of the runway. Future plans call for extension of the airport runway to the south to accommodate future operations more efficiently.

7) The airport is considered a major airport in the Portland metropolitan area and offers a distinct regional economic development advantage. The AE designation capitalizes on this comparative advantage and provides the opportunity for Scappoose to substantially increase job opportunities and improve the jobs-to-housing balance.

8) The primary fixed base operator (FBO) at the airport is Transwestern Aviation. Other airport businesses located in the AE designation include Sherpa Aircraft Manufacturing, Sport Copter, Inc., Oregon Aero, Composites Universal Group, Evergreen Aviation Services and Restorations, Overall Aviation Services and the Northwest Antique Airplane Club.

9) Utilities serving the airport area include Columbia River PUD (electricity), City of Scappoose (water, west side of the airport), and CenturyLink-Tel (telephone). With the exception of new construction on the west side of the airport, which is served by public sewer, buildings have on-site septic systems.

10) The Scappoose Rural Fire Protection District provides rescue and fire fighting services for the airport.

Goals for the Airport Employment (AE) Land Use Designation

It is the goal of the City of Scappoose to:

- 1) Support and promote the continued safe operation of the Scappoose Industrial Airpark and the economic vitality of the AE designation by providing suitable sites for targeted employment opportunities identified in the Scappoose EOA.
- 2) Provide a location for airport-related and -compatible employment activities in a master-planned setting with good highway, arterial road and airport access – in an area where their environmental effects will have a minimal impact upon the community.
- 3) Utilize the AE as an attractor for employment opportunities identified in the Scappoose EOA that are dependent upon, compatible with, or benefit from aircraft access, air transportation, and the existing cluster of aviation-related businesses located near the airport.
- 4) Take advantage of the transportation options provided by the Scappoose Industrial Airpark by allowing airport-related and compatible employment uses called for in the Scappoose EOA, including industrial, office and service commercial, and supportive lodging and restaurant employment.

Policies for the Airport Employment (AE) Land Use Designation

It is the policy of the City of Scappoose to:

- 1) Locate light industrial, office and service commercial, and airport-related employment areas that have a convenient relationship to the community's vehicular and aircraft transportation systems.
- 2) Screen or set back the boundaries of airport related development areas from abutting existing residential uses.
- 3) Apply the AE designation to areas east, south, and west of the airport runway.
- 4) Protect the stability and functional aspects of airport-related uses by prohibiting incompatible uses that create safety hazards or otherwise interfere with customary and usual aviation-related activities as defined by the Development Code.

- 5) Encourage airport-related educational opportunities.
- 6) Work with the Port of St. Helens and private property owners to maintain the continuing viability of the Scappoose Industrial Airpark and the AE.
- 7) Encourage mixed office and service commercial uses, and supporting lodging and restaurant opportunities in a master planned setting in designated Business Park areas.
- 8) Protect large industrial sites for their intended use as called for in the Scappoose EOA.
- 9) Provide taxiway access to employment sites wherever feasible – especially in designated Industrial Airpark areas.

Implementation of the Airport Employment (AE) Plan Designation

- 1) The AE plan designation within the UGB is implemented by the **Public Use Airport (PUA)** zone, in conjunction with three overlay zones codified in the Development Code. The PUA zone restricts employment uses to ensure operational compatibility with the airport. The PUA zone allows airport-related and industrial uses outright and supporting commercial uses through the conditional use process.
- 2) Uses and activities allowed within the AE designation must comply with the Public Use Airport Safety and Compatibility Overlay (Chapter 17.88 of the Scappoose Development Code).
- 3) Outside City Limits, County rural residential and farm zones will apply on an interim basis to retain land in large parcels until the land is (a) annexed and (b) rezoned in accordance with these policies.
- 4) More specific zones are needed to implement the policy direction resulting from the Scappoose EOA. Rezoning to more intensive employment uses must be preceded by a transportation impact analysis, coordinated and approved by the Oregon Department of Transportation (ODOT), to demonstrate compliance with the Transportation Planning Rule.
- 5) The **East Airport Employment (EAE) overlay** zone will be applied to large parcels east of the airport runway to ensure airport operational compatibility and to retain large industrial and institutional sites identified in the Scappoose EOA. Master planning requirements ensure that that land is developed efficiently and that the provision of transportation and utility facilities occurs consistent with adopted plans.
- 6) The **Airport Business Park (ABP)** overlay zone will be applied to selected parcels west of the runway and served by West Lane Road. The Business Park overlay zone

allows a mix of targeted light industrial, commercial service and office, and supporting lodging and restaurant uses targeted in the Scappoose EOA. Master planning requirements ensure that that land is developed efficiently and that the provision of transportation and utility facilities occurs consistent with adopted plans.

7) The **Airport Industrial Park (AIP)** overlay zone allows industrial uses targeted in the Scappoose EOA. However, taxiway access to individual parcels is required for development in this zone to occur.

8) The **Airport Employment ~~Overlay Zones~~Potential Future Zoning** Map in the Development Code shows the ~~general~~ location of each of these specific ~~zones or~~ overlay zones. ~~However, minor changes in the proposed conceptual boundaries of these overlay zones may occur at the time of rezoning, provided that the minimum number of suitable acres identified in the EOA is retained for each general employment category.~~

City of Scappoose
Council Action & Status Report

Date Submitted: 1/12/17

Agenda Date Requested: 1/17/17

To: Scappoose City Council

Through: Planning Commission

From: Laurie Oliver
City Planner

Subject: Request by Airpark Development, LLC to annex approximately 358 acres of land east of the Scappoose Industrial Airpark

Type of Action Requested:

<input type="checkbox"/>	<input type="checkbox"/>	Resolution	<input checked="" type="checkbox"/>	Ordinance
<input type="checkbox"/>	<input type="checkbox"/>	Formal Action	<input type="checkbox"/>	Report Only

Issue: Airpark Development, LLC has requested annexation of approximately 358 acres and a corresponding zone change to Public Use Airport (PUA) for approximately 343 acres, and a zone change to Public Lands-Recreation (PL-R) for approximately 15 acres, in conformance with the Comprehensive Plan designation. The applicant also requests approval of a Conceptual Master Plan, as required by the East Airport Employment Overlay Zone.

Analysis:

Airpark Development LLC has submitted an application (Docket # ANX1-16/ZC2-16) to annex approximately 358 acres. The application involves a total of 11 subject parcels (7 owned by Airpark Development LLC, and 4 owned by the Port of St Helens), located directly east and south of the Scappoose Industrial Airpark, within the Urban Growth Boundary. Of the 343 acres that would be zoned PUA upon annexation, the majority will also be subject to the East Airport Employment Overlay zone. In conformance with Section 17.74.080 of the Scappoose Development Code, the applicant has also submitted a Conceptual Master Plan

to show how future configurations of public facilities, streets, taxiways and lots within the overlay district can develop efficiently and in conformance with the 2011 Economic Opportunities Analysis.

This application does not propose any specific development at this time. Future development proposals will be required to apply for Site Development Review to ensure compliance with the Scappoose Development Code and Public Works Design Standards. Development must be consistent with the requirements of Chapter 17.74 – Airport Employment Overlay Zones and Chapter 17.88 - AO Public Use Airport Safety and Compatibility Overlay Zone, of the Scappoose Development Code.

As outlined in a memo from the City Engineer (included as **Exhibit 17** of the Planning Commission revised staff report dated December 30, 2016), certain services and facilities do not have sufficient capacity to provide service for the full build out of the proposed annexation area. Development, however, is expected to occur in phases allowing for the construction of utility infrastructure over time.

Staff and the City Attorney have identified findings and conditions that, if adopted, would provide reasonable assurances that development in the annexed area adequately addresses these services and facilities deficiencies. These findings and conditions support a conclusion that it is feasible to provide capacity and extend services and facilities in order to permit future development to occur.

In order to ensure that the necessary facilities will be constructed, staff and the City Attorney have included conditions of approval for the annexation application including the requirement that each parcel annexed execute and record a Consent and Waiver of right to remonstrate or object to;

- Formation of a local improvement district and assessments to fund construction of a 30" sewer conveyance line to replace the existing 18" conveyance line in E Columbia Avenue between Bird Road and the City's Wastewater Treatment Plant, and a sewer pump station; and
- Formation of a local improvement district and assessments to fund construction of one approximate 0.335 MGD (~233 GPM) potable water well and construction of a water mainline and pump house to convey the water to the City's Water Treatment Plant, and such other related facilities as deemed necessary. The water mainline and pump house are to be sized to accommodate a future well in the annexed area and to utilize the available treatment capacity at Miller Road, .79 MGD (550 GPD).

There are a total of 6 recommended conditions of approval, as noted in the revised Planning Commission staff report dated December 30, 2016.

The Planning Commission held a public hearing regarding this request on December 29, 2016. The Commission voted to forward a recommendation of approval to the City Council.

Subsequent to the completion of the staff report, four written comments were received by the public, which have been added to the revised staff report dated December 30, 2016 as Exhibits 20 – 23. Additionally, the Commission made a motion to recommend approval of the application and to adopt the staff responses included in Exhibits 21 & 22 as additional findings.

On January 3, 2017, Council voted to approve the annexation and zone change application. An ordinance to approve the annexation and zone change is attached for the Council's review. Approval of the ordinance would constitute a final decision since an election is not required for annexation in the City of Scappoose.

Options:

1. Approve the annexation application, adopt the findings in ANX1-16/ZC2-16 revised staff report dated December 30, 2016, and adopt the proposed ordinance.
2. Adopt findings demonstrating that the application does not comply with the Scappoose Municipal Code and deny the application.

Recommendation: Staff recommends that the Council approve the annexation application and adopt the Ordinance as presented.

Suggested Motions: N/A (second reading of ordinance)

Please find attached:

Ordinance 860

Exhibit A – Legal description of annexation area

Exhibit B – Planning Commission Staff Report (revised), dated December 30, 2016. (By reference – not included in your packet)

ORDINANCE NO. 860

AN ORDINANCE APPROVING ANNEXATION OF PROPERTY TO THE CITY OF SCAPPOOSE AND AMENDING THE ZONING MAP

WHEREAS, the City of Scappoose is authorized by ORS 222.120 to annex contiguous territory upon receiving written consent from owners of land in the territory proposed to be annexed; and

WHEREAS, an application and written consent of all landowners was filed by Airpark Development, LLC to annex property described in Exhibit A, attached hereto and incorporated herein, to the City of Scappoose; and

WHEREAS, pursuant to Section 17.136.070 of the Scappoose Municipal Code, the property described in Exhibit A would automatically be zoned Public Use Airport (PUA) for approximately 343 acres and Public Lands Recreation (PL-R) for approximately 15 acres upon annexation due to the property's "Airport Employment" and "Public Lands" Comprehensive Plan designation; and

WHEREAS, pursuant to ORS 222.120 notice was given and the City held public hearings pursuant to Scappoose Municipal Code Chapters 17.22 and 17.136; now therefore,

THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:

Section 1. The application to annex the property described in Exhibit A is hereby approved.

Section 2. In support of the above annexation, the City Council hereby adopts the findings, conclusions and recommendations of the revised Planning Commission Staff Report dated December 30, 2016, attached as Exhibit B.

Section 3. The annexation approved by this Ordinance shall take effect 30 days after passage.

Section 4. Upon the effective date of this ordinance, the City Planner is directed to conform the City Zoning Map to the provisions of this ordinance.

PASSED AND ADOPTED by the City Council this 17th day of January, 2017, and signed by the Mayor and City Recorder in authentication of its passage.

CITY OF SCAPPOOSE, OREGON

Scott Burge, Mayor

First Reading: January 3, 2017

Second Reading: January 17, 2017

Attest:

Susan M. Reeves, MMC
City Recorder

**LEGAL DESCRIPTION for
ANNEXATION TO THE CITY OF SCAPPOOSE
November 25, 2016**

BEGINNING at the southeast corner of Parcel 2 of Partition Plat No. 2016-005, recorded as Instrument No. 2016-4238, Columbia County Records, being a point on the north right of way line of Old Crown Zellerbach Road 50.00 feet from, when measured at right angles to, the centerline thereof, said POINT OF BEGINNING being marked with a 5/8 inch iron rod with yellow plastic cap marked "OTAK INC.";

Thence along the east line of said Parcel 2, North 25°39'55" East, a distance of 1180.89 feet to a 5/8 inch iron rod with yellow plastic cap marked "COLUMBIA COUNTY SURVEYOR" at a point on the south line of Scappoose Industrial Airport;

thence along said south line, North 80°18'49" East, a distance of 699.94 feet to the southwest corner of that tract of land described in Statutory Warranty Deed to Port of St. Helens recorded November 14, 1996 as Document No. 96-1889;

thence along the west line of said tract described in Document No. 96-1889, North 09°40'45" West, a distance of 1181.04 feet;

thence North 66°29'53" West, a distance of 23.87 feet;

thence along the east line of said Scappoose Industrial Airport,

North 09°40'49" West, a distance of 3175.66 feet to a 5/8 inch iron rod with illegible yellow plastic cap bent to the east, being a point on the south line of the John McPherson DLC No. 38;

thence along said DLC line, South 68°08'24" East, a distance of 676.57 feet to the east line of that tract of land described in Statutory Bargain and Sale Deed to Karyl M. Larson recorded April 10, 2014 as Document No. 2014-002234;

thence along said east line and the northerly extension thereof, North 21°17'33" East, a distance of 554.34 feet to the southeast corner of Parcel 1 of that land described in Warranty Deed to Port of St. Helens Recorded January 25, 2006 as Document No. 2006-001072;

thence along the south line of said Parcel 1, North 69°08'22" West, a distance of 503.00 feet;

thence along the west lines of said Parcel 1 and of Parcel 2 as described in said Document No. 2006-001072, North 21°17'33" East, a distance of 278.81 feet;

thence along the north line of last said Parcel 2, South 69°08'27" East, a distance of 503.00 feet;

thence North 21°17'33" East, a distance of 278.80 feet to the southeast corner of Parcel 3 as described in said Document No. 2006-001072;

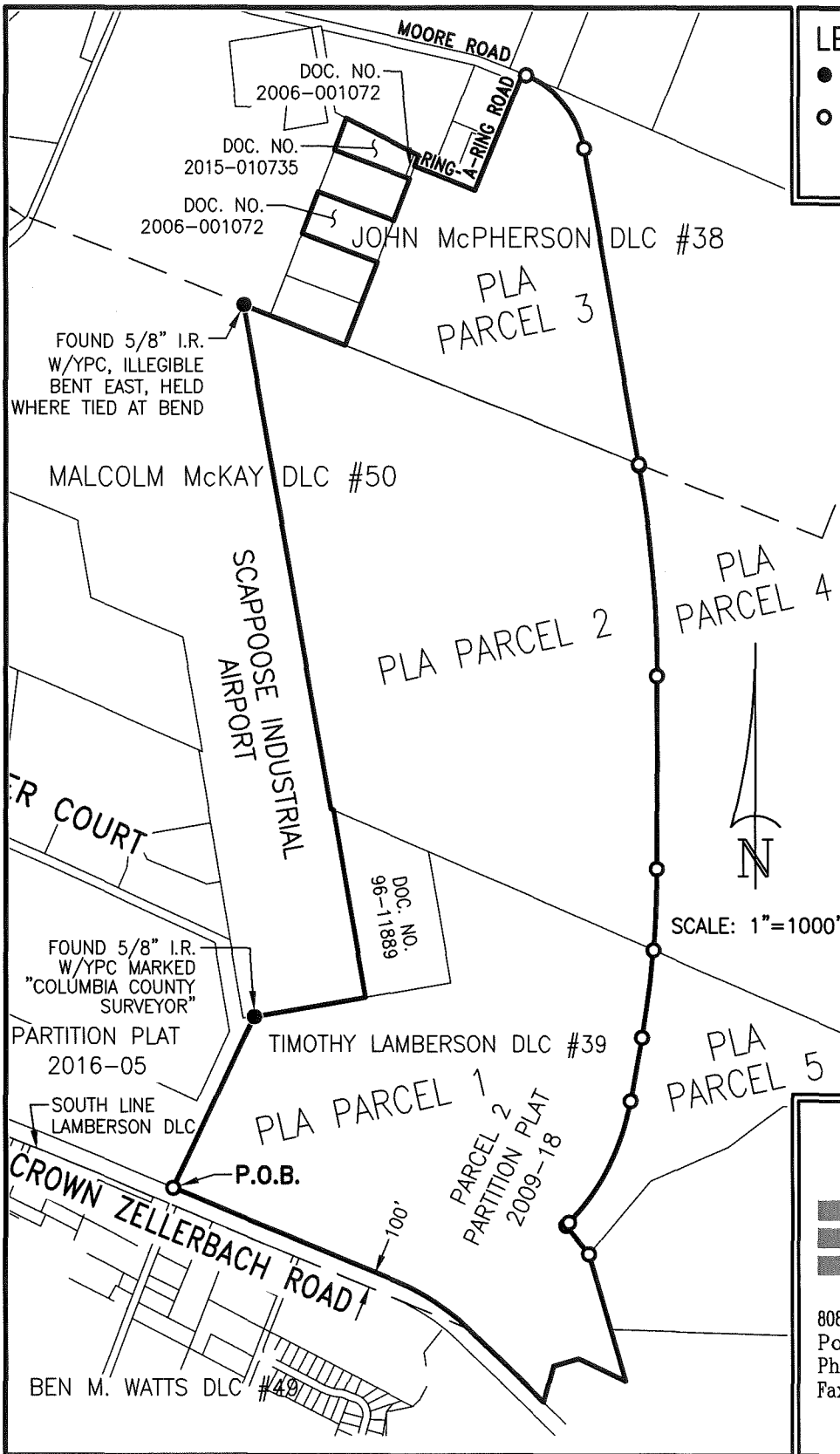
thence along the south line of said Parcel 3 and along the south line of that tract of land described in Statutory Warranty Deed to Port of St. Helens recorded December

31, 2015 as Document No. 2015-010735, North 69°08'27" West, a distance of 503.00 feet;
thence along the west line of said land described in Document No. 2015-010735, North 21°17'33" East, a distance of 211.93 feet;
thence along the north line of said land described in Document No. 2015-010735 and along the north line of said Parcel 3, South 62°58'22" East, a distance of 505.52 feet to a point on the westerly terminus of the public right of way known as Ring-a-ring Road, the southerly portion of which varies in width;
thence along said westerly terminus, South 21°17'33" West, a distance of 71.00 feet;
thence along the southerly right of way line of said Ring-a-ring Road, South 67°53'35" East, a distance of 408.45 feet to the most southerly angle point of said Ring-a-ring Road right of way line;
thence along the east right of way line of a portion of said Ring-a-ring Road being 60.00 feet in width, North 22°00'06" East, a distance of 781.93 feet to the north right of way line of Moore Road;
thence South 67°57'11" East, a distance of 22.03 feet to a 5/8 inch iron rod with yellow plastic cap marked "OTAK INC.";
thence along the east line of the Urban Growth Boundary Amendment approved April 18, 2011 as City of Scappoose Ordinance No. 816 through the following 15 courses: along the arc of a 600.00 foot radius curve to the right, through a central angle of 58°02'23", an arc length of 607.79 feet (chord bears South 38°55'59" East a distance of 582.13 feet);
thence South 09°54'48" East, a distance of 1993.27 feet to a point on the south line of said John McPherson DLC No. 38;
thence continuing South 09°54'48" East, a distance of 8.00 feet;
thence along the arc of a 7535.00 foot radius curve to the right, through a central angle of 10°00'00", an arc length of 1315.11 feet (chord bears South 04°54'48" East a distance of 1313.44 feet);
thence South 00°05'12" West, a distance of 1199.00 feet;
thence along the arc of a 6035.00 foot radius curve to the right, through a central angle of 04°47'28", an arc length of 504.65 feet (chord bears South 02°28'56" West a distance of 504.50 feet) to a point on the north line of Parcel 2 of Partition Plat 2009-18 recorded as Instrument No. 2009-11271, Columbia County Records;
thence along the arc of a 6035.00 foot radius curve to the right, through a central angle of 05°12'32", an arc length of 548.66 feet (chord bears South 07°28'56" West a distance of 548.47 feet);
thence South 10°05'12" West, a distance of 398.96 feet;
thence along the arc of a 1435.00 foot radius curve to the right, through a central angle of 35°07'09", an arc length of 879.58 feet (chord bears South 27°38'47" West a distance of 865.87 feet);
thence South 45°12'21" West, a distance of 7.88 feet;

thence South 39°13'32" East, a distance of 229.00 feet to a point on the east line of said Parcel 2 of Partition Plat No. 2009-18, said point being 1533.73 from the most northerly angle point of last said Parcel 2;
thence along the lines of last said Parcel 2 through the following seven courses:
South 16°24'00" East, a distance of 825.00 feet;
thence North 64°24'00" West, a distance of 330.00 feet;
thence South 73°36'00" West, a distance of 165.00 feet;
thence South 14°36'00" West, a distance of 232.00 feet to a point on said north right of way line of Old Crown Zellerbach Road;
thence along last said north right of way line through the following three courses:
North 45°52'37" West, a distance of 651.30 feet;
thence along the arc of a 1424.02 foot radius curve to the left, through a central angle of 21°36'01", an arc length of 536.85 feet (chord bears North 56°40'37" West a distance of 533.67 feet)
thence North 67°28'37" West, a distance of 1518.17 feet to the POINT OF BEGINNING.

Contains 351.5 acres, more or less.





LEGEND

- MONUMENT AS NOTED
- 5/8 INCH x 30 INCH IRON ROD WITH YELLOW PLASTIC CAP MARKED "OTAK INC."

EXHIBIT 'B'

IN THE NW, NE, SE & SW QUARTERS OF SECTION 6 AND THE NW & NE QUARTERS OF SECTION 7, TOWNSHIP 3 NORTH, RANGE 1 WEST, WILLAMETTE MERIDIAN CITY OF SCAPPOOSE, COLUMBIA COUNTY, OREGON

NOVEMBER 23, 2016



808 SW 3rd Ave., Ste. 300
 Portland, OR 97204
 Phone: (503) 287-6825
 Fax: (503) 415-2304
 www.otak.com
 project: xxxxx

CITY OF SCAPPOOSE

Council Action & Status Report

Date Submitted: January 3, 2017

Agenda Date Requested: January 17, 2017

To: Scappoose City Council

From: Finance Administrator, Jill Herr through City Manager, Michael Sykes

Subject: Whistleblower Protection Policy

TYPE OF ACTION REQUESTED:

☒ **Resolution**

☐ **Ordinance**

☐ **Formal Action**

☐ **Report Only**

ANALYSIS: HB 4067 was passed by the Oregon Senate on 2/29/16. The HB changes the process for an employee to report improper or unlawful conduct and the City's responsibility to protect the employee from retaliation. Our current Personnel Policy Manual has a Retaliation/Whistleblowers policy, but it does not fully cover the provisions outlined in HB 4067. Our insurance carrier CIS created a new policy for its members to update their Personnel Policy Manual which fully covers the new law.

We are in the process of reviewing our Personnel Policy Manual and will be bringing an updated document back to council in the near future for approval. To protect the City we will be updating section 106 of the Personnel Policy Manual now and will include the updated language in the final document.

FISCAL IMPACT: None

RECOMMENDATION: Staff recommends approving Resolution No. 17-01 updating the language in section 106 of the Personnel Policy Manual as provided by City/County Insurance Services.

SUGGESTED MOTION: I move council approved Resolution No. 17-01 updating the language in section 106 of the Personnel Policy Manual as presented.

Request for Council Action

RESOLUTION NO. 17-01
A RESOLUTION MODIFYING THE CITY OF SCAPPOOSE PERSONNEL POLICY
MANUAL

WHEREAS, the Scappoose City Council adopted Resolution 14-23 adopting a Personnel Policy Manual on November 3, 2014; and

WHEREAS, the Scappoose City Council has a need to amend personnel policies from time to time; and

WHEREAS, the Personnel Policy Manual identifies employment benefits to non-represented staff members; and

WHEREAS, the Senate passed HB 4067 on February 29, 2016 to be effective January 1, 2017.

NOW, THEREFORE BE IT RESOLVED, that the Scappoose Personnel Policy Manual Section 106 Retaliation is amended to be consistent with HB 4067, attached hereto as Attachment A, is hereby adopted.

PASSED AND ADOPTED by the Scappoose City Council and signed by me, and the City Recorder, in authentication of its passage this 17th day of January, 2017.

CITY OF SCAPPOOSE, OREGON

Scott Burge, Mayor

Attest:

Susan M. Reeves, MMC
City Recorder

106 Retaliation

ATTACHMENT A

All employees of the City of Scappoose have the responsibility to follow and carry out the policies outlined in this policy manual. Management provides and supports a dispute resolution procedure for receiving and resolving complaints alleging discriminatory practices in employment relations. Employees are expected to bring any questions, issues or complaints to the attention of their supervisor. If you believe you have been discriminated against or harassed, or if you witness or suspect any violation of our policies, you should report the matter immediately to any member of management. If the complaint is in regard to an alleged violation of these policies by the City Manager, the complaint may be directed to Chief of Police. The City of Scappoose will not retaliate against you for filing a complaint or cooperating in an investigation, and will not tolerate or permit retaliation by supervisors, employees or co-workers.

The City of Scappoose will not tolerate unlawful retaliation against employees for engaging in protected activity. Federal Laws such as Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and The American with Disabilities Act, all prohibit an employer from retaliating against an employee engaged in a protected activity.

A protected activity is defined as: opposing an unlawful practice prohibited by employment discrimination laws, or participating in any way in an investigation, proceeding, or hearing of an Equal Employment Opportunity charge.

Any act of retaliation by a manager and/or coworker may result in serious adverse disciplinary action up to and including termination. Any staff member may file a complaint with the City Manager, or the Human Resource Department or the Mayor of the City of Scappoose if he/she feels that they have experienced retaliation in any form.

The City of Scappoose encourages employees to bring their disputes or differences with other employees to the attention of their supervisors or the City Manager before the situation escalates. The City of Scappoose is eager to assist in the resolution of employee disputes, and will not discipline employees for raising such concerns.

106 Reporting Improper or Unlawful Conduct – No Retaliation

Employees may report reasonable concerns about the City of Scappoose (City) compliance with any law, regulation or policy, using one of the methods identified in this policy. The City will not retaliate against employees who disclose information that the employee reasonably believes is evidence of:

- A violation of any federal, Oregon, or local law, rules or regulations by the City;
- Mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health resulting from action of the City;
- A substantial and specific danger to public health and safety resulting from actions of the City; or
- The fact that a recipient of government services is subject to a felony or misdemeanor arrest warrant.

Further, in accordance with Oregon law, the City will not prohibit an employee from discussing the activities of a public body or a person authorized to act on behalf of a public body with a member of the Legislative Assembly, legislative committee staff acting under the direction of a member of the Legislative Assembly, any member of the elected governing body of a political subdivision, or an elected auditor of a city, county or metropolitan service district.

The City does not require any employee to give the City notice prior to making any disclosure described above except as otherwise permitted by law. The City does not discourage, restrain, dissuade, coerce, prevent or otherwise interfere with the disclosures described above.

Employee Reporting Options

In addition to the City's Open Door Policy (see section 123), employees who wish to report potential improper or unlawful conduct should first talk to his or her supervisor. If you are not comfortable speaking with your supervisor, or you are not satisfied with your supervisor's response, you are encouraged to speak with the City Manager or Human Resources Department. Supervisors and managers are required to inform the City Manager or Human Resources Department about reports of improper or unlawful conduct they receive from employees.

Reports of unlawful or improper conduct will be kept confidential to the extent allowed by law and consistent with the need to conduct an impartial and efficient investigation.

If the City were to prohibit, discipline, or threaten to discipline an employee for engaging in an activity described above, the employee may file a complaint with the Oregon Bureau of Labor and Industries or bring a civil action in court to secure all remedies provided for under Oregon law.

Additional Protection for Reporting Employees

Oregon law provides that, in some circumstances, an employee who discloses a good faith and objectively reasonable belief of the City's violation of law will have an "affirmative defense" to any civil or criminal charges related to the disclosure. For this defense to apply, the disclosure must relate to the conduct of a coworker or supervisor acting within the course and scope of his or her employment. The disclosure must have been made to either: (1) a state or federal regulatory agency; (2) a law enforcement agency; (3) a manager with the City; or (4) an Oregon-licensed attorney who represents the employee making the report/disclosure. The defense also only applies in situations where the information disclosed was lawfully accessed by the reporting employee.

Policy against Retaliation

The City will not retaliate against employees who make reports or disclosures of information of the type described above when the employee reasonably believes he or she is disclosing information about conduct that is improper or unlawful.

In addition, the City prohibits retaliation against an employee because he or she participates in good faith in any investigation or proceeding resulting from a report made pursuant to this policy. Further, no City employee will be adversely affected because they refused to carry out a directive that constitutes fraud or is a violation of local, Oregon, federal or other applicable laws and regulations. The City may take disciplinary action (up to and including termination of employment) against an employee who has engaged in retaliatory conduct in violation of this policy. In addition to any disciplinary action for violation of this policy, an employee found to have engaged in

retaliatory conduct in violation of this policy may also be subject to criminal prosecution as provided for by criminal law.

If you believe you have been retaliated against in violation of this policy, please immediately notify your supervisor. If you do not feel comfortable speaking to your supervisor, or you are not satisfied with your supervisor's response, please notify the City Manager.

This policy is not intended to protect an employee from the consequences of his or her own misconduct or inadequate performance simply by reporting the misconduct or inadequate performance. Furthermore, an employee is not entitled to protections under this policy if the City determines that the report was known to be false, or information was disclosed with reckless disregard for its truth or falsity. If such a determination is made, an employee may be subject to discipline up to and including termination of employment.

Enrolled House Bill 4067

Sponsored by Representative BUEHLER, Senator GELSER, Representatives HOYLE, WHISNANT, Senators DEVLIN, HANSELL, KNOPP, KRUSE, WHITSETT; Representatives BARKER, BARRETO, BENTZ, CLEM, DAVIS, DOHERTY, ESQUIVEL, EVANS, FAGAN, FREDERICK, GALLEGOS, GORSEK, HACK, HAYDEN, HEARD, HUFFMAN, JOHNSON, KENNEMER, LININGER, LIVELY, MCLAIN, MCLANE, OLSON, PARRISH, PILUSO, RAYFIELD, READ, REARDON, SMITH, WARNER, SPRENGER, TAYLOR, VEGA PEDERSON, WEIDNER, WILLIAMSON, WILSON, WITT, Senators BOQUIST, JOHNSON, OLSEN (Presession filed.)

CHAPTER

AN ACT

Relating to employee whistleblowers; creating new provisions; and amending ORS 659A.200, 659A.203 and 659A.885.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2016 Act is added to and made a part of ORS 659A.200 to 659A.224.

SECTION 2. (1) An employee's good faith and objectively reasonable belief of a violation of federal, state or local law, rule or regulation by the employer shall be an affirmative defense to a civil or criminal charge related to the disclosure by the employee of lawfully accessed information related to the violation, including information that is exempt from disclosure as provided in ORS 192.501 to 192.505 or by employer policy, if the information is provided to:

- (a) A state or federal regulatory agency;
- (b) A law enforcement agency;
- (c) A manager employed by the public or nonprofit employer of the employee; or
- (d) An attorney licensed to practice law in this state if a confidential communication is made in connection with the alleged violation described in this section and in furtherance of the rendition of professional legal services to the employee that are subject to ORS 40.225.

(2) An employee may not assert the affirmative defense described under subsection (1) of this section if the information described in subsection (1) of this section:

- (a) Is disclosed or redisclosed by the employee or at the employee's direction to a party other than the parties listed in subsection (1) of this section;
- (b) Is stated in a commercial exclusive negotiating agreement with a public or nonprofit employer, provided that the agreement is not related to the employee's employment with the employer; or
- (c) Is stated in a commercial nondisclosure agreement with a public or nonprofit employer, provided that the agreement is not related to the employee's employment with the employer.

(3) The affirmative defense described in subsection (1) of this section is available to an employee who discloses information related to an alleged violation by a coworker or super-

visor described in subsection (1) of this section if the disclosure relates to the course and scope of employment of the coworker or supervisor.

(4) The affirmative defense described in subsection (1) of this section may not be asserted by an employee who is an attorney or by an employee who is not an attorney but who is employed, retained, supervised or directed by an attorney if the information disclosed pursuant to subsection (1) of this section is related to the representation of a client.

(5) This section and ORS 659A.203, including disclosures under subsection (1) of this section, are subject to the rules of professional conduct established pursuant to ORS 9.490.

(6) Public and nonprofit employers shall establish and implement a policy regarding employees who invoke their rights under this section or ORS 659A.203. The policy shall delineate all rights and remedies provided to employees under this section and ORS 659A.203. The employer shall deliver a written or electronic copy of the policy to each employee.

(7) Subject to the rules of professional conduct established pursuant to ORS 9.490, a public employee who is an attorney may report to the Attorney General the employee's knowledge of a violation of federal, state or local law, rule or regulation by the public employer.

(8) Disclosure of information pursuant to subsection (1) of this section does not waive attorney-client privilege or affect the applicability of any exemption from disclosure of a public record under ORS 192.501 to 192.505.

(9) Notwithstanding subsection (1) of this section, information protected from disclosure under federal law, including but not limited to the federal Health Insurance Portability and Accountability Act of 1996 (P.L. 104-191), may be disclosed only in accordance with federal law.

SECTION 3. ORS 659A.200 is amended to read:

659A.200. As used in ORS 659A.200 to 659A.224:

(1) "Disciplinary action" includes but is not limited to any discrimination, dismissal, demotion, transfer, reassignment, supervisory reprimand, warning of possible dismissal or withholding of work, whether or not the action affects or will affect employee compensation.

(2) "Employee" means a person:

(a) Employed by or under contract with the state or any agency of or political subdivision in the state;

(b) Employed by or under contract with any person authorized to act on behalf of the state, or agency of the state or subdivision in the state, with respect to control, management or supervision of any employee;

(c) Employed by the public corporation created under ORS 656.751;

(d) Employed by a contractor who performs services for the state, agency or subdivision, other than employees of a contractor under contract to construct a public improvement; [and]

(e) Employed by or under contract with any person authorized by contract to act on behalf of the state, agency or subdivision[.];

(f) Employed by a nonprofit organization; or

(g) Serving as a member of a board of directors of a nonprofit organization who is not otherwise considered an employee.

(3) "Information" includes public and private records, documents and electronically stored data.

(4) "Knowledge" means actual knowledge.

(5) "Nonprofit organization" or "nonprofit" means an organization or group of organizations that:

(a) Receives public funds by way of grant or contract; and

(b) Is exempt from income tax under section 501(c)(3) of the Internal Revenue Code.

[(3)] (6) "Public employer" means:

(a) The state or any agency of or political subdivision in the state; [and]

(b) Any person authorized to act on behalf of the state, or any agency of or political subdivision in the state, with respect to control, management or supervision of any employee; or[.]

(c) **An employer who employs an employee described in subsection (2)(a) to (e) of this section.**

SECTION 4. ORS 659A.203 is amended to read:

659A.203. (1) Subject to ORS 659A.206, except as provided in ORS 659A.200 to 659A.224, it is an unlawful employment practice for any public **or nonprofit** employer to:

(a) Prohibit any employee from discussing, [*in response to an official request,*] either specifically or generally with any member of the Legislative Assembly, legislative committee staff acting under the direction of a member of the Legislative Assembly, any member of the elected governing body of a political subdivision in the state or any elected auditor of a city, county or metropolitan service district, the activities of:

(A) The state or any agency of or political subdivision in the state; or

(B) Any person authorized to act on behalf of the state or any agency of or political subdivision in the state.

(b) Prohibit any employee from disclosing, or take or threaten to take disciplinary action against an employee for the disclosure of any information that the employee reasonably believes is evidence of:

(A) A violation of any federal, [*or*] state **or local** law, rule or regulation by the [*state, agency or political subdivision*] **public or nonprofit employer;**

(B) Mismanagement, gross waste of funds or abuse of authority or substantial and specific danger to public health and safety resulting from action of the [*state, agency or political subdivision*] **public or nonprofit employer;** or

(C) Subject to ORS 659A.212 (2), the fact that a person receiving services, benefits or assistance from the state or agency or subdivision, is subject to a felony or misdemeanor warrant for arrest issued by this state, any other state, the federal government, or any territory, commonwealth or governmental instrumentality of the United States.

(c) Require any employee to give notice prior to making any disclosure or engaging in discussion described in this section, except as allowed in ORS 659A.206 (1).

(d) Discourage, restrain, dissuade, coerce, prevent or otherwise interfere with disclosure or discussions described in this section.

(2) [No] A public **or nonprofit** employer [*shall*] **may not** invoke or impose any disciplinary action against an employee for employee activity described in subsection (1) of this section or ORS 659A.212.

(3) **The remedies provided by this section are in addition to any remedy provided to an employee under ORS 659A.199 or other remedy that may be available to an employee for the conduct alleged as a violation of this section.**

(4) **A violation of this section is a Class A misdemeanor.**

SECTION 5. ORS 659A.885 is amended to read:

659A.885. (1) Any person claiming to be aggrieved by an unlawful practice specified in subsection (2) of this section may file a civil action in circuit court. In any action under this subsection, the court may order injunctive relief and any other equitable relief that may be appropriate, including but not limited to reinstatement or the hiring of employees with or without back pay. A court may order back pay in an action under this subsection only for the two-year period immediately preceding the filing of a complaint under ORS 659A.820 with the Commissioner of the Bureau of Labor and Industries, or if a complaint was not filed before the action was commenced, the two-year period immediately preceding the filing of the action. In any action under this subsection, the court may allow the prevailing party costs and reasonable attorney fees at trial and on appeal. Except as provided in subsection (3) of this section:

(a) The judge shall determine the facts in an action under this subsection; and

(b) Upon any appeal of a judgment in an action under this subsection, the appellate court shall review the judgment pursuant to the standard established by ORS 19.415 (3).

(2) An action may be brought under subsection (1) of this section alleging a violation of ORS 10.090, 10.092, 25.337, 25.424, 171.120, 408.230, 408.237 (2), 475B.233, 476.574, 652.355, 653.060, 653.601 to 653.661, 659.852, 659A.030, 659A.040, 659A.043, 659A.046, 659A.063, 659A.069, 659A.082, 659A.088, 659A.103 to 659A.145, 659A.150 to 659A.186, 659A.194, 659A.199, 659A.203, 659A.218, 659A.228, 659A.230, 659A.233, 659A.236, 659A.250 to 659A.262, 659A.277, 659A.290, 659A.300, 659A.306, 659A.309, 659A.315, 659A.318, 659A.320, 659A.355, [or] 659A.421, [or ORS] 653.547 [and] or 653.549.

(3) In any action under subsection (1) of this section alleging a violation of ORS 25.337, 25.424, 659.852, 659A.030, 659A.040, 659A.043, 659A.046, 659A.069, 659A.082, 659A.103 to 659A.145, 659A.199, **659A.203**, 659A.228, 659A.230, 659A.250 to 659A.262, 659A.290, 659A.318, [or] 659A.421, [or ORS] 653.547 [and] or 653.549:

(a) The court may award, in addition to the relief authorized under subsection (1) of this section, compensatory damages or \$200, whichever is greater, and punitive damages;

(b) At the request of any party, the action shall be tried to a jury;

(c) Upon appeal of any judgment finding a violation, the appellate court shall review the judgment pursuant to the standard established by ORS 19.415 (1); and

(d) Any attorney fee agreement shall be subject to approval by the court.

(4) In any action under subsection (1) of this section alleging a violation of ORS 652.355 or 653.060, the court may award, in addition to the relief authorized under subsection (1) of this section, compensatory damages or \$200, whichever is greater.

(5) In any action under subsection (1) of this section alleging a violation of ORS 171.120, 476.574[, 659A.203] or 659A.218, the court may award, in addition to the relief authorized under subsection (1) of this section, compensatory damages or \$250, whichever is greater.

(6) In any action under subsection (1) of this section alleging a violation of ORS 10.090 or 10.092, the court may award, in addition to the relief authorized under subsection (1) of this section, a civil penalty in the amount of \$720.

(7) Any individual against whom any distinction, discrimination or restriction on account of race, color, religion, sex, sexual orientation, national origin, marital status or age, if the individual is 18 years of age or older, has been made by any place of public accommodation, as defined in ORS 659A.400, by any employee or person acting on behalf of the place or by any person aiding or abetting the place or person in violation of ORS 659A.406 may bring an action against the operator or manager of the place, the employee or person acting on behalf of the place or the aider or abettor of the place or person. Notwithstanding subsection (1) of this section, in an action under this subsection:

(a) The court may award, in addition to the relief authorized under subsection (1) of this section, compensatory and punitive damages;

(b) The operator or manager of the place of public accommodation, the employee or person acting on behalf of the place, and any aider or abettor shall be jointly and severally liable for all damages awarded in the action;

(c) At the request of any party, the action shall be tried to a jury;

(d) The court shall award reasonable attorney fees to a prevailing plaintiff;

(e) The court may award reasonable attorney fees and expert witness fees incurred by a defendant who prevails only if the court determines that the plaintiff had no objectively reasonable basis for asserting a claim or no reasonable basis for appealing an adverse decision of a trial court; and

(f) Upon any appeal of a judgment under this subsection, the appellate court shall review the judgment pursuant to the standard established by ORS 19.415 (1).

(8) When the commissioner or the Attorney General has reasonable cause to believe that a person or group of persons is engaged in a pattern or practice of resistance to the rights protected by ORS 659A.145 or 659A.421 or federal housing law, or that a group of persons has been denied any of the rights protected by ORS 659A.145 or 659A.421 or federal housing law, the commissioner or the Attorney General may file a civil action on behalf of the aggrieved persons in the same manner as a person or group of persons may file a civil action under this section. In a civil action

filed under this subsection, the court may assess against the respondent, in addition to the relief authorized under subsections (1) and (3) of this section, a civil penalty:

- (a) In an amount not exceeding \$50,000 for a first violation; and
- (b) In an amount not exceeding \$100,000 for any subsequent violation.

(9) In any action under subsection (1) of this section alleging a violation of ORS 659A.145 or 659A.421 or alleging discrimination under federal housing law, when the commissioner is pursuing the action on behalf of an aggrieved complainant, the court shall award reasonable attorney fees to the commissioner if the commissioner prevails in the action. The court may award reasonable attorney fees and expert witness fees incurred by a defendant that prevails in the action if the court determines that the commissioner had no objectively reasonable basis for asserting the claim or for appealing an adverse decision of the trial court.

(10) In an action under subsection (1) or (8) of this section alleging a violation of ORS 659A.145 or 659A.421 or discrimination under federal housing law:

(a) "Aggrieved person" includes a person who believes that the person:

(A) Has been injured by an unlawful practice or discriminatory housing practice; or

(B) Will be injured by an unlawful practice or discriminatory housing practice that is about to occur.

(b) An aggrieved person in regard to issues to be determined in an action may intervene as of right in the action. The Attorney General may intervene in the action if the Attorney General certifies that the case is of general public importance. The court may allow an intervenor prevailing party costs and reasonable attorney fees at trial and on appeal.

Passed by House February 17, 2016

Received by Governor:

Repassed by House March 1, 2016

.....M.,....., 2016

Approved:

.....
Timothy G. Sekerak, Chief Clerk of House

.....M.,....., 2016

.....
Tina Kotek, Speaker of House

.....
Kate Brown, Governor

Passed by Senate February 29, 2016

Filed in Office of Secretary of State:

.....M.,....., 2016

.....
Peter Courtney, President of Senate

.....
Jeanne P. Atkins, Secretary of State

CITY OF SCAPPOOSE

Council Action & Status Report

Date Submitted: January 9, 2017

Agenda Date Requested: January 17, 2017

To: Scappoose City Council

From: Finance Administrator, Jill Herr through City Manager, Michael Sykes

Subject: Risk Management Program

TYPE OF ACTION REQUESTED:

☒ **Resolution**

☐ **Ordinance**

☐ **Formal Action**

☐ **Report Only**

ANALYSIS: Our insurance provider City County Insurance Services offers several bonus incentives programs, which will allow us to receive a discount on our yearly insurance premium. One of the incentive programs is to develop a Risk Management Program. The program outlines the process the City will use to review and improve the overall safety of the City. With this program the City will have the ability to identify and assess risks, select and implement measures to address risks, monitor the effectiveness of our risk policies to hopefully prevent future claims.

FISCAL IMPACT: None

RECOMMENDATION: Staff recommends approving Resolution No. 17-02 adopting a Risk Management Program.

SUGGESTED MOTION: I move council approved Resolution No. 17-02 adopting a Risk Management Program.

RESOLUTION NO. 17-02

A RESOLUTION ESTABLISHING A RISK MANAGEMENT PROGRAM

WHEREAS, Citycounty Insurance Services (CIS) was formed to meet the risk management and employee benefit needs of Oregon Cities and the City of Scappoose has been a member for many years; and

WHEREAS, CIS is offering their members a bonus program to reduce risk, prevent costly claims, and reduce premium contributions by implementing a written Risk Management Program; and

WHEREAS, the City of Scappoose holds in high regard the safety, welfare and health of our employees; and

WHEREAS, with this program the City will have the ability to identify and assess risks, select and implement measures to address risks, monitor the effectiveness of our risk policies.

WHEREAS, the City of Scappoose has a need to adopt a Risk Management Program; and

NOW, THEREFORE BE IT RESOLVED, that the Risk Management Program attached as exhibit A is hereby adopted.

PASSED AND ADOPTED by the Scappoose City Council and signed by me, and the City Recorder, in authentication of its passage this 17th day of January, 2017.

CITY OF SCAPPOOSE, OREGON

Scott Burge, Mayor

Attest:

Susan M. Reeves, MMC
City Recorder

**CITY OF SCAPPOOSE
RISK MANAGEMENT PROGRAM**

Exhibit A

Purpose

The purpose of the City of Scappoose Risk Management Program is to identify and assess risks, select and implement measures to address risk, and monitor the program's effectiveness in an organized and coordinated fashion to pro-actively identify risks and prevent claims.

Risk Management Objectives/Duties

Accidents and losses must be reported promptly and in accordance with prescribed procedures. The benefits of timely reporting include enhanced citizen confidence, better protection of the City's interest, reduced time lost for employees and equipment, and savings realized through prompt settlements.

Reports of general liability claims and automobile accidents should be immediately reported to the Department Supervisor. The following information should be included in every report:

- a. Date, time, and location of accident or event.
- b. Description of vehicle, equipment, or property involved.
- c. Name(s) of person(s) involved.
- d. Name(s) of person(s) injured.
- e. Description of any medical attention received.
- f. Nature of damage/loss and estimated cost.
- g. Description of circumstances; diagram of events if possible.
- h. Insurance Policy Numbers, Agents, and/or Agencies.
- i. Name(s) and addresses of witnesses.
- j. Appropriate signatures.
- k. Copy of DMV report, if filed.
- l. Copy of Police report, if filed.
- m. In addition, procedures described in Accident Reporting and Analysis Policy must be followed.

The Department Supervisor will process all accident/loss forms and forward forms to the Finance Administrator. The form will be logged and forwarded to the Safety Committee for review. The form will be returned to the Department Head for recommended corrections or training opportunities. The Risk Management Team will follow up with the Department Head to make sure recommendations were followed.

The Finance Administrator will file workers' compensation accident reports with the appropriate insurance coverage provider. Workers' compensation incidents will be processed in accordance with Employee Handbook Policies and Procedures: 306 Workers' Compensation Insurance.

Additions and/or deletions of coverage: Any and all changes, additions or deleted coverage will be submitted to the City Recorder for submission to insurance agent (auto, new building and/or facilities, equipment, and program or service). The request will be

forwarded to the insurance agent, signed and dated to acknowledge receipt of the request and returned to the City for record retention.

Special events: If required, a certificate of general liability insurance with the City of Scappoose, its officers, employees and agents shall be added as an additional named insured, with a 30-day notice of cancellation in the face amount of \$1 million per occurrence. Special events may require additional insurance, to be determined by the City. Certificates of Liability Insurance must be forwarded to the City Recorder for submission to the City Insurance Agent for review, certificates must be on file prior to the event.

Disciplinary Actions

All potential disciplinary actions should initially be forwarded to CIS' Pre-Loss Attorney before taking action.

Who is responsible for Risk Management?

The Risk Manager for the City of Scappoose is the City Manager. The Risk Manager or his designee will Chair the Risk Management Executive Committee.

Risk Management Executive Committee – The City's Risk Management Committee is comprised of the Finance Administrator, Chief of Police, Public Works Director, Treatment Plant Supervisor. Risk management consultants (insurance agent) will be invited to participate. It shall be the Committee's responsibility to meet quarterly and make recommendations regarding how to best carry out the City's Risk Management Objectives. The Risk Management Committee will:

- a. Receive report from Safety Committee Chair.
- b. Set annual objectives for risk management.
- c. Set priorities by identifying top risks.
- d. Determine risk tolerance.
- e. Identify risk exposures.
- f. Identify and assign "Risk Owners" to those exposures.
- g. Learn best practices identified by insurance coverage providers.
- h. Review Annual Best Practice Survey.
- i. Promote sound records management including data security and confidentiality.
- j. Oversee compliance with OSHA and other regulations.
- k. Review significant claims.
- l. Assure accountability by reviewing risk activities and results.

Department Heads and Supervisors

Department Heads and Supervisors are tasked with supporting the City's Risk Management Program by ensuring employees understand and comply with all risk management and safety requirements. Department Heads and Supervisors will:

- a. Promote safety program and loss control efforts.
- b. Ensure employees are trained on risk management, loss control, employee safety and emergency response policies.
- c. Allocate time for employee safety training and Safety Committee participation.

- d. Identify, reduce, and eliminate hazards through regular inspections and accident investigations.
- e. Hold all employees accountable for safety.
- f. Understand and enforce contractual standards.
- g. Assure proper handling of hazardous materials.
- h. Promote and model ethical behavior.
- i. Initial administration of workers' compensation process in the event of an employee injury or illness by processing an OSHA 801 form as soon as possible after event.

Employees

All City employees shall:

- a. Participate in appropriate training.
- b. Follow all safety rules.
- c. Report all incidents, injuries, and accidents to their supervisor immediately.
- d. Share any risk or potential risk with their supervisor immediately.
- e. Know what to do in an emergency; how to mitigate an event.
- f. Acknowledge responsibility for their own actions.
- g. Work in an ethical manner.

Safety Committee

The primary function of the Safety Committee is to focus on internal solutions to safety problems. The City's Safety Committee is made up of representatives from all departments and in compliance with the City's Safety Manual shall:

- a. Meet monthly.
- b. Review and investigate workers' compensation claims and incident reports.
- c. Conduct quarterly inspections of City facilities.
- d. Review Safety Manual and update as needed.
- e. Conduct accident/incident analysis.
- f. Conduct job hazard analysis.
- g. Review OSHA consultations and ensure compliance.
- h. Make recommendations to City Manager and/or Department Heads regarding safety concerns.

Insurance Agent

Provides a wide array of services for its customers including:

- a. Assist, train, attend Safety, Risk Management and Staff meetings as needed
- b. Frequent communication with public entity staff.
- c. Review construction and City contracts for coverage, execution and risk transfer, reduction, elimination hold harmless and indemnity issues.
- d. Advise staff on risk management training opportunities.
- e. Perform loss prevention and control surveys, inspections, and recommend future actions.
- f. Negotiate, on behalf of the City, pricing of insurance products and policies.
- g. Assist with disaster/emergency, business interruption, contingency planning assistance (Agility).

- h. Assist in claims processing and communication.
- i. Advise on Worker's Compensation insurance.

Analyze Risk Treatment Alternatives

1. Eliminate or avoid risk – Some identified risks can be eliminated or avoided. For example, hazards that are identified during inspections or by individuals can be removed, and broken equipment can be locked/tagged out until it is repaired.
2. Control of risk – For risks that cannot be eliminated or transferred, appropriate control methods shall be implemented. Control methods include personal protective equipment, regular inspection of safety equipment, training in safe job procedures, ergonomic assessments and improvements, and obtaining assistance with tasks when needed.

Review and update

This Policy shall be reviewed every two years by the Risk Management Team and updated as appropriate.

CITY OF SCAPPOOSE

Council Action & Status Report

Date Submitted: January 9, 2017

Agenda Date Requested: January 17, 2017

To: Scappoose City Council

From: Finance Administrator, Jill Herr through City Manager, Michael Sykes

Subject: Accident Reporting and Analysis Policy

TYPE OF ACTION REQUESTED:

☒ **Resolution**

☐ **Ordinance**

☐ **Formal Action**

☐ **Report Only**

ANALYSIS: Our insurance provider City County Insurance Services offers several bonus incentive programs, which allow us to receive a discount on our yearly insurance premium. Developing a written document for Accident Reporting and Analysis Policy is one of several on the list. This policy describes our process that is currently in place but provides written documentation for City employees to follow.

FISCAL IMPACT: None

RECOMMENDATION: Staff recommends approving Resolution No. 17-03 adopting an Accident Reporting and Analysis Policy.

SUGGESTED MOTION: I move council approved Resolution No. 17-03 adopting an Accident Reporting and Analysis Policy.

RESOLUTION NO. 17-03

**A RESOLUTION ESTABLISHING AN ACCIDENT REPORTING AND ANALYSIS
POLICY**

WHEREAS, Citycounty Insurance Services (CIS) was formed to meet the risk management and employee benefit needs of Oregon Cities and the City of Scappoose has been a member for many years; and

WHEREAS, CIS is offering their members a bonus program to reduce risk, prevent costly claims, and reduce premium contributions by implementing a written accident reporting policy; and

WHEREAS, the City of Scappoose holds in high regard the safety, welfare and health of our employees; and

WHEREAS, the City of Scappoose has a need to provide a written policy that identifies the procedures for all employees to follow if an accident should occur.

NOW, THEREFORE BE IT RESOLVED, that the Accident Reporting and Analysis Policy attached as exhibit A is hereby adopted.

PASSED AND ADOPTED by the Scappoose City Council and signed by me, and the City Recorder, in authentication of its passage this 17th day of January, 2017.

CITY OF SCAPPOOSE, OREGON

Scott Burge, Mayor

Attest:

Susan M. Reeves, MMC
City Recorder

CITY OF SCAPPOOSE ACCIDENT REPORTING AND ANALYSIS POLICY

PURPOSE

The purpose of this policy is to establish requirements pertaining to the reporting and investigation of accidents involving personal injury or property damage in order to protect the safety and health of employees and the public. By analyzing the factors which contributed to or caused the accident, countermeasures can be identified to correct the areas identified and prevent future accidents.

APPLICABLE LEGAL STANDARDS

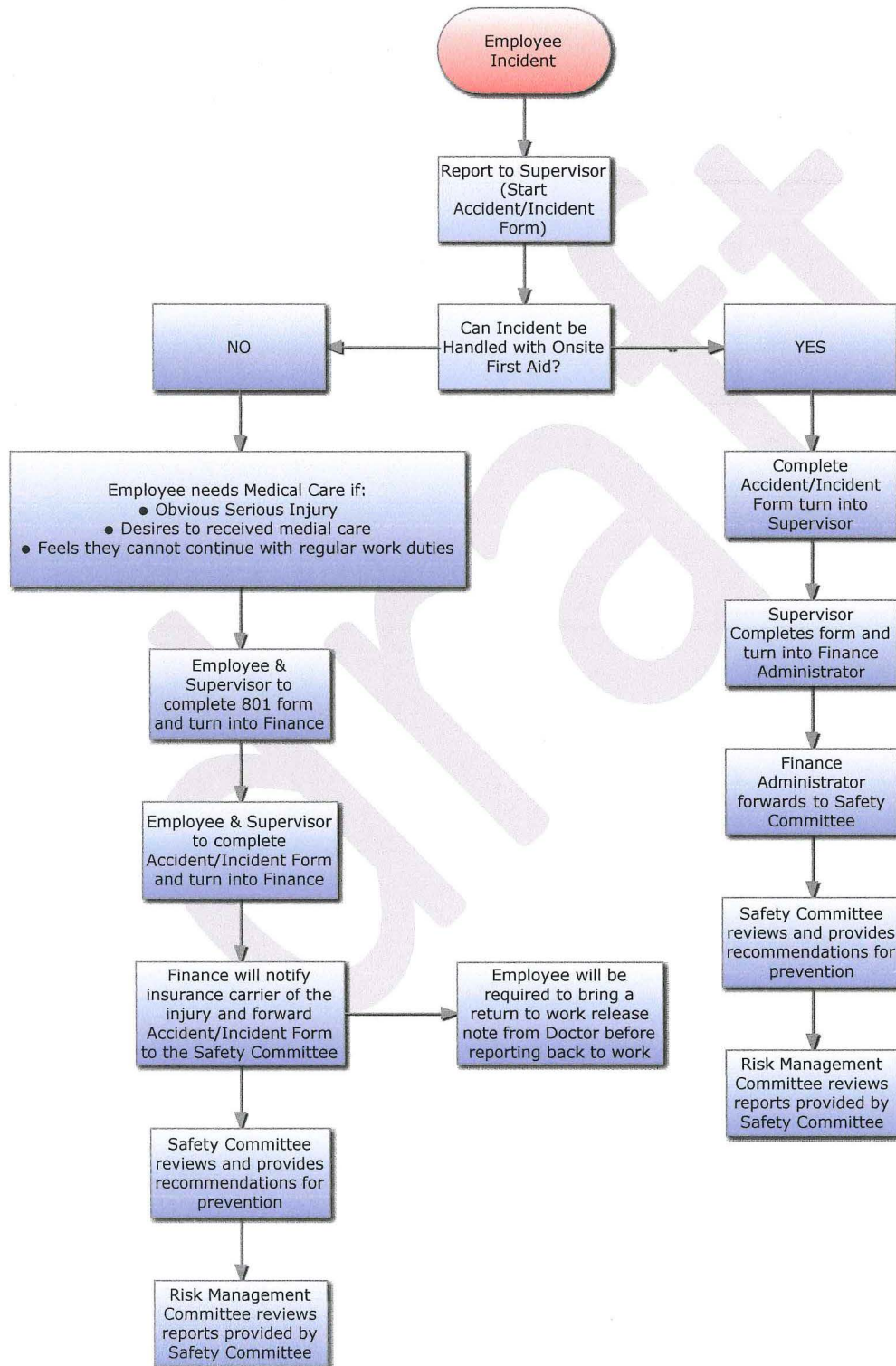
1. Oregon Administrative Rule *OAR 437-001-0760(3) Investigation of Injuries*: "Each employer shall investigate or cause to be investigated every lost time injury that workers suffer in connection with their employment, to determine the means that should be taken to prevent recurrence. The employer shall promptly install any safeguard or take any corrective measure indicated or found advisable."
2. Oregon Administrative Rule *OAR 437-001-0765(6)(g) Safety Committee/Accident Investigation*: "The Safety Committee shall establish procedures for investigating all safety-related incidents including injury accidents, illnesses, and deaths. This rule shall not be construed to require the committee to conduct the investigations."
3. Oregon Administrative Rule *OAR 437-001-0700 Reporting Fatalities and Hospitalizations to Oregon OSHA*: "Employers are responsible to notify Oregon OSHA within 8 hours after occurrence or employer knowledge of workplace fatality or catastrophe, and within 24 hours of an injury resulting in overnight or longer hospital admission."

GENERAL RESPONSIBILITIES

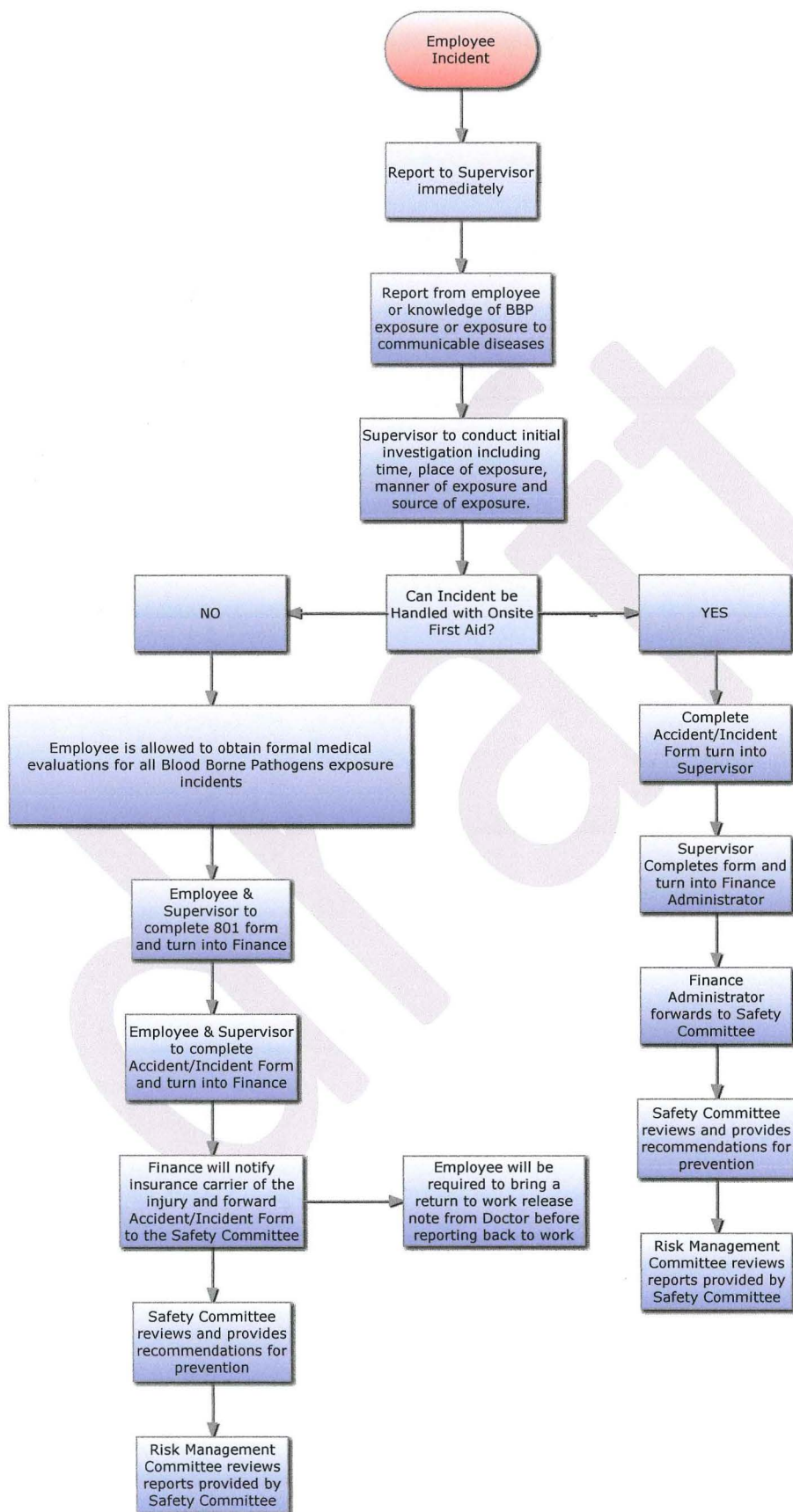
1. Department Supervisor: The Department Supervisor is responsible to ensure that all reported injuries, illnesses, exposures, near-misses, or reports of property damage are promptly investigated as to cause; ensure that Accident Procedures, as established in this policy, are carried out; arrive at recommendations to reduce recurrence; and ensure that corrective measures are implemented to reduce the likelihood of recurrence.
2. Employee: Employees are responsible to, immediately report to their supervisor any injury, illness, exposure, motor vehicle accident, near-miss or any accident involving property damage, sustained in the scope of employment. Follow the Accident Procedures and cooperate fully with all accident investigations.
3. Safety Committee: The Safety Committee is required review every written Accident Analysis Report and provide recommendations for prevention. Members who are trained in Accident Investigation may be involved with investigating the circumstances of the accident.
4. Risk Management Committee: The Risk Management Committee meets quarterly to review every written Accident Analysis Report as provided by the Safety Committee.

The Risk Management Committee tracks the list of corrective measures to assure that items are completed as scheduled. Annually the Risk Management Committee evaluates the accident investigation procedures and provides recommendations for improvement.

WORKPLACE INCIDENT/INJURY FLOW CHART



BLOOD BORNE PATHOGENS FLOW CHART



ACCIDENT PROCEDURES

1. Personal Injury: The employee shall follow these procedures to report any injury, illness, near- miss, or any accident involving personal injury, sustained in the scope of employment.
 - a. The incident and/or condition must be reported to the employee's Supervisor immediately.
 - b. The injured employee shall complete side one of the Incident/Accident/ Illness Report form to provide details on the circumstances of the injury. The injured employee and his/her immediate supervisor will analyze the factors that contributed to the injury, list countermeasures for prevention, and record this information on the second page of the form. The form is then forwarded to the Finance Administrator.
 - c. Any time that the work-related condition requires the services of a medical provider, the employee is further required to complete a CIS Report of Job Injury or Illness Form 801. The 801 must be filed with the Finance Administrator within two working days of the accident. CIS must be notified within five working days of employer knowledge of a claim; therefore, if the employee is not available to complete and sign the 801, it must be completed as much as possible and submitted to CIS.
2. Motor Vehicle Accidents: Any City employee who is involved in a motor vehicle accident while driving a City-owned vehicle, City-leased vehicle, or other vehicle being used on official City business, whether it is their fault or not, and whether the amount of damage is minor or not, shall follow this procedure:
 - a. STOP AT ONCE!! Check for personal injuries and call 9-1-1 for an ambulance if needed.
 - b. No vehicle shall be moved from the scene until the police arrive and or photographs are taken, unless a greater hazard would be created by failure to remove the vehicle(s) from the scene.
 - c. Contact the City of Scappoose Police Department by vehicle radio or by telephone and provide the following information: Accident involves City employee and vehicle; location of accident; and name of caller. If the accident occurs outside the City of Scappoose, contact the Oregon State Police (OSP) or the law enforcement agency with the local jurisdiction.
 - d. Contact your Supervisor and provide the same information as in (c) above. The Supervisor should report to the scene of the accident as soon as possible and take photos of the accident if possible.
 - e. Exchange insurance information with the other driver. If other vehicle is unattended, leave a note and contact the owner ASAP. Write down names, license numbers, and other information regarding the accident and those people involved in it. Record this information on the insurance card in your vehicle. Be sure to record the name and address of any witnesses and the name and badge number of the responding police officer.
 - f. It is the driver's responsibility to submit the DMV form ("Oregon Traffic Accident and Insurance Report") to the DMV within 72 hours if there is any bodily injury and/or more

than \$1500 damage to any vehicle or property, or if any vehicle is towed from the scene as a result of damages.

- a. Employee fills out side one of the "Incident Reporting Form" for either an internal or external incident" form to provide details on the accident, after which the employee and his immediate supervisor will analyze the factors that contributed to the accident, list countermeasures for prevention, and record this information on page two of the form.
3. Damage to City Vehicle, Equipment or Property: Employees shall follow these procedures to report any accident involving damage to a City vehicle, equipment or property.
 - a. The incident and/or condition must be reported to the employee's Supervisor immediately.
 - b. Employee fills out side one of the "Incident Reporting Form" for either an internal or external incident" form to provide details on the accident, after which the employee and his immediate supervisor will analyze the factors that contributed to the accident, list countermeasures for prevention, and record this information on page two of the form. The form is then forwarded to the employees Department Supervisor for review. After review is completed the form is then forwarded to Finance Administrator. The Finance Administrator will log the form and forward it on to the Safety Committee for review.
4. Drug and Alcohol Testing:
 - a. For accidents or damage to a City vehicle, property or equipment:
 - i. For a CDL driver involved in an accident which resulted in a fatality or issuance of a moving violation, federal regulations require DOT post-accident testing protocol.
 - ii. For an employee not operating a Commercial Motor Vehicle, the City's Policy and Procedures for a Drug and Alcohol Testing Program requires post-accident drug and alcohol testing if the City determines that there is probable cause to believe that the actions of the employee(s) involved materially contributed to the accident. Non-DOT post-accident protocol is followed, which requires use of the non-DOT testing form and a Disclaimer Form for conducting the Breathalyzer Test.
 - iii. In either case (DOT or non-DOT protocol): The employee must be transported by a manager as soon as possible for drug and alcohol testing. The employee shall be tested as soon as possible, but for alcohol testing the time shall not exceed a period of eight (8) hours. Refer to the City's Policy and Procedures for a Drug and Alcohol Testing Program for details.
 - iv. The employee is placed on Administrative Leave pending receipt of test results.
 - b. DOT-approved Drug and Alcohol testing facilities used by the City of Scappoose:
 - i. Legacy Laboratory Services at 500 Columbia River Hwy, St Helens OR 97051 Phone 503-397-1802 Fax 503-366-3484. When possible please contact City Recorder or Finance Administrator so proper paperwork can be faxed prior to your arrival.
5. Fatality & Catastrophe: The City Manager or designee is required to report all work place fatalities and catastrophes to OR-OSHA within eight hours of knowledge at OR-OSHA's central office at 503-378-3272 or 1-800-922-2689 or by contacting the Oregon Emergency Response line at 1-800-452-0311.

- a. OR-OSHA requires that employers and their representatives not disturb the scene of a fatality or catastrophe, other than to conduct the rescue of an injured person, until authorized by the OR-OSHA Manager (or designee), or directed by a recognized law enforcement agency to do so.
- b. All employee injuries resulting in admission to a hospital also require notice to OR-OSHA within 24 hours of knowledge. Such notice shall be accomplished by the City Manager or designee. If the incident occurs on a weekend or holiday, the supervisor should contact either, the City Manager, or the Chief of Police.

draft

CITY OF SCAPPOOSE

Council Action & Status Report

Date Submitted: January 12th, 2017
Agenda Date Requested: January 17th, 2017
To: Scappoose City Council
From: Michael Sykes, City Manager
Alexandra Rains, Program Analyst
Subject: Extended Enterprise Zone Benefits for
Cascades Tissue

TYPE OF ACTION REQUESTED:

☒ **Resolution**

☐ **Ordinance**

☐ **Formal Action**

☐ **Report Only**

ANALYSIS:

Scappoose is part of the South Columbia County Enterprise Zone, a property tax abatement program that provides a tax exemption for qualifying businesses and industries providing capital investments resulting in job growth. The tax exemption lasts for a period of three (3) years with the possibility of extending the exemption for another two (2) years for a total of five (5) years.

Cascade's Tissue, located at 52960 West Lane Road, Scappoose, has applied for the Extended Enterprise Zone period of five (5) years. Based on their economic activity, including an agreement to invest \$47,640,000 towards capital investments and the creation of seventy-one (71) new jobs paying an average wage and benefits package of no less than \$55,346 per year for the five years of the tax exemption, City Staff has determined that they are eligible for the extended tax exemption period.

FISCAL IMPACT:

The Extended Enterprise Zone benefits will provide an annual property tax abatement to

Request for Council Action

Cascades Tissue of approximately \$877,512.50, less a portion of the abatement, referred to as an Annual Betterment, of \$87,751.25, for the five (5) year period. The Annual Betterment will be paid by Cascades Tissue to the Columbia County Economic Team (CCET), who will retain 50% and remit the other 50% to the City of Scappoose and the City of St. Helens. Based upon Cascades Tissue's level of investment, Scappoose will receive \$39,240.12 and St. Helens will receive \$4,635.51 for each of the five (5) benefit years. It is estimated that the Annual Betterment payments will commence April 1, 2017, although it is possible the initial payment could be delayed until 2018.

RECOMMENDATION:

City Staff is requesting Council approve Cascades Tissue's application for the Extended Enterprise Zone Tax Exemption of five (5) years.

SUGGESTED MOTION:

Staff moves that the Council approve Cascades Tissue's application for the Extended Enterprise Zone Tax Exemption of five (5) years.

RESOLUTION NO. 17-04

A RESOLUTION OF THE COUNCIL OF THE CITY OF SCAPPOOSE TO EXTEND ENTERPRISE ZONE BENEFITS FOR A FOURTH AND FIFTH YEAR TO CASCADES TISSUE GROUP-OREGON CONVERTING, A DIVISION OF CASCADES HOLDING U.S. INC (CASCADES), LOCATED IN THE SOUTH COLUMBIA COUNTY ENTERPRISE ZONE.

Whereas, the South Columbia County Enterprise Zone has six (6) sub-area co-sponsors, the City of Scappoose, the City of St. Helens, the City of Columbia City, the City of Vernonia, the Port of St. Helens, and Columbia County offering economic incentives through property tax relief to businesses and industries providing capital investments resulting in job growth; and

Whereas, Cascades is located at 52960 West Lane Road, Scappoose, Oregon 97056 and has made an application to extend the three year property tax abatement by two years for the a total of five years; and

Whereas, Cascades proposes to invest \$53,640,000 in enterprise zone qualified property at their manufacturing operations located in Scappoose, Oregon and St. Helens, Oregon resulting in the creation of a minimum of seventy-one (71) new jobs within the Columbia County enterprise zone; and

Whereas, Cascades is required to pay employee wages and benefits at a rate of not less than 150% of the Average Annual Covered Payroll which is \$36,897, and that the Average Annual Compensation Standard of 150% is \$55,346, and

Whereas, the co-sponsors and the zone manager of the South Columbia County Enterprise Zone have reviewed the application and agree that the proposed investment is consistent with the Enterprise Zone Purpose; and

Now, therefore, be it resolved:

The Scappoose City Council hereby authorizes the two year extension request for a total of five years exemption subject to the terms and conditions set forth in the Extended Enterprise Zone Exemption Agreement hereto attached and incorporated herein by this reference; and

Resolved:

The South Columbia County Enterprise Zone, upon concurrence of all of the other sub-zone sponsors, is authorized to execute the Extended Enterprise Zone Exemption Agreement with Cascades.

PASSED AND ADOPTED by the Scappoose City Council and signed by me, and the City Recorder, in authentication of its passage on this 17th day of January, 2017.

CITY OF SCAPPOOSE, OREGON

Scott Burge, Mayor

Attest: _____

Susan M. Reeves, MMC
City Recorder

DRAFT

RESOLUTION 17-04

CITY OF SCAPPOOSE

Council Action & Status Report

Date Submitted: 12/28/2016

Agenda Date Requested: 1/17/2017

To: Scappoose City Council

Through: City Manager Michael Sykes

From: Water Superintendent Darryl Sykes

Subject: Purchase of Chemical Feed Pumps

TYPE OF ACTION REQUESTED:

☐ Resolution

☐ Ordinance

☒ Formal Action

☐ Report Only

ISSUE: Replacement of caustic soda chemical feed pumps.

ANALYSIS: The caustic feed pumps at the Keys Road Water Treatment Plant need to be replaced due to regular wear and tear. The feed pumps are original equipment to the treatment plant and are almost 40 years old. Although the pumps have essentially been bulletproof, they have been obsolete for several years and staff has had a difficult time finding replacement parts to make necessary repairs. Based on these concerns, it is necessary to move forward with replacement of these pumps.

FINANCIAL IMPACT: The manufacturers quote for purchasing and installation of two replacement pumps is \$19,538.00. In an effort to limit inventory of spare parts, staff has standardized purchasing to the Blue White brand exclusively for all of chemical feed pumps. These pumps are proprietary so there will be only one quote.

RECOMMENDATION: Staff recommends purchase and installation of new Blue White chemical feed pumps to the Keys Road Treatment Plant from TMG services in the amount of \$19,538.00 (see attached quote). This purchase is included in the current 2016-2017 budget.

SUGGESTED MOTION: I move that council approve the purchase of replacement chemical feed pumps, including installation, for the Keys Rd. treatment plant from TMG Services for the amount of \$19,538.00.



Quality Products - Excellent Service

3216 E. Portland Avenue
Tacoma, WA 98404
253-779-4160
tmginc@tmgservices.net

November 23rd, 2016
QUOTATION

Attention: Darryl Sykes
City of Scappoose - Water
34485 E Columbia Avenue
Scappoose, OR 97056

REFERENCE: Blue-White Pump Skids

Dear Darryl,

Thank you for your continued support of TMG Services, Inc. We are pleased to offer the following "Quotation" for two single Blue-White Pump Skids w/ Stainless Steel Stand.

2 Pre-Fabricated Blue-White Single Pump Skids each including the following:

- 1 Blue-White M3 Series Metering Pumps, 0.0005 - 4.8 GPH @100 PSI
- 1 Y-Strainer
- 1 Flow Verification Sensor
- 1 Calibration Column, 500mL
- 1 Pressure Relief Valve
- 1 Pressure Gauge w/ Guard
- 1 Lot of True Union Ball & Check Valves
- 1 Lot of Miscellaneous Fittings and Piping necessary for a complete Skid

PRICE: \$16,561 (Includes Installation, Freight NOT Included)

1 Valve Board & Stainless Steel Pump Stand

PRICE: \$2,977 (Freight NOT Included)

TOTAL PRICE: \$19,538 (Includes Installation, Freight NOT Included)

Terms & Conditions of Sale:

-F.O.B.: Pre-Pay & Add

-Payment Terms: Net 30 Days – Our terms of payment are 100% payable 30 days after shipment. Since this is an agreement between Buyer and Seller, and Seller has no relationship with the third party owner, this agreement must be independent of any third party action or inaction. Payment will be due as indicated above without a dependency on the buyer being paid by the owner, with no further restriction or impediments, and regardless of any payment arrangement that may exist between contractor and owner.

-This price is in effect for 60 days.

-Submittals, if required, will be provided 2-3 weeks after receipt of all technical data at T M G Services.

-Delivery will be made in approximately 4-6 weeks after receipt of order and/or approvals and resolution of all necessary technical data at T M G Services.

-Quotation prices do not include any sales taxes or any other taxes that may apply.

-This quotation is limited to the products and/or services as listed and excludes any item or service not specifically listed.

It is always a pleasure to work with you. Please contact me if you have any questions or need further information.

Sincerely,

Robert Jimenez
T M G SERVICES, INC.
253-306-4830 Cell

CITY OF SCAPPOOSE

Council Action & Status Report

Date Submitted: January 12, 2017
Agenda Date Requested: January 17, 2017
To: Scappoose City Council
Through: Michael Sykes, City Manager
From: Robyn Bassett, Public Works Director
Subject: Preliminary Design for the Dutch Canyon Replacement Well Pump Station Improvements Project.

TYPE OF ACTION REQUESTED:

☐ Resolution ☐ Ordinance
☒ Formal Action ☐ Report Only

ISSUE: The Dutch Canyon Well is 39 years old and is approaching its expected duration of reliable service (typically 40 to 50 years). There are issues with the existing well screen as noted by observed production of sand which has limited the City to take advantage of the full water right at this location. The primary benefits to drilling an additional well is the ability to ensure the City has higher yield well that would allow the City to increase production at this site by as much as 250 to 300 gallons per minute. With new development and growing population occurring throughout the City, the increased yield is critical to the City's water production inventory.

FINANCIAL IMPACT: The City currently has \$380,000 budgeted for FY 16-17 for the engineering design, support and construction of the new well building and pump station improvements.

RECOMMENDATION: City staff received three bids for the preliminary design of the replacement well pump station (attached) and staff is requesting Council authorize the City Manager enter into a contract with Carollo Engineering for \$10,000.

SUGGESTED MOTION: I move Council authorize City Manager Sykes to enter into a contract with Carollo Engineering for the preliminary design of the replacement well pump station improvement project and approve an amount not to exceed **\$10,000**.

**PROFESSIONAL ENGINEERING AGREEMENT
FOR THE
DUTCH CANYON REPLACEMENT WELL PUMP STATION IMPROVEMENTS
PRELIMINARY DESIGN PROJECT
SCOPE OF BASIC SERVICES**

INTRODUCTION

This exhibit outlines the scope of work for Basic Services to be provided to the City of Scappoose (City) by Carollo Engineers, Inc. (Carollo) for the Dutch Canyon Replacement Well Pump Station Improvements Preliminary Design Project (Project).

PROJECT BACKGROUND

The City intends to drill a replacement water supply well adjacent to the existing Dutch Canyon Well located near the intersection of SW Dutch Canyon Road and SW Old Portland Road. The existing water supply well was constructed in the 1970's and has experienced significant decline in production capacity and produces excessive sand at moderate pumping rates. GSI Solutions, Inc. (GSI) is contracted with the City to provide hydrogeological support on the project and has already developed a conceptual design for the replacement well. GSI has identified a preferred location on the property to minimize interference with the existing well in order to allow the City to use the existing well to meet peak demands or as a backup supply source. The City, with support from GSI, will be proceeding with the drilling and development of the new well.

The new well pump will be a submersible vertical turbine pump and will discharge directly into the existing raw water pipeline that conveys groundwater to the Key's Road Water Treatment Plant (WTP). The City would like to use as much of the existing facility to house the new well's electrical and controls as possible, as well as utilize the existing generator.

ASSUMPTIONS

Carollo's scope of work is based on the following assumptions:

- City will provide survey information including existing site plan, known easements, and property boundaries, if available.
- No surveying, environmental, water quality, permitting or geological services are included in this scope of work.
- GSI will provide site layout information, new well location, and well design information, including: well pump test reports, effect of existing well on new well, well depth and recommended well pump production flow rates.
- City will provide potholing services, if needed, to locate utility or other buried assets.

- Energy Trust of Oregon application and supporting documentation will be prepared during final design and is not included in this effort.
- City will provide raw water transmission system pressure to develop pump design criteria.
- Approximate duration of Project is two months.
- City will be primary point of contact when coordinating with Columbia County PUD and other utilities.

PURPOSE

The purpose of the following document is to establish the scope for the Preliminary Engineering Services related to the Dutch Canyon Well Pump Station Improvements.

TASK 1 PROJECT INITIATION

1.1 Kickoff Meeting

Carollo shall:

- Schedule and conduct a one (1) hour project kickoff meeting with City personnel via tele-conference within three (3) working days following issuance of the Notice to Proceed. This meeting will be held to review the following:
 - Scope of work
 - Project schedule
 - Project budget
 - City and other government agency requirements for the Project
 - Design criteria
 - Available information
 - Data and information request
 - Basis of Design and User Requirement Specifications
 - Timing and intent of project deliverables
 - Key personnel
 - Project communication protocols
- Prepare the kickoff meeting agenda and meeting minutes, noting discussion issues, decisions, and action items, for review by the City prior to issuing final versions for distribution. The proposed agenda will be provided to the City at least one (1) business day before the meeting and draft meeting minutes will be provided within three (3) business days following the meeting. The meeting shall be attended by Carollo's Project Manager and Project Engineer.

Task 1.1 Deliverables:

- *Agenda and Meeting Minutes.*

TASK 2 PRELIMINARY DESIGN SERVICES

Upon receipt of written authorization by the City, Carollo shall perform the Preliminary Engineering Services necessary to provide a basis of design.

2.1 Preliminary Design Memorandum

Carollo shall:

- Prepare the Preliminary Design Memorandum, approximately three to five pages, that includes the following sections:
 - Project assumptions
 - Description of improvements
 - Relevant regulatory and local standards
 - Site review inventory citing existing utilities and topographic features; fatal flaw identification
 - Process design criteria
 - Review of existing electrical system and building, including generator capacity analysis
 - Review of Energy Trust of Oregon incentives related to a new VFD; provide recommendations for next steps if/when it appears that the City could benefit from the program
 - Alternative project delivery options and associated construction schedules (including critical path) for each option
 - Engineer's Cost Estimate
 - Meeting minutes and pertinent correspondence (Appendix)
 - Drawing Index and technical specifications outline
 - Design sketches rendered from a Sketch Up model. Renderings to include:
 - Site Plan
 - Electrical/Pump House Building Layout
- Address comments from one round of review and issue a Final Preliminary Design Memorandum incorporating the comments received.

Task 2.1 Deliverables:

- *Three (3) hard copies of the Draft/Final Preliminary Design Memorandum.*
- *One (1) electronic PDF copy of the Draft/Final Preliminary Design Memorandum.*

2.2 Preliminary Design Memorandum Review Meeting with City Staff

Carollo shall:

- Coordinate and conduct a Preliminary Design Memorandum review meeting with the City to discuss the City's review comments. A one (1) hour meeting, via tele-conference is budgeted with attendance by the Project Manager.

Task 2.2 Deliverables:

- *Meeting Agenda and Minutes.*

TASK 3 PROJECT MANAGEMENT

3.1 Project Administration

Carollo shall:

- Provide project management services to include monthly progress/activity reports, collaborating with the City staff on technical issues and problems encountered, schedule updates, proposed changes in scope or schedule, and other management activities.
- Direct the activities of the Carollo project team through regular internal progress meetings as well as interaction with reviewing agencies, and the City.

Task 3.1 Deliverables:

- *Monthly Progress Reports (2 total).*

SCHEDULE

A preliminary project schedule, showing a completion date of mid-February, 2017 is outlined in the table below, for the City's review/comment. Adjustments to this schedule will be made during the Kick-off Meeting.

<i>Task or Milestone</i>	<i>Proposed Date Complete</i>
Assumed Notice to Proceed	January 5, 2017
Meeting No. 1 - Kick-off Meeting	Week of January 9, 2017
Site Visit	Week of January 16, 2017
Submit Draft Report	Week of January 30, 2017
Meeting No. 2 - Predesign Memorandum Review	Week of February 6, 2017
Submit Final Report	Week of February 13, 2017

PROPOSED FEE

The proposed lump sum fee for this Scope of Work is \$10K.

TT Price Proposal		Revision Date: Jan 05, 2017		Labor Plan										Price Summary / Totals				
Well Predesign				9 Resource										Task Pricing Totals				13,503
Preliminary Design														Specify Add'l Fees on Setup				0
Submitted to: City of Scappoose (Attn: Darryl Sykes)														Technology Use Fee				
Contract Type: T&M														Total Price				13,503
														Pricing by Resource				
																		Task Pricing Totals



January 6, 2017

Robyn Bassett
Public Works Director
City of Scappoose
34485 E. Columbia Avenue
Scappoose, OR 97056

Subject: Preliminary Design Memo – Dutch Canyon Well

Dear: Robyn

As requested, we have provided scope and fee for a preliminary design memorandum for the proposed new well at the Dutch Canyon well site in Scappoose, OR.

1. **Assumptions:** The following assumptions have been made concerning the project, which are based upon the original scope of work and addendum sent by the City and discussions with the City.
 - a) The City of Scappoose will provide record drawings for the existing well which would include the well, building, piping, electrical and controls. These plans would be used to provide the background for the site plan sketches.
 - b) GSI will provide the information on the new well including: location on the site, sustainable well capacity, static water level, water level at the pumping capacity. This information is required prior to beginning work on the pump sizing and electrical requirements.
 - c) A water quality assessment with regard to treatment requirements is not part of this work scope. This will be accomplished by others.
 - d) Permitting requirements such as land use requirements, environmental review, building permit requirements is not part of this work scope.
 - e) Water rights issues will be evaluated by others.
 - f) A geotechnical evaluation for foundation design would be done at a later stage of the project.
 - g) A site specific survey would be done at a later stage of the project. Site sketches will be based upon the record drawings provided by the City.
2. **Scope of Work:** The work will consist of the following items:
 - a) Project Management which includes correspondence with the City, team coordination, and quality control reviews.
 - b) Site visit to document the existing system, and meet with the City. It is assumed that the City will invite GSI to the start-up meeting as their evaluation will be key to the work.
 - c) Provide a preliminary design memorandum of approximately 5 pages that covers the following: project description, project assumptions, existing conditions, design criteria, identify relevant regulatory requirements and standards, identify potential fatal flaws or issues, two sketches that include a site plan and building layout, and an estimate of construction cost. The evaluation would be focused on pump design criteria, electrical requirements, operations strategy and system layout. Structural and architectural input is anticipated to be limited.
 - d) Review the Energy Trust of Oregon incentive program and provide recommendation for steps to be taken if the City wishes to pursue incentives.
 - e) Evaluate alternative delivery options (design/build and design-bid-build). This includes estimated schedule for each option.

- f) Provide an estimated drawing index for full design, and an estimated specification outline for full design.
 - g) Submit the draft and final memorandum to the City. This will include meeting the City for the review of the draft document.
3. **Schedule:** The plan will be completed within one month after receiving information from the City on the existing well and GSI on the new well.
4. **Fee:** The fee for this work is \$13,503 in accordance with the attached budget breakdown.

We look forward to working with you on this project, and if you have question concerning the scope and fee please contact Gordon Munro at (503) 598-2530.

Sincerely,
Tetra Tech, Inc.



Gordon Munro, PE
Project Manager

Exhibit A
Scope of Services
Dutch Canyon Well Pre-Design
Keller Associates Project No.: 216110-002

Background

The Owner intends to drill a replacement well adjacent to the existing Dutch Canyon Well. The well production has declined. GSI Solutions, Inc. has already designed the new well to be located as far away from the existing well but within the property owned by the City. The City is proceeding with the drilling and development of the new well. This project will make recommendations for maintaining the existing well facility as a backup well. The City would like to use as much of the existing facility to house the new well's electrical and controls as well as utilize the existing generator if it will handle the new well. The City intends to investigate Energy Trust incentives for installing a VFD for the new well. The City would like the new well to have a pitless adapter and avoid construction of a new well house. It is anticipated that the new well will tap directly into the existing raw water pipeline that transports the water to the water treatment plant. The existing well, nor the new well, will use chlorination or any other form of pretreatment.

This following describes the scope of work to complete the engineering for the Preliminary Design Report. Design Services, Services During Bidding, and Services During Construction to complete the project as described above will be covered by a separate task order.

Task 1. Project Administration

Consultant Responsibilities:

1. Consultant and City staff will meet to initiate the project. The objectives of this kickoff meeting will include reviewing the project constraints (scope, budget, and schedule), reviewing available information, resources, assumed design criteria, processes, and City objectives/goals. Data needs and coordination efforts will also be reviewed. It is anticipated that a field visit will be coordinated with this meeting. The kickoff meeting will include a review of the Basis of Design and User Requirement Specifications.
2. Prepare a request for information and review data provided by the City. Provide subsequent requests for information (if needed) to clarify data and complete analysis.
3. Prepare and submit monthly invoices.

City Responsibilities:

1. Provide information in request for information. All data should be provided within 14 days of the first request for information

Deliverables:

1. Request for Information
2. Meeting agenda and meeting minutes
3. Monthly invoices

Task 2. Preliminary Design

Consultant Responsibilities:

1. Document regulatory and local standards, and design criteria.
2. Prepare design sketches and associated project specifications outline.
3. Research the potential for Energy Trust incentives to install a VFD for the new well.
4. Evaluate electrical service and existing backup generator for capacity to serve both wells based on anticipated production from the new well. Evaluate whether the existing building can be used for housing the new well's electrical components or whether a panel must be installed outside, adjacent to the new well.
5. City's control engineering consultant will provide input and recommendations for connecting the new well to the existing SCADA system.
6. Participate in a pre-design review meeting.
7. Coordinate with GSI for site layout.
8. After new well pump tests are completed, coordinate with GSI and the City to solidify the design flow for the new well.
9. Revise and present to City the Basis of Design, User Requirement Specifications, and cost estimates based on pump test results. Discuss any City comments in a conference call.
10. Finalize and deliver pre-design report to City.
11. Provide engineering scope and budget for Design Services, Services During Bidding, and Services During Construction to complete the project.

City Responsibilities:

1. Review and comment on documentation in a timely manner.
2. Provide potholing if needed.
3. Identify system design pressure based on the design flow of the well.
4. Provide documentation of known existing easements and property boundaries.

Assumptions:

1. A new well house will not be constructed with the new well. Accommodating the new well is anticipated to be via a pitless adapter.
2. Surveying services will not be included, but is anticipated to be completed in the Design Services phase under a separate task order.
3. A new gravel access will be provided to the new well head.
4. This scope does not include any geotechnical, environmental, permitting, or water quality evaluation services.

Deliverables:

1. Documented design criteria
2. Pre-design sketches; specifications outline
3. Meeting agenda and meeting minutes
4. Three hard copies of Draft and final Pre-design Report. One PDF copy of the final pre-design report.

Engineering Compensation

The Consultant will be compensated the lump sum amount of seventeen thousand, nine hundred dollars (\$17,900) for all tasks described in tasks 1-2 of this exhibit.

CITY OF SCAPPOOSE

February 2017

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6 City Council 7pm	7	8	9	10 Chapman Landing Ad hoc meeting 11am	11 Annual Town Meeting 8:30 am to Noon
12	13	14	15	16 EDC ~ noon	17	18
19	20 City offices closed	21 City Council 7pm	22	23	24	25
26	27	28				