



SCAPPOOSE *Oregon*

MONDAY, NOVEMBER 18, 2024 CITY COUNCIL MEETING AGENDA
REGULAR MEETING 7:00 PM

COUNCIL CHAMBERS*33568 EAST COLUMBIA AVENUE*SCAPPOOSE, OREGON 97056

ITEM AGENDA TOPIC	Action
Call to Order	
Pledge of Allegiance	
Roll Call	
Approval of the Agenda	
Public Comment - Items not on the agenda	
Please sign a speaker request form and turn it in to the City Recorder along with any written testimony.	
1. Consent Agenda ~ November 4, 2024 City Council work session minutes and November 4, 2024 City Council meeting minutes	
2. Presentation	
LT Fluellen	
<u>Old Business</u>	
3. Ordinance No. 920: An Ordinance Relating to Land Use on Remand from LUBA; Amending the Scappoose Zoning Map, Adopting and Implementing the Hearings Officer Final Order, and Approving the "Buxton Ranch" Planned Development, Subdivision, Conditional Use, and Sensitive Lands Development Permits Second Reading/Approval	
Community Development Director Laurie Oliver Joseph	
<u>New Business</u>	
4. Resolution 24-17 Authorizing A Loan From the Special Public Works Fund	Approval
Contract Administrator Charlotte Baker	
5. Cancel December 2, 2024 City Council meeting	Approval
Announcements – information only	
6. Calendar	
7. Updates: City Manager; Police Chief; Councilors; and Mayor (This tab includes Department reports)	
8. NFIP Pre-Implementation Compliance Measures Update	
Community Development Director Laurie Oliver Joseph	
9. Executive Session ~ ORS 192.660(2)(h) Legal Counsel	
10. Open Session	
11. NFIP Pre-Implementation Compliance Measures Update	
Community Development Director Laurie Oliver Joseph	

Adjournment

PLEASE NOTE: IF YOU WOULD LIKE TO SPEAK WITH CITY STAFF ABOUT A PARTICULAR AGENDA ITEM, PLEASE CALL CITY HALL at 503-543-7146 NO LATER THAN 3:00 PM ON THE DAY OF THE MEETING.

This meeting will be conducted in an ADA accessible room. If special accommodations are needed, please contact City Hall at (503) 543-7146 in advance. TTY 1-503-378-5938



MONDAY, NOVEMBER 4, 2024
CITY COUNCIL WORK SESSION ~ REVIEW OF CITY COMMITTEES, 6:00PM
COUNCIL CHAMBERS
33568 EAST COLUMBIA AVENUE
SCAPPOOSE, OR 97056

Disclaimer: These minutes are intended to summarize the conversations that took place in this meeting rather than provide a full transcript. Anyone wishing to view the full conversation can find a recording of this meeting on YouTube at: www.youtube.com/watch?v=3N_IOi2FJVg.

Mayor Backus called the work session to order at 6:00 p.m.

Present: Mayor Joseph A. Backus; Councilor Kim Holmes; Councilor Andrew Lafrenz; Councilor Marisa Jacobs; City Manager Benjamin Burgener; and City Recorder Susan M. Reeves.

Remote: Council President Tyler Miller; Councilor Jeannet Santiago; Mike Maggi (left at 6:10pm and joined again at 6:57pm; Legal Counsel Ashleigh Dougill (joined at 6:46pm); and Marty Marquis (joined at 6:57).

City Manager Benjamin Burgener went over the information gathered from City Council. Scappoose City Council has two standing committees they are responsible for: Parks & Rec Committee and the Economic Development Committee. Each Committee has a council liaison. Parks and Rec Liaison is Marisa Jacobs, Economic Development Committee Liaison is Jeannet Santiago. Understanding effective roles, responsibilities, value, and communication protocol continue to be a topic of misunderstanding which is limiting the effectiveness of the council's, committee's, and staff's time. The council met on Oct 21 to talk about committees in a work session. The meeting largely focused on a brief review of the City of Florence's Committee handbook and focused on what value committees provide to the current council. The main points discussed were:

Starting with the Strategic Direction and City Council Goals, committees are:

- 1) Created and given direction from the city council or staff (depending on whether it is a council, or a staff created committee) – Not the other way around.
- 2) A way to provide additional community outreach, technical assistance and expert advice; when not readily available within the City Council or Staff, and when committees are determined to be needed by the council and/or staff.
- 3) Potential training ground for future council members.

- 4) A place to help increase community engagement and assist in positive changes in the community.
- 5) An additional way to generate new ideas or suggest potential goals for the council. - If directed to do so by the council
- 6) Increased in value with regular follow up and reporting to the council.
- 7) Permanent, ad hoc, or a hybrid of the two (permanently created, but only meet when needed for a specific purpose).

After the meeting the council was emailed the following questions to respond to as a resource for further thought and discussion in the upcoming work session.

Now that the value of committees has been determined, it's time to look at what committees are needed:

For a moment, pretend the council has zero committees. Referencing the council goals listed above, potential new goals this January, strategic direction, or other council documents. Considering the expertise, planning documents, and direction already available within the council and staff:

- 1) What committees are needed, if any?

(Please answer the following for each committee recommendation)

- 2) Why?
- 3) Is this committee needed now, or sometime in the future when resources allow?
- 4) What type of committee should they be (ad hoc, permanent, combination – staff, council, or community)?
- 5) Will the committee(s) be advisory, a work group, an action committee, or something else?
- 6) What tasks/projects should be tackled by this committee?
- 7) Do these tasks line up with the council goals?
- 8) What should the makeup of the committee voting members look like?
- 9) Do we have the bandwidth to provide proper staff involvement?
- 10) What is the council liaison's role?
- 11) Is there enough work to keep the committee engaged, consistent, and successful for the type of committee listed?

The responses will be tabulated together and provided to the council during the work session to continue the discussion. Future project scope and staff resources. Staff recommends that the council continue to review the Florence Committee Manual in detail for benefits, structure, and other ideas that should be considered. The goal of these workshops is to get the council as a whole to have a clear direction of why and when Scappoose chooses to use committees, committee design, and successful implementation. It is important to think outside what is currently in place and not simply justify what we currently have, but to consider what is actually needed.

Council Goals

Goal 1: Develop a vibrant and diverse local economy

Goal 2: Enhance community livability

Goal 3: Create a safe city with a visible public safety presence

Goal 4: Develop a diverse and accessible park system for people of all abilities

Goal 5: Plan and invest in responsible and sustainable community infrastructure

Goal 6: Support good governance and strengthen internal operations for organizational resiliency

Committee Workshop

Now that the value of committees has been determined, it's time to look at what committees are needed:

For a moment, pretend the council has zero committees. Referencing the council goals listed above, potential new goals this January, strategic direction, or other council documents. Considering the expertise, planning documents, and direction already available within the council and staff:

1) What committees are needed, if any?

- a. I think the committees that are not required by law, should be used during the creation of master plans only, and that once a year thereafter, the committee(s) should convene to evaluate the master plan and determine if any amendments need to be made.

Ideally, the annual "reconvene", would take place in/around October to allow staff and committee members time to discuss and make proposed amendments (if any), for council to consider and adopt during annual goal setting the following January. - (Tyler)

- b. I do think we can be more efficient with committees and an ad-hoc model might make the most sense moving forward. However, I do see the benefit of a place/forum in which council can receive feedback and ideas that are not necessarily part of the current year council goals. So, ad hoc committees for projects as needed but some type of way to get feedback in the fall of each year from the members that we use for ad hoc committees that can suggest or recommend goals related to the work they do. That way council can be more inclusive of voices in the community when deciding on our council goals each January. Otherwise, council is only drawing on their own thoughts and values and the limited number of people around them in the community. While council might have the final say in developing council goals, I do think we need an avenue in which stakeholders in the community can at least provide recommendations to council (outside of recommendations by certain ad hoc committees that are working on council/staff directed projects). (Andrew)

- c. Economic Development (Kim) (Joe) (Marisa) (Jeannet)
- d. Parks and Recreation (Kim) (Joe) (Marisa) (Jeannet)
- e. Emergency Preparedness (Kim - CERT) (Joe - LEPC)
- f. Safety (Marisa)
- g. Community Club Partnership (Jeannet)

(Please answer the following for each committee recommendation)

2) Why?

a. **Economic Development**

- i. (Kim) - This town sorely lacks a downtown and we need more businesses that support leisure.
- ii. (Marisa) - improve, enhance commerce within the community. Create a downtown (establish where it would be), create a plan on how to attract businesses within the approved land zones. Assess what business we currently have and what businesses/services our community is lacking. Recommend community standards to look and feel cohesive.

b. **Parks and Recreation**

- i. (Kim) - When engaged with residents and non-residents on what they value about Scappoose, parks and open spaces were of high value.
- ii. (Marisa) - Prioritization of amenities by completing community outreach and providing outcome as it aligns or doesn't against the Master Plan.
- iii. (Jeannet) –
 1. Supports Goal 2 (community livability) and Goal 4 (diverse park system)
 2. Essential for park system development and community engagement
- iv.

c. **Emergency Preparedness**

- i. (Kim) - Every town in Oregon should have a CERT team in my opinion. Resiliency makes communities stronger.

d. **Safety**

- i. (Marisa) - community connection to understand the pain points within our town, develop a list of areas to focus on for sidewalk improvements or new sidewalks...recommend areas of streets for consideration for no parking or limited parking due to public usage. Create safe paths to school. Avenue for citizens to provide input.

e. **Community Club Partnership**

- i. (Jeannet)
 1. Supports community engagement without adding administrative burden
 2. Leverages existing community organization
 3. More flexible than a formal committee structure

3) Is this committee needed now, or sometime in the future when resources allow?

a. **Economic Development**

- i. (Kim) - Now
- ii. (Marisa) - current and recommend keeping
- iii. (Joe) - Now

b. **Parks and Recreation**

- i. (Kim) - Now
- ii. (Marisa) – ad hoc – place on hold until after goal setting
- iii. (Joe) - Now

c. **Emergency Preparedness**

- i. (Kim) - Future once the structure of the group can be figured out and alignment can be reached with police and/or fire department

d. **Safety**

- i. (Marisa) - in the new year
- 4) What type of committee should they be (ad hoc, permanent, combination – staff, council, or community)?
 - a. **Economic Development**
 - i. (Kim) – Permanent
 - ii. (Marisa) - permanent combination – council & staff
 - iii. (Jeannet) – advisory
 - iv. (Joe) - Permanent Committee developed by council but staff can use the committee if they feel it would benefit them. They would propose through liaison potential task they could be used for.
 - v. This would be an advisory committee, providing advice or
 - b. **Parks and Recreation**
 - i. (Kim) – Permanent
 - ii. (Marisa) – ad hoc council
 - iii. (Jeannet) – Hybrid (permanent committee with ad hoc project teams)
 - iv. (Joe) - Permanent Committee developed by council but staff can use the committee if they feel it would benefit them. They would propose through liaison potential task they could be used for.
 - c. **Emergency Preparedness**
 - i. (Kim) – Permanent
 - d. **Safety**
 - i. (Marisa) - permanent combination – council, staff & community
 - e. **Community Club Partnership**
 - i. (Jeannet) - Independent organization with formal city liaison
- 5) Will the committee(s) be advisory, a work group, an action committee, or something else?
 - a. **Economic Development**
 - i. (Kim) - action committee with an advisory component when needed
 - ii. (Marisa) – action committee
 - iii. (Joe) - This would be an advisory committee, providing advice or recommendation to which ever group asked for their help.
 - b. **Parks and Recreation**
 - i. (Kim) - action committee with an advisory component when needed
 - ii. (Marisa) – advisory committee
 - iii. (Joe) - This would be an advisory committee, providing advice or recommendation to which ever group asked for their help.
 - c. **Emergency Preparedness**
 - i. (Kim) - action committee with an advisory component when needed
 - d. **Safety**
 - i. (Marisa) – work group
- 6) What tasks/projects should be tackled by this committee?
 - a. **Economic Development**
 - i. (Kim)
 - 1. Promoting the urban development grants
 - 2. Actively attracting businesses, like a hotel

- ii. (Marisa) – create a master plan for downtown development, create brand standards, evaluate and recommend awards to the annual business grants
- iii. (Jeannet)
 - 1. Create an annual business retention/attraction plan in collaboration with CCET
 - 2. Review and provide input on business-related policies
 - 3. Identify barriers to business development (identify in retention/attraction plan)
 - 4. Recommend economic development strategies (identify in retention/attraction plan)
 - 5. Quarterly business community outreach events (identify in retention/attraction plan)
- iv. (Joe) - Council would review the above list during goal setting and with help from staff would develop tasks or goals for the committee to work on throughout the year. Including the Urban Renewal Application Review
- b. **Parks and Recreation**
 - i. (Kim)
 - 1. Private donations to enhance parks in collaboration with staff
 - 2. Small grants
 - 3. Promoting recreational tourism
 - ii. (Marisa) – recommend amenities to prioritize against the master list with a provided budget number; assess new park designs through community outreach for feedback; establish fundraising as part of the committee
 - iii. (Jeannet)
 - 1. Review and update parks master plan annually
 - 2. Recommend accessibility improvements
 - 3. Form temporary project teams for specific initiatives
 - iv. (Joe) - Council would review the above list during goal setting and with help from staff would develop tasks or goals for the committee to work on throughout the year.
- c. **Emergency Preparedness**
 - i. (Kim)
 - 1. Increasing awareness about personal preparedness
 - 2. Help coordinate a natural disaster plan for residents (there currently is none)
 - 3. Assist fire department and police with things like traffic control for parades and other community events, or in the event of emergencies.
- d. **Safety**
 - i. (Marisa) – recommend sidewalks to prioritize against a provided budget number, provide feedback to police or staff key areas to focus or be aware of
- 7) **Do these tasks line up with the council goals?**
 - a. **Economic Development**
 - i. (Kim) – I believe so
 - ii. (Marisa) – yes
 - iii. (Joe) - Council Goal 1 Develop a vibrant and diverse local economy
 - b. **Parks and Recreation**

- i. (Kim) – I believe so
 - ii. (Marisa) – yes
 - iii. (Joe) –
 - 1. Council Goal 4 Develop a diverse and accessible park system for people of all abilities
 - 2. Council Goal 2 Enhance community livability
 - c. **Emergency Preparedness**
 - i. (Kim) – I believe so
 - d. **Safety**
 - i. (Marisa) – yes
- 8) What should the makeup of the committee voting members look like?
- a. **Economic Development**
 - i. (Kim) - 5 voting members and two alternates
 - ii. (Marisa) – committee members only
 - iii. (Jeannet)
 - 1. Create an annual business retention/attraction plan in collaboration with CCET
 - 2. Review and provide input on business-related policies
 - 3. Identify barriers to business development (identify in retention/attraction plan)
 - 4. Recommend economic development strategies (identify in retention/attraction plan)
 - 5. Quarterly business community outreach events (identify in retention/attraction plan)
 - iv. (Joe) - Made up of local citizens, preferably some from within city limits. People that have economic or business interests within the city.
 - b. **Parks and Recreation**
 - i. (Kim) - 5 voting members and two alternates
 - ii. (Marisa) – committee members only
 - iii. (Jeannet)
 - 1. 5 voting members
 - 2. Must include Parks professional/enthusiast, youth sports representative or with children in the school district
 - 3. The Council Liaison is the committee facilitator of the meetings and non-voting member. Together with the Chair and Vice-Chair, the Council Liaison can call meetings and special/urgent meetings.
 - 4. City Staff as support
 - iv. (Joe) - Made up local citizens, preferably most from within city limits. People that have expertise or experience in our local parks and/or possible recreation opportunities.
 - c. **Emergency Preparedness**
 - i. (Kim) - 5 voting members and two alternates
 - d. **Safety**
 - i. (Marisa) – committee members only
 - e. **Community Club Partnership**

- i. (Jeannet)
 - 1. Council liaison attendance at key meetings
 - 2. Staff coordination for city-sponsored events
 - 3. Annual partnership agreement defining roles
- 9) Do we have the bandwidth to provide proper staff involvement?
 - a. **Economic Development**
 - i. (Kim) - Yes
 - ii. (Marisa) – Defer to City Manager
 - iii. (Joe) - We have the bandwidth but need to be cognizant of potential over use of staff time unless voted by council to authorize extra time and resources. Staff normally would send agenda out to members, set up meeting, and take minutes of meetings.
 - b. **Parks and Recreation**
 - i. (Kim) - Yes
 - ii. (Marisa) – Defer to City Manager
 - iii. (Joe) - We have the bandwidth but need to be cognizant of potential over use of staff time unless voted by council to authorize extra time and resources. Staff normally would send agenda out to members, set up meeting, and take minutes of meetings.
 - c. **Emergency Preparedness**
 - i. (Kim) - TBD
 - d. **Safety**
 - i. (Marisa) – Defer to City Manager
- 10) What is the council liaison's role?
 - a. **Economic Development**
 - i. (Kim) - Ensure the committee stays on task. Alters the Mayor and council when things are not going well. Keep council informed of work items and progress
 - ii. (Joe) - Liaison could be chair or vice chair and in charge of developing agenda with committee chair and working between committee, council, and staff to make sure direction is correct, working on goals, or asking for adjustments.
 - b. **Parks and Recreation**
 - i. (Kim) - Ensure the committee stays on task. Alters the Mayor and council when things are not going well. Keep council informed of work items and progress
 - ii. (Joe) - Liaison could be chair or vice chair and in charge of developing agenda with committee chair and working between committee, council, and staff to make sure direction is correct, working on goals, or asking for adjustments.
 - c. **Emergency Preparedness**
 - i. (Kim) - Ensure the committee stays on task. Alters the Mayor and council when things are not going well. Keep council informed of work items and progress
 - d. **Safety**
 - e. **All Committees**
 - i. (Marisa)
 - 1. conduit between the council and the committee
 - 2. help direct and keep the committee in line with the council's vision and goals
 - 3. Ex officio member
 - 4. Reports – formal reports by the chair & updates by liaison to council

ii. (Jeannet)

1. Report committee activities to the council monthly
2. Ensure alignment with council goals
3. Act as a communication bridge
4. Non-voting member
5. Cannot serve as committee chair

11) Is there enough work to keep the committee engaged, consistent, and successful for the type of committee listed?

a. **Economic Development**

- i. (Kim) – I believe so
- ii. (Marisa) – envision monthly meeting given the projects listed above. Reevaluate on a yearly basis
- iii. (Joe) - I would think we can find enough to keep this committee busy for the complete year. They would not need to meet every month if nothing is happening at that time

b. **Parks and Recreation**

- i. (Kim) – I believe so
- ii. (Marisa) – envision this committee would meet once a quarter.
- iii. (Joe) - I would think we can find enough to keep this committee busy for at least 6-8 months of the year. This includes potentially organizing 1-2 community events such as Earth Day, Outdoor Festival and possibly the sponsorship item of finding people to sponsor items such as picnic tables, benches, and other items public works believe we need, plus other things on the above list.

c. **Emergency Preparedness**

- i. (Kim) – I believe so

d. **Safety**

- i. (Marisa) – envision this committee meetings monthly or every other month. Initial set up of the committee and key projects as listed above would keep them engaged for a year or more. Then could reset meeting frequency

(Joe) – Additional Information

As council committees it is up to us-council, to develop and provide direction for the committee through our goal setting with staff. I believe we can find good uses for these groups to help with things that staff doesn't have the people or time to do. They can help council learn what the community is saying or thinks without having to hiring consultants for surveys.

The city of Scappoose can benefit from the Parks and Recreation Committee and the Economic Development Committee by enhancing community engagement and promoting local initiatives. The Parks and Recreation Committee can focus on identifying community needs, improving facilities, and organizing events that foster a sense of community. By involving residents in planning, we can ensure that our parks and recreational offerings align with their interests.

Similarly, the Economic Development Committee can play a crucial role in gathering feedback on local business needs and opportunities for growth. They can explore partnerships with local organizations and promote initiatives that attract investment and improve the local economy. Both committees can serve as valuable resources for the council, providing insights and recommendations that reflect community priorities without the cost of external consultants.

2. I googled to see ideas for successful Parks and Recreation Committees and these all looked good for us to discuss and see if enough agree to task the committee with these jobs so I listed them all. I could see how we could use the committee to help when staff feels they do not have the manpower or time to do. This would be done during goal setting.

- **Develop and oversee park plans:**
Create long-term strategies for acquiring, developing, and maintaining parks and recreational facilities across the city, including identifying potential new park sites and prioritizing improvement projects.
- **Review and recommend park budgets:**
Analyze proposed park budgets, suggest funding allocations for maintenance, new programs, and capital improvements, and advocate for necessary funding to the city council.
- **Gather community input:**
Conduct surveys, hold public meetings, and engage with residents to understand their needs and desires regarding parks and recreation programs.
- **Design and implement recreational programs:**
Develop and oversee a variety of recreational programs for all ages and abilities, including sports leagues, fitness classes, art programs, and special events.
- **Evaluate park facilities and programs:**
Regularly assess the condition of park facilities, review program effectiveness, and identify areas for improvement.
- **Advise on park maintenance standards:**
Recommend guidelines for park maintenance, including landscaping, equipment upkeep, and safety protocols.
- **Coordinate with other departments:**
Work with city departments like public works, planning, and community development to ensure coordinated efforts regarding park development and maintenance.
- **Identify grant opportunities:**
Research and apply for grants to fund park improvements, new programs, or special projects.
- **Promote park usage:**

Develop marketing strategies to raise awareness about available parks and recreational programs within the community.

- **Address accessibility concerns:**

Ensure parks and programs are accessible to people with disabilities and advocate for necessary accommodations.

- **Review park usage policies:**

Establish and monitor policies regarding park reservations, permit requirements, and user guidelines.

- **Advocate for environmental sustainability:**

Promote environmentally friendly practices in park management, such as water conservation and native plant usage.

- **Consider cultural needs:**

Identify and incorporate cultural aspects into park programming and design to reflect the diverse

2. Same thing here. These are potential uses for the Economic Development Committee

- **Developing strategies**

EDC can create strategies and policies to help the community's economy, such as plans to retain and grow businesses.

- **Advising**

The EDC can advise the local government on economic development matters, such as the business climate, marketing opportunities, and incentives.

- **Recommending**

The EDC can make recommendations to the local government on policies, procedures, and ordinances that would help the community's economy.

- **Supporting projects**

The EDC can support projects that align with the community's comprehensive plan

- **Creating partnerships**

The EDC can work to strengthen partnerships between the public and private sectors.

- **Fundraising**

The EDC can develop a fundraising strategy, including setting donation expectations and planning fundraising events.

[\(Jeannet\) – Additional Information](#)

City of Scappoose Committee Structure Analysis (Jeannet) – (Additional Information not included in the questions above – areas that were already included above were deleted from the original report and are not reflected below)

Executive Summary

Based on the council goals and current challenges, this analysis recommends restructuring the committee system into two primary committees and one community partnership, with specific improvements to address previous pitfalls.

Committee Recommendations

1. Business Development Advisory Committee (BDAC)

Staff Involvement:

1. Meeting Logistics:
 - Schedule and host committee meetings (both in-person and virtual hybrid options)
 - Secure meeting locations and set up virtual meeting platforms
 - Ensure proper audiovisual equipment is available and functioning
 - Maintain attendance records
2. Documentation Management:
 - Record and maintain video recordings of all meetings
 - Take and prepare meeting minutes
 - Archive all committee documents according to public records requirements
 - Maintain committee member rosters and term tracking
3. Meeting Materials:
 - Prepare and distribute meeting packets in advance
 - Provide necessary documentation for agenda items
 - Maintain digital copies of all reference materials
4. Timeline Requirements:
 - Distribute agendas a minimum of 72 hours before meetings
 - Post public meeting notices according to state law
 - Make recordings available within 5 business days
 - Distribute draft minutes within 7-10 business days

2. Parks and Recreation Advisory Committee

(Restructured version of current Parks and Rec Committee)

Staff Involvement:

1. Meeting Logistics:
 - Schedule and host committee meetings (both in-person and virtual hybrid options)
 - Secure meeting locations and set up virtual meeting platforms
 - Ensure proper audiovisual equipment is available and functioning
 - Maintain attendance records
2. Documentation Management:
 - Record and maintain video recordings of all meetings
 - Take and prepare meeting minutes
 - Archive all committee documents according to public records requirements
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3. Meeting Materials:
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- 4. Timeline Requirements:
 - Distribute agendas a minimum of 72 hours before meetings
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 - Distribute draft minutes within 7-10 business days

Implementation Guidelines

Committee Member Guidelines

1. Training Requirements:
 - Mandatory orientation session
 - Annual public meetings law review
 - Ethics training
 - Role and responsibility review
2. Term Structure:
 - 2-year staggered terms
 - Maximum two consecutive terms
 - Attendance requirements (75% minimum)

Performance Metrics

- Annual committee self-assessment
- Council review of committee achievements
- Staff time tracking
- Project completion rates
- Member retention and new members rates

Budget Implications

- Staff time allocation: 5-10 hours per month per committee
- Annual training budget: Minimal, conducted by city staff
- Materials and supplies: Incorporate into existing department budgets

City Manager Burgener explained his recommendation is to work through our Council goals since it is so close and then address this at that time and really dig into the types of committees at that point. He explained probably go through the operating procedures at that time for whatever committees are there.

Adjournment

Mayor Backus adjourned the work session at 6:57 pm.

Mayor Joseph A. Backus

Attest:

City Recorder Susan M. Reeves, MMC



SCAPPOOSE *Oregon*

**MONDAY, NOVEMBER 4, 2024
CITY COUNCIL MEETING
REGULAR MEETING 7:00 PM
COUNCIL CHAMBERS
33568 EAST COLUMBIA AVENUE
SCAPPOOSE, OREGON 97056**

Disclaimer: These minutes are intended to summarize the conversations that took place in this meeting rather than provide a full transcript. Anyone wishing to view the full conversation can find a recording of this meeting on YouTube at: www.youtube.com/watch?v=4F9tEPN96o0 & www.youtube.com/watch?v=uZtEfUxllaA.

Call to Order

Mayor Backus called the November 4, 2024 City Council meeting to order at 7:00 pm.

Pledge of Allegiance

Roll Call

Joseph A. Backus	Mayor	Benjamin Burgener	City Manager
Kim Holmes	Councilor	Chris Fluellen	Interim Police Chief/LT
Andrew Lafrenz	Councilor	Susan M. Reeves	City Recorder
Marisa Jacobs	Councilor	Laurie Oliver Joseph	Community Development Director

Remote: Council President Tyler Miller; Councilor Jeannet Santiago; Legal Counsel Ashleigh Dougill; Mike Maggi; Marty Marquis; Max Bondar; and Steve Puls.

Approval of the Agenda

Mayor Backus explained he would like to ask, if possible, that we move public comment, if we have any, to after new business.

Councilor Holmes moved, and Councilor Santiago seconded the motion to approve the agenda with moving public comments after New Business.

Councilor Jacobs asked what is the reasoning for doing that?

Mayor Backus stated he just felt if there are any comments because we have the first reading of

the ordinance on the agenda and if there is any discussion he would prefer to just have it after Council has discussed the ordinance. He stated at this time there is no public comment.

Council President Miller explained since we don't have any public comment at this time, but there may be public comment after we discuss the new business, he thinks it's withing the public's interest to hold the public comment after Council discusses the ordinance.

Motion passed (5-1). Mayor Backus, aye; Council President Miller, aye; Councilor Santiago, aye; Councilor Holmes, aye; and Councilor Lafrenz, aye. Councilor Jacobs, nay.

Councilor Holmes moved, and Councilor Lafrenz seconded the motion to approve the agenda as amended. Motion passed (6-0). Mayor Backus, aye; Council President Miller, aye; Councilor Santiago, aye; Councilor Holmes, aye; Councilor Lafrenz, aye; and Councilor Jacobs, aye.

Consent Agenda ~ October 21, 2024 City Council work session minutes; and October 21, 2024 City Council meeting minutes

Councilor Jacobs moved, and Councilor Holmes seconded the motion to approve the Consent Agenda ~ October 21, 2024 City Council work session minutes; and October 21, 2024 City Council meeting minutes as presented. Motion passed (6-0). Mayor Backus, aye; Council President Miller, aye; Councilor Santiago, aye; Councilor Holmes, aye; Councilor Lafrenz, aye; and Councilor Jacobs, aye.

New Business

Ordinance No. 920: An Ordinance Relating to Land Use on Remand from LUBA; Amending the Scappoose Zoning Map, Adopting and Implementing the Hearings Officer Final Order, and Approving the "Buxton Ranch" Planned Development, Subdivision, Conditional Use, and Sensitive Lands Development Permits

Community Development Director Laurie Oliver Joseph went over the staff report. City Council voted to delegate their decision-making authority on the remand decision for Buxton Ranch to a Hearings Officer on June 12, 2024. The Hearings Officer held a Public Hearing regarding the remand on September 30, 2024, and has issued a Final Order, which recommends approval of the consolidated applications with final implementation by City Council. As noted above, the City Council delegated the remand decision to a Hearings Officer; however, the Planned Development Overlay acts as a zone change to the subject parcel, which requires an ordinance to enact. As City Council is the entity with the authority to enact an ordinance, the Hearings Officer's decision will need to be implemented by City Council via its adoption of Ordinance 920, which will also be the final decision on this application. The Final Order, attached to Ordinance 920, provides a summary of the local proceedings, a description of the four distinct

issues on remand, provides an analysis of the issues brought forward during written and verbal public testimony during the remand proceedings and provides findings to support the approval of the consolidated application, based on the applicable approval criteria. Council is not required to deliberate or hold any further public hearings or accept any further testimony on this application, as that was delegated to the Hearings Officer and that process has concluded. The adoption of the ordinance is a formality to implement the Hearings Officers decision on this matter. Staff recommends that the Council adopt Ordinance 920, thereby approving the Buxton Ranch consolidated application (SB1-22, ZC1-22, CU1-22, SLDP 1-22, 2-22, 3-22 and 4-22) and accept the findings and Conditions of Approval, as presented.

Mayor Backus explained the public hearing for this application was held by a hearings officer on September 30, 2024, so no additional hearings will be held. Council is the authority to approve ordinances, so tonight he will read an opening statement, then he will entertain a motion on Ordinance 920. He asked if any Councilor wishes to declare any appearance of bias, ex-parte contact or conflict of interest regarding this matter?

Councilor Lafrenz explained his home and property are in close proximity upstream of the proposed development. This ordinance may result in a detriment to himself and his property, so he has been advised to recuse himself. He left the Council Chambers at 7:12pm.

Councilor Jacobs explained she understands there could be actions or outside factors that could contribute to a possible appearance of bias in this matter. However, she does believe that she is able to weigh all the facts in the situation and determine that despite any potential appearance of bias she can render a neutral decision on this ordinance with respect to ex-parte contacts during the last course of the year that she has been a City Councilor she has had probably about two dozen individuals approach her at different points in time inquiring on this project and her position has remained fairly neutral. In terms of any conflict, perceived conflicts of interest she lives within a block distance of where this development will take place. She stated you could argue either way that it could financially benefit her with the new housing development, and you can argue that she will financially be negatively impacted by the new development so either way there is a perception there whether it's real or not, is simply just a (couldn't hear what she said).

Council President Miller explained during the course of this topic that's going on now for quite some time, there has been one-way ex-parte contact from Mr. Haugen to a number of Councilmembers. He has received emails from him however he has not replied back to those emails.

Councilor Holmes explained she has received similar emails from on the Friends of Floodplain distribution email list and asked multiple times to be removed from that list but that was the extent of her communication. She also received a text message from Joel Haugen last week

encouraging her to abstain from voting tonight until a hydrology report could be completed. She does not think those ex-parte communications will affect her ability to be impartial. She will also note that she has property that adjoins the property. She also doesn't believe that she has a financial benefit or detriment if that property were to be developed.

Mayor Backus explained as Councilor Holmes and to the degree Council President Miller he has received emails over the course of possibly the last year from Joe Haugen as a member of Friend of the Floodplain, but he believes that he can vote fairly on this topic.

Councilor Santiago explained she too has received the emails, but there is no bias for her.

Mayor Backus asked does any party wish to challenge any Council members impartiality or legal capacity to participate in this matter. He stated seeing none he will entertain a motion on this matter.

Councilor Holmes moved, and Councilor Santiago seconded the motion that the Council approve Ordinance 920, thereby approving the Buxton Ranch consolidated application (SB1-22, ZC1-22, CU1-22, SLDP 1-22, 2-22, 3-22 and 4-22) and accept the findings and Conditions of Approval, as presented.

Mayor Backus read the title for the first time ~ Ordinance 920, Ordinance No. 920: An Ordinance Relating to Land Use on Remand from LUBA; Amending the Scappoose Zoning Map, Adopting and Implementing the Hearings Officer Final Order, and Approving the "Buxton Ranch" Planned Development, Subdivision, Conditional Use, and Sensitive Lands Development Permits.

Mayor Backus explained this will come back on November 14, 2024 Council agenda for a second reading of the ordinance and to vote on the matter.

Public Comments ~ There were no public comments.

Announcements – information only

Calendar

Mayor Backus went over the calendar.

Updates: City Manager; Police Chief; Councilors; and Mayor

Interim Chief/LT Fluellen gave an update on the Police Department and the Halloween event.

Councilor Lafrenz came back into the room at 7:20 pm.

Councilor Jacobs stated tomorrow is election day and she hopes everyone has voted. She hopes that we have peace and acceptance over the couple of days after the election.

Councilor Santiago echoed what Councilor Jacobs stated about voting and having peace and acceptance after the election. She gave an update on the last EDC meeting.

Councilor Holmes gave an update on the 50-Year Plan. She stated if you haven't yet got your ballot in yet, please do so. It is a very important duty that we all have. She stated she does appreciate that in Scappoose, where we might not see eye to eye on things, she thinks we realize we have more things in common than not most often.

Council President Miller explained if you haven't voted yet, please get your ballot in, your vote matters. He explained regarding the Buxton Development this has been a long-drawn-out process and he just wanted to thank staff for all their dedication and professional standards and making sure the City abides by the law and our ordinances.

Mayor Backus explained he will echo everyone's comment about voting. He thanked Interim Chief Fluellen and City Manager Burgener for assisting with the six 3rd grade classes. He talked about the letters that all the students wrote. He explained the students wrote down what they would like to see at the parks, and the number one item was a zip line. He explained he did attend the LOC Small City Meeting, which the City of Scappoose will be hosting the meeting in February.

Executive Session ~ ORS 192.660(2)(d) Labor Negotiations

Mayor Backus read the Executive Session statement and then went into Executive Session at 7:26pm.

Present: Mayor Backus; Councilor Holmes; Councilor Lafrenz; Councilor Jacobs; City Manager Burgener; and Interim Police Chief/LT Fluellen.

Remote: Council President Miller; Councilor Santiago.

Open Session

Mayor Backus came out of Executive Session and into open session at 8:02pm.

Present: Mayor Backus; Councilor Holmes; Councilor Lafrenz; Councilor Jacobs; City Manager Burgener; Interim Police Chief/LT Fluellen; and City Recorder Susan Reeves.

Remote: Council President Miller; Councilor Santiago; Marty Marquis; Steve Puls; Joel Haugen; and Brittney.

SPOG Collective Bargaining Agreement

City Manager Burgener explained staff's recommendation is to approve the contract as written.

Mayor Backus explained he appreciates all the hard work on this.

Council President Miller moved, and Councilor Jacobs seconded the motion that Council adopt the SPOG Collective Bargaining Agreement as written. Motion passed (6-0). Mayor Backus, aye; Council President Miller, aye; Councilor Santiago, aye; Councilor Holmes, aye; Councilor Lafrenz, aye; and Councilor Jacobs, aye.

Adjournment

Mayor Backus adjourned the meeting at 8:05pm.

Mayor Joseph A. Backus

Attest:

City Recorder Susan M. Reeves, MMC

City of Scappoose
Council Action & Status Report

Date Submitted: 11/12/2024

Agenda Date Requested: 11/18/2024

To: City Council

Through: Hearings Officer, Daniel Kearns

From: Laurie Joseph, Community Development Director

Subject: Final Order by Hearings Officer for Buxton Ranch (SB1-22, ZC1-22, CU1-22, SLDP 1-22, 2-22, 3-22, 4-22)

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: City Council voted to delegate their decision-making authority on the remand decision for Buxton Ranch to a Hearings Officer on June 12, 2024. The Hearings Officer held a Public Hearing regarding the remand on September 30, 2024, and has issued a Final Order, which recommends approval of the consolidated applications with final implementation by City Council.

Analysis: As noted above, the City Council delegated the remand decision to a Hearings Officer; however, the Planned Development Overlay acts as a zone change to the subject parcel, which requires an ordinance to enact. As City Council is the entity with the authority to enact an ordinance, the Hearings Officer's decision will need to be implemented by City Council via its adoption of Ordinance 920, which will also be the final decision on this application.

The Final Order, attached to Ordinance 920, provides a summary of the local proceedings, a description of the four distinct issues on remand, provides an analysis of the issues brought forward during written and verbal public testimony during the remand proceedings and provides findings to support the approval of the consolidated application, based on the applicable approval criteria.

Council is not required to deliberate or hold any further public hearings or accept any further testimony on this application, as that was delegated to the Hearings Officer and that process has concluded. The adoption of the ordinance is a formality to implement the Hearings Officers decision on this matter.

During the November 4, 2024, City Council meeting, Council made a motion to approve Ordinance 920, thereby approving the Buxton Ranch consolidated application and to accept the findings and Conditions of Approval, as presented. The title of the Ordinance was read for the first time.

Recommendation: Staff recommends that the Council adopt Ordinance 920, thereby approving the Buxton Ranch consolidated application (SB1-22, ZC1-22, CU1-22, SLDP 1-22, 2-22, 3-22 and 4-22) and accept the findings and Conditions of Approval, as presented.

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

Attachments:

Ordinance 920 (without exhibits) *

*The Final Order by the Hearings Officer and exhibits are not included with this packet, but are available online at:
<https://www.scappoose.gov/citycouncil/page/remand-public-hearing-luba-case-no-2023-001-buxton-ranch-planned-development-and>

ORDINANCE NO. 920

AN ORDINANCE RELATING TO LAND USE ON REMAND FROM LUBA; AMENDING THE SCAPPOOSE ZONING MAP, ADOPTING AND IMPLEMENTING THE HEARINGS OFFICER FINAL ORDER, AND APPROVING THE “BUXTON RANCH” PLANNED DEVELOPMENT, SUBDIVISION, CONDITIONAL USE, AND SENSITIVE LANDS DEVELOPMENT PERMITS

WHEREAS, David Weekley Homes filed an application to amend the Zoning Map to apply a Planned Development Overlay designation to certain property in the City of Scappoose, and requesting Subdivision Tentative Plan Approval, Conditional Use Approval, and Sensitive Lands Development Permits for Flooding, Wetlands, Slope Hazard and Fish and Riparian Corridor; and

WHEREAS, the Planning Commission held hearings on the consolidated application on October 27, 2022 and November 17, 2022 and voted unanimously to recommend that the City Council approve the entire consolidated application; and

WHEREAS, the City Council held hearings on the consolidated application and the Planning Commission’s recommendation on December 5 and 12, 2022 and adopted Ordinance 909 approving the entire consolidated application on December 19, 2022; and

WHEREAS, the Council’s decision was appealed to LUBA and subsequently to the Courts of Appeals, and was remanded to the City to resolve four assignments of error; and

WHEREAS, the applicant triggered the remand proceedings on August 8, 2024, after which, the City Council directed by voice vote that the remand be heard by a suitably qualified Land Use Hearings Officer to take all evidence and testimony and render a decision on the remanded application; and

WHEREAS, the Hearings Officer conducted a public hearing in response to the remand on September 30, 2024, rendered a final order on the remanded application, and recommends that the City Council approve the zone change and development permits and application as a whole.

NOW THEREFORE, the City Council for the City of Scappoose Ordains as follows:

Section 1. The property described as Columbia County Assessor Tax Lot 3212-CB-00401 is hereby rezoned from R-1 (Low Density Residential) to include a Planned Development Overlay designation (R-1PD).

Section 2. The City Planner is directed to conform the City Zoning Map to the provisions of this ordinance.

Section 3. In support of the proposed Planned Development Overlay Zone Change, Subdivision Tentative Plan Approval, Conditional Use Approval, and Sensitive Lands Development

Permits for Flooding, Wetlands, Slope Hazard and Fish and Riparian Corridor, the City Council hereby accepts and adopts as its own the Final Order Following Remand of the Land Use Hearing Officer, and the findings contained in Exhibit A to the Hearing Officer's Final Order, both of which are incorporated herein by this reference.

Section 4. The Planned Development Overlay Zone Change, Subdivision Tentative Plan Approval, Conditional Use Approval, and Sensitive Lands Development Permits for Flooding, Wetlands, Slope Hazard and Fish and Riparian Corridor are hereby approved, subject to the conditions of approval stated in the Hearings Officer's Final Order, incorporated herein by this reference.

Section 5. Notwithstanding the effective date of ordinances as provided in Section 29 of the City of Scappoose Charter, this Ordinance shall become effective within thirty (30) days from its passage, upon the resolution of all appeals, or upon the expiration of all applicable appeal periods with no appeal being filed, whichever occurs last.

APPROVED, PASSED AND ADOPTED by the City Council this ____ day of November 2024 and signed by the Mayor and City Recorder in authentication of its passage.

CITY OF SCAPPOOSE, OREGON

Joseph A. Backus, Mayor

First Reading: November 4, 2024

Second Reading: _____

Attest:

Susan M. Reeves, City Recorder

City of Scappoose Council Action & Staff Report

Date Submitted: NOVEMBER 12, 2024

Agenda Date Requested: NOVEMBER 18, 2024

To: Scappoose City Council

From: Charlotte Baker, Contract Administrator

Subject: Resolution 24-17 Authorizing A Loan From the Special Public Works Fund

Type of Action Requested:

[x]	Resolution	[]	Ordinance
[]	Formal Action	[]	Report Only

Issue and Analysis:

The City's loan application with Business Oregon's Special Public Works Fund for the Keys Road Reservoir Project was approved on October 15. The loan is for \$2.95 million with a 4.09% interest rate; the City does not anticipate using the entirety of the loan. Interest on the loan accrues as each disbursement is made to the City.

However, funds from this loan will not be available to the City for project expenditures until a contractual agreement has been entered into by both the City and Business Oregon. Finalizing said agreement requires the passage of Resolution 24-17, which authorizes City Manager Burgener to execute the agreement, outlines sources of repayment, the City's tax-exempt status, and details on reimbursement bonds. The resolution must be adopted as written by Business Oregon.

Recommendation:

Staff recommends Council approve Resolution 24-17 and authorize the City Manager to enter into a contractual agreement with the Special Public Works Fund at Business Oregon in order to finalize the loan for the Keys Road Reservoir Project.

Suggested Motion:

I move City Council approve Resolution 24-17 and authorize the City Manager to enter into a contractual agreement with the Special Public Works Fund at Business Oregon in order to finalize the loan for the Keys Road Reservoir Project.

**RESOLUTION OF CITY OF SCAPPOOSE
AUTHORIZING A LOAN FROM THE SPECIAL PUBLIC WORKS FUND
BY ENTERING INTO A FINANCING CONTRACT
WITH THE OREGON INFRASTRUCTURE FINANCE AUTHORITY**

The City Council (“Governing Body”) of the City of Scappoose (“Recipient”) finds:

A. Recipient is a “municipality” within the meaning of Oregon Revised Statutes 285B.410(9).

B. Oregon Revised Statutes 285B.410 through 285B.482 (the “Act”) authorize any municipality to file an application with the Oregon Infrastructure Finance Authority of the Business Development Department (“OBDD”) to obtain financial assistance from the Special Public Works Fund.

C. Recipient has filed an application with OBDD to obtain financial assistance for a “development project” within the meaning of the Act.

D. OBDD has approved Recipient’s application for financial assistance from the Special Public Works Fund pursuant to the Act.

E. Recipient is required, as a prerequisite to the receipt of financial assistance from OBDD, to enter into a Financing Contract with OBDD, number L25005, substantially in the form attached hereto as Exhibit 1. The project is described in Exhibit C to that Financing Contract (the “Project”).

F. Notice relating to Recipient’s consideration of the adoption of this [Ordinance/Resolution/Order] was published in full accordance with Recipient’s charter and laws for public notification.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of Recipient as follows:

1. Financing Loan Authorized. The Governing Body authorizes the [Title of Officer] (the “Authorized Officer”) to execute on behalf of Recipient the Financing Contract and such other documents as may be required to obtain financial assistance (the “Financing Documents”), including a loan from OBDD, on such terms as may be agreed upon between the Authorized Officer and OBDD, on the condition that the principal amount of the loan from OBDD to Recipient is not in excess of \$2,950,000 and an interest rate of 4.09% per annum. The proceeds of the loan from OBDD will be applied solely to the “Costs of the Project” as such term is defined in the Financing Contract.

2. Sources of Repayment. Amounts payable by Recipient are payable from the sources described in section 4 of the Financing Contract and the Oregon Revised Statutes Section 285B.437(3) which include:

- (a) The revenues of the project, including special assessment revenues;
- (b) Amounts withheld under ORS 285B.449 (1);
- (c) The general fund of Recipient; or
- (d) Any other source.

3. Tax-Exempt Status. Recipient covenants not to take any action or omit to take any action if the taking or omission would cause interest paid by Recipient pursuant to the Financing Documents not to qualify for the exclusion from gross income provided by Section 103(a) of the Internal Revenue Code of 1986, as amended. Recipient may enter into covenants to protect the tax-exempt status of the interest paid by Recipient pursuant to the Financing Documents and may execute any Tax Certificate, Internal Revenue Service forms or other documents as may be required by OBDD or its bond counsel to protect the tax-exempt status of such interest.

DATED this ____ day of November 2024

City of Scappoose

Joseph A. Backus, Mayor

ATTEST:

Susan M. Reeves MMC, City Recorder

DRAFT

CITY OF SCAPPOOSE

December 2024						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 No Council meeting	3	4	5	6	7
8	9	10	11	12 EDC at noon	13	14
15	16 Council work session 6pm Council meeting 7pm	17	18	19 Park & Rec 6pm	20	21
22	23	24 City Offices closed	25 City Offices closed	26	27	28
29	30	31	January 1 st Happy New Year! City Offices closed			

General Ledger

General Fund Financials

User: carol.almer@scappoose.gov
 Printed: 11/13/2024 7:36:05 AM
 Period 01 - 04
 Fiscal Year 2025



SCAPPOOSE

Oregon

Description	Budget	2023-24 Actual	2024-25 Amount	Budget %
General Government				
Cash Carry Over	4,665,639.00	6,014,708.32	5,475,761.00	
Parks Cash Carry Over	100,000.00	50,000.00	0.00	
	4,765,639.00	6,014,708.32	0.00	
Taxes	2,492,763.00	13,673.00	11,399.62	0.46
Interest	235,000.00	79,414.80	86,183.79	36.67
Franchise Fees	520,300.00	24,044.00	69,999.28	13.45
Licenses & Permits	41,831.00	2,540.95	882.12	2.11
Intergovernmental Revenue	617,000.00	127,111.27	91,756.83	14.87
Charges for Services	341,981.00	38,798.91	139,509.09	40.79
Miscellaneous Revenue	252,000.00	32,626.84	9,856.29	3.91
Transfers	551,364.00	156,222.16	180,715.40	32.78
Non-Departmental	5,052,239.00	474,431.93	590,302.42	11.68
Revenue	5,052,239.00	474,431.93	590,302.42	11.68
Payroll Expenses	107,737.00	28,469.31	27,528.33	25.55
Materials & Services	1,300,546.00	539,177.09	573,948.82	44.13
Capital Outlay	40,000.00	9,427.61	747.46	1.87
ADMINISTRATION	1,448,283.00	577,074.01	602,224.61	41.58
Payroll Expenses	629,702.00	128,588.68	161,386.87	25.63
Materials & Services	274,194.00	9,763.78	42,600.89	15.54
Capital Outlay	129,243.00	35,699.01	10,050.50	7.78
Transfers	30,683.00	11,859.36	10,227.68	33.33
PLANNING	1,063,822.00	185,910.83	224,265.94	21.08
Payroll Expenses	2,311,118.00	567,912.40	515,871.77	22.32
Materials & Services	405,125.00	86,147.05	60,004.89	14.81
Capital Outlay	103,600.00	9,742.61	0.00	0.00
Transfers	123,773.00	35,110.72	41,257.68	33.33
POLICE DEPARTMENT	2,943,616.00	698,912.78	617,134.34	20.97
Payroll Expenses	99,652.00	28,654.54	28,863.98	28.96
Materials & Services	195,527.00	33,585.47	37,966.84	19.42
Transfers	6,696.00	2,232.00	2,232.00	33.33
MUNICIPAL COURT	301,875.00	64,472.01	69,062.82	22.88
Payroll Expenses	318,602.00	93,565.29	94,630.30	29.70
Materials & Services	165,295.00	23,041.28	27,466.85	16.62
Capital Outlay	230,000.00	67,839.55	53,765.23	23.38
Transfers	17,852.00	5,504.00	5,950.68	33.33
PARK DEPARTMENT	731,749.00	189,950.12	181,813.06	24.85
Contingency	1,407,221.00	0.00	0.00	0.00
UNAPPROPRIATED FUND	1,700,000.00	0.00	0.00	0.00
NON DEPARTMENTAL	3,107,221.00	0.00	0.00	0.00
Expense	9,596,566.00	1,716,319.75	1,694,500.77	17.66

Description	Budget	2023-24 Actual	2024-25 Amount	Budget %
General Government	221,312.00	4,772,820.50	-1,104,198.35	

General Ledger

Enterprise Fund Financials

User: carol.almer@scappoose.gov
 Printed: 11/13/2024 7:38:21 AM
 Period 01 - 04
 Fiscal Year 2025



SCAPPOOSE

Oregon

Description	Budget	2023-24 Actual	2024-25 Amount	Budget %
STORM DRAINAGE				
Cash Carry Over	1,597,635.00	888,740.96	1,636,196.31	
Fund Balance				
Interest	35,000.00	14,072.35	30,082.74	85.95
Charges for Services	986,568.00	260,187.73	279,990.59	28.38
Revenue	1,021,568.00	274,260.08	310,073.33	30.35
Payroll Expenses	398,489.00	38,067.75	37,116.55	9.31
Materials & Services	239,215.00	17,755.80	16,473.44	6.89
Capital Outlay	207,000.00	21,897.89	1,029.00	0.50
Transfers	52,292.00	0.00	17,430.68	33.33
Contingency	1,722,207.00	0.00	0.00	0.00
Expense	2,619,203.00	77,721.44	72,049.67	2.75
STORM DRAINAGE	0.00	1,085,279.60	238,023.66	
UTILITY WATER				
Cash Carry Over	5,248,020.00	4,711,068.51	4,499,225.91	
Fund Balance				
Interest	30,000.00	71,844.51	79,985.34	266.62
Intergovernmental Revenue	5,225,000.00	132,322.00	105,687.00	2.02
Charges for Services	5,755,370.00	1,015,690.65	900,501.63	15.65
Miscellaneous Revenue	0.00	5,171.27	1,175.00	0.00
Revenue	11,010,370.00	1,225,028.43	1,087,348.97	9.88
Payroll Expenses	1,176,331.00	333,848.30	328,189.82	27.90
Materials & Services	779,260.00	145,716.67	162,636.93	20.87
Capital Outlay	11,300,000.00	378,376.13	216,600.60	1.92
Transfers	201,888.00	74,332.00	67,296.00	33.33
Debt Services	81,439.00	0.00	0.00	0.00
Contingency	2,719,472.00	0.00	0.00	0.00
Expense	16,258,390.00	932,273.10	774,723.35	4.77
UTILITY WATER	0.00	5,003,823.84	312,625.62	
UTILITY WASTEWATER				
Cash Carry Over	5,456,988.00	4,431,286.00	3,575,553.17	
Fund Balance				
Interest	90,000.00	61,317.96	57,528.82	63.92
Intergovernmental Revenue	19,079,000.00	0.00	162,884.00	0.85
Charges for Services	3,007,530.00	902,925.76	856,940.73	28.49
Revenue	22,176,530.00	964,243.72	1,077,353.55	4.86
Payroll Expenses	1,301,197.00	339,440.79	340,389.79	26.16
Materials & Services	727,540.00	111,828.71	119,790.91	16.47
Capital Outlay	17,290,000.00	635,193.77	1,153,979.76	6.67
Transfers	101,488.00	32,590.36	33,829.32	33.33
Debt Services	18,304.00	8,821.00	0.00	0.00
Contingency	3,341,398.00	0.00	0.00	0.00
Expense	22,779,927.00	1,127,874.63	1,647,989.78	7.23

Description	Budget	2023-24 Actual	2024-25 Amount	Budget %
UTILITY WASTEWATER	4,853,591.00	4,267,655.09	-570,636.23	
Enterprise Funds	4,853,591.00	10,356,758.53	-19,986.95	

General Ledger Special Revenue Fund Financials



SCAPPOOSE
Oregon

User: carol.almer@scappoose.gov
Printed: 11/13/2024 7:40:07 AM
Period 01 - 04
Fiscal Year 2025

Description	Budget	2023-24 Actual	2024-25 Amount	Budget %
BUILDING				
Cash Carry Over	54,908.00	50,075.33	58,593.86	
Fund Balance				
Interest	1,000.00	902.33	1,327.29	132.73
Licenses & Permits	200,000.00	19,319.02	40,849.47	20.42
Miscellaneous Revenue	24,000.00	58.76	0.00	0.00
Transfers	15,656.00	21,333.36	0.00	0.00
Revenue	240,656.00	41,613.47	42,176.76	17.53
Payroll Expenses	87,632.00	26,586.81	21,094.65	24.07
Materials & Services	192,114.00	3,380.16	1,822.28	0.95
Transfers	8,138.00	0.00	0.00	0.00
Contingency	7,680.00	0.00	0.00	0.00
Expense	295,564.00	29,966.97	22,916.93	7.75
BUILDING	0.00	61,721.83	19,259.83	
POOL FUND				
Cash Carry Over	9,571.00	9,221.23	9,671.41	
Fund Balance				
Interest	250.00	138.70	169.30	67.72
Revenue	250.00	138.70	169.30	67.72
Contingency	9,821.00	0.00	0.00	0.00
Expense	9,821.00	0.00	0.00	0.00
POOL FUND	0.00	9,359.93	169.30	
STREET FUND				
Cash Carry Over	1,068,714.00	2,028,263.84	2,083,143.57	
Fund Balance				
Interest	36,000.00	25,142.88	37,573.63	104.37
Intergovernmental Revenue	1,006,955.00	379,251.13	305,372.94	30.33
Charges for Services	0.00	0.00	2,421.25	0.00
Revenue	1,042,955.00	404,394.01	345,367.82	33.11
Payroll Expenses	285,876.00	96,493.16	75,296.52	26.34
Materials & Services	217,465.00	38,534.48	28,883.54	13.28
Capital Outlay	860,000.00	646,070.84	106,572.04	12.39
Transfers	58,550.00	19,593.64	19,156.68	32.72
Contingency	689,778.00	0.00	0.00	0.00
Expense	2,111,669.00	800,692.12	229,908.78	10.89
STREET FUND	0.00	1,631,965.73	115,459.04	
FOOT PATHS & BICYCLE TRAILS				
Cash Carry Over	237,431.00	222,425.28	240,033.53	
Fund Balance				
Interest	5,000.00	3,445.77	4,225.91	84.52

Description	Budget	2023-24 Actual	2024-25 Amount	Budget %
Intergovernmental Revenue	6,500.00	2,115.76	2,196.56	33.79
Revenue	11,500.00	5,561.53	6,422.47	55.85
Materials & Services	3,000.00	0.00	0.00	0.00
Capital Outlay	40,000.00	0.00	0.00	0.00
Contingency	205,931.00	0.00	0.00	0.00
Expense	248,931.00	0.00	0.00	0.00
FOOT PATHS & BICYCLE TRAILS	0.00	227,986.81	6,422.47	
WATTS HOUSE FUND				
Cash Carry Over	32,456.00	35,896.00	32,740.53	
Fund Balance				
Interest	1,000.00	533.03	556.20	55.62
Revenue	1,000.00	533.03	556.20	55.62
Materials & Services	11,000.00	1,213.26	2,025.95	18.42
Capital Outlay	10,000.00	0.00	0.00	0.00
Contingency	12,456.00	0.00	0.00	0.00
Expense	33,456.00	1,213.26	2,025.95	6.06
WATTS HOUSE FUND	0.00	35,215.77	-1,469.75	
UNEMPLOYMENT				
Cash Carry Over	96,359.00	88,791.16	93,126.33	
Fund Balance				
Interest	1,000.00	1,335.69	1,630.32	163.03
Revenue	1,000.00	1,335.69	1,630.32	163.03
Payroll Expenses	50,000.00	0.00	0.00	0.00
Contingency	47,369.00	0.00	0.00	0.00
Expense	97,369.00	0.00	0.00	0.00
UNEMPLOYMENT	-10.00	90,126.85	1,630.32	
LAW ENFORCEMENT FEE				
Cash Carry Over	13,054.00	20,333.94	17,784.41	
Fund Balance				
Interest	300.00	287.49	297.12	99.04
Intergovernmental Revenue	5,000.00	193.27	591.11	11.82
Revenue	5,300.00	480.76	888.23	16.76
Materials & Services	10,000.00	2,695.84	2,318.38	23.18
Contingency	8,354.00	0.00	0.00	0.00
Expense	18,354.00	2,695.84	2,318.38	12.63
LAW ENFORCEMENT FEE	0.00	18,118.86	-1,430.15	
Special Revenue Funds	-10.00	2,074,495.78	140,041.06	

General Ledger System Development Fund Financials



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Period 01 - 04
Fiscal Year 2025

Description	Budget	2023-24 Actual	2024-25 Amount	Budget %
STORM DRAINAGE SDC				
Cash Carry Over	395,645.00	377,625.13	397,484.20	
Fund Balance				
Interest	9,600.00	5,680.73	6,967.83	72.58
System Development	59,482.00	0.00	710.48	1.19
Charges				
Revenue	69,082.00	5,680.73	7,678.31	11.11
Capital Outlay	200,000.00	0.00	0.00	0.00
Transfers	2,974.00	0.00	0.00	0.00
Contingency	261,753.00	0.00	0.00	0.00
Expense	464,727.00	0.00	0.00	0.00
STORM DRAINAGE SDC	0.00	383,305.86	7,678.31	0.00
STREET SDC				
Cash Carry Over	988,646.00	990,765.23	1,007,966.59	
Fund Balance				
Interest	35,000.00	14,885.20	15,874.01	45.35
System Development	192,054.00	0.00	0.00	0.00
Charges				
Revenue	227,054.00	14,885.20	15,874.01	6.99
Capital Outlay	550,000.00	2,090.00	107,755.55	19.59
Transfers	9,603.00	0.00	0.00	0.00
Contingency	656,097.00	0.00	0.00	0.00
Expense	1,215,700.00	2,090.00	107,755.55	8.86
STREET SDC	0.00	1,003,560.43	-91,881.54	
PARKS SDC				
Cash Carry Over	153,853.00	178,653.38	158,208.39	
Fund Balance				
Interest	5,000.00	2,649.05	2,745.14	54.90
System Development	84,084.00	0.00	0.00	0.00
Charges				
Revenue	89,084.00	2,649.05	2,745.14	3.08
Capital Outlay	100,000.00	3,736.00	5,759.00	5.76
Transfers	4,204.00	0.00	0.00	0.00
Contingency	138,733.00	0.00	0.00	0.00
Expense	242,937.00	3,736.00	5,759.00	2.37
PARKS SDC	0.00	177,566.43	-3,013.86	
WATER SDC				
Cash Carry Over	103,340.00	252,527.62	124,913.87	
Fund Balance				
Interest	4,000.00	4,198.68	1,648.05	41.20
Transfers	100,000.00	41,666.64	33,333.32	33.33

Description	Budget	2023-24 Actual	2024-25 Amount	Budget %
System Development	360,280.00	0.00	20,553.27	5.70
Charges				
Revenue	464,280.00	45,865.32	55,534.64	11.96
Capital Outlay	176,976.00	0.00	285,548.04	161.35
Transfers	17,328.00	0.00	0.00	0.00
Debt Services	280,589.00	0.00	0.00	0.00
Contingency	92,727.00	0.00	0.00	0.00
Expense	567,620.00	0.00	285,548.04	50.31
WATER SDC	0.00	298,392.94	-230,013.40	
WASTEWATER SDC				
Cash Carry Over	822,122.00	1,199,931.65	909,271.51	
Fund Balance				
Interest	30,000.00	17,488.41	14,568.70	48.56
System Development	226,464.00	0.00	5,588.48	2.47
Charges				
Revenue	256,464.00	17,488.41	20,157.18	7.86
Capital Outlay	800,000.00	57,559.16	109,620.00	13.70
Transfers	11,323.00	0.00	0.00	0.00
Contingency	267,263.00	0.00	0.00	0.00
Expense	1,078,586.00	57,559.16	109,620.00	10.16
WASTEWATER SDC	0.00	1,159,860.90	-89,462.82	
SDC Funds	0.00	3,022,686.56	-406,693.31	

General Ledger Urban Renewal Fund Financials



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Period 01 - 04
Fiscal Year 2025

Description	Budget	2023-24 Actual	2024-25 Amount	Budget %
URBAN RENEWAL DISTRICT				
Cash Carry Over	1,276,194.00	479,711.26	1,306,127.33	
Fund Balance				
Taxes	500,000.00	895.50	2,386.78	0.48
Interest	35,000.00	6,991.28	22,942.80	65.55
Revenue	535,000.00	7,886.78	25,329.58	4.73
Payroll Expenses	5,518.00	419.18	1,653.14	29.96
Materials & Services	189,178.00	16,666.72	16,668.00	8.81
Capital Outlay	1,500,000.00	0.00	0.00	0.00
Contingency	116,498.00	0.00	0.00	0.00
Expense	1,811,194.00	17,085.90	18,321.14	1.01
URBAN RENEWAL DISTRICT	0.00	470,512.14	7,008.44	
Urban Renewal Agency	0.00	470,512.14	1,313,135.77	

11/18/2024 Community Development Center Updates

Planning Department:

Land use applications under completeness review:

- Wauna Credit Union

Land use applications pending approval by planner:

- One minor partition application is under review by staff and is expected to be approved by the Planner in the next month.

Land use applications recently approved by the Planner:

- 3-lot minor partition to support duplexes

Ongoing projects:

- The 50 Year Plan Technical Advisory Committee requested additional analysis related to suitable lands for the UGB expansion and Urban Reserves areas, which staff, the consultant team and DLCD have met to consider. The consultant team is working on this analysis which will be brought to a joint work session with Council and Planning Commission in mid-December.

Engineering Department:

In plan review:

- OXBO Headquarters Site Development
- Huser Subdivision
- Buxton Ranch Planned Development
- Casey House Site Development
- Shadley's Coffee Public Improvements
- West Lane Road Public Improvements
- East Airport (Commerce Center) Site Grading
- NW Waterline Improvements

Ongoing:

- Public Works Design Standards – Street pavement section updates in progress
- Coordination with ODOT on NE 1st Street right of way dedication
- Coordination with developer and contractor on Moore Road improvements
- 3 MG Reservoir – Construction Observation and Submittal Review
- Dutch Canyon Ph4 Subdivision - Construction Observation and Submittal Review
- Martinhagen Site Development - Construction Observation and Submittal Review
- Smith Road Sewer Pump Station - Construction Observation and Submittal Review

Building Department:

- Building permits issued October 15th – November 12th: 3 plumbing, 7 mechanical

Construction happening around town:

- Keys Water Reservoir: Underground utility work and demo of old reservoirs is underway
- Smith Road Sewer Pump Station Rehab: Pump and equipment installation is underway
- Dutch Canyon Phase IV Subdivision: Off-site storm pond rehab underway, grading on site, Callahan Road street widening and storm drain installation.
- Huser Subdivision – Site stabilized for winter, construction to resume in spring
- Martinhagen Warehouse: Building is being constructed.

Scappoose Police Department Department Report

Submitted by: Interim Chief of Police Fluellen
Scappoose, Oregon



Noteworthy Department Events and Activity:

- On November 13, 2024, the Sergeant's Assessment Center/Interview panel was conducted in which 5 candidates participated in the process. The Assessment Center consisted of Law Enforcement leaders, administrative staff, and the mayor. The top candidates are moving to the final portion of the process in the week of November 25th. Afterwards, the selection process will be completed, and the selected candidate will be provided a condition offer of employment.
- On November 18, 2024, Interim Chief Fluellen will be attending mandated Middle Management training in Salem hosted by DPSST. The course is a weeklong course provided by the state to help assist and develop leaders in Law Enforcement.
- On October 30, 2024, SPD responded to a call of a suspicious vehicle located in the area 52515 Columbia River Highway. Officers responded to the scene, and a male suspect fled on foot during the initial contact. The suspect fled across Highway 30 traveling eastbound and headed towards the Heritage Park area.

After a brief search of the area, an officer located the fleeing suspect near the area of Se 3rd and Se Myrtle Street and the subject was brought into Custody. During the investigation, officers were alerted that the subject had an outstanding Felony Warrant out for his arrest out of Washington County. The subject also had in his possession a mini scale, small plastic baggies commonly known as "Dime Bags", and small plastic baggies with an unknown white powdery substance inside.

A search warrant was also executed on the associated vehicle of the suspect in which numerous firearms were discovered and secured by SPD.

- On November 6, 2024, Chief Fluellen and City Manager Burgener attended a virtual presentation on the FLOCK system from a company representative. The FLOCK system is an automated system in which license plates can be read and recorded for law enforcement purposes and has additional capabilities. This was an informational meeting about the capabilities of the system with the Police Department in the informational gathering phase.
- Ofc. Johnson has been chosen to join the ranks of being a Field Training Officer within the Police Department. He will be attending and starting his FTO Trainer Program this month and will be attending the training in Bend, OR. This is a much-needed position that will be filled to help with training our new officers that come into the department to assist with keeping the training internally.

Law Enforcement Activity
October 2024

Total Calls for Service, (OCT): 439

Total Jail Bookings: 7 Jail Bookings – 2 Cite and Release

Traffic Stops: 110

Animal Complaints: 13

Premise Checks: 43

Traffic Collisions: 10

Domestic Disturbances: 8

Traffic Complaints: 15

Suspicious Circumstances: 16

911 Hang ups: 2

Agency Assist: 12

Public Works Activities for October 17 – November 13, 2024

Admin:

- 1) WWTP Phase 1 construction management (ongoing) GOAL 5.2 (Biodryer project nearing completion and new aeration basin is being constructed)
- 2) Basalt well drilling underway and pump design on hold GOAL 5.4 (ongoing)
- 3) General Public Works daily admin. Duties (ongoing)
- 4) Work on Treatment SCADA/Plant optimization (ongoing)
- 5) ARPA project management (ongoing) GOAL 5.4 (projects making good progress) (all projects are scheduled for completion within the fundings required or extended timelines)
- 6) Reservoir Project (ongoing) GOAL 5.4 (construction underway, existing reservoirs have been demolished)
- 7) RFP for Oak and Myrtle Waterline (ongoing)
- 8) Attend Parks Committee Meeting (monthly/as requested)
- 9) Attend County and NWACT Transportation Meetings (ongoing)
- 10) Update Municipal Code in Chapters 2,9,11, 12 and 13. (ongoing)
- 11) Implement Mercury TMDL Plan with DEQ (ongoing)
- 12) Exploring options for Asset Management providers (ongoing)
- 13) Smith Road Pump Station making progress (ongoing) (scheduled for completion approx. January of 2025)
- 14) Grant applications for Grabhorn Park—Recreational Trails Project grant due 11/15, LGGP grant due in the spring and grant cycle opens in early 2025 (ongoing)
- 15) Management/reporting requirements for project funding from ARPA, SRF and Business Oregon Special Public Works Fund grants and loans
- 16) Work with ODOT for Maple St. crossing improvements (ongoing)
- 17) Coordinate Holiday decorations
- 18) Continue security improvements to PW facilities

Water Distribution PW

- 1) Shut offs
- 2) Read water meters
- 3) Water leak SW Day St
- 4) Lead and Copper Report finished and turned into DWS (Completed and Accepted)
- 5) New service line installed on NE St.

Water Treatment

- 1) Carpenter Drilling is still on site working on finishing the basalt well. After some technical and mechanical delays, they are now poised to move forward and complete the last 200 feet of drilling.
- 2) The Dutch Canyon 2 well pump recently failed and was not repairable. The pump was replaced and is now back in operation.
- 3) MEI Construction tore down the 0.200-million-gallon reservoir leaving the bottom portion until excavation work begins. Next steps will be to upsize the south effluent line from a 12" to a 16" making it consistent with the distribution system piping. Once they are done, they plan on moving on to the demolition of the 1.0 million gallon reservoir.
- 4) Due to a roof leak the controls PLC at Miller Rd. had to be replaced. The leak has been dealt with temporarily until the roof can be replaced sometime in the spring or summer.

Collection PW:

- 1) Dukes Root control 8,000 ft of root control - Completed
- 2) Bids for sewer TV'ing – Pacific-N-Tek was selected and will began around Thanksgiving

Wastewater Treatment:

- 1) Upgrade Schedule B Dryer- Electrical conduit installation, equipment installation
- 2) Upgrade Schedule A Treatment- Aeration basin under drain installation, chemical feed building rehab.
- 3) September Flow Data – 23.319 Million gallons treated.

Parks PW:

- 1) Maintenance on Parks equipment (ongoing)
- 2) Mowing and Maintenance at Parks (Veterans, Concomly, Miller, Heritage, Creekview, Grabhorn, Chapman Landing, Totem Pole, Trtek Trailhead, CZ Trail, City Hall, Skate Park, NE 3rd St, Park Strips (East side and West Side)
- 3) Bathrooms at Veterans painted and worked on
- 4) LOTS of leaves
- 5) Installed BLUE STAR Memorial at Heritage park.

Streets PW:

- 1) Fill Potholes
- 2) Street Sweeping

Storm PW:

- 1) Maintain city storm swales (Davona, 8th Ct, Cascade (West Lane), EM Watts, Erin, Vernonia HWY, Onna Way, Veterans Park, Grabhorn ditch)
- 2) Street Sweeping (Fall Leaf Pickup schedule)
- 3) Cleaning catch basins (133 and counting)

Maintenance:

- 1) Daily Daily's (Locates, Work Orders)
- 2) Facility Cleaning and Organizing
- 3) Maintenance Public Works Vehicles / Equipment (Oil Changes)
- 4) Safety committee walk throughs / safety checks
- 5) Assisting Water Treatment Pot holing water lines at Keys treatment Plant & Mowing grounds
- 6) LOTS of compound organizing and clean ups

City of Scappoose
Council Action & Status Report

Date Submitted: 11/12/2024

Agenda Date Requested: 11/18/2024

To: City Council

From: Laurie Joseph, Community Development
Director and Ashleigh Dougill, City Attorney

Subject: NFIP Pre-Implementation Compliance
Measures Update

Type of Action Requested:

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

Issue:

Cities across Oregon are being asked to report to FEMA by December 1, 2024 which PICM (Pre-Implementation Compliance Measure) they will be enacting to address compliance with a Biological Opinion issued to FEMA following a lawsuit successfully claiming FEMA's rules threaten takings of certain Endangered Species Act (ESA) listed species.

The PICM regulations will apply to development within the floodplain or riparian buffer zone, where the floodplain-affected zone is also within 170-feet of the top of bank of the riparian area of a river, stream or body of water. Staff estimates that this affects roughly 29 acres of land within City limits and 10 acres of land in the Urban Growth Boundary.

Analysis:

Background:

As a result of a 2009 lawsuit brought against FEMA by environmental advocacy agencies, a Biological Opinion and RPA (Reasonable and Prudent Alternative) document was released by the National Marine Fisheries Service in 2016 to address FEMA's compliance with the ESA. The Biological Opinion found that FEMA's National Flood Insurance Program (NFIP) in fact threatened eighteen

ESA listed species, namely salmon and the resident killer whale in Oregon. The RPA provided recommendations to FEMA on how to amend Oregon's NFIP to mitigate the threats to these species.

In 2021, FEMA issued a draft NFIP Implementation Plan to show compliance with the ESA. In 2023, FEMA began evaluating proposed changes to the NFIP outlined in the Implementation Plan through an environmental impact statement (EIS), in compliance with the National Environmental Policy Act (NEPA). FEMA recently contacted Oregon cities and counties in August 2024 with required next steps to implement PICMs on a local level. In contacting local governments, FEMA shared that it anticipates completing its own Final Implementation Plan by 2026 following the EIS process, and fully implementing the Final Implementation Plan in 2027.

In the interim period before FEMA has finished amending its NFIP regulations, FEMA has asked communities to begin taking action to address this Biological Opinion themselves. Communities participating in the NFIP must inform FEMA of their selection of one of the three following PICM options by December 1, 2024:

1. Prohibit all new development in the floodplain.
2. Incorporate a FEMA-drafted model floodplain ordinance into local development code, requiring that developers demonstrate that a proposed development in the Special Flood Hazard Area will achieve "no net loss."
3. Require permit applicants to develop a Floodplain Habitat Assessment documenting that their proposed development in the Special Flood Hazard Area will achieve "no net loss" on a case-by-case basis, also referred to as the permit-by-permit approach.

More information on the NFIP and ESA integration can be found on FEMA's website here: <https://www.fema.gov/about/organization/region-10/oregon/nfip-esa-integration>.

Analysis of PICM options:

Option 1: No development in floodplain – Not recommended

- This option prevents any future development within the floodplain or riparian buffer zone, where the floodplain-affected zone is also within 170-feet of the top of bank of the riparian area of a river, stream or body of water.
- Restricting development will result in a loss of property value.
- Potential for takings claim – this option would require that the City mail a Measure 56 notice to all affected landowners since this prohibition could severely restrict affected landowners' development potential, available land uses, and therefore property value. The City could be liable to fairly compensate the landowners for this loss in property value of the affected parcels.

Option 2: Model floodplain ordinance – **Recommended with Revisions**

- FEMA released PICM model floodplain ordinance language in August; however, this is in the process of being updated by FEMA based on feedback they've gathered in the past few months of public outreach to agencies and DLCD. The updated model ordinance should be available sometime in December.
- The model ordinance would incorporate a path to FEMA's required ESA compliance (including mitigation), ensuring "no net loss" standards are being met for three critical categories within the floodplain: trees, impervious surfaces, and undeveloped space.
- This would likely be an interim ordinance until FEMA implements the Final Implementation Plan in 2027, at which point FEMA would likely release updated model ordinance language (although FEMA has said that these updates are likely to be minor and not a complete rewrite of the current model ordinance).
- It will take time to prepare the new floodplain ordinance for adoption. FEMA has set a deadline of July 31, 2025 to have the model ordinance language adopted.

Option 3: Permit by Permit approach –**Recommended with Revisions**

- This will require that applicants complete a habitat assessment and mitigation plan as part of applying for a floodplain development permit to demonstrate that their project results in "no net loss" to floodplain functions. Staff would be required to assess each habitat assessment and mitigation plan on a case-by-case basis for compliance with this "no net loss" standard.
- FEMA released a Habitat Assessment and Mitigation Guidance manual in August to assist property owners and agencies with an understanding of what the assessment and mitigation plan should demonstrate as well as how to review the assessment once received at the local level. This guidance manual is quite technical and requires that a natural resource scientist/qualified habitat professional prepare the assessment. FEMA stated during a recent webinar that they are also proposing updates to the Habitat Assessment and Mitigation Guidance manual based on recent feedback during agency outreach efforts. The update is expected to simplify the guidance significantly.
- This option may not be economically feasible for applicants with smaller projects to hire a qualified professional to complete the assessment and mitigation plan. Further, this option would carry legal risk for the City due to the fact that it does not contain clear and objective criteria, a requirement for residential development standards.
- FEMA has stated that all communities will default to the permit-by-permit PICM on December 2nd unless they choose Option 1, or if they otherwise fail to inform FEMA of their PICM choice by their stated deadline. The City Attorney, however, has advised that any of the three options, including the

permit-by-permit approach, must be codified in the development code as a requirement for floodplain permit issuance before it can be enforced locally. Because of this, staff and the City Attorney recommend continuing to enforce existing development code language until the City has adopted a formal code amendment.

Upcoming deadlines:

- **December 1, 2024** – Communities must inform FEMA of their PICM choice. If no option is selected, communities will be defaulted to the permit-by-permit option.
- **January 31, 2025** – Communities must begin to collect data for floodplain permits, including the amount of fill and compensatory storage, impervious surface added, clearing/grading/tree removal, etc. FEMA is currently developing a reporting tool that should be available by this date.
- **July 31, 2025** – Communities must have fully implemented their PICM option.
- **January 31, 2026** – Communities' first data collection report using the FEMA reporting tool will be due.

Recommendation:

City staff recommend taking a hybrid approach and consider adopting an ordinance that incorporates the model floodplain ordinance language, and also allows applicants to choose the permit-by-permit approach, to provide ultimate flexibility for floodplain permit applicants. Ultimately, the goal is to ensure that all floodplain development results in “no net loss” to floodplain functions, which the ordinance the City adopts would ensure.

City staff also recommends waiting to adopt an ordinance until DLCD has provided their assessment of clear and objective standards and to give time for FEMA to settle on the final floodplain ordinance language and habitat assessment guidance manual. In the meantime, staff and the City Attorney will review the current model ordinance to strategize clear and objective approaches. Once this has been provided, staff will work quickly and diligently to bring the City into compliance with FEMA's PICMs and the Biological Opinion.

Further, the City Attorney has advised that staff include a brief disclaimer statement in any development permit approvals we issue between December 2, 2024 – July 31, 2025 to state that we are only ensuring compliance with our development code and that they have the ultimate responsibility in meeting any federal requirements related to floodplains (including the ESA).

It is anticipated that adoption of the model floodplain ordinance may still be able to follow the 50 Year Plan adoption process, but if needed, could be adopted separately to meet the July 31, 2025 deadline.