



SCAPPOOSE

Oregon

Tuesday, January 20, 2026
City Council Meeting Agenda
Regular Meeting 7:00pm
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 January 5, 2026 City Council meeting minutes

Old Business

2. Ordinance No. 924: An Ordinance Approving Annexation of Property to the City of Scappoose, Amending the Zoning Map, and Minor Partition Second Reading/Approval
Assistant to City Manager/City Planner N.J. Johnson

New Business

3. Chapman Landing Disc Golf Report Only
Public Works Director Dave Sukau

4. Ordinance No. 925: An Ordinance Amending Title 3 & 13 of the Scappoose Municipal Code to add Chapter 13.36, Utility Use of Public Rights-of-Way, and to Amend Chapter 3.08, Public Utility Taxes Public Hearing/First Reading
City Manager Benjamin Burgener; and Nancy Werner, Bradley Werner, LLC (Franchise Legal Counsel)

And

Resolution No. 26-01: A Resolution Amending the Fees and Charges for the City of Scappoose Adopted by Resolution No. 25-10 Public Hearing/Approval

5. Solid Waste Franchise Renewal

Discussion

City Manager Benjamin Burgener; and Dave Huber, WM of Oregon, Senior Manager – Public Sector Services

6. Supporting the Library District Operating Levy

Discussion

Mayor Backus

7. Councilor Liaisons

Mayor Backus

8. Cancel February 2, 2026 City Council Meeting

Approval

Announcements – information only

9. Calendar

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

(This tab includes Department reports)

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.



SCAPPOOSE

Oregon

Monday, January 5, 2026
City Council Meeting minutes

Regular Meeting 7:00pm
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=3SdwOw_OuFg.

Call to Order

Mayor Backus called the January 5, 2026 City Council meeting to order at 7:00pm.

Pledge of Allegiance

Roll Call

Joseph A. Backus	Mayor	Benjamin Burgener	City Manager
Jeannet Santiago	Councilor	Chris Fluellen	Police Chief
Kim Holmes	Councilor	Susan M. Reeves	City Recorder/HR
Joel Haugen	Councilor	N.J. Johnson	Assistant to City Manager/City Planner
Marty Marquis	Councilor		
John E. Riutta	Councilor		
Tyler Ferreira	Student Representative		

Excused: Council President Tyler Miller

Remote: Community Development Director Laurie Oliver Joseph

Approval of the Agenda

Councilor Haugen moved, and Councilor Santiago seconded the motion to approve the agenda. Motion Passed (6-0). Mayor Backus, aye; Councilor Santiago, aye; Councilor Holmes, aye; Councilor Haugen, aye; Councilor Marquis, aye; and Councilor Riutta, aye.

Public Comment ~ Items not on the agenda

Alicia Heiges read her public comment submission (which is included below).

Scappoose City Council – Public Comment Submission

Submitted by: Alicia Heiges, Resident of Scappoose, Oregon

Date: January 5th, 2026

To: Mayor and City Council, City of Scappoose

Re: Written Public Comment -- Inaction, Oversight Failure, and the Consequences of Being a Bystander

Mayor and Council Members,

My name is Alicia Heiges, and I am a resident of Scappoose. Over the past year, I have appeared before this body multiple times to raise documented concerns regarding misconduct by the Scappoose Police Department, city staff, and failures of oversight by this Council.

I am not submitting this comment to restate everything that has already been placed on the record. Those concerns, documents, and statements already exist. What matters now is what has happened since, and what has not.

In the year since I first began raising these concerns, no city official has contacted me to clarify facts, initiate an investigation, or take corrective action. Instead of addressing the substance of the issues raised, responses following my public comments have included statements that sought to dismiss my concerns, discredit my credibility, or characterize my statements as untrue. The underlying issues themselves have never been addressed. At the same time, I have observed this body respond to other speakers, follow up with them, and, in some cases, take action after their public comments. I am not assigning motive. I am stating a pattern, and I am placing that pattern on the record.

Over the past year, I have brought forward evidence of serious misconduct, including the falsification of a child abuse hotline report, abuse of police authority, retaliation following protected public speech, failure to investigate known wrongdoing, selective or non-enforcement of city ordinances, and false or misleading official statements. This is not a comprehensive list. It reflects only a portion of what has already been documented and submitted to this body.

Despite repeated notice, no corrective action has been taken. The conduct I have raised implicates Oregon's mandatory reporting laws, criminal statutes governing official misconduct and public records, whistleblower and anti-retaliation protections, city ordinances, the Oregon Constitution, and the United States Constitution, including protections for free speech, due process, and equal protection. These laws and rights have been identified and defined in prior comments. They remain unaddressed.

What is at issue now is no longer a single incident or a single actor. It is the continued failure to act after being placed on notice.

There is a well-known concept in social psychology called the bystander effect. It explains why people are less likely to intervene when wrongdoing occurs in plain view, especially when others are present. Responsibility becomes diffused. Each person assumes someone else will act, or interprets inaction as a sign that action is not required. The result is silence, even in the face of serious harm.

What we are seeing now is this same dynamic playing out in government.

Falsified reports are allowed to stand.
Serious matters go unreported.
Laws are applied unequally.
Retaliation follows those who speak out.

And yet, many watch without intervening.

Some of those watching have never experienced unequal treatment under color of law. They have never faced retaliation. They have never had a harmful police interaction. But they still know, or at the very least suspect, that what is being raised is real.

So the question becomes: why continue to stand by?

You may believe this does not affect you. You may believe it is someone else's problem, or that it will never reach your family. But systems that tolerate misconduct do not remain contained.

It may be your neighbor, your friend, your spouse, your child, your parent, or someone you love.

One day, it will affect you.

And when that day comes, what will matter most is whether someone spoke, and whether those with the power to act chose to listen.

I want to close with a warning written after the Holocaust by the late Pastor Martin Niemöller, about the consequences of silence:

"First they came for the socialists, and I did not speak out because I was not a socialist.

Then they came for the trade unionists, and I did not speak out because I was not a trade unionist.

Then they came for the Jews, and I did not speak out because I was not a Jew.

Then they came for me, and there was no one left to speak for me."

That warning exists because silence allowed harm to spread.

Silence is not neutral.
It is a choice.

Respectfully submitted,

Alicia Heiges
Resident, Scappoose, Oregon

end of public comment submission

Consent Agenda December 15, 2025 City Council work session minutes and December 15, 2025 City Council meeting minutes

Councilor Santiago moved, and Councilor Holmes seconded the motion to approve the Consent Agenda December 15, 2025 City Council work session minutes and December 15, 2025 City Council meeting minutes. Motion Passed (6-0). Mayor Backus, aye; Councilor Santiago, aye; Councilor Holmes, aye; Councilor Haugen, aye; Councilor Marquis, aye; and Councilor Riutta, aye.

New Business ~ Discussion on Library District Bond to be placed on the May Election Ballot

Mayor Backus asked Council to think about entertaining an idea of supporting a resolution to support the levy or bond. This is something they will discuss that after Jolene's presentation.

Jolene Jonas stated to Mayor and Council thank you for inviting them to be here. She explained she is leaving Chair of the Scappoose Library Board, as Lisa Lewis is taking over the position of Chair of the Scappoose Library Board. She went over her information (which is included below).

Good evening, Mr. Mayor & Members of the City Council.

{ Introduce myself – Karen was not able to make. Jeff Weiss and Virginia Fenstermaker are also here. }

Jolene's starts here
We are here for two reasons tonight.

First, we are here to tell you that, in June of 2025, the Board of the Scappoose Public Library District voted to seek a five-year temporary operating levy to meet increased demand for revenue. Voters in the Library District will have a chance to vote on this ballot measure in the upcoming May 19 election.

This temporary levy asks for 10 cents per \$1,000 of assessed property value each year for five years. As an example, this would cost about \$30 per year for a property with a \$300,000 assessed value.

The Library does have a permanent tax rate of 25.36 cents per \$1,000 which was set when the Library District was established over 30 years ago. Until now, the Library District has never asked for additional tax revenue. Our Library ranks #112 out of 137 Oregon libraries in per capita funding. We are in the bottom 20%, and receive no funding from the City of Scappoose or Columbia County.

Nearly 15% of the Library's current budget comes from sources other than our permanent tax rate. Efforts are continually made to seek sponsorships and donations, to apply for grants, and to stretch dollars to meet expenses. But these funding sources are unpredictable and unreliable and less available than they've been in the past.

Costs are now beyond what the Library can afford with its current tax revenue. *This levy is now necessary to continue the Library's **current** level of operations.*

Back when the Scappoose Public Library District was established, the Library provided a small collection of books to borrow. Since then, it has evolved and grown to meet the needs of our 21st century community.

The Scappoose Library is a **community hub** and a **resource for toddlers to seniors**. We provide:

- Resources for **life-long learning** for all residents of the Library district
- **Storytime** and literacy development opportunities for babies, toddlers, and preschoolers
- An array of **programs and activities for people of all ages** – something is offered almost every day of the year
- Several **annual special events** that enrich our community life such as movie nights

- An **inexpensive meeting room** for up to 75 people
- **Free Wi-Fi and computers** for students, job seekers, and anyone who needs access
- **Information** about events, services, news, and all sorts of things happening in the extended community and civic life
- Government forms
- **Faxing service**
- **Cultural passes** to check-out
- **Local history archives** and support for genealogy research
- **Inter-library loans** and other online resources
- **Curbside pick-up**
- Weekly **fresh produce** distribution
- **A safe place to connect with others**
- And so much more.

The Library is also open to the public 51 hours per week and is only closed on Sundays. When open, the Library is a very busy place!

Geographically, the Library District is a little smaller than the School District. It includes all of Scappoose and a small portion of Warren out to Berg Rd. We estimate that there are over 9,000 registered voters in the Library District, but it is highly unlikely that all of them will vote in the upcoming election. To pass, this levy would need 50% +1 of all votes cast.

We do think it may help for us to point out some salient facts about the Library, and in particular, its tremendous growth in use by the community since 2017.

	2017	2025
Circulation	52229	103203
Program attendance	3462	18312
Weekly after school and adult programs	2	5
Staff FTEs	5.1	5.1

In fact, the Scappoose Public Library circulates at least 30% more material than any other library in our county.

There will be two concurrent campaign efforts for this Library levy: an Information Only effort and an Advocacy/Vote YES effort. Jeff Weiss, the Executive Director of the Library, will be responsible for the Library's Information Only campaign. A Steering Committee will direct the Advocacy/Vote YES campaign. This Committee includes Library Board members myself and Lisa Lewis, Joel Haugen from the City Council, Tina Miller who is a member of the Friends of the Library, and community members Karen Kessi and Virginia Fenstermaker. Campaign plans are in the works.

We had our ballot title and explanatory statement reviewed by legal counsel. We expect these documents to be approved by the Library Board in our January board meeting.

So what will happen if this levy does not pass? The Library will not be able to operate as it does currently. The Directors will be forced to make some tough decisions about staffing, hours of operation, and the programs and services offered to our community. The amount of available materials would also be reduced. These things would all be detrimental to our community in a number of ways. In essence, libraries are essential infrastructure that build stronger, healthier, and more equitable communities by ensuring everyone has access to opportunities, and information.

I mentioned that there are two reasons why we came to see you tonight. Hopefully, we accomplished the first, which was to tell you about the Library levy we are hoping will pass on May 19. Here is the second. We are here to ask for the Scappoose City Council's **unanimous public endorsement** of this levy. We believe your endorsement would be very helpful to our campaign effort. And since our campaign effort is on a tight timeline, we hope you will take this into consideration and vote on it as soon as possible.

We believe this is a non-partisan issue, one that has great benefit for our community and is worthy of your full support.

Thank you for listening to us out and for considering our request.

end of information

Mayor Backus, Council, Jolene Jonas; and Jeff Weiss, Scappoose Public Library Director, discussed this further.

Councilor Haugen stated for full disclosure he is on the committee to promote this.

Mayor Backus explained the consensus is to look at supporting this. He will get this added to the next Council agenda.

Scappoose Community Events ~ Earth Day, Adventure Fest and Movies in the park

JJ Duehren and Jeff Weiss, Scappoose Public Library Director are here this evening to discuss Scappoose Community Events. They went over the handout which was included in the packet.

Heritage Park Free Events

In partnership with the City of Scappoose, the Scappoose Library and JJ Duehren, Scappoose Parks

Presented by: JJ Duehren, Jeffrey Weiss, Head Librarian, Scappoose Library 01/05/2026



SCAPPOOSE EARTH DAY CELEBRATION, April 25th, 2026, FREE ELECTRIC BIKE GIVEAWAY, FREE BURGERS and HOT DOGS!!

Earth Day has really taken off and this year's event will celebrate cleaning up our parks and encouraging **GREEN practices** with entertaining and educational activities for our community. Here's what we have in store for our April 2026 Earth Day!

GO GREEN and SAVE GREEN! That's the theme for this year's Earth Day Event at Heritage Park, Saturday, April 26th, 2026, from 8am-3pm at Heritage Park, 52469 SE 2nd St, Scappoose. Our biggest Earth Day ever, with free breakfast for SOLVE trash pickup volunteers from 7:30-10:30am, FREE Hot Dogs, Burgers and Pizza starting at 11am, compliments of Grocery Outlet Scappoose, served up by our very own Scappoose Police Department! Electric Vehicle and electric bike demonstrations will be on hand, along with recycling ideas and energy saving tips and giveaways from Columbia River PUD! Learn about all the rebates and savings you can have by GOING GREEN with talks by local experts with our Green Tech Talks in the Scappoose Library meeting room. Live music, lots of green activities for kids and families, free plants and seed giveaways from Means Nursery and more! FREE Electric Bike giveaway at 2:30pm

Facebook Page: <https://www.facebook.com/profile.php?id=100090939309338>



June 6th 2026

9 am -3pm

The Scappoose Outdoor Fun Festival enriches and educates people enjoying our beautiful Pacific Northwest wild spaces and parks, while encouraging users to become stewards of our Parks and forests. With an almost 200 percent increase in overall park usage during the pandemic and beyond, preserving these wild spaces is more important than ever. The only event of its kind in the Northwest, the Scappoose Outdoor Fun Festival also provides an annual summer Keystone event for the city of Scappoose. We had a great turnout for our 1st event last June, with close to a thousand people and families coming out to learn about outdoor activities at this entertaining and engaging event. With opportunities to learn about enjoying the outdoors safely, the Scappoose Outdoor Fun Festival highlighted the many outdoor gems and activities Scappoose has to offer.

By partnering with the Department of Forestry on wildfire safety and kids meeting Smokey Bear, birdwatching opportunities at Chapman Landing and beyond with the Oregon Bird Alliance, the Marine Patrol on water safety and exploring our incredible waterways, attendees had lots of options to explore our beautiful, nature filled community. Our Scappoose Firefighters and Scappoose Police were on hand to engage with kids and families on outdoor safety tips. This event also partnered with the Community Club's Farmers Market, allowing current vendors additional time to sell their wares.

The Oregon Equestrians, Cub Scouts, Scappoose Bay Watershed, Watts House, Scappoose Library and many other nonprofits and outdoor focused vendors provided a variety of outdoor opportunities to explore. Fun and engaging activities included Native American dance demos, a Children's Nature Art Show and Creation station to create outdoor masterpieces the day of the event, a Rockhound "Geode Cracking station, prize giveaways including a Tandem Kayak at the end of the event, Swag bags for families, and of course, the return of the famous "Scappoose Sauerkraut Sandwich" made a welcome appearance at our event. This is an all-day event.

The Scappoose Outdoor Fun Festival reached nature fans in a rich and meaningful way, at a fraction of the cost of the previous "Adventure Fest".

Facebook Page: <https://www.facebook.com/profile.php?id=61559197723241>



The Scappoose Public Library and the City of Scappoose Parks have been producing Movies by Moonlight in Heritage Park to be held each Friday in the month of August at Heritage Park in Scappoose since 2018. A series of five family friendly movies along with thematic activities and events each night. This event is a Scappoose tradition!

By keeping the event free and offering low-cost food, beverages and snacks, including dollar hot dogs and hamburgers grilled up by our Scappoose Police department and movie snacks and beverages from the Scappoose Community Club, Movies in the Park allows families to enjoy a high entertainment, low-cost activity with their community. Games like Pizza Bingo, fun contests along with lawn games, our wonderful "Michael Curry" Splash Fountain and live music keep everyone entertained until "Movie Time!"

Facebook page: <https://www.facebook.com/ScappooseMoviesbyMoonlight>

JJ Duehren Vice Chair, Scappoose Parks and events and media expert

jjmckay2@gmail.com 503-543-2310, Cell: 503-312-5521

Jeffrey Weiss, Head Librarian, Scappoose Library

jweiss@scappooselibrary.org 503-543-7123



Earth Day News Story: https://www.columbiacountyspotlight.com/news/its-your-chance-to-connect-with-mother-nature-at-scappoose-earth-day-2024/article_7287f15e-f764-11ee-90f1-538fab62e9c1.html

Outdoor Festival news story: https://www.columbiacountyspotlight.com/news/retooled-scappoose-outdoor-fun-festival-will-entertain-all-ages-june-8/article_b169bd80-0d71-11ef-b85d-efa42532bb38.html?fbclid=IwY2xjawHbts1leHRuA2FlbQIxMQABHe868ISc6IAJMDCONYknpeYrFOW_hcmd4erlh3RglhYqMwWL_o1k1tufjDw_aem_JkcflHixTih-N-QWH-p0A

Movies in the Park news story: https://www.columbiacountyspotlight.com/news/beat-summer-heat-with-scapposes-movies-by-moonlight-starting-friday/article_261b2388-5031-11ef-a582-8f8cfbc9b6e.html

Earth Day

JJ Duehren explained they are asking for \$20,000 to be able to do all six events this year.

Jeff Weiss explained what they need is a commitment for funds, not necessarily the funds themselves, immediately, because they do have an operating budget that they can run through but without having definite funding it really does affect how big of an event they can put on and what kind of structure the event can have if they are going to do all six events.

Mayor Backus explained a lot of little events really add up and we definitely want to keep these groups running these events because we don't have the manpower to put these together at this time. He thanked JJ and Jeff.

Ordinance No. 924: An Ordinance Approving Annexation of Property to the City of Scappoose, Amending The Zoning Map, And Minor Partition

Mayor Backus read the opening statement. He stated he is calling this public hearing to order to consider an application for Annexation, Zone Change, and Minor Partition. The procedure for this hearing will follow a strict format. Testimony and evidence must address the criteria that apply to the decision as described in the staff report or to the criteria the person testifying believes to apply to the decision. Persons may speak only after being recognized by the Mayor and must come forward to the microphone and state their name and city for the record. Only testimony that is relevant to the application will be considered. Immaterial or repetitious testimony will not be allowed and time limits will be imposed if testimony is irrelevant or repetitious. The failure to raise and clarify an issue to afford all parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals. The council will conduct this hearing in a quasi-judicial capacity. In other words, like a court trial where the

council serves as finders of fact. There shall be no audience demonstration or other conduct which would disrupt the hearing. Does any council member wish to declare any ex-parte contacts or conflict of interest regarding this matter? Does any party wish to challenge any councilor's impartiality or legal capacity to participate in this matter? The order of the hearing will be the staff report, then the applicant's presentation, then other proponents, then opponents, then rebuttal by the applicant, then a staff response. Thereafter, the hearing will be closed for consideration of the matter by the council. Approving this application would require the adoption of an ordinance, for which we will follow the standard ordinance adoption procedure. We'll start with the staff report. Assistant to City Manager/City Planner N.J. Johnson.

Assistant to City Manager/City Planner N.J. Johnson stated good evening, Mayor/Council. Thank you all for taking the time to review tonight's materials. I'll begin by going over the subject site information and observations of the staff report. I'll then list the relevant approval criteria for the proposed development and let you know which pages correspond with the findings. Lastly, I will let you know Planning Commission's recommendation and the recommended Conditions of Approval. After that, we will pause in case there are any questions for staff before the applicant's presentation.

SUBJECT SITE

- The subject site consists of two existing tax lots (TL) where TL 3000 is 0.75 acres and TL 3100 is 1.3 acres, totaling 2.05 acres (see Exhibit 4B in packet). TL 3000 contains a single-family residence, manufactured home, shop, two paved driveway paths connecting to gravel paths, and some trees (see Exhibit 4B in packet). TL 3100 contains a single-family residence, shop, gravel driveway path, and some trees (see Exhibit 4B in packet).
- Neither TL 3000 or 3100 are currently connected to municipal utilities. TL 3100 is experiencing a failing septic system and desires to connect to City sewer as a remedy to this (see Exhibit 3, p. 4 in packet).
- North of the subject site is SE Elm Street and to the north of that is SE Tussing Way and two rows of single-family homes, making up a portion of the Tussing Subdivision. West and east of the subject site are single-family homes platted as Elm Crossing Subdivision and Cascade Meadow Subdivision, respectively. South of the subject site is a large residential property with a house and several outbuildings.
- The subject site is currently in the urban growth boundary (UGB), zoned by Columbia County as Single-Family Residential (R-10), and designated by the City of Scappoose Comprehensive Plan Map as Suburban Residential (SR). The properties to the north and east of the site are in City limits, zoned Moderate Density Residential (R-4), and designated as SR on the Comprehensive Plan Map. The properties to the west and south of the site are in City limits, zoned R-1, and designated as SR on the Comprehensive Plan Map.
- The subject site is not located within the Special Flood Hazard Area (commonly referred to as the 100-year floodplain) and there are no wetlands, slope hazards, or watercourses on or near the site (see Exhibit 4B in packet).

OBSERVATIONS

ANNEXATION/ZONE CHANGE

- The applicant is requesting approval of an Annexation (Exhibit 2A in packet) that would annex both parcels into City limits. The properties are currently in the UGB and are eligible for annexation according to the Development Code and Comprehensive Plan.
- The subject site is currently zoned R-10 by Columbia County. With an SR Comprehensive Plan Map designation, the subject site will automatically be zoned R-1 upon annexation.
- The subject site is currently in the UGB but surrounded by properties in city limits in each direction. Annexing this site would eliminate an island of unincorporated property, promote desirable urban form, and continue the organic progression of the city.

PARTITION

- The applicant is requesting approval of a Preliminary Partition Plat (Exhibit 4G in packet) to partition TL 3000 into two lots to establish separate parcels for the existing single-family home and manufactured home. The lots are proposed to be 24,503 square feet and 6,500 square feet, respectively (see Exhibit 4G in packet).
- The Partition request does not create any new streets (see Exhibit 4G in packet) so it is not considered a Major Partition and it is less than 4 lots (see Exhibit 4G in packet) so it is not considered a Subdivision. Therefore, this request will be processed as a Minor Partition.
- Given that the Minor Partition proposal is consolidated with the Annexation proposal, the Minor Partition will be processed by the City, subject to City standards since the parcel will be in City limits if the Annexation is approved.

RIGHT-OF-WAY/PUBLIC IMPROVEMENTS

- All proposed parcels of the subject site have frontage on SE Elm Street (see Exhibit 4B in packet). This section of SE Elm Street is classified by the 2016 Transportation System Plan (TSP) as a Neighborhood Route, which requires 60 feet of right-of-way width comprised of 36 feet of vehicular travel way & parking, two 5.5-foot planter strips, two 6-foot sidewalks, and two 6-inch utility areas. The SE Elm Street right-of-way is primarily 50 feet wide with a ~29-foot paved width (see Exhibit 4B in packet). There are sidewalks on the north side of SE Elm Street and to the east and west of the subject frontage but no sidewalk or curb on the subject site's frontage. The applicant is proposing to provide a 10-foot dedication along TL 3000 to bring the right-of-way width to standard, install a 6-foot sidewalk with curb and gutter along the entire frontage including two new driveway approaches, pave between the existing asphalt concrete and the new curb, and plant street trees (see Exhibit 4D in packet). The applicant did not propose a dedication along the frontage of TL 3100 (see Exhibit 4C in packet) since it is not part of the Minor Partition proposal, which is the element of the consolidated application that requires the dedication along the frontage of TL 3000. However, the applicant is proposing to install a sidewalk that would go through what is currently and proposed to remain as private property along the frontage of TL 3100 (see Exhibit 4D in packet). The applicant will be required by the recommended conditions of approval to dedicate 10 feet of TL 3100 as right-of-way or record a public sidewalk easement in the area that would be dedicated that allows for the public to use the sidewalk as a public walkway as if it were in the right-of-way.
- The applicant will be required to install one new streetlight on their frontage. The applicant has proposed to install a streetlight to the west of the eastern driveway in the right-of-way (see Exhibit 4D in packet).

UTILITIES

- There is currently a 15-inch polyvinyl chloride (PVC) sewer main in SE Elm Street as well as a 12-inch concrete sewer main that extends south from the 15-inch PVC main into and through the rear yards of the parcels to the west of the subject site (see Exhibit 4B in packet). The applicant proposes installing three new sewer laterals from the SE Elm Street main to serve each of the existing homes (see Exhibit 4C in packet). The applicant also indicated on their Proposed Conditions Plan (Exhibit 4C in packet) that the contractor may evaluate the feasibility of serving the home on TL 3100 with the sewer main to the west of the subject site that runs through the rear yards of the adjacent homes in the Elm Crossing Subdivision instead of the main in SE Elm Street.
- There is an existing 24-inch PVC stormwater main in SE Elm Street (see Exhibit 4B in packet). The applicant is proposing to relocate and install a new catch basin to the west of the driveway serving Parcel 2 (see Exhibit 4C in packet) as required. Runoff will be directed towards this relocated catch basin (see Exhibit 4C in packet).
- There is currently an 8-inch cast iron water main in SE Elm Street. The applicant proposes to install two new water laterals from the main to serve Parcels 1 and 2 (see Exhibit 4C in packet). TL 3100 will continue to use its existing well as its water source (see Exhibit 3, p. 24 in packet).

LANDSCAPING, SCREENING, AND STREET TREES

- The applicant is proposing to plant Autumn Brilliance Serviceberry street trees (see Exhibit 3, p. 13 in packet), which is a species on the Approved Street Trees list. Autumn Brilliance Serviceberries are 25 feet tall and 20 feet wide at maturity, requiring them to be spaced at 20 feet apart on center with a planting width greater than the required 6 feet, which is what the applicant is proposing (see Exhibit 3, p. 13 in packet).

PUBLIC AND PRIVATE AGENCIES

- The City of Scappoose City Manager, Public Works Director, and Police Chief; Columbia County Public Works Director, Planning Director, and Building Official; Scappoose Rural Fire Protection District; and Columbia River PUD have been provided an opportunity to review and comment on this proposal. The City Engineer's comments are incorporated throughout this report.
- The City of Scappoose Public Works Director provided a referral comment (Exhibit 7 in packet) stating that they have reviewed the application and have no objection to its approval, provided it meets all criteria set forth in the Scappoose Municipal Code, zoning criteria, and the Scappoose Public Works Design Standards (PWDS).
- The Columbia County Building Official provided a referral comment (Exhibit 8 in packet) stating that they have reviewed the application and have no objection to its approval as submitted.
- The Columbia River PUD provided a referral comment (Exhibit 9 in packet) stating that they have reviewed the application and have no objection to its approval as submitted.
- The Columbia County Planning Director provided a referral comment (Exhibit 10 in packet) stating that they have reviewed the application and have no objection to its approval as submitted.
- The Columbia County Public Works Department provided a referral comment (Exhibit 11 in packet) requiring that each parcel created through this land use action obtain an access

permit from Columbia County. Additionally, the County is requiring that the applicant improve the SE Elm Street frontage to City of Scappoose standards and obtain a right-of-way permit from Columbia County for any work completed in the right-of-way. The County's comments clarified that these requirements will only be enforced if this section of SE Elm Street is found to be a County-owned road currently and after the parcels are annexed into city limits. These requirements have been incorporated into the recommended conditions of approval.

- Notice of the application and hearings was mailed to property owners within 300 feet of the subject site on December 1, 2025, posted in the November 28, 2025 edition of the Columbia County Spotlight, and posted on the subject site in accordance with Chapter 17.162. As of today, no public comments have been submitted.

Moving to the findings (in packet) of fact, staff's findings related to...

- SMC Chapter 12.10 - Visual Clearance Areas can be found on pages 61-62.
- Chapter 17.01 - Introduction, pages 62-63
- Chapter 17.22 Amendments to the Title, Comprehensive Plan, and Maps, pages, 63-64
- Chapter 17.44 - Low Density Residential, pages 64-67
- Chapter 17.104 - Street Trees, pages 67-69
- Chapter 17.136 - Annexations, pages 69-72
- Chapter 17.152 - Land Division-Major and Minor Land Partitions and Property Line Adjustments, pages 72-77
- Chapter 17.154 - Street and Utility Improvement Standards, pages 77-84
- Chapter 17.162 - Procedures for Decision Making-Quasi-Judicial, pages 84-88
- Comprehensive Plan Policies for Urban Growth Boundary, page 88
- Oregon Administrative Rules Chapter 660, Division 12 - Transportation Planning, pages 89-90

Based on the Findings of Fact and the materials submitted by the applicant, staff and a unanimous vote of Planning Commission recommend that the City Council approve ANX 1-25, ZC 2-25, MiP 1-25 subject to the Conditions of Approval listed on pages 90-93. At this time, I can take any questions you'd like to ask on this application before hearing from the applicant.

Chase Berg, Lower Columbia Engineering, explained he is representing the applicant. He explained as NJ had kind of described this is for an annexation and partition application. The catalyst for this application was largely a failing septic system on the southern lot and kind of with the northern lot the partition was largely to assist with financial funds to get through the application process. It's a fairly straightforward application with a lot of details that you know as NJ described there's a lot of details of this and he is happy to help with any questions that may come up.

Mayor Backus opened the public hearing at 8:00pm. He asked is there testimony in support? Seeing none, he asked do any property owners want to testify in support? He asked if anyone wanted to testify that is neutral?. Any opposition? Rebuttal by the applicant? Staff response? He stated at this time he will close the public hearing due to no one wanting to speak on this matter.

Council deliberated this matter.

Councilor Haugen moved, and Councilor Santiago seconded the motion that Council adopt Ordinance No. 924, thereby approving ANX 1-25, ZC 2-25, MiP 1-25 and accepting the findings and conditions of approval within the Planning Commission staff report, dated December 4, 2025, as written.

Mayor Backus read the title for the first time ~ Ordinance No. 924: An Ordinance Approving Annexation of Property to the City of Scappoose, Amending The Zoning Map, And Minor Partition.

Announcements – information only

Calendar

Mayor Backus went over the calendar.

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

City Manager Burgener talked about the City assisting with the programs the Columbia Economic Team (CET) is no longer doing since they have dissolved. He talked about the Council Retreat being held on February 7, 2026 at the Scappoose Middle School.

Chief Fluellen gave updates on the Scappoose Police Department. He explained in roughly less than a month they will have the two new officers back here with us. He stated we had a really bad crash today, luckily no one was seriously injured. He stated he looks forward to a good 2026.

Mayor Backus talked about going over the Council liaisons at the next Council meeting.

Student Representative Ferreira gave an update on what a Youth Council would look like in the community and compared to Happy Valley and Hillsboro and they are on a much bigger scale and they identified that we don't really need that big of a scale.

Councilor Riutta will not be available for the January 20 City Council meeting.

Councilor Marquis talked about some citizens asking him about what is the biggest issue facing Scappoose and he has his own aspirational visions for Scappoose and what it could develop into but he thinks that the main thing was that we have a budget shortfall that's pretty significant every year. He explained the question they had was what has changed? He explained this is just something he was wondering about.

City Manager Burgener explained to Councilor Marquis that he could come by, and they could go over the budget.

Councilor Haugen stated a hardy, healthy and productive 2026 to everyone. He thinks it is going to be an exciting year. He explained he went to Whoville and he spoke with Janet, and they had over 7,000 visitors recorded as of Saturday night and the best part about it is they recorded the numbers and locations from where people came from.

Councilor Holmes stated she would like to extend a Happy 2026 to Council and Staff. She also wanted to acknowledge the volunteers in the community. JJ does a lot of events through the parks. Janet and the Historical Society with Whoville, and the Community Club with the light display. She thinks this season in particular we really see the impact of the community involvement and those who give the City their time.

Councilor Santiago stated Happy Holidays.

Mayor Backus stated great Whoville and lighting event this year. He thanked Staff and all the volunteers for all they do.

Adjournment

Mayor Backus adjourned the meeting at 8:26pm.

Mayor Joseph A. Backus

Attest:

City Recorder/HR Susan M. Reeves, MMC

City of Scappoose Council Action & Staff Report

Date Submitted: January 6, 2025

Agenda Date Requested: January 20, 2026

To: Scappoose City Council

From: N.J. Johnson, City Planner/Assistant to City Manager

Subject: Request by Sherman & Marsha Garver and Richard & Christianne Watt for Annexation, Zone Change, and Minor Partition

Type of Action Requested:

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

Issue

Sherman & Marsha Garver and Richard & Christianne Watt have requested approval of a consolidated application for Annexation to annex the subject site into City limits, Zone Change to rezone the subject site from Single-Family Residential (R-10) County zoning to Low Density Residential (R-1) City zoning, and a Minor Partition to partition Tax Lot 3000 into two lots. The site contains two parcels addressed 34094 and 34102 SE Elm Street, south of the SE Elm Street and SE Tussing Way intersection, on properties described as Columbia County Assessor Map #3107-CC-03000 and #3107-CC-03100.

Annexation and Zone Change require City Council approval. While staff would normally be the approval authority for Minor Partition, the applicant requested a consolidated decision and so the City Council will be the approval authority for the entire consolidated application.

The Planning Commission held a public hearing regarding this request on December 11, 2025. Written comments for this hearing were due December 10, 2025, the day prior to the Planning Commission hearing, at 5:00 pm. Members of the public also had the opportunity to provide verbal testimony at the December 11, 2025 Planning Commission hearing. No written or verbal comments were submitted by the public prior to or during the Planning Commission hearing.

The City Council held a public hearing regarding this request on January 5, 2026. Written comments for this hearing were due January 2, 2026, the business day prior to the City Council hearing, at 5:00 pm. Members of the public also had the opportunity to provide verbal testimony

at the January 5, 2026 City Council hearing. No written or verbal comments were submitted by the public prior to or during the City Council hearing.

Analysis

The applicant is requesting the Annexation and Zone Change because they desire to connect to City utilities (Tax Lot 3000 to water and sewer, Tax Lot 3100 to sewer), which requires properties to be in city limits in most circumstances, including this case. The site is in the urban growth boundary (UGB) and is designated as Suburban Residential (SR) on the Comprehensive Plan Map. UGB sites with an SR designation are scheduled to be zoned Low Density Residential (R-1) upon annexation. The applicant is requesting for the site to be zoned R-1 upon annexation, in conformance with the Comprehensive Plan and Development Code.

All findings related to the approval criteria for the consolidated land use applications, including the recommended conditions of approval, are contained within the Planning Commission staff report, dated December 4, 2025¹. Ordinance 924 to approve the consolidated applications is included in the exhibits.

After considering the facts in the record, the Planning Commission voted unanimously to forward a recommendation of approval to the City Council, subject to conditions of approval as outlined in the Planning Commission staff report¹.

Recommendation

Staff recommends that Council adopt Ordinance 924, thereby approving ANX 1-25, ZC 2-25, MiP 1-25 and accepting the findings and conditions of approval within the Planning Commission staff report, dated December 4, 2025, as written.

Suggested Motion

N/A; second reading

Exhibits

Ordinance 924 without attachments¹

¹ Note: The full Planning Commission staff report with exhibits was provided in the January 5, 2026 City Council meeting packet. Interested parties may reference that or request a copy from staff.

ORDINANCE NO. 924

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

WHEREAS, Sherman & Marsha Garver and Richard & Christianne Watt filed an application to annex property described in **Exhibit A** and depicted in **Exhibit B**, attached hereto and incorporated herein, to the City of Scappoose, as well as for Minor Partition; and

WHEREAS, the property described in **Exhibit A** would automatically be zoned Low Density Residential (R-1) upon annexation due to the property's Suburban Residential Comprehensive Plan designation, pursuant to Section 17.136.070 of the Scappoose Municipal Code; and

WHEREAS, public notice pursuant to ORS 222.120 and Scappoose Municipal Code Chapters 17.22, 17.136, and 17.162 was given; and

WHEREAS, the Planning Commission held a hearing on the consolidated application on December 11, 2025 and voted unanimously to recommend that the City Council approve the entire consolidated application subject to the conditions of approval and findings contained within the ANX 1-25, ZC 2-25, MiP 1-25 Planning Commission staff report dated December 4, 2025 (**Exhibit C**); and

WHEREAS, the City Council held a hearing on the consolidated application on January 5, 2026; now therefore,

THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:

Section 1. The property described in **Exhibit A** is hereby annexed into the city limits of the City of Scappoose, Oregon.

Section 2. The property described in **Exhibit A** is hereby rezoned from Single-Family Residential (R-10) Columbia County zoning to Low Density Residential (R-1) City of Scappoose zoning. The City Planner is directed to conform the Zoning Map to the provisions of this Ordinance.

Section 3. In support of the proposed Annexation, Zone Change, and Minor Partition, the City Council hereby adopts the findings, conditions of approval, and recommendations made by the Scappoose Planning Commission outlined in the ANX 1-25, ZC 2-25, MiP 1-25 Planning Commission staff report, dated December 4, 2025 (**Exhibit C**), attached hereto and incorporated herein.

Section 4. This Ordinance is effective 30 days after passage if not appealed. If appealed, this Ordinance is effective upon the resolution of all appeals.

PASSED AND ADOPTED by the City Council this _____ day of January, 2026, and signed by the Mayor and City Recorder in authentication of its passage.

CITY OF SCAPPOOSE, OREGON

Joseph A. Backus, Mayor

First Reading: January 5, 2026

Second Reading: January 20, 2026

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

DRAFT

CITY OF SCAPPOOSE

Council Action & Status Report

Date Submitted: January 12, 2026

Agenda Date Requested: January 20, 2026

To: Scappoose City Council

From: Dave Sukau, Public Works Director

Subject: Chapman Landing Disc Golf

TYPE OF ACTION REQUESTED:

☐ Resolution

☐ Ordinance

☐ Formal Action

☒ Report Only

ISSUE: Should the City pursue the construction of a seasonal disc golf course at Chapman landing?

HISTORY: In 2019, the City of Scappoose took over ownership of Chapman Landing from Columbia County. Since then, the Scappoose Public Works Department has been working hard to clean up and improve the facility. When the City took ownership, the property was heavily overgrown with invasive vegetation and housed some homeless camps. Public Works crews have been working to remove brush and create open space with a nice tree canopy for people to hike and potentially launch kayaks from. It has also been a site the City Staff has identified as a potential disc golf course.

Shortly after the City announced the successful LGGP Grant for the EJ Smith/Grabhorn parcel, I was contacted by Jesse Tomaino. Jesse explained his passion for disc golf and involvement in creating the course in Warren and that he would like to be involved in the design of the EJ Smith/Grabhorn course. After some discussion about that, I asked if he had interest in looking at Chapman Landing to see how feasible he felt a course there would be and he agreed to.

Request for Council Action

After walking the property, both Jesse and his colleague Joe Coulter, have designed the course that is attached to this presentation. We collectively believe that this is a course that is small, but presents enough challenge to encourage golfers from the area to come and play regularly. I also believe that this may draw players from outside the area, which helps the community with tourism.



FISCAL IMPACT: The Parks Fund budget identifies \$100,000.00 annually for City Park Improvements. Staff recommends using a portion of these funds to purchase the necessary supplies for the Public Works crew to construct removable baskets and throwing pads.

REQUEST: City Staff is seeking Council's support of creating a disc golf facility at Chapman Landing

Request for Council Action

Chapman Landing's DGC




-  Tee pad
-  Basket




Chapman's Landing DGC

Scappoose, OR


The Roots Impact

 Play count



 Recreation hours



 Unique players



- The Course has been open since April 2025
- Udisc only accounts for about 30% of ALL disc golf players and rounds
- According to The Roots front desk, there have been over 10,000 rounds since opening 9 months ago
- The reception from the public has been overwhelmingly positive with XC meets, yoga classes, and school outings happening weekly.

Easily Accessible for Everyone

- The Roots provides an opportunity for more advanced players to enjoy the sport but putting a beginner friendly course in the area will boost popularity and active disc golf participation in the area.
 - Shorter design allows beginners to play and watch skills grow
 - Family Friendly – this is a course that is for everyone, it will take less than 30 mins to play, and is short enough for families with small kids
 - Even though it is a beginner course, there is thoughtful design that makes it interesting for all disc golf skill levels.
- Cost Accessibility
 - All a person needs is one disc (\$15) and a park
 - It is easy for anyone to play

Course Design



- Course stays away from the dike
- It helps get rid of invasive species
- Utilizes a part of the land that has gone unused for years.
- Partnering with local business to install the course as economically as possible
- Lots of opportunities for fundraising and local volunteerism.

Responsible Land Management

- There is a PDGA initiative – “Throw Green”
 - Encourages golfers to be good stewards of the environment where we play.
- Disc golfers keep the area clean and maintained
- Volunteer days
 - Pull invasive species
 - Create walking trails
 - Build benches
 - Etc...



We play in some incredible spaces!

Positive Recreation Impact

- Currently this park is used by walkers and fisher-folk
- This course could increase the number of patrons using the city park spaces significantly
- Provide after school activities for students

City of Scappoose Council Action & Staff Report

Date Submitted: January 14, 2026

Agenda Date Requested: January 20, 2026

To: Scappoose City Council

From: Benjamin Burgener, City Manager
Nancy Werner, Bradley Werner, LLC (Franchise Legal Counsel)

Subject: New Utility Licensing process, new SMC Chapter 13.36, edits to SMC 3.08, and new fees

Type of Action Requested:

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

Issue

The City currently allows use of the rights-of-way by utility providers through individually negotiated franchise agreements with each provider, which historically has included Astound Broadband, AT&T, Century Link, Comcast, CRPUD, Lumen, NW Natural Gas and Waste Management. The City is interested in implementing a new licensing process that will replace franchise agreements, once they expire, with a simplified license intended to more efficiently manage use of the rights-of-way by requiring each utility provider to follow the same requirements for use of the rights-of-way (as allowed by applicable laws) through the adoption of a new chapter of Scappoose Municipal Code (SMC), Chapter 13.36, and edits to existing SMC Chapter 3.08. Ordinance 925 is attached which would enact these amendments. Fee Resolution 26-01 to set the applicable new fees is also attached.

Analysis

Under the proposed process in new SMC Chapter 13.36, utilities that own facilities in the City's rights-of-way would be required to get a license from the City to authorize this use of the rights-of-way. Utilities with current franchise agreements would be required to get a license once their existing franchise agreement expires. Utilities that use the City's rights-of-way to provide utility services but do not own any facilities in the City would file a registration with the City under new SMC Chapter 13.36. The main goals of SMC Chapter 13.36 are to (i) reduce the expense of franchise negotiations; (ii) more efficiently and effectively manage the rights-of-way through

uniform standards that apply to all utilities; and (iii) to better track entities that earn revenues through use of the rights-of-way in the City.

Scappoose currently collects the fees below through a franchise agreement with each provider:

Provider:	Fee¹:	Franchise agreement expiration date
Astound Broadband	5%	Expired – December 2025
AT&T	5%	Expired - October 2021
Century Tel, dba Century Link	7%	June 2028
Comcast	5%	May 2033
CRPUD	5%	July 2033, but will renew for another 10 years until 2043, unless written notice is provided 60 days prior to July 1, 2033 expiration date
NW Natural Gas	5%	March 2032
Waste Management	5%	November 2026

Under the proposed process contained within new SMC Chapter 13.36 and edited Chapter 3.08, once their franchises have expired, each utility provider would pay the existing privilege tax in SMC Chapter 3.08. The privilege tax applies to utility providers who own facilities in the City's rights-of-way and to those that utilize facilities in the City's rights-of-way to provide service to customers within the City. The current privilege tax is 5% of the utilities' gross revenues from customers in the City. The proposed edits to SMC Chapter 3.08 would increase the privilege tax to 7% of gross revenues. The privilege tax is subject to several legal limitations, including a federal law that caps the fee for cable providers at 5% of revenue from cable services. Cable providers will continue to negotiate franchise agreements as required in federal law, and Waste Management will continue to negotiate a franchise agreement separately since they do not own or use the rights-of-way in the same way as a utility provider does.

As set out in amended SMC Chapter 3.08, if a utility occupies or requests to occupy a City right-of-way but does not provide service to customers within the City or otherwise earn revenue within the City from such services, the utility shall instead pay an annual right-of-way fee, as proposed in attached Resolution 26-01. SMC Chapter 3.08 currently refers to this fee as an annual permit fee, but it does not appear that the City has established or collected this fee.

While the privilege tax and right-of-way fee have been in SMC Chapter 3.08 for many years, the City anticipates that enforcement of the privilege tax and right-of-way will provide additional revenue to the City. The increase in the privilege tax from 5% to 7% of revenue will increase revenues once providers' franchises expire. We also anticipate that the new license and registration process in SMC Chapter 13.36, if adopted, will identify utilities that have been using the City's rights-of-way but do not have franchise agreements and thus have not been paying franchise fees or the privilege tax. For example, some entities like cell providers may utilize facilities in the rights-of-way to provide their cell service but have not been paying the privilege tax as currently required in SMC Chapter 3.08. While it is possible some entities that historically

¹ Based on gross revenues of provider within City of Scappoose

have not been paying franchise fees or privilege taxes will challenge the City's authority to enforce the privilege tax, staff are not aware of any existing legal impediment to imposing the privilege tax on utilities using and/or occupying the rights-of-way so long as we do so consistent with several discreet limitations on the City's authority, such as the limitation on cable providers mentioned above.

In addition to establishing a new right-of-way fee, attached Resolution 26-01 also establishes a right-of-way annual registration fee and a right-of-way license application fee, which would be good for 5 years.

Fiscal Impact

For the current fiscal year, the City anticipates revenues of \$510,800 from franchise agreements. As existing franchise agreements expire, each utility provider would then be subject to Chapter 13.36 and 3.08, which sets the privilege tax at 7%, except cable providers which are capped at 5% and Waste Management, which will continue to negotiate its franchise agreement separately. The City also anticipates that enforcement of the new registration and license requirements will identify entities that have been subject to the privilege tax and right-of-way fees but have not been paying. For this reason, revenue is expected to increase in the future for utilities that currently only pay 5% and for any utility providers that we aren't currently collecting from.

Recommendation

1. Staff recommend that Council adopt Ordinance 925: An Ordinance Amending Title 3 & 13 of the Scappoose Municipal Code to Add Chapter 13.36, Utility Use of Public Rights-of-Way, and to Amend Chapter 3.08, Public Utility Taxes, as written.
2. Staff recommend that Council adopt Resolution 26-01, A Resolution Amending the Fees and Charges for the City of Scappoose Adopted by Resolution No. 25-10, as written.

Suggested Motion(s) - Please note that two public hearings are required, one for the first reading of Ordinance 925, and one for adoption of Resolution 26-01

First reading of Ordinance 925:

1. I move Council approve Ordinance 925: An Ordinance Amending Title 3 & 13 of the Scappoose Municipal Code to Add Chapter 13.36, Utility Use of Public Rights-of-Way, and to Amend Chapter 3.08, Public Utility Taxes, as written.

Adoption of Resolution 26-01:

2. I move Council approve Resolution 26-01: A Resolution Amending the Fees and Charges for the City of Scappoose Adopted by Resolution No. 25-10, as written.

Exhibits

1. Ordinance 925: An Ordinance Amending Title 3 & 13 of the Scappoose Municipal Code to Add Chapter 13.36, Utility Use of Public Rights-of-Way, and to Amend Chapter 3.08, Public Utility Taxes, including:
 - Exhibit A: New Chapter 13.36

- Exhibit B: Amended Chapter 3.08
2. Resolution 26-01: A Resolution Amending the Fees and Charges for the City of Scappoose
Adopted by Resolution No. 25-10

ORDINANCE 925

(DRAFT)

**AN ORDINANCE AMENDING TITLE 3 & 13 OF THE SCAPPOOSE MUNICIPAL
CODE TO ADD CHAPTER 13.36, UTILITY USE OF PUBLIC RIGHTS-OF-WAY, AND
TO AMEND CHAPTER 3.08, PUBLIC UTILITY TAXES**

WHEREAS, the City has the authority pursuant to its Charter and the Oregon Constitution and statutes to manage its public rights-of-way and to receive compensation for use of the public rights-of-way consistent with applicable state and federal law; and

WHEREAS, the City has managed its public rights-of-way through individually negotiated franchise agreements with entities that own facilities in the public rights-of-way; and

WHEREAS, the City finds that updating Scappoose Municipal Code Title 13 to add a new Chapter 13.36 to manage use of the public rights-of-way by utilities with facilities in the public rights-of-way and/or using those facilities to provide services to customers in the City, and to require licenses rather than individually negotiated franchises, will better ensure transparent, consistent and efficient management of the public rights-of-way; and

WHEREAS, the new Chapter 13.36 will impact the franchise requirement in Scappoose Municipal Code Chapter 3.08, and thus that Chapter must be amended; and

WHEREAS, the City finds it is in the public interest to enact the updates to the Scappoose Municipal Code as set forth in this Ordinance.

THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:

Section 1. Title 13, Chapter 13.36 of the Scappoose Municipal Code is hereby created in substantially the same form written in Exhibit A, attached hereto and hereby incorporated by reference,

Section 2. Scappoose Municipal Code Chapter 3.08 is hereby amended as set forth in Exhibit B (new language shown in underline and deletions in ~~striketrough~~).

Section 3. If any provision, section, phrase, or word of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

Section 4. This Ordinance shall be effective on the 30th day following its passage.

PASSED AND ADOPTED by the City Council this ____ day of _____, 2026, and signed by the Mayor and City Recorder in authentication of its passage.

CITY OF SCAPPOOSE, OREGON

Joseph A. Backus, Mayor

First Reading:
Second Reading:

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

DRAFT

EXHIBIT A

Chapter 13.36 UTILITY USE OF PUBLIC RIGHTS-OF-WAY

Sections:

- 13.36.010 Jurisdiction and management of the public rights-of-way.**
- 13.36.020 Regulatory fees and compensation not a tax.**
- 13.36.030 Definitions.**
- 13.36.040 Registration of utility operators and providers.**
- 13.36.050 Utility license.**
- 13.36.060 License terms.**
- 13.36.070 Construction standards.**
- 13.36.080 Location of utility facilities.**
- 13.36.090 Rights-of-Way fees.**
- 13.36.100 General provisions.**

13.36.010 Jurisdiction and management of the public rights-of-way.

- A. The city has jurisdiction and exercises regulatory management over all public rights-of-way within the city under authority of the city Charter and state law.
- B. The city has jurisdiction and exercises regulatory management over each public right-of-way whether the city has a fee, easement, or other legal interest in the public right-of-way. The city has jurisdiction and regulatory management of each public right-of-way whether the legal interest in the public right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.
- C. No person may occupy or encroach on a public right-of-way without the permission of the city. The city grants permission to use public rights-of-way by licenses, franchises and permits.
- D. The exercise of jurisdiction and regulatory management of a public right-of-way by the city is not official acceptance of the public right-of-way, and does not obligate the city to maintain or repair any part of the public right-of-way.
- E. The city retains the right and privilege to cut or move any utility facilities located within the public rights-of-way in the city, as the city may determine to be necessary, appropriate or useful in response to a public health or safety emergency.

13.36.020 Regulatory fees and compensation not a tax.

- A. The fees and costs provided for in this chapter, and any compensation charged and paid for use of the public rights-of-way provided for in this chapter, are separate from, and in addition to, any and all federal, state, local, and city charges as may be levied, imposed, or due from a utility operator or provider, its customers or subscribers, or on account of the lease, sale, delivery, or transmission of utility services.
- B. The city has determined that any fee provided for by this chapter is not subject to the property tax limitations of Article XI, Sections 11 and 11b of the Oregon Constitution. These fees are not imposed on property or property owners.
- C. The fees and costs provided for in this chapter are subject to applicable federal and state laws.

13.36.030 Definitions.

For the purpose of this chapter the following terms, phrases, words and their derivations shall have the meaning given herein. Words not defined herein shall be given the meaning set forth in the Communications Policy Act of 1934, as amended, the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection and Competition Act of 1992, and the Telecommunications Act of 1996. If not defined there, the words shall be given their common and ordinary meaning.

“Cable service” is to be defined consistent with federal laws and means the one-way transmission to subscribers of video programming, or other programming service, and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

“City property” means and includes all real property owned by the city, other than public rights-of-way and public utility easements as those are defined herein, and all city-owned structures or equipment located within the public rights-of-way used for governmental purposes.

“Communications services” means any service provided for the purpose of transmission of information including, but not limited to, voice, video, or data, without regard to the transmission protocol employed, whether or not the transmission medium is owned by the provider itself. “Communications service” includes all forms of telephone services and voice, video, data or information transport and internet access, but does not include: (1) cable service; (2) open video system service, as defined in 47 C.F.R. 76; (3) public communications systems; (4) over-the-air radio or television broadcasting to the public-at-large from facilities licensed by the Federal Communications Commission or any successor thereto; and (5) direct-to-home satellite service within the meaning of Section 602 of the Telecommunications Act of 1996, Pub. L. 104–104, 110 Stat. 56 (1996).

“Days” means calendar days unless otherwise specified.

“Federal Communications Commission” means the federal administrative agency, or its lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers on a national level.

“Franchise” means an agreement between the city and a utility operator which grants a privilege to use public rights-of-way within the city for a dedicated purpose and for specific compensation. A license issued pursuant to this chapter is not a franchise.

“Grantee” or “licensee” means the person to which a franchise or license is granted by the city.

“Oregon Public Utility Commission” means the statutorily created state agency in the state of Oregon responsible for licensing, regulation and administration of certain utility providers as set forth in Oregon Law, or its lawful successor.

“Person” means an individual, corporation, company, association, joint stock company or association, firm, partnership, limited liability company or governmental entity.

“Public communications system” means any system owned or operated by a government entity or entities for its exclusive use for internal communications or communications with other government entities, and includes services provided by the State of Oregon pursuant to ORS 283.140. “Public communications system” does not include any system used for sale or resale, including trade, barter or other exchange of value, of communications services or capacity on the system, directly or indirectly, to any person.

“Public rights-of-way” means and includes the streets, roads, highways, bridges, alleys, sidewalks, public utility easements, and all other public ways or areas, including the subsurface under and air space over these areas, that are generally open to the public for vehicular and pedestrian travel, but does not include parks, parkland or other city property. This definition applies only to the extent of the city’s right, title, interest or authority to grant a license or franchise to occupy and use such areas for utility facilities.

“Public utility easement” means any easement granted to or owned by the city and acquired, established, dedicated or devoted for public utility purposes, but does not include an easement acquired, established, dedicated or devoted solely for city-owned utility facilities, or where the proposed use by the utility operator is inconsistent with the terms of any easement granted to the city.

“Utility facilities” or “facilities” means the plant, equipment and property, including but not limited to the poles, pipes, mains, conduits, ducts, cable, wires, plant and equipment located or to be located under, on, or above the surface of the ground within the public right-of-way in the city and used or to be used for the purpose of providing utility services.

“Utility operator” means any person who owns, operates or controls a utility facility within the public rights-of-way in the city.

“Utility provider” means a person that provides utility services using utility facilities in the city, whether or not the person owns, operates or controls such utility facilities.

“Utility services” means the provision, by means of utility facilities permanently located within, under or above the public rights-of-way, whether or not such facilities are owned by the service provider, of electricity, natural gas, communications services, cable services, water, sewer or storm sewer services to or from customers within the corporate boundaries of the city, or the transmission of any of these services through the city whether or not customers within the city receive those transmissions or services. “Utility service” shall not include the provision of such services by the city.

“Work” means the construction, demolition, installation, replacement, repair, maintenance, or relocation of any utility facility, including but not limited to any excavation and restoration required in association with such construction, demolition, installation, replacement, repair, maintenance, or relocation.

13.36.040 Registration of utility operators and providers.

- A. Registration Required.
 - 1. Every person that desires to provide utility services to customers within the city shall register with the city prior to providing any utility services to any customer in the city; provided that a person with a valid license or franchise from the city is not required to register to provide the utility services authorized in the license or franchise.
 - 2. Every person providing utility services to customers within the city as of the effective date of this chapter shall register within thirty days of the effective date of this chapter.
 - 3. A registrant that provides additional utility services not listed on its current registration shall submit a new registration application that lists such services not later than thirty days after commencing the provision of those utility services to customers in the city.
- B. Application. Applicants shall provide the following information:
 - 1. The identity and legal status of the registrant, including the name, address, and telephone number of the duly authorized officer, agent, or employee responsible for the accuracy of the registration information.
 - 2. The name, address, and telephone number for the duly authorized officer, agent, or employee to be contacted in case of an emergency.
 - 3. Any applicable approvals from the Oregon Public Utility Commission or the Federal Communications Commission.
 - 4. A description of the registrant's existing or proposed utility services within the city.
- C. Annual Registration. After registering with the city pursuant to subsection A of this section, each registrant shall, by December 31st of each year, file with the city a new registration form if it intends to provide any utility services at any time in the following calendar year. Registrants that file an initial registration pursuant to subsection A of this section on or after September 30th shall not be required to file an annual registration until December 31st of the following year, except as provided in subsection A.3 of this section.
- D. Registration Fee. Each application for registration shall be accompanied by a nonrefundable registration fee in the amount established by resolution of the council.

13.36.050 Utility license.

- A. Utility License. Every person that owns, operates or controls utility facilities as of the effective date of this chapter shall apply for a license from the city within thirty days of the later of:
 - 1. The effective date of this chapter, or
 - 2. The expiration of a valid franchise agreement granted by the city, unless a new franchise agreement is granted by the city pursuant to subsection K of this section.
- B. Application. The license application shall be on a form provided by the city, and shall be accompanied by any additional documents required by the application or the city to identify the applicant, its legal status, including its authorization to do business in Oregon, a description of the utility facilities in the public rights-of-way or to be installed in the public rights-of-way, a description of type of utility service provided or to be provided by the applicant, if any, and other information reasonably necessary to determine the applicant's ability to comply with the terms of this chapter.

- C. Application Fee. The application shall be accompanied by a nonrefundable application fee or deposit set by resolution of the council.
- D. Determination by the City. The city shall issue a written determination granting or denying the application in whole or in part. If the application is denied, the written determination shall include the reasons for denial. The application shall be evaluated based upon the provisions of this chapter, the continuing capacity of the public rights-of-way to accommodate the applicant's proposed utility facilities and the applicable federal, state and local laws, rules, regulations and policies.
- E. Scope of Grant.
 - 1. A license shall authorize the licensee, subject to the provisions of the city codes, including this chapter, and other applicable provisions of state or federal law, as amended from time to time, to construct, place, maintain, upgrade, repair and operate utility facilities in the public rights-of-way for the term of the license for the provision of the utility service(s) authorized in the license. In the event the licensee, or another utility provider using the licensee's facilities, offers different utility service(s) than those authorized in the license, the licensee shall inform the city of such changes no later than thirty days after the provision of such services.
 - 2. No license granted pursuant to this chapter shall convey any right, title or interest in the public rights-of-way, but shall be deemed a non-exclusive grant to use and occupy the public rights-of-way for the limited purposes and term provided in this chapter. The license is subject to all recorded deeds, easements, dedications, conditions, covenants, restrictions, encumbrances and claims of title of record that may affect the public rights-of-way.
 - 3. No license granted pursuant to this chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the public rights-of-way for utility facilities, delivery of utility services or any other purpose. The city expressly reserves the right to grant licenses, franchises or other rights to other persons, as well as the city's right to use the public rights-of-way, for similar or different purposes.
 - 4. Neither the issuance of the license nor any provisions contained therein shall constitute a waiver or bar to the exercise of any governmental right or power, including, without limitation, the police power or regulatory power of the city.
- F. Term. Subject to the revocation and termination provisions in subsection J of this section, a utility license granted hereunder shall be in effect for a term of five years.
- G. Multiple Services.
 - 1. A utility operator that provides or transmits or allows the provision or transmission of utility services and other services over its facilities is subject to the license and fee requirements of this chapter for the portion of the facilities and extent of utility services delivered by the utility operator over those facilities.
 - 2. A utility operator that provides or transmits more than one utility service to customers in the city is not required to obtain a separate license or franchise for each utility service, but is required to pay the rights-of-way access fees due for each utility service the utility operator provides.
- H. Renewal Applications. A licensee that desires to renew its license under this code shall, not less than thirty days but no more than one hundred eighty days before expiration of the current license, submit an application to the city, including all information required in subsection B of this section and the application fee required in subsection C of this

section. The city shall review the application as required by subsection D of this section and grant or deny the license within ninety days of submission of the application. If the city determines that the licensee is in violation of the terms of this chapter at the time it submits its application, the city may require that the licensee cure the violation or submit a detailed plan to cure the violation within a reasonable period of time, as determined by the city, before the city will consider the application and/or grant the license. If the city requires the licensee to cure or submit a plan to cure a violation, the city will grant or deny the license application within ninety days of confirming that the violation has been cured or of accepting the licensee's plan to cure the violation.

- I. Assignments or Transfers of System or License. Except as otherwise provided by applicable State and federal law, ownership or control of a majority interest in utility facilities or a license may not, directly or indirectly, be transferred, assigned or disposed of by sale, lease, merger, consolidation or other act of the grantee, by operation of law or otherwise, without the prior consent of the city.
 1. Licensee and the proposed assignee or transferee of the license or facilities shall agree, in writing, to assume and abide by all of the provisions of the license.
 2. No transfer shall be approved unless the assignee or transferee has the legal, technical, financial and other requisite qualifications to own, hold and operate the utility facilities pursuant to this chapter and otherwise meets the criteria for all license applicants set forth in subsection D of this section.
 3. Unless expressly prohibited by applicable state or federal law, the licensee shall reimburse the city for all direct and indirect fees, costs and expenses reasonably incurred by the city in considering a request to transfer or assign a utility license.
 4. Any transfer or assignment of a utility license or utility facilities without prior approval of the city under this chapter shall be void and is cause for revocation of the license.
- J. Revocation or Termination of License.
 1. The city may, subject to applicable notice and cure provisions of this subsection, revoke a license for one or more of the following reasons:
 - a. Construction or operation in the city or in the public rights-of-way in the city without applicable permit(s);
 - b. Construction or operation at an unauthorized location;
 - c. Failure to comply with subsection I of this section with respect to sale, transfer or assignment of utility facilities or a license;
 - d. Misrepresentation by or on behalf of a licensee in any application to the city;
 - e. Abandonment of utility facilities in the public rights-of-way;
 - f. Failure to relocate or remove facilities as required in this chapter;
 - g. Failure to pay taxes, compensation, fees or costs when and as due the city under this chapter or other applicable provisions of the code;
 - h. Insolvency or bankruptcy of the licensee;
 - i. Violation of material provisions of this chapter; and/or
 - j. Violation of the material terms of the license.
 2. Notice and Duty to Cure. In the event that the city believes that grounds exist for revocation of a license, the city shall give the licensee written notice of the apparent violation, noncompliance or other reason(s) for revocation, providing a short and concise statement of the nature and general facts of the violation, noncompliance or

- other reason(s), and providing the licensee a reasonable period of time, not exceeding thirty days, to furnish evidence that:
- a. Corrective action has been taken, or is being actively and expeditiously pursued, to remedy the violation, noncompliance or other reason(s) for revocation;
 - b. Rebutts the alleged violation, noncompliance or other reason(s) for revocation; and/or
 - c. It would be in the public interest to impose some penalty or sanction less than revocation.
3. Public Hearing. In the event that a licensee fails to provide evidence reasonably satisfactory to the city, city staff shall refer the apparent violation, noncompliance or other reason(s) for revocation to the council. The council shall provide the licensee with notice and a reasonable opportunity to be heard concerning the matter.
 4. Standards for Revocation or Lesser Sanctions. If persuaded that grounds for revocation as described in subsection J.1 of this section exist, the council shall determine whether to revoke the license, or to establish some lesser sanction and/or cure, considering the nature, circumstances, extent, and gravity of the matter as reflected by one or more of the following factors. Whether:
 - a. The misconduct was egregious;
 - b. Substantial harm resulted;
 - c. The violation was intentional;
 - d. There is a history of prior violations of the same or other requirements;
 - e. There is a history of overall compliance;
 - f. The violation was voluntarily disclosed, admitted or cured; and/or
 - g. Licensee has failed to cure the violation after notice.
 5. The provisions of subsection J of this section are in addition to, and in no way limit, the other penalties provided in this chapter and any other remedies the city may have at law or in equity.
- K. Franchise Agreements. If the public interest warrants, as determined by the city in its sole discretion, the city and utility operator may enter into a written franchise agreement that includes terms that clarify, enhance, expand, waive or vary the provisions of this chapter, consistent with applicable state and federal law. The franchise may conflict with the terms of this chapter if express language in the franchise specifically identifies the sections of this chapter that are modified in the franchise, and the council reviews and approves the franchise. The franchisee shall be subject to the provisions of this chapter to the extent such provisions are not in conflict with the express provisions of any such franchise. Utility operators providing cable service shall be subject to the separate cable franchise requirements of the city and other applicable authority, subject to applicable law.

13.36.060 License terms.

- A. Compliance with Laws. Utility operators shall comply with all federal and state laws, rules and regulations, including regulations of any administrative agency thereof, as well as all codes, ordinances, resolutions, rules and regulations of the city, as amended from time to time, that are relevant and relate to work, the construction, maintenance and operation of a utility system or the provision of utility services.

- B. Maintenance. A utility operator shall be solely responsible for any repairs or maintenance required to keep its facilities in a clean, safe and code-compliant condition. The utility operator, at its sole cost and expense, shall repair any damage to its facilities within: (1) thirty days after the utility operator discovers or receives notice (written or verbal) that such damage exists or (2) immediately if such repairs are necessary to preserve life or property. If, after notice from the city of the need for repair or maintenance as required in this subsection, a utility operator fails to repair and maintain utility facilities as requested by the city and by the date reasonably established by the city, the city may perform such repair or maintenance using qualified personnel or contractors consistent with applicable state and federal safety laws and regulations at the utility operator's sole cost and expense. Within thirty days of receipt of a detailed invoice from the city, the utility operator shall reimburse the city the full invoiced amount.
- C. Reservation of City Rights. Nothing in the license shall be construed to prevent the city from grading, paving, repairing and/or altering any public rights-of-way, constructing, laying down, repairing, relocating or removing city facilities or establishing any other public work, utility or improvement of any kind, including repairs, replacement or removal of any city facilities. If any utility facilities interfere with the construction, repair, relocation, replacement, alteration or removal of any public rights-of-way, public work, city utility, city improvement or city facility, the utility facilities shall be removed or relocated as provided in section 13.36.080.D of this chapter.
- D. Damage to Grantee's Facilities. Unless directly and proximately caused by the negligence or willful misconduct of the city, the city shall not be liable for any damage to or loss of any utility facility within the public rights-of-way in the city as a result of or in connection with any public works, public improvements, construction, excavation, grading, filling, or work of any kind in the public rights-of-way by or on behalf of the city, and in no event shall the city be liable for any consequential losses resulting directly or indirectly therefrom.
- E. Duty to Provide Information. Within thirty days of a written request from the city, each grantee shall furnish the city with the following:
1. Information sufficient to demonstrate that grantee has complied with all requirements of the license and this code, including but not limited to payment of any applicable fees.
 2. Any books, records, maps, and other documents maintained by the grantee with respect to its facilities within the public rights-of-way that the city may request.
- F. Compensation for City Property. If any right is granted, by lease or other manner, to use and occupy city property for the installation of utility facilities, the compensation to be paid for such use shall be fixed by the city. No license issued pursuant to this chapter shall grant any right, license or authority to install utility facilities or otherwise use or occupy city property.
- G. Leased Capacity. A grantee shall have the right, without prior city approval, to offer or provide capacity or bandwidth to its customers; provided that (i) the use of the grantee's facilities does not require or involve any additional equipment owned or operated by the customer to be installed in or on the facility (unless the customer has obtained a ROW license or franchise from the city); and (ii) the grantee provides the city with the name and business address of the customer within thirty days of the effective date of the lease or other agreement to provide capacity or bandwidth.

H. Grantee Insurance.

1. Each grantee shall, as a condition of the license, secure and maintain the following liability insurance policies insuring both the grantee and the city, and its elected and appointed officers, officials, agents and employees as additional insureds:
 - a. Comprehensive general liability insurance with limits not less than:
 - i. Three million dollars for bodily injury or death to each person;
 - ii. Three million dollars for property damage resulting from any one accident; and
 - iii. Three million dollars for all other types of liability.
 - b. Automobile liability for owned, non-owned and hired vehicles with a limit of one million dollars for each person and three million dollars for each accident.
 - c. Worker's compensation within statutory limits and employer's liability insurance with limits of not less than one million dollars.
 - d. Comprehensive form premises-operations, explosions and collapse hazard, underground hazard and products completed hazard with limits of not less than three million dollars.
2. The limits of the insurance shall be subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon. The insurance shall be without prejudice to coverage otherwise existing.
3. The liability insurance policies required by this section shall be maintained by the grantee throughout the term of the license, and such other period of time during which the grantee is operating without a license or is engaged in the removal of its utility facilities.
4. Each such insurance policy shall contain the following endorsement:

It is hereby understood and agreed that this policy may not be canceled or materially altered, nor the intention not to renew be stated, until thirty days after receipt by the city, by registered mail, of a written notice addressed to the city of such intent to cancel or not to renew.
5. Prior to any cancellation or material alteration, the grantee shall obtain and furnish to the city evidence that the grantee continues to meet the requirements of this subsection H.
6. As an alternative to the insurance requirements in this subsection H, a grantee may provide evidence of self-insurance subject to review and acceptance by the city.
7. A grantee shall maintain on file with the city a certificate of insurance, or proof of self-insurance acceptable to the city, certifying the required coverage.
- I. General Indemnification. To the fullest extent permitted by law, each grantee shall defend, indemnify and hold the city and its officers, employees, agents and representatives harmless from and against any and all liability, causes of action, claims, damages, losses, judgments and other costs and expenses, including reasonable attorney's fees and costs of suit or defense, in any way arising out of, resulting from, or alleged to arise out of or result from, the negligent, careless or wrongful acts, or any acts, omissions, failures to act or misconduct, of the grantee or its affiliates, officers, employees, agents, contractors or subcontractors in the work, construction, operation, maintenance, repair or removal of its utility facilities, and/or in providing or offering utility services over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this code or by a license granted pursuant to this code. The acceptance of a license under this

chapter shall constitute such an agreement by the applicant whether the same is expressed or not.

- J. Performance Surety. Unless otherwise agreed to in writing by the city, before a license granted pursuant to this chapter is effective, and as necessary thereafter, the grantee shall provide a performance bond, in form and substance acceptable to the city, as security for the full and complete performance of the license granted under this chapter, including payment of all rights-of-way and permit fees and any costs, expenses, damages or loss the city pays or incurs because of any failure attributable to the grantee to comply with the codes, ordinances, rules, regulations or permits of the city. This obligation is in addition to the performance bond or surety required for construction of facilities.

13.36.070 Construction standards.

- A. General. No person shall commence or continue with any work or operation of utility facilities within any portion of the public rights-of-way except as provided in this chapter.
- B. Construction Codes. Utility facilities shall be constructed, installed, operated and maintained in accordance with, and permittees shall at all times comply with, all applicable federal, state and local laws, codes, ordinances, rules and regulations, including the National Electrical Code and the National Electrical Safety Code and the requirements of the city's applicable design and construction standards.
- C. Construction Permits.
 - 1. Except as provided in subsection C.2 or as otherwise agreed to in writing by the city, no person shall construct or install any utility facilities or perform any work within any portion of the public rights-of-way without first obtaining all applicable construction permits and paying the construction permit fees established pursuant to subsection G of this section.
 - 2. In the event of an emergency, a utility operator with a license pursuant to this chapter or a valid franchise agreement, or the utility operator's contractor, may perform work on its utility facilities without first obtaining a permit from the city; provided that to the extent reasonably feasible, it attempts to notify the city prior to commencing the emergency work and in any event applies for a permit from the city and pays all applicable permit fees as soon as reasonably practicable, but not more than 48 hours after commencing the emergency work. For purposes of this section, "emergency" means a circumstance, as determined by the city, in which immediate work to utility facilities is necessary to restore lost service or prevent immediate harm to persons or property.
 - 3. No permit shall be issued for the construction or installation of utility facilities or any work within the public rights-of-way unless the utility operator has first applied for and received a license pursuant to this chapter or holds a valid franchise from the city.
- D. Permit Applications. Applications for construction permits shall be submitted upon forms to be provided by the city and shall be accompanied by drawings, plans and specifications in sufficient detail to demonstrate:
 - 1. That the construction, installation or other work in the public rights-of-way related to utility facilities will be in accordance with all applicable laws, codes, ordinances, rules and regulations and the license or franchise.
 - 2. The location and route of all utility facilities to be installed above ground, including on existing utility poles.

3. The location and route of all new utility facilities on or in the public rights-of-way to be located under the surface of the ground, including the line and grade proposed for the burial at all points along the route which are within the public rights-of-way. Existing facilities shall be differentiated on the plans from new construction.
 4. The location of all of applicant's existing underground utility facilities, including conduits, ducts, pipes, mains and installations which are within the public rights-of-way along the underground route proposed by the applicant. A cross-section shall be provided showing new or existing facilities in relation to the street, curb, sidewalk or public right-of-way.
 5. The construction methods to be employed for protection of existing structures, fixtures, and facilities within or adjacent to the public rights-of-way, and description of any improvements that applicant proposes to temporarily or permanently remove or relocate.
 6. The applicant has an adequate traffic control plan to protect bicyclists, pedestrians, construction personnel, and vehicular traffic, and to warn and safeguard the public against injury or damage resulting from the work.
- E. Applicant's Verification. All permit applications shall be accompanied by the verification of a registered professional engineer, or other qualified and duly authorized representative of the applicant, that the drawings, plans and specifications submitted with the application comply with applicable technical laws, codes, ordinances, rules and regulations.
- F. Construction Schedule. All permit applications shall be accompanied by a written construction schedule, which shall include a deadline for completion of construction. The construction schedule is subject to approval by the city.
- G. Construction Permit Fee. Prior to issuance of a construction permit, the applicant shall pay a permit fee in an amount determined by resolution of the council.
- H. Issuance of Permit. If satisfied that the applications, plans and documents submitted comply with all requirements of this code and the license or franchise, the city shall issue a permit authorizing work in the public rights-of-way, subject to such further conditions, restrictions or regulations affecting the time, place and manner of performing the work as the city may deem necessary or appropriate.
- I. Notice of Construction. Except in the case of an emergency, the permittee shall notify the city not less than two working days in advance of any work in the public rights-of-way.
- J. Compliance with Permit. All work, construction practices and activities shall be in accordance with the permit and approved final plans and specifications for the facilities. The city and its representatives shall be provided access to the work site and such further information as they may require to ensure compliance with such requirements.
- K. Noncomplying Work. All work that does not comply with the permit, the approved or corrected plans and specifications for the work, or the requirements of this code, shall be promptly removed or corrected at the sole cost and expense of the permittee.
- L. Completion of Construction. The permittee shall promptly complete all construction activities so as to minimize disruption of the public rights-of-way and other public and private property. All construction work within the public rights-of-way, including restoration, must be completed within the construction schedule set forth in the approved permit, which shall not exceed one hundred twenty days of the date of issuance of the construction permit unless an extension or an alternate schedule has been approved

pursuant to the schedule submitted and approved by the appropriate city official as provided in subsection F of this section.

- M. As-Built Drawings. If requested by the city, the permittee shall furnish the city with two complete sets of plans in a format acceptable to the city drawn to scale and certified to the city as accurately depicting the location of all utility facilities constructed pursuant to the permit. These plans shall be submitted to the public works director or designee within sixty days after completion of construction, in a format acceptable to the city.
- N. Restoration of Public Rights-of-Way.
1. When a permittee, or any person acting on its behalf, does any work in or affecting any public rights-of-way or city property, it shall, at its own cost and expense, promptly remove any obstructions therefrom and, unless otherwise directed by the city, restore such public rights-of-way or property to the same or better condition as existed before the work was undertaken, in accordance with applicable federal, state and local laws, codes, ordinances, rules and regulations as determined by the public works director or designee.
 2. If weather or other conditions do not permit the complete restoration required by this section, the permittee shall temporarily restore the affected public rights-of-way or property. Such temporary restoration shall be at the permittee's sole cost and expense and the permittee shall promptly undertake and complete the required permanent restoration when the weather or other conditions no longer prevent such permanent restoration. Any corresponding modification to the construction schedule shall be subject to approval by the city.
 3. If the permittee fails to restore any portion of the public rights-of-way or property as required in this chapter, the license and the permit issued by the city, the city shall give the permittee written notice and provide the permittee a reasonable period of time not exceeding thirty days to restore the public rights-of-way or property. If, after said notice, the permittee fails to restore the public rights-of-way or property to as good a condition as existed before the work was undertaken or as otherwise directed by the city pursuant to this subsection N, the city shall cause such restoration to be made at the sole cost and expense of the permittee.
 4. A permittee or other person acting on its behalf shall use suitable barricades, flags, flagging attendants, lights, flares and other measures as required for the safety of all members of the general public and to prevent injury or damage to any person, vehicle or property by reason of such work in or affecting such public rights-of-way or property.
- O. Performance and Completion Bond. Unless otherwise agreed to by the city, a performance bond or other form of surety acceptable to the city equal to at least one hundred percent of the estimated cost of permittee's work within the public rights-of-way in the city shall be provided before construction is commenced.
1. The surety shall remain in force until sixty days after substantial completion of the work, as determined in writing by the city, including restoration of public rights-of-way and other property affected by the construction.
 2. The surety shall guarantee, to the satisfaction of the city:
 - a. Timely completion of construction;
 - b. Construction in compliance with applicable plans, permits, technical codes and standards;

- c. Proper location of the facilities as specified by the city;
- d. Restoration of the public rights-of-way and other property affected by the construction; and
- e. Timely payment and satisfaction of all claims, demands or liens for labor, material, or services provided in connection with the work.

13.36.080 Location of utility facilities.

- A. Facilities. Upon request, each utility operator shall provide the city with an accurate map or maps, in a format acceptable to the city, certifying the location of all of its utility facilities within the public rights-of-way in the city.
- B. Location of Facilities. Whenever any existing electric utilities, cable service facilities or communications service facilities are located underground within a public right-of-way in the city, a utility operator proposing to occupy the same public right-of-way must also locate its utility facilities underground. This requirement shall not apply to the installation of facilities used for transmission of electric energy at nominal voltages in excess of 35,000 volts, or to antennas, pedestals, cabinets or other equipment of any utility operator where underground operation is not technically feasible and the city has approved an above-ground location.
- C. Interference with the Public Rights-of-Way. No utility operator may locate or maintain its utility facilities so as to unreasonably interfere with the use of the public rights-of-way by the city, by the general public or by other persons authorized to use or be present in or upon the public rights-of-way. All use of public rights-of-way shall be consistent with city codes, ordinances, rules and regulations.
- D. Relocation or Removal of Facilities.
 - 1. When the city determines, in its sole discretion, that it is in the public interest, public convenience and/or is a public necessity, a utility operator shall, at no cost or expense to the city, temporarily or permanently remove, relocate, change or alter the position of any utility facility within a public right-of-way, including relocation of aerial facilities underground; provided that underground relocation shall not be required for facilities for which underground operation is not technically feasible and the city has approved the continued use of the above-ground location. A utility operator shall complete the removal, relocation, change or alteration, including any required restoration, in the timeline provided by the city. This requirement to timely remove, relocate, change or alter the position of utility facilities also applies when such work is required to accommodate private development.
 - 2. The city will cooperate with the utility operator in securing alternate locations in the public rights-of-way; provided that the city shall bear no responsibility or cost to secure any alternate location either within or outside the public rights-of-way, or otherwise compensate or assist the utility operator in relocation of the facilities.
 - 3. The city shall coordinate the schedule for relocation of utility facilities and shall provide written notice of the time by which the utility operator must remove, relocate, change, alter or underground its facilities, which shall not be less than thirty days except as provided in subsection D.4 of this section.
 - 4. If a utility operator fails to remove, relocate, change, alter or underground any utility facility as required by the city, the utility operator shall pay all costs and expenses incurred by the city due to such failure, including but not limited to costs related to

- project delays, and the city may cause the utility facility to be removed, relocated, changed, altered or undergrounded at the utility operator's sole cost and expense using qualified workers in accordance with applicable state and federal laws and regulations. The utility operator shall reimburse the city within thirty days of receipt of an invoice from the city.
5. In the event of a public health or safety emergency, as determined by the city, the city may require a utility operator to immediately remove, relocate, change or alter the position of any utility facility within a public right-of-way. The city retains the right and privilege to cut or remove, relocate, change or alter the position of any utility facility within a public right-of-way, without notice, as the city may determine to be necessary, appropriate or useful in response to a public health or safety emergency, as determined by the city. The city will use qualified personnel or contractors consistent with applicable state and federal safety laws and regulations to the extent reasonably practicable without impeding the city's response to the emergency.
- E. Removal of Unauthorized and Abandoned Facilities.
1. Within thirty days following written notice from the city, any utility operator, or other person that owns, operates or controls any unauthorized utility facility or related appurtenances within the public rights-of-way in the city shall, at its own cost and expense, remove such facilities or appurtenances from the public rights-of-way in the city. If the utility operator or person fails to remove any unauthorized facilities or appurtenances, the utility operator or person shall pay all costs and expenses incurred by the city due to such failure, including but not limited to costs related to project delays, and the city may cause the utility facility or appurtenances to be removed at the utility operator's or person's sole cost and expense using qualified workers in accordance with applicable state and federal laws and regulations. The utility operator or other person shall reimburse the city within thirty days of receipt of an invoice from the city.
 2. A utility facility is unauthorized and subject to removal in the following circumstances:
 - a. One year after the expiration, revocation or termination of the grantee's license.
 - b. Upon abandonment of a utility facility within the public rights-of-way in the city. All or any portion of a utility facility will be considered abandoned when it is deactivated, out of service, or not used for its authorized purpose for a period of one year or longer; provided that a utility operator may overcome this presumption by providing plans for future use of the facilities. A utility facility will not be considered abandoned if it is temporarily out of service during performance of repairs or if the facility is being replaced.
 - c. If the utility facility was constructed or installed without the appropriate prior authority at the time of installation.
 - d. If utility facility was constructed or installed at a location not permitted by the grantee's license or franchise, or the applicable permit.
- F. Relocation or Removal by City. The city shall not be liable to any utility operator for any damage to utility facilities, or for any consequential losses resulting directly or indirectly therefrom, by the city or its contractor in removing, relocating, changing, altering or undergrounding the facilities pursuant to subsections D or E of this section, or resulting from the utility operator's failure to remove, relocate, change, alter or underground its

facilities as required by those subsections, unless such damage arises solely and directly from the city's negligence or willful misconduct.

- G. Coordination of Construction Activities. All utility operators are required to make a good faith effort to cooperate with the city in coordinating construction activities in the public rights-of-way.
1. By January 1st of each year, utility operators shall provide the city with a schedule of their proposed construction activities in, around or that may affect the public rights-of-way.
 2. If requested by the city, each utility operator shall meet with the city annually or as determined by the city, to schedule and coordinate construction in the public rights-of-way. At that time, city will provide available information on plans for local, state, and/or federal construction projects.
 3. All construction locations, activities and schedules shall be coordinated, as ordered by the public works director or designee, to minimize public inconvenience, disruption or damage.

13.36.090 Rights-of-Way fees.

- A. Every utility operator occupies the rights-of-way for purposes of the privilege tax and right-of-way fee set forth in Scappoose Municipal Code Chapter 3.08 and must comply with the applicable payment and reporting obligations in Scappoose Municipal Code Chapter 3.08 unless the utility operator has valid franchise from the city expressly authorizing the provision of all utility services the utility operator provides in the city.
- B. Every utility provider uses the rights-of-way for purposes of the privilege tax set forth in Scappoose Municipal Code Chapter 3.08 and must comply with the applicable payment and reporting obligations in Scappoose Municipal Code Chapter 3.08 unless the utility provider has valid franchise from the city expressly authorizing the provision of all utility services the utility provider provides in the city.
- C. Notwithstanding the provisions of subsection A and B or the requirements of Scappoose Municipal Code Chapter 3.08, a person that is a utility operator and a utility provider shall pay only the greater of the amounts due under subsection A and subsection B, not both. In the event the fees due under subsection A and subsection B are the same, such person shall pay the privilege tax due under subsection A only.
- D. If a utility operator or utility provider has a valid franchise from the city but provides utility services in the city that are not expressly authorized by the franchise, the utility operator or utility provider shall be subject to subsection A and/or subsection B for all utility services not expressly authorized by the franchise.
- E. No acceptance of any payment shall be construed as accord that the amount paid is in fact the correct amount, nor shall such acceptance of payment be construed as a release of any claim the city may have for further or additional sums payable.
- F. Unless otherwise agreed to in writing by the city, the fees set forth under this section shall be paid as provided in Scappoose Municipal Code Chapter 3.08.
- G. The calculation of the fees required by this section shall be subject to all applicable limitations imposed by federal or state law in effect and as may be subsequently amended.
- H. The city reserves the right to enact other fees and taxes applicable to person(s) subject to this chapter. Unless expressly permitted by the city in enacting such fee or tax, or

required by applicable state or federal law, no person may deduct, offset, or otherwise reduce or avoid the obligation to pay any lawfully enacted fees or taxes based on the payment of the fees required under this chapter.

- I. Within thirty days of a written request from the city, or as otherwise agreed to in writing by the city, every utility operator and utility provider shall furnish the city, at no cost to the city, information sufficient to demonstrate compliance with this section. If the city's review or audit of the books, records and other documents or information of the utility operator or utility provider demonstrates that the utility operator or utility provider has underpaid the rights-of-way use fee or rights-of-way access fee by three percent or more, the utility operator or utility provider shall reimburse the city for the cost of the review or audit, in addition to any interest and penalties owed under this chapter. Any underpayment, including any interest, penalties or audit cost reimbursement, shall be paid within thirty days of the city's notice to the utility operator or utility provider of such underpayment. The utility provider or utility operator shall maintain records subject to this subsection for not less than six years.
- J. Fees required by this section that are not received by the city on or before the due date are subject to the following late payment charges, in addition to the amount due and interest pursuant to Scappoose Municipal Code Chapter 3.08:
 - 1. First occurrence during any one calendar year: ten percent of the amount owed, or twenty-five dollars, whichever is greater.
 - 2. Second occurrence during any one calendar year: fifteen percent of the amount owed, or fifty dollars, whichever is greater.
 - 3. Third occurrence during any one calendar year: twenty percent of the amount owed, or seventy-five dollars, whichever is greater.
 - 4. Fourth occurrence during any one calendar year: twenty-five percent of the amount owed, or one hundred dollars, whichever is greater.

13.36.100 General provisions.

- A. Governing Law. Any license granted under this chapter is subject to the provisions of the Constitution and laws of the United States, and the state of Oregon and the ordinances and Charter of the city.
- B. Severability and Preemption. If any article, section, subsection, sentence, clause, phrase, term, provision, condition, covenant or portion of this chapter is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, or superseded by state or federal legislation, rules, regulations or decision, the remainder of the chapter shall not be affected thereby but shall be deemed as a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof, and each remaining section, subsection, sentence, clause, phrase, term, provision, condition, covenant and portion of this code shall be valid and enforceable to the fullest extent permitted by law. In the event that federal or state laws, rules or regulations preempt a provision or limit the enforceability of a provision of this chapter, then the provision shall be read to be preempted to the extent and for the time required by law. In the event such federal or state law, rule or regulation is subsequently repealed, rescinded, amended or otherwise changed so that the provision hereof that had been preempted is no longer preempted, such provision shall thereupon return to full force and effect, and shall thereafter be binding, without the requirement of further action on the part of the city.

C. Penalties.

1. Any person found in violation of any provision of this chapter or the license shall be subject to a penalty of not less than one hundred fifty dollars nor more than two thousand five hundred dollars per day for each day the violation has existed. Each violation of any provision of this chapter or the license shall be considered a separate violation for which separate penalties can be imposed. A finding of a violation of this chapter or a license and assessment of penalties shall not relieve the responsible party of the obligation to remedy the violation.
 2. The city manager or designee is authorized to find a person in violation of this chapter or a license and establish the amount of the penalties as provided in this subsection C. Prior to imposing any penalties, the city manager or designee shall provide such person with notice of the violation and an opportunity to refute the assertion of a violation, provide evidence that the violation has been cured, or provide information relevant to the determination of the amount of any penalty as provided in this subsection C. The city manager or designee shall provide written findings stating the basis for the finding of a violation and for the amount of the penalty imposed.
 3. In establishing the amount of any penalty, the city manager or designee shall consider any of the following factors that the city manager or designee deems relevant:
 - a. The actions taken by the person to mitigate or correct the violation;
 - b. Whether the violation is repeated or continuous in nature;
 - c. The magnitude or gravity of the violation;
 - d. The cooperativeness of the person with the city;
 - e. The cost to the city of investigating, correcting, attempting to correct and/or prosecuting the violation; and
 - f. Any other factor deemed by the city manager or designee to be relevant.
 4. A person subject to penalties under the provisions of this subsection C may appeal the city manager or designee's decision to the council by filing a written notice of appeal with the council within fourteen days after the receipt of the written findings. A person subject to penalties under the provisions of this subsection C may seek judicial review of the council's decision by way of writ of review as provided in ORS 34.010-34.100 and not otherwise.
 5. The penalties imposed by this section are in addition to and not in lieu of any remedies available to the city.
- D. Other Remedies. Nothing in this chapter shall be construed as limiting any judicial remedies that the city may have, at law or in equity, for enforcement of this chapter.
- E. Application to Existing Ordinance and Agreements. To the extent that this chapter is not in conflict with and can be implemented with existing ordinances and franchise agreements, this chapter shall apply to all existing ordinances and franchise agreements for use of the public right-of-way for utility facilities.

EXHIBIT B
Chapter 3.08
PUBLIC UTILITY TAXES

Sections:

3.08.010	Franchise required.
3.08.020	Definitions.
3.08.030	Privilege tax.
3.08.032	Right-of-way permits.
3.08.040	Franchise expiration.
3.08.050	Report of gross earnings.
3.08.060	Payment--Penalty and interest.
3.08.070	Retroactivity.

3.08.010 Franchise required.

A. All persons, firms, copartnerships, associations, corporations, districts, and quasi-municipal or public corporations operating or desiring to operate a utility as defined in this chapter within the corporate limits of the city that has not obtained a license as required pursuant to Scappoose Municipal Code Chapter 13.36 shall obtain a franchise regulating use of city streets and rights-of-way.

B. If any utility operates upon streets and rights-of-way within the corporate limits of the city without a license or franchise, the utility shall be subject to the provisions of Scappoose Municipal Code Chapter 13.36.

3.08.020 Definitions.

As used in this chapter:

"Gross revenue" means and includes any revenue earned within the city from the sale of utility services after adjustment for the net write-off of uncollectible accounts computed on the average annual rate for the entire utility, excluding sales of utility services by the utility to any other utility when the utility purchasing such utility services is not the ultimate consumer and is subject to the city's privilege tax or similar fees related to such services. Gross revenues do not include proceeds from the sale of bonds, mortgages, or other evidence of indebtedness, securities, or stocks and do not include revenue paid directly by the United States of America or its agencies.

"Utility" means and includes the business of supplying electrical energy, gas, communications, and other services through or associated with telephone or telegraph utilizing city streets or rights-of-way, including all "utility services" as defined in Scappoose Municipal Code Chapter 13.36.030.

3.08.030 Privilege tax.

Any utility, using and/or occupying and continuing to use and/or occupy the whole or any part of the streets, avenues, lanes, alleys, public highways, public grounds, or public places within the corporate limits of the city without a franchise shall pay a privilege tax for the use and occupancy of the whole or any part of the streets, avenues, lanes, alleys, public highways, public grounds, or public places within the corporate limits of the city. The privilege tax shall be in an

amount of seven percent of the gross revenue earned by the utility every three months within the corporate limits of the city. The privilege tax shall be computed as of the commencement of business, or upon the expiration of any franchise under which such utility might formerly have operated and shall be due and payable as hereinafter provided so long as the utility continues to operate within the city and to use and/or occupy the whole or any part of the streets, avenues, lanes, alleys, public highways, public grounds, or public places without a franchise. In the event a franchise is granted to any utility that is subject to the privilege tax herein required and the franchise becomes effective, then the privilege tax shall cease to apply from the effective date of the franchise. But the franchise holder shall pay the proportionate earned amount of the privilege tax for the period. The privilege tax shall in such cases become immediately due and payable. This chapter does not constitute a waiver of the city's rights to require the utility to remove its facilities or have the facilities or installations escheat to the city per ORS 221.470.

3.08.032 Right-of-way fee.

In the event a utility occupies or requests to occupy a city right-of-way but does not provide service to customers within the city or otherwise earn revenue within the city from such service, such utility shall pay a right-of-way fee established by the city council by resolution.

3.08.040 Franchise expiration.

The privilege tax herein required shall immediately apply and continue to apply to all utilities using and/or occupying and continuing to use and/or occupy the whole or any part of the streets, avenues, lanes, alleys, public highways, public grounds, or public places within the corporate limits where the utility's franchise to so operate expires and no new franchise shall have been granted and become in full force and effect.

3.08.050 Report of gross earnings.

Each utility subject to the privilege tax provided for in Section [3.08.030](#) shall file with the city recorder-treasurer a statement verified under oath of the utility's gross revenues earned within the boundary of the city for each three-month period. The first quarterly report shall be filed on or before April 15, 1986. Subsequent quarterly reports shall be filed on or before July 15, October 15, January 15, and April 15 of each year, and as long as the utility operates without a franchise. In the event a franchise is granted to any utility that is subject to the privilege tax required by this chapter and the franchise becomes effective, then a report shall be filed within ten days after the franchise becomes effective showing the gross revenues earned for the proportionate period of the quarter in which the franchise is granted.

3.08.060 Payment--Penalty and interest.

Payments required under this chapter shall be made quarterly on or before July 20, October 20, January 20, and April 20 of each year. In the event the utility fails to pay the amounts due within the times fixed, the city recorder-treasurer shall notify the city attorney of such fact, and the city attorney is authorized to and shall institute an action in the Circuit Court of the State of Oregon for Columbia County against the utility to recover the amounts due the city. Interest shall be charged and collected on any amounts not paid when due, at the rate of one percent per month or fraction of a month until paid.

3.08.070 Retroactivity.

It is the express intent of the city council that this chapter apply retroactively to any utility that begins its operations creating gross revenues prior to the effective date of the ordinance codified in this chapter to accomplish uniformity of taxation among utilities in the city. The privilege tax shall apply to any utility operating without a franchise from the commencement of utility service within the city.

3.08.080 Applicable Law.

The privilege tax, right-of-way fees and other fees and costs provided for in this chapter are subject to applicable limitations in federal and state laws and regulations.

DRAFT

RESOLUTION NO. 26-01**A RESOLUTION AMENDING THE FEES AND CHARGES FOR THE CITY OF SCAPPOOSE ADOPTED BY RESOLUTION NO. 25-10**

WHEREAS, on June 16, 2025, the City of Scappoose adopted Resolution No. 25-10 to establish the fees and charges that, by City Ordinance, are to be set by Council resolution; and

WHEREAS, on _____, the Scappoose City Council adopted Ordinance No. 925, updating Scappoose Municipal Code Title 13 to add a new Chapter 13.36 to manage use of the public rights-of-way by utilities with facilities in the public rights-of-way and/or using those facilities to provide services to customers in the City; and

WHEREAS, Ordinance No. 925 also makes conforming changes to Chapter 3.08, Public Utility Taxes; and

WHEREAS, new Chapter 13.36 provides that the City Council shall by resolution establish a registration fee and license application fee to cover the City's costs related to the annual registration application and the license application, which fees are not included in the fees and charges set forth in Resolution No. 25-10;

WHEREAS, Chapter 3.08.032 provides that the City Council shall by resolution establish a fee, designated as a "right-of-way fee" as amended by Ordinance No. 925, which applies in lieu of the privilege tax in Chapter 3.08.030 to utilities that do not provide service to customers within the city or otherwise earn revenue within the city from such service.

NOW THEREFORE, BE IT RESOLVED:

Section 1. The Public Works Fees and Community Development Fees attached as Exhibit D to Resolution No. 25-10 are hereby amended to add the following after the "Street Re-naming" fees at the end of the "Public Works" fees on page 4:

Right-of-Way Fee	\$2.75 per Linear Feet of Utility Facilities in the Rights-of-Way or \$5,000 per year, whichever is greater	Annual
Right of Way Registration Fee	\$100.00	Annual
Right of Way License Application Fee	\$250.00	5-year license

Section 2. Effective Date. This resolution is effective immediately upon adoption.

PASSED AND ADOPTED by the City Council this ____ day of _____, 2026, and signed by the Mayor and City Recorder in authentication of its passage.

CITY OF SCAPPOOSE, OREGON

Joseph A. Backus, Mayor

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

DRAFT

Comparison of Rates

5.

Four cities and three unincorporated jurisdictions of Columbia County

Service	City of Scappoose Serviced by WM*	City of Portland Multiple Service Providers	Columbia County Scappoose Area Serviced by WM	City of St. Helens** (non-WM)	Columbia County St. Helens Area (non-WM)	City of Vernonia Serviced by WM	Columbia County - Vernonia Area Serviced by WM
35-gallon	\$27.35	\$43.80	\$36.69	\$34.60	\$39.33	\$31.90	\$38.21
65-gallon	\$40.20	\$48.85	\$53.81	\$53.20	\$62.16	\$52.60	\$61.89
95-gallon	\$52.36	\$55.70	\$69.56	\$71.70	\$85.02	\$62.75	\$84.22
Commercial 2-yard 1x/week	\$192.64	\$187.80	\$236.32	\$223.60	\$333.70	\$244.50	\$336.43

* Recycling is serviced every other week. Yard debris is subscription service @ \$9.28 per month service every other week

**Recycling and yard debris serviced weekly



2025 CITY COUNCIL LIAISON

COLUMBIA COUNTY: Council President Tyler Miller

COLUMBIA ECONOMIC TEAM (CET): Mayor Joseph Backus

ECONOMIC DEVELOPMENT COMMITTEE: Councilor Jeannet Santiago

HISTORICAL SOCIETY/WATTS HOUSE: Mayor Joseph Backus

PARKS AND RECREATION: Councilor Kim Holmes

SCHOOLS: Councilor Joel Haugen

SENIOR CENTER: City Manager Benjamin Burgener

TRAFFIC SAFETY: Councilor Andrew Lafrenz

50-YEAR VISION PROCESS: Councilor Kim Holmes; Councilor Jeannet Santiago

Approved by Council on April 7, 2025

CITY OF SCAPPOOSE

January 2026

Verify meetings, get virtual meeting details, and more meeting information can be found on our website at www.scappoose.gov.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1 City Offices Closed ~ Happy New Year!	2	3
4	5 Council meeting, 7pm	6	7	8 Planning Commission, 7pm	9	10
11	12	13	14	15 EDC, Noon	16	17
18	19 City Offices Closed	20 Council meeting, 7pm	21	22 Planning Commission, 7pm	23	24
25	26	27	28	29	30	31

CITY OF SCAPPOOSE

February 2026

Verify meetings, get virtual meeting details, and more meeting information can be found on our website at www.scappoose.gov.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7 Council Retreat Scappoose Middle School Cafeteria, 9am
8	9	10	11	12	13	14
15	16 City Offices Closed	17 Council work session, 6pm Council meeting, 7pm	18	19 EDC, Noon	20	21
22	23	24	25	26 Planning Commission, 7pm	27	28
					ATM ~ March 7. 9am Scappoose High School Auditorium	

Monthly Finance Statements

December Fiscal Year 2025-2026



Financial Statement Notes

Revenues

- December is 50% through the fiscal year. Interest (through LGIP government pool) remains at 4.25% which puts interest revenues over the budgeted amount.
- Tax receipts through December are \$2,455,779. That is 94% of the expected tax revenue (more than expected).
- Customers are now using Net Assets to apply and pay for Business Licenses. Payments are made through Xpress.
- System Development revenues are lower than expected (approximately 19 - 30% of budgeted) for the fiscal year.

Expenses

Most large expenses are budgeted capital expenditures.

- Reservoir, Well and Wastewater Treatment plant construction continues.
- Water SDC Fund used reserves to cover debt service payments due in the first half of the year. This is normal due to the debt due date. SDC funds to be received and Water fund transfer payments are expected to cover the deficit.
- Wastewater SDC Fund used reserves to cover budgeted capital expenditures. This will be covered by Wastewater if SDC funds received do not cover the budgeted expenses. This won't happen in the future as budgets and expense tracking have been modified after this situation in October.
- Urban Renewal received enough tax funds (\$591,246) to cover additional Reservoir invoices.

Financial Statement Format

General Fund - Supported by taxes, intergovernmental payments and some other revenue sources.

Special Revenue Funds - Separated from General Fund to more easily track revenue and expenses.

- Street and Foot Paths & Bicycle Trails - Mostly supported by Federal, State and Internal fuel tax funds.
- Building - Mostly supported by restricted building permit revenue. General Fund has helped in low permit years.
- Watts House, Unemployment, Law Enforcement and Peg Fee - Separate from General Fund to more easily track accounting. Watts house has no outside revenue sources for repairs so General Fund is helping this year for projects.

SDC Funds - System Development Funds (SDC) - receive revenues from building permits that are restricted in how they are spent. Building permits were very low last year so little SDC revenue was received.

Urban Renewal Fund - Accounted for as a special district, totally separate from the City.

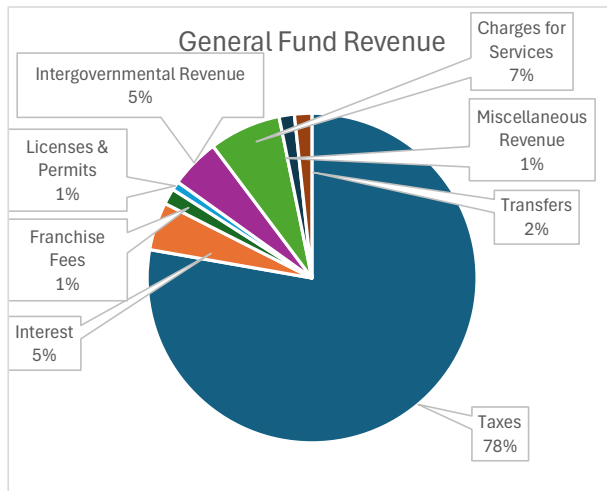
General Fund Financials

December Fiscal Year 2025-2026

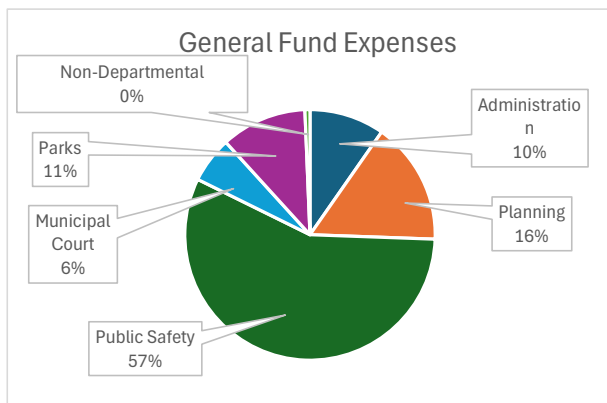


SCAPPOOSE
Oregon

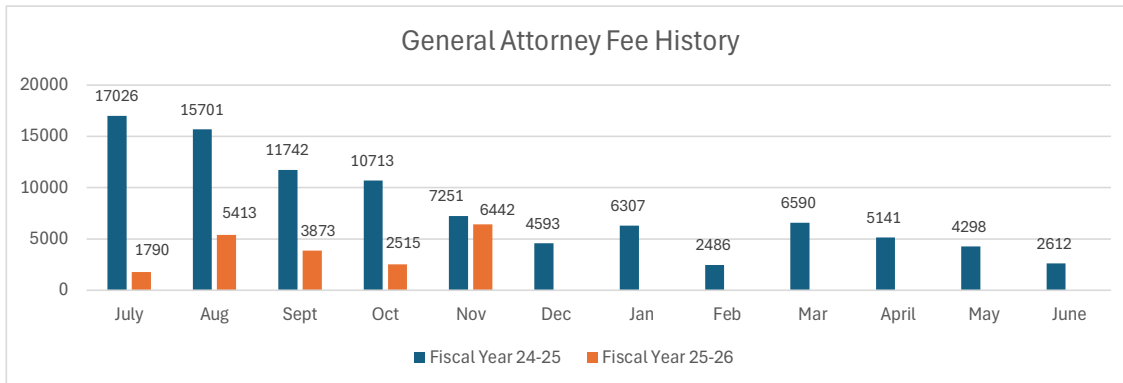
Description	Budget	2024-25 Actual	2025-26 Activity	Budget %
Cash Carry Over	\$ 6,121,870	\$ 5,605,964.54	\$ 6,545,953.11	
Park Reserve Cash Carry Over	\$ -	\$ 50,000.00	\$ 159,844.00	
Future Swim Pool Reserve	\$ -	\$ -	\$ 48,330.63	
Fund Balance	\$ 6,121,870	\$ 5,655,964.54	\$ 6,754,127.74	
Taxes	\$ 2,603,000	\$ 3,115,718.36	\$ 2,455,778.78	94.34%
Interest	\$ 230,000	\$ 146,090.33	\$ 148,715.74	64.66%
Franchise Fees	\$ 510,800	\$ 93,508.31	\$ 49,193.55	9.63%
Licenses & Permits	\$ 41,200	\$ 28,440.12	\$ 27,710.38	67.26%
Intergovernmental Revenue	\$ 2,055,500	\$ 150,456.34	\$ 153,073.38	7.45%
Charges for Services	\$ 304,818	\$ 167,287.03	\$ 222,749.91	73.08%
Miscellaneous Revenue	\$ 252,000	\$ 19,546.81	\$ 47,646.22	18.91%
Transfers	\$ 144,911	\$ 246,071.10	\$ 53,685.70	37.05%
Debt Proceeds	\$ 700,000	\$ -	\$ -	0.00%
Revenue	\$ 6,842,229	\$ 3,967,118.40	\$ 3,158,553.66	
Payroll Expenses	\$ 81,589	\$ 38,790.77	\$ 39,725.07	48.69%
Materials & Services	\$ 619,131	\$ 617,650.54	\$ 194,385.73	31.40%
Capital Outlay	\$ 40,000	\$ 988.31	\$ -	0.00%
ADMINISTRATION	\$ 740,720	\$ 657,429.62	\$ 234,110.80	
Payroll Expenses	\$ 613,909	\$ 246,348.93	\$ 254,518.58	41.46%
Materials & Services	\$ 431,251	\$ 76,480.76	\$ 81,425.02	18.88%
Capital Outlay	\$ 779,001	\$ 14,978.00	\$ 48,348.89	6.21%
Transfers	\$ 2,175	\$ 15,341.52	\$ 1,087.50	50.00%
PLANNING	\$ 1,826,336	\$ 353,149.21	\$ 385,379.99	
Payroll Expenses	\$ 2,742,626	\$ 816,278.44	\$ 1,008,275.31	36.76%
Materials & Services	\$ 531,244	\$ 95,579.52	\$ 275,612.00	51.88%
Capital Outlay	\$ 137,651	\$ -	\$ 87,449.96	63.53%
Transfers	\$ 6,425	\$ 61,886.52	\$ 3,212.52	50.00%
POLICE DEPARTMENT	\$ 3,417,946	\$ 973,744.48	\$ 1,374,549.79	
Payroll Expenses	\$ 104,734	\$ 46,776.20	\$ 53,432.67	51.02%
Materials & Services	\$ 200,517	\$ 77,465.10	\$ 90,027.82	44.90%
Transfers	\$ 275	\$ 3,348.00	\$ 137.52	50.01%
MUNICIPAL COURT	\$ 305,526	\$ 127,589.30	\$ 143,598.01	
Payroll Expenses	\$ 408,796	\$ 141,850.75	\$ 169,711.92	41.52%
Materials & Services	\$ 196,092	\$ 44,031.69	\$ 67,665.01	34.51%
Capital Outlay	\$ 2,600,000	\$ 53,765.23	\$ 30,960.70	1.19%
Transfers	\$ 1,300	\$ 8,926.02	\$ 650.04	50.00%
PARK DEPARTMENT	\$ 3,206,188	\$ 248,573.69	\$ 268,987.67	
Transfer to Watts House	\$ 25,000	\$ -	\$ 16,000.00	64.00%
Contingency	\$ 1,742,383	\$ -	\$ -	
Unappropriated Ending Fund Balance	\$ 1,700,000	\$ -	\$ -	
NON DEPARTMENTAL	\$ 3,467,383	\$ -	\$ 16,000.00	
Expense	\$ 12,964,099	\$ 2,360,486.30	\$ 2,422,626.26	
Retained Earnings - Current Rev - Exp	\$ (6,121,870)	\$ 1,606,632	\$ 735,927	
General Government Total	\$ -	\$ 7,262,596.64	\$ 7,490,055.14	



Taxes	\$	2,455,778.78
Interest	\$	148,715.74
Franchise Fees	\$	49,193.55
Licenses & Permits	\$	27,710.38
Intergovernmental Revenue	\$	153,073.38
Charges for Services	\$	222,749.91
Miscellaneous Revenue	\$	47,646.22
Transfers	\$	53,685.70
Total Revenue	\$	3,158,553.66



Administration	\$	234,110.80
Planning	\$	385,379.99
Public Safety	\$	1,374,549.79
Municipal Court	\$	143,598.01
Parks	\$	268,987.67
Non-Departmental	\$	16,000.00
Total Expense	\$	2,422,626.26



Special Revenue Fund Financials

December Fiscal Year 2025-2026



Description	Budget	2024-25 Actual	2025-26 Activity	Budget %
BUILDING				
Cash Carry Over	\$ 137,841.00	\$ 58,593.86	\$ 237,649.31	
Fund Balance	\$ 137,841.00	\$ 58,593.86	\$ 237,649.31	
Interest	\$ 4,000.00	\$ 1,929.39	\$ 5,841.32	146.03%
Licenses & Permits	\$ 417,000.00	\$ 74,957.03	\$ 134,463.34	32.25%
Miscellaneous Revenue	\$ 37,000.00	\$ -	\$ 4.85	0.01%
Transfers	\$ -	\$ 1,027.67	\$ -	
Revenue	\$ 458,000.00	\$ 77,914.09	\$ 140,309.51	
Payroll Expenses	\$ 97,667.00	\$ 33,085.19	\$ 47,859.34	49.00%
Materials & Services	\$ 398,591.00	\$ 13,603.66	\$ 16,951.52	4.25%
Transfers	\$ 64,775.00	\$ -	\$ 32,387.52	50.00%
Contingency	\$ 34,808.00	\$ -	\$ -	0.00%
Expense	\$ 595,841.00	\$ 46,688.85	\$ 97,198.38	
Retained Earnings Current Rev - Exp	\$ (137,841.00)	\$ 31,225.24	\$ 43,111.13	
BUILDING	\$ -	\$ 89,819.10	\$ 280,760.44	
PEG FEE FUND				
Cash Carry Over	\$ 27,022.00	\$ 36,368.99	\$ 25,838.20	
Fund Balance	\$ 27,022.00	\$ 36,368.99	\$ 25,838.20	
Interest	\$ -	\$ 775.71	\$ 444.86	
Peg Fees	\$ -	\$ 3,739.39	\$ 2,893.95	
Revenue	\$ -	\$ 4,515.10	\$ 3,338.81	
Dues Fees & Subscriptions	\$ 27,022.00	\$ 13,318.32	\$ 9,053.08	33.50%
Contingency	\$ -	\$ -	\$ -	
Expense	\$ 27,022.00	\$ -	\$ 9,053.08	
Retained Earnings Current Rev - Exp	\$ (27,022.00)	\$ 13,318.32	\$ (5,714.27)	
PEG FEE FUND	\$ -	\$ 49,687.31	\$ 20,123.93	
STREET FUND				
Cash Carry Over	\$ 2,614,488.00	\$ 2,083,143.57	\$ 2,789,565.41	
Fund Balance	\$ 2,614,488.00	\$ 2,083,143.57	\$ 2,789,565.41	
Interest	\$ 60,000.00	\$ 54,957.16	\$ 64,091.61	106.82%
FEX Funding Allocation	\$ 102,000.00	\$ -	\$ -	0.00%
State Gas Tax	\$ 646,134.00	\$ 329,162.35	\$ 341,748.33	52.89%
Fuel Tax .03	\$ 250,000.00	\$ 130,343.55	\$ 103,662.69	41.47%
Charges for Services	\$ -	\$ -	\$ 5,683.85	
Revenue	\$ 1,058,134.00	\$ 514,463.06	\$ 515,186.48	

Payroll Expenses	\$	299,413.00	\$	117,499.70	\$	116,095.38	38.77%
Materials & Services	\$	228,947.00	\$	34,594.59	\$	81,473.82	35.59%
Capital Outlay	\$	1,435,000.00	\$	106,572.04	\$	15,247.85	1.06%
Transfers	\$	1,700.00	\$	28,735.02	\$	850.02	50.00%
Contingency	\$	1,707,562.00	\$	-	\$	-	
Expense	\$	3,672,622.00	\$	287,401.35	\$	213,667.07	
Retained Earnings Current Rev - Exp	\$	(2,614,488.00)	\$	227,061.71	\$	301,519.41	
STREET FUND	\$	-	\$	2,310,205.28	\$	3,091,084.82	
FOOT PATHS & BICYCLE TRAILS							
Cash Carry Over	\$	256,218.00	\$	240,033.53	\$	256,765.32	
Fund Balance	\$	256,218.00	\$	240,033.53	\$	256,765.32	
Interest	\$	5,000.00	\$	6,120.73	\$	5,696.07	113.92%
Intergovernmental Revenue	\$	6,500.00	\$	3,324.88	\$	3,448.96	53.06%
Charges for Services	\$	-					
Revenue	\$	11,500.00	\$	9,445.61	\$	9,145.03	
Materials & Services	\$	3,000.00	\$	273.12	\$	-	0.00%
Capital Outlay	\$	40,000.00	\$	-	\$	-	0.00%
Contingency	\$	224,718.00	\$	-	\$	-	0.00%
Expense	\$	267,718.00	\$	273.12	\$	-	
Retained Earnings Current Rev - Exp	\$	(256,218.00)	\$	(273.12)	\$	-	
FOOT PATHS & BICYCLE TRAILS	\$	-	\$	239,760.41	\$	256,765.32	
WATTS HOUSE FUND							
Cash Carry Over	\$	16,240.00	\$	32,740.53	\$	28,195.09	
Fund Balance	\$	16,240.00	\$	32,740.53	\$	28,195.09	
Interest	\$	1,020.00	\$	791.39	\$	544.62	53.39%
Transfers In	\$	25,000.00	\$	-	\$	16,000.00	64.00%
Revenue	\$	26,020.00	\$	791.39	\$	16,544.62	
Materials & Services	\$	12,200.00	\$	2,872.26	\$	2,301.60	18.87%
Capital Outlay	\$	25,000.00	\$	-	\$	15,670.00	62.68%
Contingency	\$	5,060.00	\$	-	\$	-	0.00%
Expense	\$	42,260.00	\$	2,872.26	\$	17,971.60	
Retained Earnings Current Rev - Exp	\$	(16,240.00)	\$	(2,080.87)	\$	(1,426.98)	
WATTS HOUSE FUND	\$	-	\$	30,659.66	\$	26,768.11	
UNEMPLOYMENT							
Cash Carry Over	\$	96,726.00	\$	93,126.33	\$	97,546.82	
Fund Balance	\$	96,726.00	\$	93,126.33	\$	97,546.82	
Interest	\$	1,600.00	\$	2,356.74	\$	2,147.97	134.25%
Transfer In	\$	-	\$	-	\$	-	
Revenue	\$	1,600.00	\$	2,356.74	\$	2,147.97	
Payroll Expenses	\$	50,000.00	\$	-	\$	-	0.00%
Contingency	\$	48,326.00	\$	-	\$	-	0.00%
Expense	\$	98,326.00	\$	-	\$	-	
Retained Earnings Current Rev - Exp	\$	(96,726.00)	\$	2,356.74	\$	2,147.97	
UNEMPLOYMENT	\$	-	\$	95,483.07	\$	99,694.79	

LAW ENFORCEMENT FEE

Cash Carry Over	\$	13,037.00	\$	17,784.41	\$	16,525.63	
Fund Balance	\$	13,037.00	\$	17,784.41	\$	16,525.63	
Interest	\$	300.00	\$	421.78	\$	353.46	117.82%
Intergovernmental Revenue	\$	5,000.00	\$	1,066.73	\$	2,480.77	49.62%
Revenue	\$	5,300.00	\$	1,488.51	\$	2,834.23	
Materials & Services	\$	10,000.00	\$	2,777.79	\$	4,247.57	42.48%
Contingency	\$	8,337.00	\$	-	\$	-	0.00%
Expense	\$	18,337.00	\$	2,777.79	\$	4,247.57	
Retained Earnings Current Rev - Exp	\$	(13,037.00)	\$	(1,289.28)	\$	(1,413.34)	
LAW ENFORCEMENT FEE	\$	-	\$	16,495.13	\$	15,112.29	
Special Revenue Funds Total	\$	-	\$	2,832,109.96	\$	3,790,309.70	

Enterprise Fund Financials
December Fiscal Year 2025-2026



Description	Budget	2024-25 Actual	2025-26 Activity	Budget %
STORM DRAINAGE				
Cash Carry Over	\$ 2,266,834.00	\$ 1,636,196.31	\$ 2,261,790.29	
Fund Balance	\$ 2,266,834.00	\$ 1,636,196.31	\$ 2,261,790.29	
Interest	\$ 35,000.00	\$ 44,567.28	\$ 51,850.16	148.14%
Charges for Services	\$ 968,045.00	\$ 439,491.70	\$ 445,018.25	45.97%
Intergovernmental Revenue	\$ -	\$ -	\$ 42,217.50	
Revenue	\$ 1,003,045.00	\$ 484,058.98	\$ 539,085.91	
Payroll Expenses	\$ 320,273.00	\$ 54,799.63	\$ 126,294.78	39.43%
Materials & Services	\$ 256,522.00	\$ 33,853.68	\$ 81,912.14	31.93%
Capital Outlay	\$ 1,385,000.00	\$ 68,938.00	\$ 19,107.25	1.38%
Transfers	\$ 1,700.00	\$ 26,146.02	\$ 850.02	50.00%
Contingency	\$ 1,306,384.00	\$ -	\$ -	
Expense	\$ 3,269,879.00	\$ 183,737.33	\$ 228,164.19	
Retained Earnings - Current Rev-Exp	\$ (2,266,834.00)	\$ 300,321.65	\$ 310,921.72	
STORM DRAINAGE	\$ -	\$ 1,936,517.96	\$ 2,572,712.01	
UTILITY WATER				
Cash Carry Over	\$ 3,442,039.00	\$ 4,500,101.08	\$ 3,510,346.13	
Fund Balance	\$ 3,442,039.00	\$ 4,500,101.08	\$ 3,510,346.13	
Interest	\$ 120,000.00	\$ 110,930.28	\$ 64,391.15	53.66%
Intergovernmental Revenue	\$ 3,250,000.00	\$ 1,157,870.00	\$ 3,081,172.00	94.81%
Charges for Services	\$ 2,723,126.00	\$ 1,303,475.12	\$ 1,347,465.89	49.48%
Miscellaneous Revenue	\$ -	\$ 1,175.00	\$ 1,492.00	0.00%
Long Term Debt Proceeds	\$ 2,950,000.00	\$ -	\$ -	0.00%
Revenue	\$ 9,043,126.00	\$ 2,573,450.40	\$ 4,494,521.04	
Payroll Expenses	\$ 1,356,689.00	\$ 496,615.64	\$ 501,831.25	36.99%
Materials & Services	\$ 914,357.00	\$ 241,683.47	\$ 408,036.80	44.63%
Capital Outlay	\$ 6,145,000.00	\$ 1,805,851.25	\$ 3,237,923.41	52.69%
Transfers	\$ 481,392.00	\$ 100,944.00	\$ 52,724.94	10.95%
Debt Services	\$ 81,439.00	\$ 81,438.78	\$ 81,438.78	100.00%
Contingency	\$ 3,506,288.00	\$ -	\$ -	
Expense	\$ 12,485,165.00	\$ 2,726,533.14	\$ 4,281,955.18	
Retained Earnings - Current Rev-Exp	\$ (3,442,039.00)	\$ (153,082.74)	\$ 212,565.86	
UTILITY WATER	\$ -	\$ 4,347,018.34	\$ 3,722,911.99	

UTILITY WASTEWATER

Cash Carry Over	\$	4,367,729.00	\$	3,578,642.47	\$	3,515,257.95	
Fund Balance	\$	4,367,729.00	\$	3,578,642.47	\$	3,515,257.95	
Interest	\$	90,000.00	\$	71,784.80	\$	72,973.41	81.08%
Intergovernmental Revenue	\$	1,500,000.00	\$	507,063.00	\$	1,277,800.49	85.19%
Charges for Services	\$	2,905,360.00	\$	1,341,338.98	\$	1,435,167.24	49.40%
Long Term Debt Proceeds	\$	6,500,000.00	\$	-	\$	3,713,128.00	57.13%
Transfer In	\$	375,942.00	\$	-	\$	-	
Revenue	\$	11,371,302.00	\$	1,920,186.78	\$	6,499,069.14	
Payroll Expenses	\$	1,329,039.00	\$	532,295.74	\$	562,007.19	42.29%
Materials & Services	\$	913,192.00	\$	208,710.94	\$	358,356.33	39.24%
Capital Outlay	\$	8,340,000.00	\$	3,051,530.35	\$	4,386,416.41	52.59%
Transfers	\$	5,450.00	\$	50,743.98	\$	2,724.96	50.00%
Debt Services	\$	18,126.00	\$	8,821.00	\$	8,821.00	48.66%
Contingency	\$	5,133,224.00	\$	-	\$	-	
Expense	\$	15,739,031.00	\$	3,852,102.01	\$	5,318,325.89	
Retained Earnings - Current Rev-Exp	\$	(4,367,729.00)	\$	(1,931,915.23)	\$	1,180,743.25	
UTILITY WASTEWATER	\$	-	\$	1,646,727.24	\$	4,696,001.20	
Enterprise Funds Total	\$	-	\$	7,930,263.54	\$	10,991,625.20	

System Development Fund Financials

December Fiscal Year 2025-2026



Description	Budget	2024-25 Actual	2025-26 Activity	Budget %
STORM DRAINAGE SDC				
Cash Carry Over	\$ 420,450.00	\$ 397,484.20	\$ 434,583.89	
Fund Balance	\$ 420,450.00	\$ 397,484.20	\$ 434,583.89	
Interest	\$ 12,000.00	\$ 10,073.94	\$ 9,793.10	81.61%
System Development Charges	\$ 86,856.00	\$ 710.48	\$ 19,531.74	22.49%
Revenue	\$ 98,856.00	\$ 10,784.42	\$ 29,324.84	
Capital Outlay	\$ 200,000.00	\$ -	\$ -	0.00%
Transfers	\$ 4,343.00	\$ -	\$ 1,611.98	37.12%
Contingency	\$ 314,963.00	\$ -	\$ -	0.00%
Expense	\$ 519,306.00	\$ -	\$ 1,611.98	
Retained Earnings Current Rev - Exp	\$ (420,450.00)	\$ 10,784.42	\$ 27,712.86	
STORM DRAINAGE SDC	\$ -	\$ 408,268.62	\$ 462,296.75	
STREET SDC				
Cash Carry Over	\$ 937,531.00	\$ 1,007,966.59	\$ 1,019,677.24	
Fund Balance	\$ 937,531.00	\$ 1,007,966.59	\$ 1,019,677.24	
Interest	\$ 35,000.00	\$ 22,897.03	\$ 23,252.06	66.43%
System Development Charges	\$ 304,947.00	\$ -	\$ 59,861.05	19.63%
Revenue	\$ 339,947.00	\$ 22,897.03	\$ 83,113.11	
Capital Outlay	\$ 600,000.00	\$ 107,755.55	\$ -	0.00%
Transfers	\$ 15,247.00	\$ -	\$ 5,713.08	37.47%
Contingency	\$ 662,231.00	\$ -	\$ -	0.00%
Expense	\$ 1,277,478.00	\$ 107,755.55	\$ 5,713.08	
Retained Earnings Current Rev - Exp	\$ (937,531.00)	\$ (84,858.52)	\$ 77,400.03	
STREET SDC	\$ -	\$ 923,108.07	\$ 1,097,077.27	
PARKS SDC				
Cash Carry Over	\$ 173,160.00	\$ 158,208.39	\$ 218,828.13	
Fund Balance	\$ 173,160.00	\$ 158,208.39	\$ 218,828.13	
Interest	\$ 5,000.00	\$ 3,929.34	\$ 4,879.25	97.59%
System Development Charges	\$ 98,608.00	\$ -	\$ 13,178.25	13.36%
Revenue	\$ 103,608.00	\$ 3,929.34	\$ 18,057.50	
Capital Outlay	\$ 200,000.00	\$ 6,694.00	\$ -	0.00%
Transfers	\$ 4,930.00	\$ -	\$ -	0.00%
Contingency	\$ 71,838.00	\$ -	\$ -	0.00%
Expense	\$ 276,768.00	\$ 6,694.00	\$ -	
Retained Earnings Current Rev - Exp	\$ (173,160.00)	\$ (2,764.66)	\$ 18,057.50	
PARKS SDC	\$ -	\$ 155,443.73	\$ 236,885.63	

WATER SDC

Cash Carry Over	\$	95,976.00	\$	124,913.87	\$	477,845.47	
Fund Balance	\$	95,976.00	\$	124,913.87	\$	477,845.47	
Interest	\$	4,000.00	\$	1,648.05	\$	10,880.04	272.00%
Transfers	\$	100,000.00	\$	49,999.98	\$	49,999.98	50.00%
System Development Charges	\$	360,280.00	\$	20,553.27	\$	70,254.79	19.50%
Development Funds	\$	348,683.00	\$	-	\$	-	0.00%
Revenue	\$	812,963.00	\$	72,201.30	\$	131,134.81	
Capital Outlay	\$	348,683.00	\$	-	\$	-	0.00%
Transfers	\$	19,806.00	\$	1,027.67	\$	1,735.58	8.76%
Debt Services	\$	281,551.00	\$	280,588.15	\$	281,550.50	100.00%
Contingency	\$	258,899.00	\$	-	\$	-	0.00%
Expense	\$	908,939.00	\$	281,615.82	\$	283,286.08	
Retained Earnings Current Rev - Exp	\$	(95,976.00)	\$	(209,414.52)	\$	(152,151.27)	
WATER SDC	\$	-	\$	(84,500.65)	\$	325,694.20	

WASTEWATER SDC

Cash Carry Over	\$	181,436.00	\$	909,271.51	\$	272,027.25	
Fund Balance	\$	181,436.00	\$	909,271.51	\$	272,027.25	
Interest	\$	24,000.00	\$	20,839.55	\$	1,828.35	7.62%
System Development Charges	\$	226,701.00	\$	5,588.48	\$	37,262.46	16.44%
Revenue	\$	250,701.00	\$	26,428.03	\$	39,090.81	15.59%
Capital Outlay	\$	410,000.00	\$	800,000.00	\$	185,000.00	45.12%
Debt Payment							#DIV/0!
Transfers	\$	11,335.00	\$	-	\$	-	0.00%
Contingency	\$	10,802.00	\$	-	\$	-	0.00%
Expense	\$	432,137.00	\$	800,000.00	\$	185,000.00	
Retained Earnings Current Rev - Exp	\$	(181,436.00)	\$	(773,571.97)	\$	(145,909.19)	
Wastewater SDC	\$	-	\$	135,699.54	\$	126,118.06	
SDC Funds Total	\$	-	\$	614,911.24	\$	1,150,994.64	

Urban Renewal Fund Financials
December Fiscal Year 2025-2026



Description	Budget	2024-25 Actual	2025-26 Activity	Budget %
URBAN RENEWAL DISTRICT				
Cash Carry Over	\$ 1,841,754.00	\$ 1,308,038.89	\$ 1,872,927.45	
Fund Balance	\$ 1,841,754.00	\$ 1,308,038.89	\$ 1,872,927.45	
Taxes	\$ 582,000.00	\$ 571,290.67	\$ 591,245.72	101.59%
Interest	\$ 50,000.00	\$ 37,572.17	\$ 30,590.77	61.18%
Revenue	\$ 632,000.00	\$ 608,862.84	\$ 621,836.49	
Payroll Expenses	\$ 8,023.00	\$ 2,572.76	\$ 3,284.86	40.94%
Materials & Services	\$ 77,404.00	\$ 25,157.66	\$ 25,082.00	32.40%
Grants	\$ 75,889.00	\$ -	\$ -	0.00%
Capital Outlay	\$ 2,079,000.00	\$ -	\$ 1,353,484.00	65.10%
Contingency	\$ 233,438.00	\$ -	\$ -	
Expense	\$ 2,473,754.00	\$ 27,730.42	\$ 1,381,850.86	
Retained Earnings Current Rev - Exp	\$ (1,841,754.00)	\$ 581,132.42	\$ (760,014.37)	
URBAN RENEWAL DISTRICT	\$ -	\$ 1,889,171.31	\$ 1,112,913.08	
Urban Renewal Agency Total	\$ -	\$ 1,889,171.31	\$ 1,112,913.08	

January 2026 Department Updates

Planning Department:

Land use applications under completeness review:

- Conditional Use Permit and Property Line Adjustment to support a 107-room hotel on NE Wagner Court

Applications scheduled for Planning Commission:

- January 22, 2026: Maple Street Subdivision (14 lots to support townhomes)

Applications scheduled for City Council:

- January 20, 2026: Garver & Watt Annexation & Partition (second reading and vote). First reading and public hearing held on January 5, 2026.

TGM Grant Update:

- The City is waiting on ODOT to send a revised scope of work for the project.
- It is expected that the project will kick off in fall of 2026 after the consultant selection process is complete and the final contract has been negotiated.
- A Public Advisory Committee (PAC) will be formed to review and provide feedback on the deliverables of the project. The PAC will include a representative from; City Council and Planning Commission, Columbia County, ODOT, DLCD, Columbia County Transit, School District, elderly/youth population, pedestrian/bicycle advocate, disabled/other underserved populations, PCC/OMIC, Fire District, Scappoose Police/Columbia County Sheriff's office, Port of Columbia County, local business representatives, Columbia Economic Team and others.

50-Year Plan:

- City staff and the consultant team are working to finalize all components of the 50 Year Plan project.
- Staff expects that the consolidated application for land use approval of the Economic Opportunities Analysis, Housing Capacity Analysis, Development Code updates and Comprehensive Plan updates, UGB expansion and Urban Reserves establishment will head to the Planning Commission for the first hearing in May 2026.
- Planning Commission will make a recommendation to City Council on the consolidated application and City Council will be the approval body. Once adopted locally, the City will apply for a Comprehensive Plan amendment through Columbia County to reflect the UGB expansion and Urban Reserves.

St Helens to Scappoose Refinement Trail Project (SHSRTP):

- The kick-off meeting for the Project was held on December 19th, 2025. Attendance of the kick-off meeting will involved the Project Managers from ODOT, City of St Helens, City of Scappoose and Columbia County.
- Each jurisdiction (St Helens, Scappoose and Columbia County) will be looking for 4 – 6 members to serve on the Public Advisory Committee (PAC), to potentially include members from the City Council, Planning Commission, School District, Parks and Rec Committee, local business owners or citizens at large. Scappoose staff have a list of interested parties they will be contacting soon.

Engineering Department:

In plan review:

- OXBO Headquarters Site Development – Approved for construction on June 6, 2025 – Site plan revisions submitted on Dec 26, 2025, currently under review by Planning/Engineering and Fire Dept. - Start date to TBD.
- Wauna Credit Union – Awaiting updated plans from the consultant for 3rd construction document review.
- NW Waterline Improvements – Reviewing updated plans submitted on Nov. 19, 2025, for final approval.
- Keys Rd High Zone Waterline Replacement – Reviewing updated plans submitted on Nov. 3, 2025, for final approval.
- Grabhorn Park – Schott & Associates scheduled to complete an updated wetland delineation as weather permits.
- SE Maple Street Rail and Sidewalk Upgrades – Awaiting updated plans from ODOT

Ongoing Construction:

- NE Moore Road improvements – Reviewing asbuilts for project closeout and maintenance bond release and GIS updates.
- 3 MG Reservoir – Construction observation, reservoir leak test passed, remaining onsite utilities and backfilling soil around the tank to begin week of Jan 12, 2026.
- Dutch Canyon Estates Ph 4 Subdivision – Construction observation, performance bond release memo issued and home construction underway.
- Huser Subdivision - Construction observation, installing franchise utility conduits and setting forms for sidewalks, offsite roadway improvements on Keys Rd to begin in February.
- JP West Partition (3 duplexes at SW 4th St) – Construction observation, installing remaining water services. Construction Observation: Frontage improvements in process.



Community Development

- Buxton Ranch Subdivision – Construction observation: Installing sewer and storm main from JP West south.
- Grace Lutheran Classroom Addition - Construction observation, awaiting installation of new fire hydrant and reviewing easement docs.
- Casey House Site (SW 1st and JP West) –Construction observation, currently under construction with onsite utilities.
- Habitat for Humanity Townhomes – Construction observation, currently under construction with public utilities.
- Dealers Market – Construction observation, currently under construction with onsite grading and utilities.
- SE Myrtle and Oak Waterline – Project closeout in process with Asbuilts review and GIS updates.

Misc:

- NE 1st Street right of way dedication - BNSF recorded Quit Claim deed of TL 1600 to ODOT. Coordination with ODOT regarding land use partition process.
- Public Works Street Design Standards update – In progress
- Developing submittal guideline for engineering plan review process.
- Ongoing updates to municipal code to address Hg and Temp TMDL requirements

Building Department - Permits issued from December 5th – January 13th

Commercial: 2 structural

Residential: 3 new homes, 1 fires sprinkler, 9 mechanical, 2 plumbing, 2 structural

Building permits issued for new housing this fiscal year 2025/2026:

- 21 at Dutch Canyon Phase IV
- 1 new house SW Sequoia
- 3 duplexes – 6 housing units (4th and JP West Rd)



Scappoose Police Department Department Report

Submitted by: Chief of Police Fluellen
Scappoose, Oregon



Noteworthy Department Events and Activity:

On January 30, 2026, after four months of dedication, hard work, and training, SPD officers Jacob Bernhard and Shane Davis will be graduating from the Basic Police Academy at DPSST hosted at Salem, OR as Police Officers. Both officers will be transitioning to their months long Field Training and Evaluation Program or FTEP here at Scappoose as they continue to work on honing their skills to become SOLO status officers. Each officer will be paired with an experienced and certified FTEP coach as they patrol and response to call for services here within the city of Scappoose. If both officers are successful in their field training, this will bring the department to 10 fully sworn officers able to respond to calls independently.

SPD is continuing its accreditation efforts with the Northwest Accreditation Alliance after receiving and being awarded a grant to assist with the process of becoming a fully accredited law enforcement agency. SPD will has completed the initial implementation of the necessary accreditation software and is moving forward by providing the independent Accreditation body with the department's policies for review to ensure that it aligns with the stringent requirements required for certification.

On January 14, 2026, SPD in partnership with the Scappoose Rural Fire District participated in interagency Breacher Training. The training is designed to assist with gaining lawful entry into a structure in order to serve a legitimate law enforcement purpose or to assist with gaining entry into a dwelling when there is threat to life or safety. This training is another example of SPD continuing goal to better prepare our officers out in the field to be more equipped both tactically and fundamentally to handle the numerous situations that officers encounter throughout their careers.

Law Enforcement Activity
DECEMBER 2025

Total Calls for Service for DECEMBER 2024: 438

Total Calls for Service for DECEMBER 2025: 466

Total Arrests for December 2025: 3 Jail Bookings – 4 Cite and Release Arrests

SERVICE CALL DESCRIPTION	DECEMBER 2024	DECEMBER 2025
TRAFFIC STOPS	160	73
ANIMAL COMPLAINTS	14	14
PREMISE CHECKS	20	29
TRAFFIC COLLISIONS	7	13
DISTURBANCES: VERBAL/PHYS	9	7
DOMESTICS	7	9
TRAFFIC COMPLAINTS	20	21
SUSP CIRC/VEH/PERS	43	34
911 HANG UPS	6	4
AGENCY ASSIST	6	4
*ORD VIO: ABV/ORD/PRK COMP	22	20
WELFARE CHECKS	7	11

**In the Ordinance Violation column, included are calls for ABV – Abandoned Vehicles; ORD – Ordinance Violations; PRK COMP – Parking Complaints.*

Public Works Activity Update

December 11th – January 13th 2025

Administration

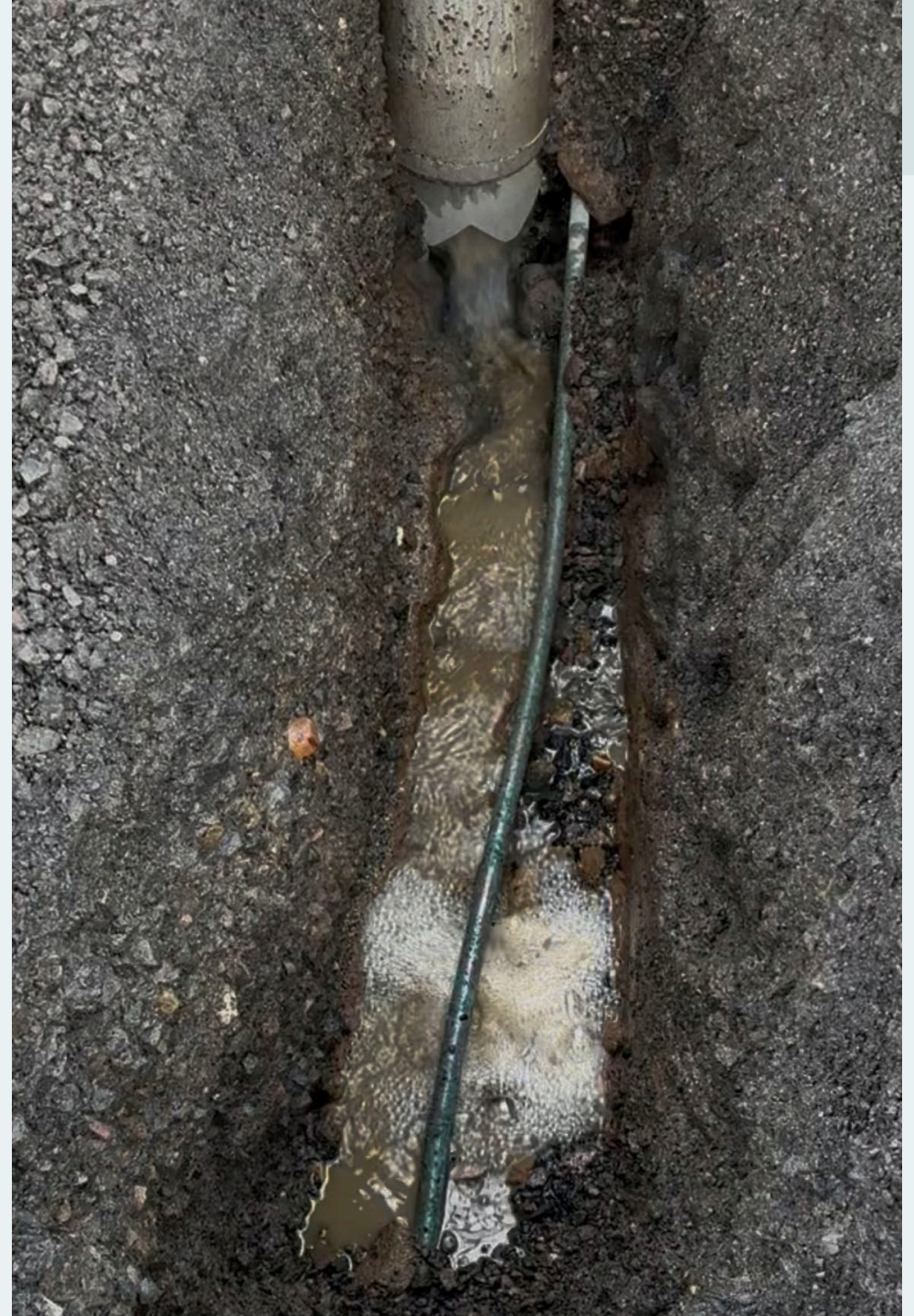
- ARPA project management. Staff working with funding agencies on disbursement requests. (Ongoing)
- Attend County and ODOT Transportation Meetings.(ongoing) Objective 1.3
- Attend NW Water Providers Consortium Meetings and post information on social media (ongoing)
- Public Works has recently had two employees retire and are working to hire replacements.
- Temperature TMDL—City Staff is working with the Scappoose Bay Watershed Council and Oregon DEQ to begin drafting the plan and begin shade analysis work on South Scappoose Creek. (ongoing)
- The City has been officially notified of successful grant applications for the new park on the Grabhorn / Smith Road parcel and the ADA playground at Veterans Park. Fully executed documents have been completed and Staff is preparing to begin design of the projects. - Objective 3.2
- Support local festivals and events – staff is working to put away Holiday decorations after a successful season. - Objective 3.3
- The new Public Works Contract Administrator has been working to get up to speed on current and upcoming projects.
- Social Media – staff is working on creating new social media posts centered around Public Works topics.

Distribution

- Meter change outs All Area's Changing over to Kamstrup.
- Installed new meters at DC phase 4.
- Shut offs / meter reading.
- Water leak SE Oakview
- Water leak Raw line on Dutch Canyon Rd.
- Worked with Huser Subdivision with chlorinating the lines. Bringing them to system standards.

Collections

- CCTV truck training.
- Review 2025 CCTV findings



Streets

- Fill Potholes.
- Street Sweeping (Everyday Sweeping started October 13th).
- Leaf pick up.
- STOP Sign fixes.



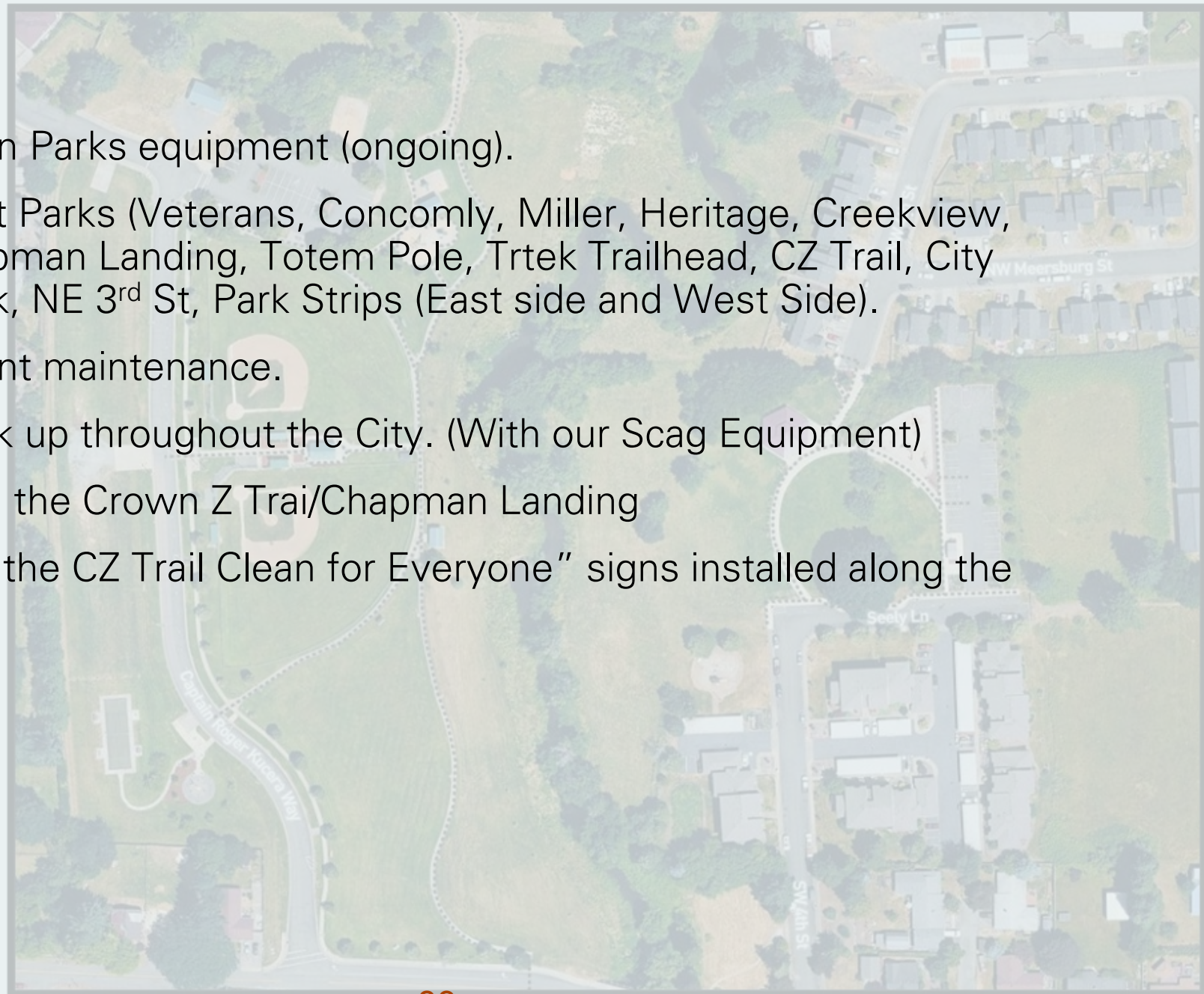
Stormwater

- Street Sweeping (Everyday Sweeping started October 13th).
- Leaf pick up.
- Storm check from rainstorms
- Clogged outfall
- CCTV truck training.



Parks

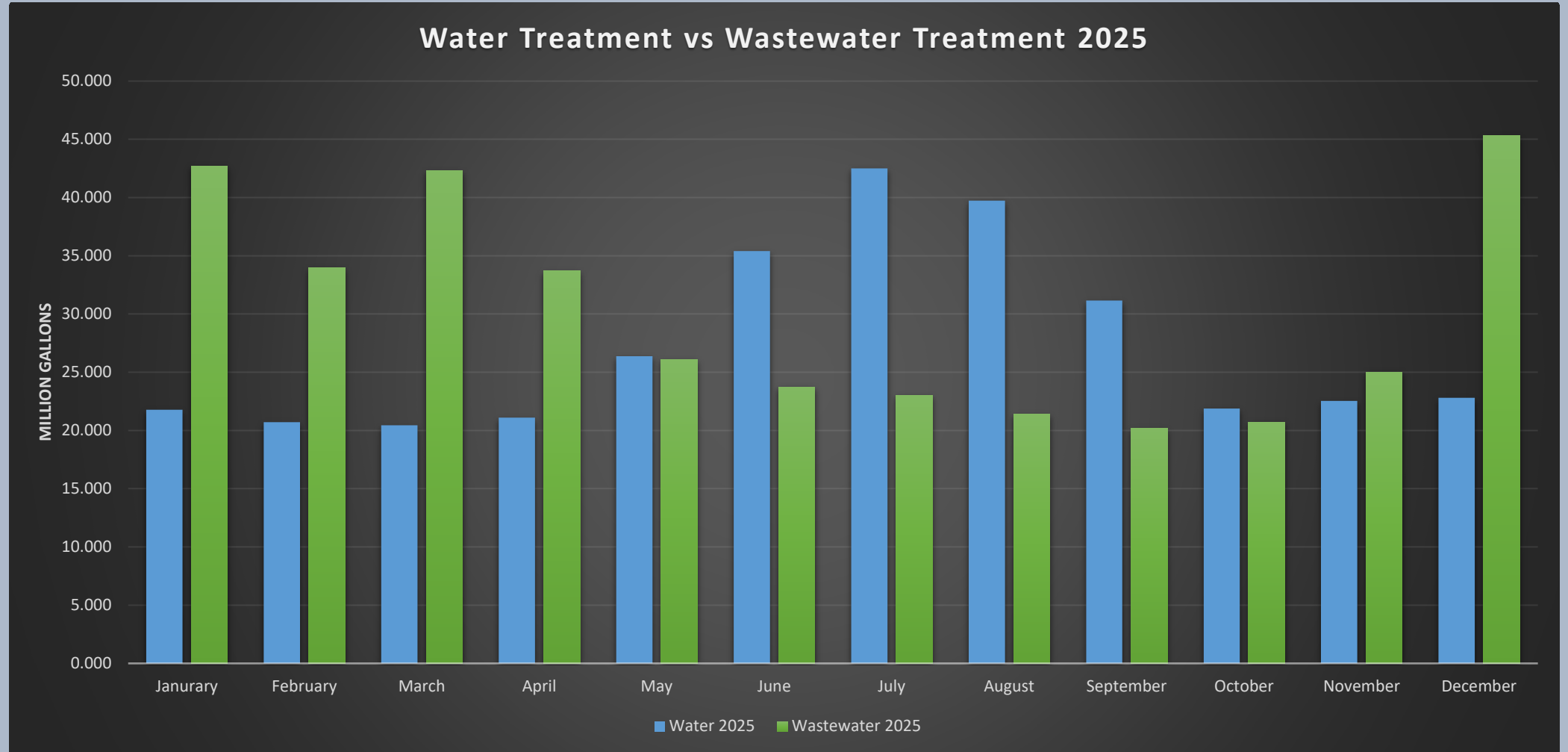
- Maintenance on Parks equipment (ongoing).
- Maintenance at Parks (Veterans, Concomly, Miller, Heritage, Creekview, Grabhorn, Chapman Landing, Totem Pole, Trtek Trailhead, CZ Trail, City Hall, Skate Park, NE 3rd St, Park Strips (East side and West Side).
- Parks equipment maintenance.
- Lots of leaf pick up throughout the City. (With our Scag Equipment)
- Sweeper down the Crown Z Trail/Chapman Landing
- “Help us Keep the CZ Trail Clean for Everyone” signs installed along the trail.



Maintenance

- Daily Daily's (Locates, Work Orders).
- Facility Cleaning and Organizing.
- Maintenance Public Works Vehicles / Equipment.
- LOTS of compound organizing and clean ups (ongoing).
- Christmas tree collection at bird viewing station.
- Lots of equipment cleaning.
- Work out back to clear brush and create piles for debris (Wood).
- Worked on Bird Viewing Station (Pressure washed / Maintenance)
- Gravel laid down for bird viewing station parking.
- Sand pile at bird viewing station

Treatment Monthly Comparison



Wastewater Treatment



- Phase I construction continues
- Headworks build walls are nearly complete
- Aeration pipe and monitoring equipment have been installed
- Biosolids annual report prep
- Budget prep
- 500 kW generator repair work
- Grit Removal equipment prep (photo)

Water Treatment



Miller Rd well on pause



3M gallon Reservoir – Fill and leak test has been completed.



Backfill, valve and pipe upgrades has started.



Operations and Maintenance procedure review and update