



# CLATSOP COUNTY

## BOARD OF COMMISSIONERS AGENDA WORK SESSION & REGULAR MEETING JUDGE GUY BOYINGTON BUILDING, 857 COMMERCIAL ST., ASTORIA

Wednesday, February 28, 2024

### BOARD OF COMMISSIONERS:

Mark Kujala, Dist. 1 – Chair  
Courtney Bangs, Dist. 4 – Vice Chair  
John Toyooka, Dist. 2  
Pamela Wev, Dist. 3  
Lianne Thompson, Dist. 5

[commissioners@clatsopcounty.gov](mailto:commissioners@clatsopcounty.gov)

### CONTACT:

800 Exchange, Suite 410  
Astoria, OR 97103  
Phone (503) 325-1000  
Fax (503) 325-8325

[www.clatsopcounty.gov](http://www.clatsopcounty.gov)

### JOIN THE BOARD OF COMMISSIONERS VIRTUAL MEETINGS

To access the meeting by phone – Please dial 1-253-215-8782.

Webinar ID: 873 5993 6966

Passcode: 960650

[\(Zoom link\)](#)

### Public Testimony

You must register in advance if you want to provide testimony virtually on public hearings or during Business from the Public. There are three ways to do this: On our website at , emailing or by calling 503-325-1000. Once registered, we will notify you when it is your opportunity to speak for a two-minute comment. In-person testimony, please fill out a blue comment card and submit to Clerk of the Board. You may also submit written comments which will be provided to the Board and submitted into the record.

### WORK SESSION: 5:00 PM

*Work Sessions are an opportunity for Board members to discuss issues informally with staff and invited guests. The Board encourages members of the public to attend Work Sessions and listen to the discussion, but there is generally no opportunity for public comment. Members of the public wishing to address the Board are welcome to do so during the Board's regularly scheduled meetings held twice monthly.*

### TOPICS:

1. Agenda Review {10 min}
- [2. Ethics Training {20 min} {Page 4}](#)
- [3. Sunset Empire Transportation District Update {15 min} {Page 5}](#)

### REGULAR MEETING: 6:00 PM

*The Board of Commissioners, as the Governing Body of Clatsop County, all County Service Districts for which this body so acts, and as the Clatsop County Local Contract Review Board, is now meeting in Regular Session.*

**FLAG SALUTE**

**ROLL CALL**

**AGENDA APPROVAL**

**PROCLAMATION**

- [4.](#) International Women's Day Proclamation {Page 17}

**BUSINESS FROM THE PUBLIC** – *Individuals wishing to provide oral communication at the designated time must register in advance by calling 503-325-1000 or emailing [commissioners@clatsopcounty.gov](mailto:commissioners@clatsopcounty.gov) by 3 p.m. on the day of the meeting.*

**COMMISSIONER'S LIAISON REPORTS**

**COUNTY MANAGER'S REPORT**

**BUSINESS AGENDA**

- [5.](#) Appointment to Northwest Oregon Area Commission on Transportation (NWACT) and Columbia Pacific Economic Development District (Col – Pac) {Page 20}
- [6.](#) Appointments to Recreational Lands Planning and Advisory Committee {Page 35}

**PUBLIC HEARINGS**

- [7.](#) Strategic Investment Program Agreement – Georgia-Pacific, Wauna Mill {Page 47}
- [8.](#) Red Bluff Road Resolution of Necessity
- [9.](#) Update Public Clatsop County Code § 1.04.060 – Public Contracting Rules {Page 73}
- [10.](#) Ordinance 24-05: Non-Conforming Uses and Structures {Page 95}
- [11.](#) Ordinance 24-06: Clatsop Plains Community Plan {Page 106}
- [12.](#) Ordinance 24-07: Elsie-Jewell Community Plan {Page 112}
- [13.](#) Ordinance 24-08: Lewis and Clark Olney Wallooskee Community Plan {Page 117}
- [14.](#) Ordinance 24-09: Northeast Community Plan {Page 124}
- [15.](#) Ordinance 24-10: Seaside Rural Community Plan {Page 129}
- [16.](#) Ordinance 24-11: Southwest Coastal Community Plan {Page 135}

**GOOD OF THE ORDER**

**ADJOURNMENT**

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As necessary Executive Session will be held in accordance with but not limited to: ORS 192.660 (2)(d) Labor Negotiations; ORS 192.660 (2)(e) Property Transactions; ORS 192.660 (2)(f) Records exempt from public inspection; ORS 192.660 (2)(h) Legal Counsel

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Agenda packets also available online at [www.clatsopcounty.gov](http://www.clatsopcounty.gov)

**This meeting is accessible to persons with disabilities or wish to attend but do not have computer access or cell phone access. Please call 325-1000 if you require special accommodations at least 48 hours prior to the meeting in order to participate.**

# Board of Commissioners Clatsop County

## WORK SESSION AGENDA ITEM SUMMARY

February 28, 2024

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**Topic:** Ethics Training  
**Presented By:** Anthony Pope, County Counsel

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**Informational Summary:** Overview of government ethics rules with a focus on issues commonly seen for local governing Boards.



# Board of Commissioners Clatsop County

## WORK SESSION AGENDA ITEM SUMMARY

February 28, 2024

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**Topic:** Sunset Empire Transportation District Update  
**Presented By:** Craig Johnson, Executive Director  
Debbie Boothe-Schmidt, Board Chair

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**Informational  
Summary:** Update on the Sunset Empire Transportation District

### **Attachment List:**

A: PowerPoint Presentation



# SUNSET EMPIRE TRANSPORTATION DISTRICT





# EXECUTIVE DIRECTOR INTRODUCTION

- Craig Johnston, Sunset Empire Transportation District Executive Director
- Over 25 years of transit experience in Oregon and Washington State. Oregon Transit Association Board Member.
- Started my career as a part-time relief operator and was most recently the Operations Manager at Basin Transit Service in Klamath Falls, Oregon.
- Began at Sunset Empire October 29, 2023.







# BOARD OF COMMISSIONERS

SETD is guided by a 7 Member elected Board of Commissioners:

- Debbie Boothe-Schmidt – Chair
- Tracy MacDonald – Vice Chair
- Pamela Alegria – Secretary/Treasurer
- Rebecca Read
- Charles Withers
- Guillermo Romero
- Paul Lewicki





# SUNSET EMPIRE FACTS

- On March 24, 1993, the Clatsop County Board of Commissioners voted to create the district with the help of a state transit grant.
- Sunset Empire Transit is a Special District similar to Fire and Irrigation Districts within the state of Oregon.
- The District relies on Property taxes, Timber taxes, State taxes, Federal Funding, and bus fares to provide services to the citizens of Clatsop County.





# WHO WE ARE AND WHAT WE DO



Sunset Empire Transportation District operates all facets of public transportation with our own employees in Clatsop County. The leadership team of the District consists of an Executive Director, a Chief Operating Officer, a Finance Manager, a Mobility Manager, an Executive Assistant, and a Human Resources Manager.



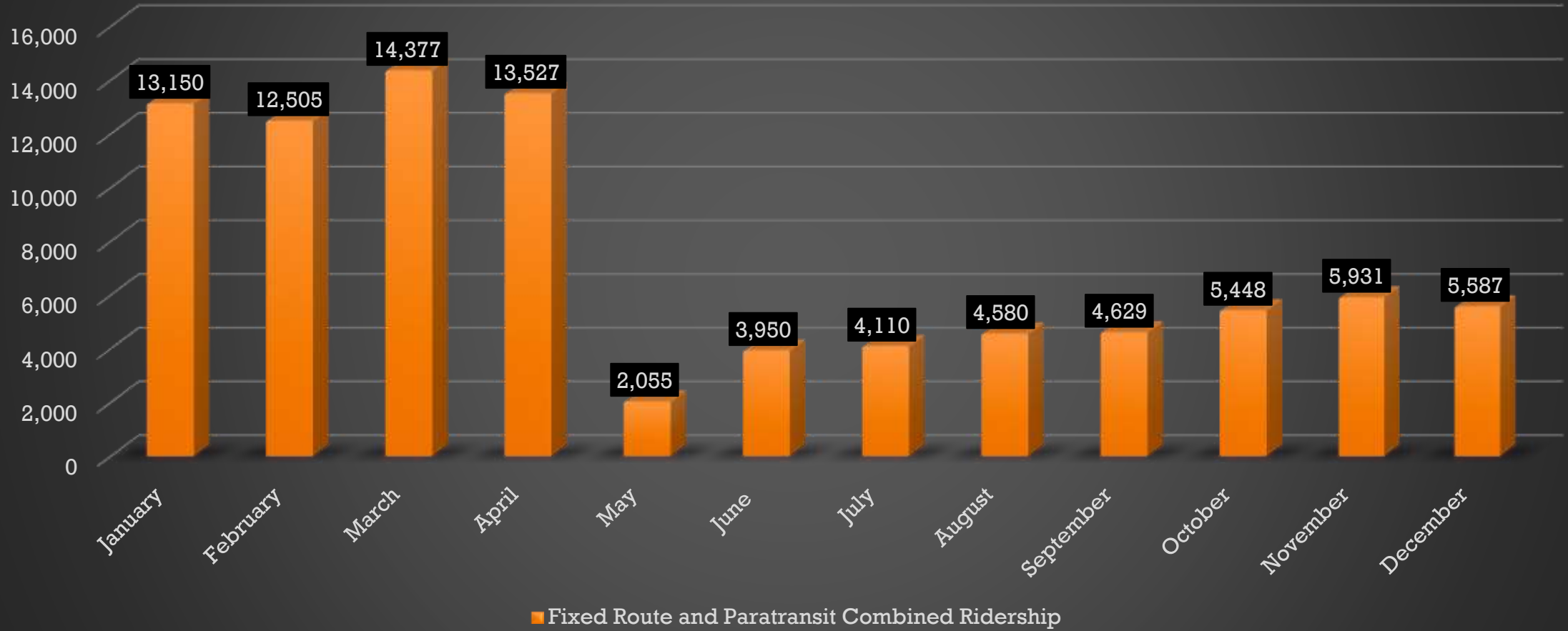
Today: The District operates 4 Fixed route buses and 3 to 5 Para-transit buses for door-to-door service for seniors and persons with disabilities. The District serves a population of over 41,000. We averaged 500 daily riders before our services ceased. Since restarting services, we average about 250 daily riders.





# SUNSET EMPIRE RIDERSHIP

## TOTAL RIDERSHIP BY MONTH 2023





# THE FINANCIAL CRISIS-WHAT HAPPENED?

- In April of 2023 Sunset Empire ran out of money and shut down all services, but WHY did that happen?
- SETD was delayed in receiving Federal funding. During the delayed disbursement of Federal funds, SETD utilized state and local funds to meet payroll and continue serving the citizens of Clatsop County.
- The Board of Directors and ODOT were presented inaccurate financial information that reported the district still had over 800K in funds available. The Board of Directors was not made aware of SETD's precarious financial position until mid-April 2023.







# THE FINANCIAL CRISIS-WHAT HAPPENED?

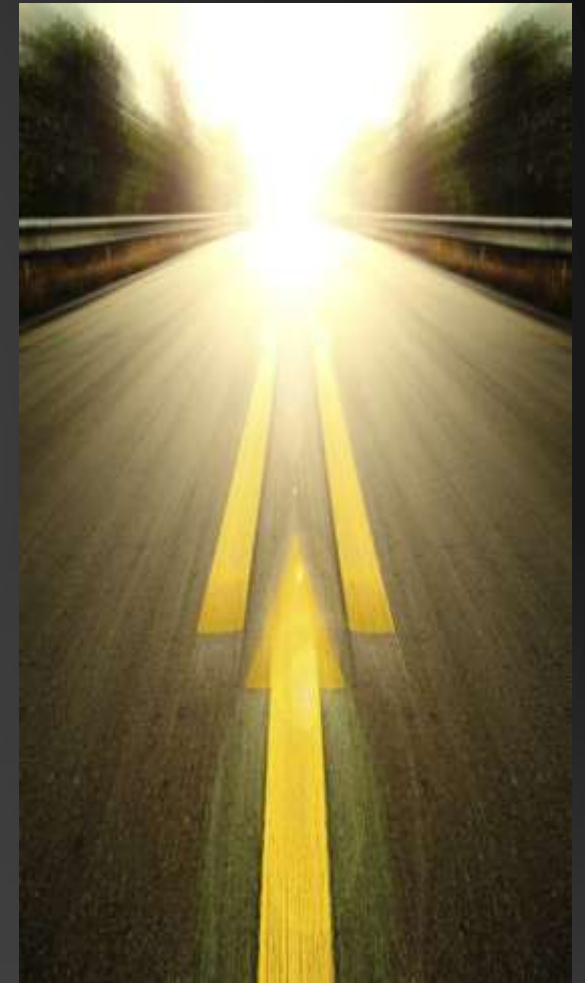
- Eventually the state and local funds that SETD was using to provide services to the citizens of Clatsop county ran out, and SETD ceased operations on 4/29/2023.
- With the help of Governor Tina Kotek, State Senator Suzanne Weber and State Representative Cyrus Javadi, SETD was given a \$1,000,000 loan from the Oregon Transportation Infrastructure Bank to restart services the following week. This loan will be paid back on a quarterly basis through the year 2027.





# THE WAY FORWARD

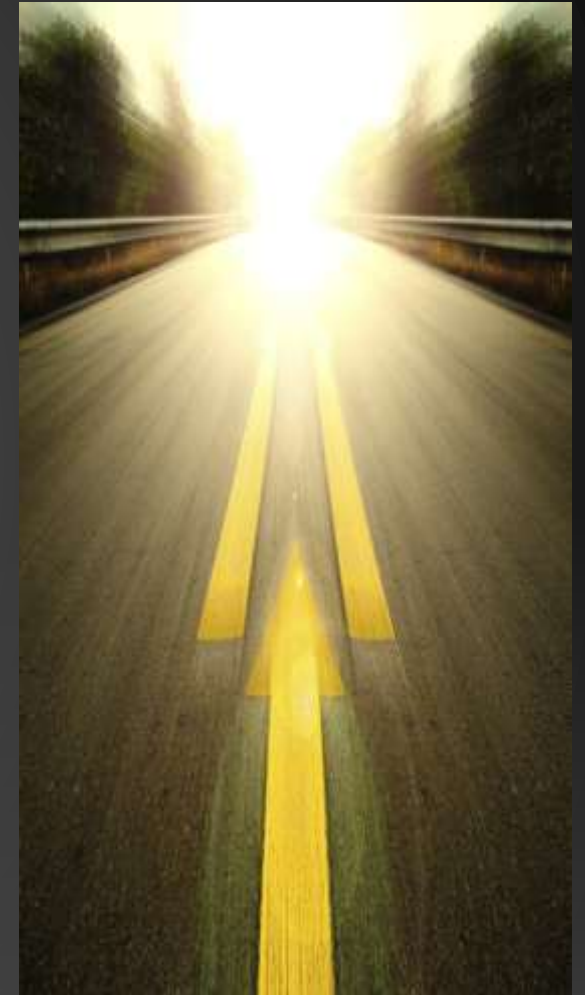
- Better Community networking with other community service providers and leaders! Cooperative and constructive expansion in the future to meet the needs and interests of OUR community.
- Transparency of SETD's finances through improved reporting and fiscal oversight. Accurate, current, and complete disclosure of the district's financial standing.
- Board approved policies that diversify the roles in our small organization. Budget oversight, travel restrictions, and whistleblower protections are now in place.





# THE WAY FORWARD

- Divest of the Executive Director being the sole authority in all financial reporting and budget preparation.
- Required staff and Board of Commissioners training on District Financial Management. The Executive Director, Finance Director, and 6 board members have attended ODOT's Transit District Financial Management training.
- Having a reserve fund set aside to prevent any future disruptions of service.
- And Finally, a fiscally responsible restoration of services.







# THANK YOU

## Contacts:

Craig Johnston  
Executive Director  
[cjohnston@ridethebus.org](mailto:cjohnston@ridethebus.org)  
(503)861-5399

Debbie Boothe-Schmidt  
Chair, Board of Commissioners  
[debbie@ridethebus.org](mailto:debbie@ridethebus.org)  
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Jennifer Geisler  
Chief Operations Officer  
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(503)861-5364



# Board of Commissioners Clatsop County

## AGENDA ITEM SUMMARY

February 28, 2024

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**Agenda Title:** INTERNATIONAL WOMEN'S DAY Proclamation  
**Category:** Business Agenda  
**Presented By:** Patty Jo Angelini, Public Affairs Officer

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**Issue Before the Commission:** Proclaiming March 8, 2024 to be International Women's Day

**Informational Summary:** International Women's Day is a time for women to be recognized for their achievements. The day is guided by the values of justice, dignity, hope, equality, collaboration, tenacity, appreciation, respect, empathy, and forgiveness.

Women have played and continue to play critical economic, cultural, and social role in every sphere of the life of our nation and community by constituting a significant portion of the labor force working inside and outside of the home;

Women have had a unique role throughout the history of the United States by providing the majority of the volunteer labor force and were important in the establishment of early charitable, philanthropic, and cultural institutions in our country.

American women of every race, class, and ethnic background served as early leaders for social change and have honorably served our country in the military.

**Fiscal Impact:** None.

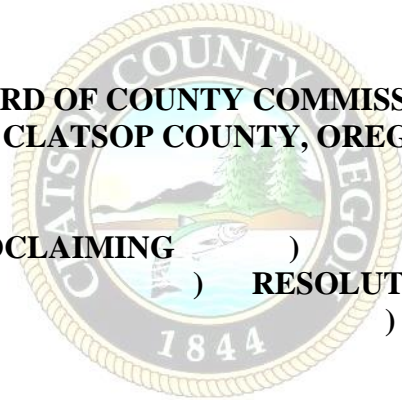
**Requested Action:**

Approve Resolution and Order proclaiming March 8, 2024, to be International Women's Day, and authorize the Chair to read, then sign the proclamation.

**Attachment List**

- A. Resolution and Order

**THE BOARD OF COUNTY COMMISSIONERS  
FOR CLATSOP COUNTY, OREGON**



**IN THE MATTER OF PROCLAIMING )  
March 8, 2024 ) RESOLUTION AND ORDER  
International Women’s Day )**

**WHEREAS**, on March 8, 1857, in New York City, female textile workers marched in protest of unfair working conditions and unequal rights for women in one of the first organized strikes by working women, during which they called for a shorter work day and decent wages; and

**WHEREAS**, on March 8, in 1908, women workers in the needle trades marched through New York City's Lower East Side to protest child labor, sweatshop working conditions, and demand women's suffrage; and

**WHEREAS**, the first International Women's Day was held in March 1911, a day of celebration that belongs to all those committed to women's equality, and

**WHEREAS**, according to the U.S. Bureau of Labor Statistics, for every dollar earned by men, women earned just over 85 cents and, according to the U.S. Census bureau, as women age, their likelihood of living in poverty increases; and,

**WHEREAS**, International Women’s Day inspires others to understand and value women's inclusion, as we forge a better world, and.

**WHEREAS**, when women themselves are inspired to be included, there's a sense of belonging, relevance, and empowerment; and

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Board of County Commissioners of Clatsop County does hereby proclaim March 8, 2024, as

**International Women’s Day**

in Clatsop County and encourages all community members to join in this observance and celebration—honoring the contributions and many roles of women throughout our nation and standing with them in as they call for equality.

DATED this 28<sup>th</sup> day of February, 2024.

**BOARD OF COUNTY COMMISSIONERS  
FOR CLATSOP COUNTY, OREGON**

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Mark Kujala, Chairperson

[https://www.bls.gov/regions/west/news-release/womensearnings\\_oregon.htm](https://www.bls.gov/regions/west/news-release/womensearnings_oregon.htm)

# Board of Commissioners Clatsop County

## AGENDA ITEM SUMMARY

February 28, 2024

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**Agenda Title:** Appointment to Northwest Oregon Area Commission on Transportation (NWACT) and Columbia Pacific Economic Development District (Col – Pac)

**Category:** Business Agenda

**Presented By:** Don Bohn, County Manager

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**Issue Before the Commission:** Appointment to Northwest Oregon Area Commission on Transportation (NWACT) and Columbia Pacific Economic Development District (Col – Pac EED)

**Informational Summary:** The jurisdictions representing Columbia, Clatsop, Tillamook and western Washington counties were granted a charter by the Oregon Transportation Commission establishing an Area Commission on transportation for the Northwest Oregon region (NWACT). The mission of NWACT is four-fold: 1) provide a forum for information, discussion and coordination of transportation issues; 2) recommend state transportation investment priorities; 3) advocate northwest Oregon transportation issues; and 4) advise Oregon Transportation Commission on policies and priorities for the region.

Per NWACT bylaws, each county appoints two citizen representatives to join the 28 member voting Board.

The boundary of Col-Pac EED includes the counties of Clatsop, Columbia, Tillamook and the western portion of Washington. The mission of Col-Pac EED is to diversify and expand the economic base of the district by actively supporting existing businesses and promoting new business development.

Per Col-Pac EED bylaws, four private directors from each of the four counties who are not employees of a general purpose unit of local government are appointed by their respective county commissions to join the 24 member voting Board.

The appointee will be filling a two year term with an expiration date of February 28, 2026.



**Fiscal Impact:** N/A

**Requested Action:**

*“Approve the appointment of John Nygaard to the Northwest Oregon Area Commission on Transportation (NWACT) and Columbia Pacific Economic Development District (Col – Pac EED) with a term ending February 28, 2026.”*

**Attachment List**

- A. Resume
- B. Board Member Responsibilities - NWACT
- C. Bylaws – Col – Pac EED

**John M. Nygaard**  
**92045 Hagen Drive • Astoria, OR 97103**  
**john@oregonlawyerpdx.com**

Born and raised in Knappa, Oregon, and currently living in Astoria. Grew up working in family's fourth generation logging business Warrenton Fiber Company, including mechanic, logging road construction, choker-setter, and chaser. Also worked as a commercial salmon fisherman in Alaska, for Caterpillar Machinery in Portland, and researching invasive plant species in lowland wet forests for the University of Hawaii in Hilo.

Graduated from Knappa High School in 2001; Linfield College in 2005, with a major in Biology and minor in Chemistry; and Willamette University College of Law in 2010. While in law school was also a business litigator for Connolly & Associates in Salem. Passed the Oregon State Bar in 2010, and am currently in-house legal counsel for Warrenton Fiber Company.

Community involvement includes:

**Clatsop County Forestry & Wood Products Economic Development Committee**  
Committee Member 2017-Present

**Clatsop County 4-H and OSU Extension Advisory Council**  
Council Member 2022-Present

**Clatsop Working Watersheds Cooperative**  
Board Member 2016-Present

**Astoria Parks and Recreation Community Foundation**  
Board Member 2016-Present

**Sons of Norway Nidaros Lodge No. 16**  
Member and Pro Bono Attorney 2016-Present

**Astoria Youth Baseball Assistant Coach 3rd Grade**  
2023 Season

**Astoria Youth Football Assistant Coach 3-4th Grade**  
2023 Season

**Columbia Memorial Hospital Foundation**  
Board of Directors 2018-2022

## **NWACT Membership Board Member Responsibilities**

NWACT members and alternates are responsible to all stakeholders in Clatsop, Columbia, Tillamook and western Washington counties.

### **Major Duties of NWACT Members:**

1. Determine NWACT's mission and purpose, and ensure work activities support the ACT's primary roles.
2. Provide a forum to advance public awareness and understanding of the region's transportation issues: Communicate transportation issues to and from the general public, serve as a communication link between the shareholders representing and NWACT.
3. Work to understand the needs and proposed transportation projects of all communities with NWACT.
4. Prioritize NW Oregon project recommendations for ODOT's State Transportation Improvement Program (STIP), ConnectOregon, and Critical Oregon Airport Relief (COAR) funding.
5. Make recommendations to ODOT, regarding special funding opportunities and programs.
6. Communicate and coordinate regional priorities with other organizations. Consider all modes of transportation (road/rail/water/air/transit) in developing long-term transportation requirements and priorities.
7. Advise on ODOT corridor plans, or local transportation system plans (TSPs).
8. Advise the Oregon Transportation Commission (OTC) on State and regional policies, affecting the transportation system.

## **NWACT Membership Board Member Description**

### **Board Member Description:**

- Commit to a two-year term of service
- Regularly attend NWACT meetings, and if unable to attend, ensure alternate attendance. Members are expected to RSVP within 72 hours of a meeting, if unable to attend. Meeting notices will be emailed, and a RSVP can be sent via email. It is expected that the primary voting member will attend consistently and not regularly substitute his or her alternate. Primary member and alternate attendance is tracked by NWACT staff, and provided to NWACT at each meeting. Attendance is reported to county commissions quarterly.

Should a member be absent from three (3) consecutive meetings, NWACT shall notify the represented jurisdiction and encourage more active participation. In such an event, the represented jurisdiction may choose to make a replacement appointment at any time.

- Be prepared for meetings and ready to participate in Board discussions. Members are expected to have read packets prior to a meeting and have consulted with constituents if necessary. If a member brings a topic to NWACT for discussion, advance materials need to be provided, or enough copies of the materials for all members must be brought to the meeting.
- Participate actively in NWACT work
- Be on time for meetings
- Disclose conflicts of interest prior to participation in any discussion or deliberation. Members with a conflict of interest will not participate in voting.
- Take part on sub-committees
- Use proper decorum in meetings (no side conversations, be recognized by the Chair before speaking)
- Participate at NWACT-sponsored public events
- Report to individual constituencies content of NWACT discussions and decisions. Report interests of constituencies to NWACT for the overall benefit of the area
- Volunteer for and willingly accept assignments and complete them thoroughly and on time
- Get to know other Board members and build a collegial working relationship that contributes to consensus
- Be an active participant in the NWACT's annual evaluation and planning efforts

Note, cell phones are to be turned off during meetings, except in emergency standby situations

The NW Oregon Area Commission on Transportation complies with the Americans with Disabilities Act (ADA). Those needing special accommodations including a sign language interpreter to attend a meeting, complete agenda packet, or additional information, can contact NWACT at (503) 970-3336 or send an e-mail to [mbmcarthur@nworegon.org](mailto:mbmcarthur@nworegon.org) at least 48 hours prior to the meeting. Alternate formats available upon request.

**COLUMBIA PACIFIC  
ECONOMIC DEVELOPMENT DISTRICT  
OF OREGON**

**BYLAWS**

**ARTICLE I**  
**(GENERAL)**

Section 1:           Name

This organization is incorporated under the laws of the State of Oregon as a non-profit corporation and shall be known as the "Columbia-Pacific Economic Development District of Oregon": (Col-Pac EDD).

Section 2:           Mission

The Columbia-Pacific Economic Development District is to diversify and expand the economic base of the district by actively supporting existing businesses and promoting new business development.

- a.     Advocate the economic development interests of the region.
- b.     Promote coordination, cooperation, and communication among economic development groups and organizations.
- c.     Provide access to financial incentives for business and industry in the region.
- d.     Import outside capital into the region for economic development and public works projects.
- e.     Conduct research to identify new economic opportunities in the region.
- f.     Provide supporting services for marketing the region for business and industrial expansion.

Section 3:           Area

The boundary of this district will include the counties of Clatsop, Columbia, Tillamook and the western portion of Washington in the State of Oregon. The Boundary of the District in western Washington County shall be defined as follows: a line extending from the North beginning at a point from the Columbia County border where Dairy Creek-East Fork intersects it, then following Dairy Creek East Fork from north to south to the junction of Dairy Creek, then to its intersection with Highway 219, southwest of Hillsboro, then following Highway 219 to its intersection with the southern border of Washington County. The Boundary shall also include the City of North Plains, in western Washington County, in its entirety.

**ARTICLE II**  
**(MEMBERSHIP)**

Section 1:           Membership Eligibility

Any person, association, corporation, partnership or estate having an interest in the objectives of the organization shall be eligible to apply for membership in Col-Pac.

Section 2:           Membership Investments

Membership shall be at such rate or rates, schedule or formula as prescribed by the Board of Directors and payable in advance.

**ARTICLE III**  
(BOARD OF DIRECTORS)

Section 1:           Composition and Selection of Board Directors

The Board of Directors shall be composed of 24 Directors, and shall be constituted as follows:

- a.     Four elected county Directors each representing one of the counties of Clatsop, Columbia, Tillamook and Washington appointed by the respective county commissions;
- b.     Eight elected city Directors: representing two cities in Clatsop County, two cities in Tillamook County, two cities in Columbia County and two cities in Western Washington County appointed by city caucuses in each county or by the county commission in each county;
- c.     Three elected port Directors each representing one of the Port Districts in Clatsop, Tillamook and Columbia counties appointed by the port district or districts in each county;
- d.     One Director representing the Minority community in the District appointed by consensus from the four county commissions;
- e.     One Director representing workforce, labor, unemployed and/or under employed in the District appointed by consensus from the four county commissions;
- f.     Three elected community college Directors representing higher education in the District, each appointed by the respective community college district board;
- g.     Four private Directors from each of the four counties who are not employees of a general purpose unit of local government appointed by the respective county commissions;
- h.     Include at a minimum a simple majority of elected public officials of general purpose local governments or employees of such local governments who have been appointed to represent general purpose local governments;
- i.     Include representation from: a community organization, business organization, and private sector employment.

Each Director shall have agreed to accept the responsibilities of a directorship.

Section 2:           Director Terms of Office

- a.     Directors shall serve two-year terms effective, with the terms of office for all Directors set at a staggered schedule by the Board of Directors effective March through February.

Section 3:           Director Alternates

- a.     All Board Directors shall have a designated alternate to the Board of Directors, to serve in their absence, on the Board of Directors, and to attend meetings of the Board of Directors.
- b.     Alternate Board Directors, in the absence of the designated Board Director, shall enjoy all the rights and privileges granted Board members under these By-Laws. Alternate Board Directors are given the power to vote on all matters before the Board in the absence of the designated Board Director whom the Alternate is representing.

Section 4:           Seating of New Directors

All newly elected Board members shall be seated at the March Board meeting and shall be voting members thereafter as determined by their term of office.

Section 5:           Exercise of Privileges

Any government entity, firm, association, corporation, partnership or estate holding Board of Director membership shall name individuals, whom the holder desires to exercise the privileges of membership covered by its subscriptions, and shall have the right to change its representative upon written notice.

Section 6:           Attendance

Board Directors absent for three consecutive meetings of the Board can be removed from the Board unless the absences are excused by the President and recorded in the minutes.

Section 7: Vacancies

Vacancies on the Board of Directors shall be filled by that organization or constituency that causes the vacancy. Should that organization decline to select a replacement to fill the vacancy, then the obligation to fill the vacancy shall be the County Commissioners from that county in which the vacancy occurred. Those selected shall complete the unexpired term of the Director they replace.

Vacancies of an Officer title, as defined in Article V, shall be replaced by an election of the Board of Directors. Those Board Directors(s) elected to an officer position shall complete the unexpired term of the officer they replace.

Section 6: Management

The government and policy making responsibilities of the District shall be vested in the Board of Directors, which shall control its property, be responsible for its finances, and direct its affairs. The Board of Directors shall employ district staff to direct District activities according to the established job description. The Board shall fix the salary and other considerations of employment.

Section 7: Indemnification

The District may, by resolution of the Board of Directors, provide for indemnification by the District of any and all of its Directors or former Directors against expenses actually and necessarily incurred by them in connection with the defense of any action, suit, or proceeding in which they or any of them are made parties, or a party, by reason of having been Directors of the District, except in relation to matters as to which such action, suit or proceeding to be liable for negligence or misconduct in the performance of duty and to such matters as shall be settled by agreement predicated on the existence of such liability for negligence or misconduct in the performance of duty and to such matters as shall be settled by agreement predicated on the existence of such liability for negligence or misconduct.

Section 8: Comprehensive Economic Development Strategy (CEDs) Committee

The Board of Directors shall also serve as the Comprehensive Economic Development Strategy (CEDs) Committee.

**ARTICLE IV**  
**(MEETINGS)**

Section 1: Annual Meeting

The annual meeting of the corporation, in compliance with State law, shall be held during March of each year and shall be open to the public. The time and place shall be fixed by the Board of Directors and published at least four weeks in advance.

Section 2: Additional Meetings

General meetings of the District may be called by the President at any time, or upon petition in writing of any ten (10) percent of those members in good standing. a) Notice of special meetings shall be mailed to each member at least five (5) days prior to such meetings. b) Board meetings may be called by the President or by the Board of Directors upon application of three (3) members of the Board. c) Committee meetings may be called at any time by the President or respective committee directors or chair.

Section 3: Quorums

At any duly called General Meeting of the District, Directors present shall be counted in determining a simple majority quorum. For committee meetings, a simple majority of committee members shall constitute a quorum except when a committee consists of more than nine (9) members, five (5) shall constitute a quorum.

Section 4: Voting

In any proceeding in which voting by the Board of Directors is called for, each Director shall be entitled to one vote. Meetings of the Board of Directors and its committees shall be governed by their own procedural rules, or in

absence of such rules Robert's Rules of Order, Newly Revised, except that no motion shall require a second, and the chair may waive or relax any procedural formality which, in his or her judgment and subject to appeal of the chair's ruling, unnecessarily complicates or delays the work of the Board.

Section 5: Meeting Options

Meetings of the Board of Directors or any sub-board or committee may be accomplished by telephone conference or other electronic communication. Notices of such meetings, where provided, shall state that the meeting will be conducted by electronic means. The location of the speaker or other device shall be located in Clatsop, Columbia, Tillamook or Western Washington County in the State of Oregon and such place shall be deemed the place where the meeting does occur. All Directors shall be furnished copies of necessary documents for review in making decisions, prior to the meeting, such documents may be furnished by any means including facsimile. For purposes of a quorum, all Directors who are attending the meeting through telephonic or other electronic communication, shall be counted as present for purposes of the simple majority quorum. The minutes of the meeting shall reflect their method of attending. All other business matters shall be conducted in accordance with the Rules and By-Laws of the Columbia-Pacific Economic Development District.

**ARTICLE V**  
**(OFFICERS)**

Section 1: Election of Officers

- a. Two months prior to the Annual Board meeting, the President shall appoint, subject to approval by the Board of Directors, a Nominating Committee of four Directors to recommend a slate of officers. The President shall designate a chair of the Nominating Committee. Prior to the Annual Board meeting, the Nominating Committee shall present to the President a recommended slate of candidates to serve the upcoming terms of office. Officers shall be voting members of the Board. Each of Col-Pac's four counties shall be represented on the slate of officers. Each candidate shall have agreed to accept the responsibility of a directorship.
- b. At the Annual Board Meeting, the Board of Directors shall then elect the Board Officers.

Section 2: Officer Terms of Office

Officers shall be Directors whose terms of office shall not expire prior to December of the following year. All officers shall serve a term of one year or until their successors assume the duties of office. Terms of office shall start in March.

Section 3: Duties of Officers

- a. President. The President shall serve as the chief elected officer of the District and shall preside at the meetings of membership, Board of Directors and Executive Committee. The President shall assign directors to divisional or departmental responsibility subject to the approval of the Board of Directors.
- b. Vice President. The Vice-President shall exercise the powers and authority and perform the duties of the President in the absence or disability of the President. Other duties of the Vice-President shall be such as the title by general usage would indicate and those that may be assigned by the President and the Board of Directors.
- c. Treasurer. The Treasurer shall be responsible for the safeguarding of all funds received by the District and for their proper disbursement. Such funds shall be kept on deposit in financial institutions, or invested in a manner approved by the Board of Directors. The Treasurer or Executive Director shall make monthly reports to the Board of Directors.
- d. Officer-at-Large. The Officer-at-Large shall participate in Col-Pac's Executive Committee proceedings and perform such other duties assigned by Col-Pac's President or Board of Directors.



Section 4: Executive Committee

The Executive Committee shall act for and on behalf of the Board of Directors when the Board is not in session and shall account to the Board for its actions at the next regular Board of Directors meeting. It shall be composed of the President; Vice-President; Treasurer; and Officer-at-Large; and the District Staff, a non-voting member. The President will serve as head of the Executive Committee.

Section 5: Officer Indemnification

The District may, by resolution of the Board of Directors, provide for indemnification by the District of any and all of its officers or former officers as spelled out in ARTICLE III, Section 7, of these By-Laws.

**ARTICLE VI**

(COMMITTEE AND DIVISIONS)

Section 1: Appointment and Authority

The President with the approval of the Board of Directors shall establish or discontinue all committees and shall appoint or discharge all committee chair-persons, for the term of his or her office. It shall be the function of committees to make investigations, conduct studies and hearings, make recommendations to the Board of Directors, and to carry on such activities as may be delegated to them by the Board.

Section 2: Limitation of Authority

Action by any member, except by the Executive Committee covered by ARTICLE V, Section 3, committee, division, employee, Director or officer shall not be binding upon, or constitute an expression of, the policy of the District until it shall have been approved or ratified by the Board of Directors.

Section 3: Testimony

Once committee action has been approved by the Board of Directors, it shall be incumbent upon the committee leaders or, in their absence, whom they designate as being familiar enough with the issue to give testimony to, or make presentations before, civic and governmental agencies.

Section 4: Loan Administration Board (LAB)

The Board of Directors of the Columbia-Pacific Economic Development District of Oregon (Col-Pac EDD) shall establish a Loan Administration Board (LAB). The LAB shall be a standing committee with the following purpose, functions and procedures.

4.1 Purposes and Function

- 4.1.1 The principal purpose of the LAB is to administer on behalf of the Col-Pac EDD the "Intermediary Relending Program" established by the U.S. Department of Agriculture, Rural Business Cooperative Service (RBS).
- 4.1.2 The primary activities of the Loan Administration Board are:
  - a. Approve or decline applications for financing, including revisions of the proposed terms and conditions if indicated;
  - b. Approve or decline borrower requests to release, substitute, subordinate, or modify in any manner the collateral liens in favor of Col-Pac EDD;
  - c. Approve or decline loan workout agreements or collection actions for borrowers in default of loans, terms or conditions;
  - d. Monitor and report (through staff) loan program activities to the Col-Pac EDD Board of Directors;
  - e. Recommend to the Board of Directors procedural changes for loan program application, closing, servicing and collection activities;
  - f. Assist staff with loan program promotional and marketing efforts.

4.2 LAB Board Members and Officers

- 4.2.1 The Loan Administration Board shall consist of seven members appointed as provided in this ARTICLE VI. Loan Administration Board members shall serve at the pleasure of the appointing authority. The seven members of the Loan Administration Board shall consist of the following: two professionals from the commercial lending field, an elected or appointed public official, one attorney, one representative of a small business, and two at-large positions. The Treasurer of Col-Pac EDD shall serve as an ex-officio member. The LAB members shall serve terms of three (3) years. There shall be no limitation on the number of consecutive terms a Loan Administration Board member can serve.
- 4.2.2 LAB Members shall perform their duties in good faith and shall exercise such degree of care as they would exercise in the handling of their most important personal affairs.
- 4.2.3 Loan Administration Board Officers shall be a Chair, Vice-Chair, Treasurer and Secretary. The Chair, Vice-Chair and Secretary are elected annually by the Loan Administration Board from among its members at its annual meeting. The Treasurer shall be the Treasurer of Col-Pac EDD. All LAB officers except the Treasurer, are voting members of the Loan Administration Board.
- 4.2.4 The Loan Administration Board shall meet at least annually, at times designated by the Chair, Vice-Chair, or three members of the LAB. All LAB meetings shall be held within Clatsop, Columbia, Tillamook or Western Washington counties in the State of Oregon. All Loan Administration Board business meetings shall be open to the public and held as prescribed by the Oregon Open Meeting Law, with the exception of consideration of loan applications, borrower requests to modify loan terms and agreements, work out agreements, or collection actions, which meetings will be held in executive session and closed to the public.
- 4.2.5 A majority of voting members of the Loan Administration Board shall constitute a quorum of the Board, so long as one of which has business lending experience.
- 4.2.6 A member of the Loan Administration Board may be removed by the Col-Pac EDD upon any of the following grounds:
- a. Death or written resignation of the member.
  - b. Determination by a two-thirds majority of the Col-Pac EDD that the member is physically, mentally, or legally without the capacity to perform the duties of his or her office, and likely to remain so for the remainder of his or her term.
  - c. Determination by a two-thirds majority of the Col-Pac EDD that the member has been absent without good cause for three or more Board meetings.
- 4.2.7 Should a Loan Administration Board Member be removed due to any of the above listed reasons, the Board of Directors of Col-Pac EDD shall appoint a replacement member who represents the same sector as the seat that was vacated.
- 4.2.8 If a replacement Loan Administration Board Member replaces a Member who was also an officer, the replacement shall not automatically assume that office as well. The vacant office shall be filled from the membership (including the new Member) by majority vote of the LAB.
- 4.2.9 Members and Officers of the LAB shall serve without pay, compensation or remuneration except the reimbursement of actual and necessary expenses incurred in the performance of their duties and approved in advance by the Col-Pac EDD Board of Directors.
- 4.2.10 The LAB members and officers shall not be personally liable to the Col-Pac EDD for monetary damages for conduct as a board member or officer, provided that no officer or board member shall be absolved from liability for any acts and omissions described in ORS 65.047(1)(c)(A) through (E).

4.2.11 Col-Pac EDD shall indemnify, defend, and hold harmless the LAB Members against all claims which may arise out of or in connection with their official duties, subject to the limitations of ORS 65.391(4), and subject further to the limitation that the Col-Pac EDD shall not indemnify any officer or board member against any claim arising out of an act or omission described in ORS 65.047(1)(c)(A) through (E).

#### 4.3 Duties of LAB Officers

4.3.1 The Chair of the Loan Administration Board shall:

- a. Preside over and conduct meetings;
- b. Appoint chairs and members of all standing and special committees and serve ex officio as a member of such committees without obligation to attend meetings or undertake specific tasks within the committee;

4.3.2 The Vice-Chair of the Loan Administration Board shall perform the duties of the Chair in the latter's absence or temporary inability to act, and otherwise assist the Chair in any way deemed advisable by the Chair and the Board.

4.3.3 The Treasurer for the Columbia-Pacific Economic Development District shall also serve as Treasurer for the LAB and shall:

- a. Keep and maintain the financial records of the Columbia-Pacific Intermediary Relending Program;
- b. Co-sign with the President or Vice-President on checks and drafts on the accounts of the Columbia-Pacific Intermediary Relending Program;
- c. Prepare financial statements and records for annual audit, and cause appropriate tax returns and other forms to be filed with the Internal Revenue Service, the Oregon Department of Revenue, the Secretary of State, the Oregon Department of Insurance and Finance, and any other federal, state or local taxing or regulatory agency requiring such filings.
- d. Be a Director of the Col-Pac EDD and ex-officio member of the LAB.

4.3.4 The Secretary shall:

- a. Keep minutes of the meetings of the LAB;
- b. Maintain the records of the Columbia-Pacific Intermediary Re-Lending Loan Program;
- c. Attest the official acts of the LAB;
- d. Give notice to each member of every meeting of the LAB, give any other notice and provide every document on behalf of the LAB as required by the Articles of Incorporation, these By-Laws, or otherwise required by law;
- e. Receive and forward correspondence to the appropriate officer; prepare and mail such other correspondence as the Chair may direct;
- f. The Secretary's responsibilities may be delegated to a staff person of the Col-Pac EDD.

### **ARTICLE VII** (FINANCES)

#### Section 1: Funds

All money paid to the District shall be placed in a general operating or loan fund. Funds unused from the current year's budget shall be placed in reserve.

#### Section 2: Disbursements

Upon budget approval by the Board of Directors, disbursements on accounts and expenses provided for in the budget may be made under the authority of such officer or officers, agent or agents as shall from time to time be authorized by resolution of the Board of Directors.

#### Section 3: Fiscal Year

The fiscal year of the District shall close on September 30.

Section 4: Budget

At the meeting preceding the September Board of Directors meeting, Col-Pac’s Executive Director shall propose the upcoming annual fiscal budget for adoption by the Board of Directors. Final adoption will be at the September meeting.

Section 5: Bonding

District Staff and such other officers and staff as the Board of Directors may designate shall be bonded by a sufficient fidelity bond in the amount set by the Board and paid by the District.

Section 6: Annual Audit

All Col-Pac funds will be audited annually by a professional auditor, according to federal and state requirements and completed by March 31<sup>st</sup> following the close of the fiscal year. This audit shall be provided to the Board of Directors at the first Board meeting following receipt of the audit.

**ARTICLE VIII**  
(DISSOLUTION)

Section 1: Procedure

The District shall use its funds only to accomplish the objectives and purposes specified in these By-Laws, and no part of said funds shall inure, or be distributed to the members of the District. On dissolution of the District, any funds remaining shall be distributed to one or more regularly organized and qualified charitable, educational, scientific or philanthropic organizations to be selected by the Board of Directors as defined in IRS Section 501(c)(3).

**ARTICLE IX**  
(AMENDMENTS)

Section 1: Revisions

These By-Laws may be amended or altered by a simple majority of the membership responding through a mail ballot or at a Board of Directors Meeting, with a minimum response of a simple majority of the total membership. Any proposed amendments or alterations shall first be submitted to the Board of Directors.

Originally enacted March 17, 1994.

Amended June 20, 1997.

Amended July 8, 1997.

Amended April 24, 1998.

Amended February 19, 1999.

Amended June 18, 1999.

Amended March 17, 2000.

Amended October 5, 2001.

Amended April 4, 2003

Amended June 11, 2004

Amended January 8, 2009

Amended March 22, 2010

Amended November 4, 2010

Amended January 9, 2014

Amended March 11, 2021

COMMITTEE, BOARD OR COMMISSION APPLICATION  
CLATSOP COUNTY

Date: 2/14/2024

John M. Nygaard  
Name

92045 Hagen Drive  
Mailing Address

Astoria, OR 97103  
City

john@oregonlawyerpdx.com

Street Address: 92045 Hagen Drive, Astoria, OR 97103 Email: john@oregonlawyerpdx.c

Home Telephone: (503)861-3305 Other Telephone: \_\_\_\_\_  
 work  cell phone

Current Occupation Attorney

Past Occupation (if retired) \_\_\_\_\_

Years Resident of County: 30+

Do you live within the city limits:  Yes  No

In which Commission District do you reside:  1  2  3  4  5

Committee, Board of Commission Applied for:

1. Columbia Pacific Economic Development District

2. NW Area Commission on Transportation

3. \_\_\_\_\_

Background (Relevant education, training, experience, etc.):

Please See Attached

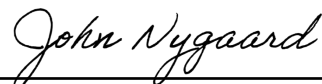
Please complete other side →

Describe your interest in serving on this Board, Committee or Commission:

In expressing my interest in serving on Col-Pac and NWACT, I draw upon my experience as an attorney and manager of a local business, driven by a deep commitment to community welfare.

I am actively involved in many other community groups, and am eager to make a positive impact on a broader scale.

My personal dedication aligns with the mission of Col-Pac and NWACT, and am enthusiastic about this opportunity to serve and contribute more to the well-being of our area.



Signature

**Return Form To: County Manager's Office  
800 Exchange St., Ste. 410  
Astoria, OR 97103  
Fax: 325-8325**

email: [commissioners@co.clatsop.or.us](mailto:commissioners@co.clatsop.or.us)

# Board of Commissioners Clatsop County

## AGENDA ITEM SUMMARY

February 28, 2024

**Agenda Title:** Appointments to Recreational Lands Planning and Advisory Committee  
**Category:** Business Agenda  
**Presented By:** Steve Meshke, Natural Resources Manager

**Issue Before the Commission:** The Recreational Lands Planning Advisory Committee is a group of volunteers appointed by the county commissioners to help develop long-range plans for county parks and changes to the county’s comprehensive land-use plan related to recreational lands. The members of the committee shall be residents of Clatsop County and whenever possible, provide member representation from each of the county’s five districts. Each member shall serve a three-year term.

Recent advertisement, ending January 12, 2024, for the Recreational Lands Planning and Advisory Committee received five applications. Currently there are three vacancies on the committee. Three of the current members; Steve Ferguson, Tom Sayre and Lynne Leland, are requesting to be reappointed to the committee for another term. Two new applicants have applied; Lisa Heigh and Clara Sroufe.

**Informational Summary:**

CURRENT MEMBERS				
Name	Commissioner District	Occupation	Term Expiration	Current Term
Steve Ferguson	#1	Retired Forester	2/01/2024	3rd
Tom Sayre	#2	Retired	2/01/2024	3rd
Brad Catton	#3	ODF Forester	2/01/2026	2nd
Lynne Leland	#4	Retired Teacher	2/01/2024	3rd
Mike Hinton	#5	Semi-Retired Contractor	2/01/2025	1st

APPLICANTS			
Name	Commissioner District	Occupation	
Steve Ferguson	#1	Retired Forester	
Tom Sayre	#2	Retired	
Lynne Leland	#4	Retired Teacher	
Lisa Heigh	#1	Retired Solid Waste Planner	
Clara Sroufe	#5	Gardener	

**Fiscal Impact:** None

**Requested Action:**

"I move that the Board appoint \_\_\_\_\_ to fill the District 1 county wide position, \_\_\_\_\_ to fill the District 2 county wide position and \_\_\_\_\_ to fill the District 4 county wide position."

**Attachment List**

- A. Steve Ferguson Committee Application
- B. Tom Sayre Committee Application
- C. Lynne Leland Committee Application
- D. Lisa Heigh Committee Application
- E. Clara Sroufe Committee Application



COMMITTEE, BOARD OR COMMISSION APPLICATION  
CLATSOP COUNTY

Date: 12/17/2023

Steve Ferguson  
Name

200 SW Kalmia Ave  
Mailing Address

Warrenton  
City

Street Address: 200 SW Kalmia Ave Email: srcjferg@hotmail.com

Home Telephone: 503-861-8187 Other Telephone: 503-791-6412  
 work  cell phone

Current Occupation Retired

Past Occupation (if retired) Forester OR Dept. of Forestry

Years Resident of County: 50

Do you live within the city limits:  Yes  No

In which Commission District do you reside:  1  2  3  4  5

Committee, Board of Commission Applied for:

- 1. Rec Lands
- 2. /
- 3. /

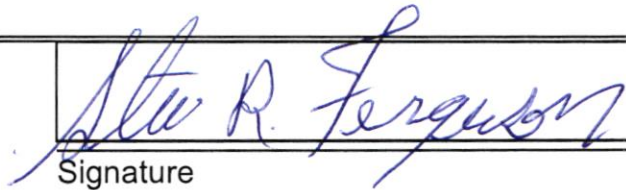
Background (Relevant education, training, experience, etc.):

Forester w/ ODF Astoria 30+ Years

Please complete other side

Describe your interest in serving on this Board, Committee or Commission:

Rec Lands Committee 3 Terms



Signature

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**800 Exchange St., Ste. 410**  
**Astoria, OR 97103**  
**Fax: 325-8325**  
email: [commissioners@co.clatsop.or.us](mailto:commissioners@co.clatsop.or.us)

COMMITTEE, BOARD OR COMMISSION APPLICATION  
CLATSOP COUNTY

Date: 12/11/23

Tom Sayre  
Name

33671 Rainbows End  
Mailing Address

Warrenton  
City

Street Address: Same as above Email: tomdsayre@gmail.com

Home Telephone: (503) 861-8555 Other Telephone: (253) 905-3198  
 work  cell phone)

Current Occupation: Retired

Years Resident of County: 10

Do you live within the city limits:  Yes  No

In which Commission District do you reside:  1  2  3  4  5

Committee, Board of Commission Applied for:

1. Recreational Lands Planning Advisory Committe
2. \_\_\_\_\_
3. \_\_\_\_\_

Background (Relevant education, training, experience, etc.):

Please see below.

Please complete other side →

Describe your interest in serving on this Board, Committee or Commission:

2023-Present Oregon State Parks Member, Oregon Outdoor Recreation Committee  
2022-2023 Oregon State Parks Member, Accessibility Standards & Guidelines Committee (SB2171 S4)  
2021-2023 Oregon State Parks Member, Rules Advisory Committees  
2019-2022 Oregon State Parks Member, Local Government Grant Program Advisory Committee  
2020-2021 Salmonberry Trail Member, Plan Review Committee, River and Canyon Segments  
2014-Present Clatsop County Past Chair, Recreational Lands Advisory Committee  
2006-2013 Pierce County Past Chair, Parks & Recreation Citizens' Advisory Board  
2010-2011 Pierce County Member, Open Space Task Force  
2000-2002 Metro Parks Tacoma Chairperson, Off-Leash Dog Park Citizens' Advisory Panel  
1995-1996 City of West Linn Past Chair, Parks and Recreation Advisory Board  
1995-1998 NRPA Certified Playground Safety Inspector  
1992-1994 City of Tualatin Member, Parks Advisory Committee  
1990-1992 City of Tualatin Member, Architectural Review Board (Planning Commission)  
1989-1992 Portland State University BS Architecture & Geography

Describe your interest in serving on this Board, Committee or Commission:

Serving on this advisory committee is a perfect fit for my interest and skill set. I believe my prior work experiences coupled with my educational pursuits, will continue to allow me to make meaningful contributions to this committee's work. Also, as an active park user, giving back in this capacity provides me with personal fulfillment.

Thank you for your consideration!

Tom Sayre

Signature

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Fax: 325-8325**

email: [commissioners@co.clatsop.or.us](mailto:commissioners@co.clatsop.or.us)

COMMITTEE, BOARD OR COMMISSION APPLICATION  
CLATSOP COUNTY

Date: 12/18/23

LYNNE S. LELAND  
Name

40314 Compass Ln  
Mailing Address

ASTORIA, OR 97103  
City

Street Address: Same

Email: lleland97103@gmail.com

Home Telephone: 503-458-5241

Other Telephone: 971-395-9753

work  cell phone

Current Occupation Retired

Past Occupation (if retired) Teacher

Years Resident of County: 32 yrs

Do you live within the city limits:  Yes  No

In which Commission District do you reside:  1  2  3  4  5

Committee, Board of Commission Applied for:

1. RLPAC

2. \_\_\_\_\_

3. \_\_\_\_\_

Background (Relevant education, training, experience, etc.):

Physical Ed Major OSU / Special Ed PE U of O Grad School  
PLANNING Commission Clatsop Co 8 yrs  
Master Plan Committee County Parks 2006  
RLPAC

Please complete other side →

Describe your interest in serving on this Board, Committee or Commission:

I enjoy serving on the RHPAC and hope I make some valuable contributions to our wonderful team. Our Master Plan is outdated in many ways + needs to at least be revised.

The Parks Dept. has some challenges because of the size of the County + time it takes to cover/service all of the Parks. More seasonal help would be beneficial for the department.

I look forward to the completion of the picnic/playground area for the Westport Park - I believe this Park will be a great benefit for both visitors and the local community.

I would appreciate being re-appointed to this committee so I can continue to contribute to its success -

Thank you for your consideration,

Lynne S Leland

Lynne S Leland

Signature

**Return Form To:** County Manager's Office  
800 Exchange St., Ste. 410  
Astoria, OR 97103  
Fax: 325-8325  
email: commissioners@co.clatsop.or.us

COMMITTEE, BOARD OR COMMISSION APPLICATION  
CLATSOP COUNTY

Date: January 8, 2024

Lisa Heigh

Name

102 South Place

Mailing Address

Astoria

City

Street Address: 102 South Place Email: winter962001@yahoo.com

Home Telephone: 503-544-3698 Other Telephone: N/A  
 work  cell phone

Current Occupation Retired

Past Occupation (if retired) Solid Waste Planner

Years Resident of County: Five

Do you live within the city limits:  Yes  No

In which Commission District do you reside:  1  2  3  4  5

Committee, Board of Commission Applied for:

1. Recreational Lands Planning Advisory Comm

2. \_\_\_\_\_

3. \_\_\_\_\_

Background (Relevant education, training, experience, etc.):

MS Marine Resource Management (OSU), Project Management (PSU), Facilitation and Consensus (OSU & EPA)

Solid Waste Planner (20 years), Metro, Portland,

Watershed Assessment Coordinator (2 years) Lower Columbia Watershed Councils, Astoria, OR

Outreach and Education Coordinator (5 years), Tillamook National Estuary Program, Garibaldi, OR

Natural Resource Industry (2.5 years, QA/QC Forest Products Lab Tech, Medite, Medford, OR; and field Biological Tech, Shasta Land Management Company, Shasta, CA and US Forest Service.

Please complete other side →

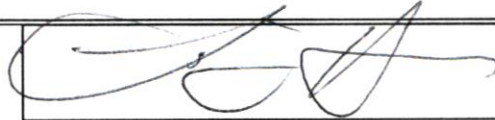


HEIGH, LISA

**Describe your interest in serving on this Board, Committee or Commission:**

I have been looking for opportunities to support my community. I know that a healthy, strong community doesn't just happen and isn't just the responsibility of elected leaders. At present, I am a member of the State Forestry's Recreation Advisory Committee (2017-present) (State of Oregon), the treasurer of the Saddle Mountain Archers (local), and a volunteer dog walker at the Clatsop County Animal Shelter (local). I can do more.

My interest in serving on this board is three-fold: I have deep knowledge (e.e., planning, land-use policy, how government works) and solid skills (e.g., public process, meeting management, board development) that are helpful for productive board membership and would like to utilize my knowledge and skills; I am an all-around and passionate recreationalist (hiker, archer, hunter (when I get good enough with my bow), birder, biker, trail runner, boogey boarder, stand-up-paddle boarder, nature wanderer, beginner pickle ball player, horseback rider and beach comber and feel able to (at a minimum) understand many recreationalists' perspectives; and finally I love this place that we all call home and would like to be of service. Thank you for considering my application.



Signature

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email: [commissioners@co.clatsop.or.us](mailto:commissioners@co.clatsop.or.us)



COMMITTEE, BOARD OR COMMISSION APPLICATION  
CLATSOP COUNTY

Date: 01/07/2024

Clara Sroufe  
Name

p.o box 88  
Mailing Address

Cannon Beach  
City

Street Address: 81867 hwy 101, Cannon beach Email: clarasroufe@gmail.com

Home Telephone: \_\_\_\_\_ Other Telephone: 503-717-3830  
 work  cell phone

Current Occupation Gardener

Past Occupation (if retired) \_\_\_\_\_

Years Resident of County: 24

Do you live within the city limits:  Yes  No

In which Commission District do you reside:  1  2  3  4  5

Committee, Board of Commission Applied for:

1. Recreational Lands Planning Adv. Committee
2. \_\_\_\_\_
3. \_\_\_\_\_

**Background** (Relevant education, training, experience, etc.):

I currently serve as a board member for the Clatsop Soil and Water Conservation District. In addition to this role, I am a caretaker for my family ' s forest land in Clatsop County, which has given me familiarity with the common issues that land stewards are dealing with. Professionally, I manage an organic gardening and yard maintenance business. To further enhance my skills and knowledge in this field, I recently completed an Integrated Pest Management (IPM) course through Portland Community College (PCC).

Please complete other side →

Describe your interest in serving on this Board, Committee or Commission:

Our green spaces and parks are a significant part of what makes Clatsop County unique. I believe that a diverse board, representing the various needs and experiences in our county, is essential for preserving parks and recreational spaces for the entire community. I am confident that my experience within this community would be beneficial to this board. Furthermore, I would appreciate the opportunity to collaborate more closely with the County.

Clara Sroufe

Signature

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email: [commissioners@co.clatsop.or.us](mailto:commissioners@co.clatsop.or.us)

# Board of Commissioners Clatsop County

## AGENDA ITEM SUMMARY

February 28, 2024

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**Agenda Title:** Strategic Investment Program Agreement – Georgia-Pacific, Wauna Mill  
**Category:** Public Hearing  
**Presented By:** Don Bohn, County Manager

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**Issue Before the Commission:** Consideration of Strategic Investment Program agreement with Georgia-Pacific (Wauna Mill)

**Informational Summary:**

Background

In 1993, the legislature approved the Strategic Investment Program to incentivize large capital investments through an alternate taxing structure. The statute was further amended in 2003, to add requirements specific to rural areas.

- SIP focuses on large capital investments where normal tax treatment (for often specialized equipment) may be problematic from a competitive perspective.
- SIP is a special assessment and taxation program, with substantial amount of project property value added to the tax rolls immediately.
- For rural SIP, \$40 million is taxed and the remaining exempt for projects under \$500 million. The \$40 million taxable base increases 3% per year of agreement (15 years).
- SIP requires a Community Service Fee, representing 25% of tax savings, for distribution by the County (separate distribution agreement). The distribution includes taxing districts that levies taxes on property located in a tax code area containing any part of the approved project.
- Other requirements or payments may be specified in agreement, such as a Community Impact Fee.
- If project is within a Port district, district must be party to agreement.
- No statutory requirement for employment – requires First-source hiring agreement with the State.

- After local public hearing and Board of Commissioner approval, firm applies to Oregon Business Development Commission for final determination of eligibility.

### 2006 Wauna Mill SIP

Georgia-Pacific requested and was granted a SIP agreement for a Paper Machine Project in 2006. The roughly \$193 million project provided tax exemption for a period of 2008/2009 to 2022/23. At the time, statute provided the first \$25 million is taxed and the Community Service Fee capped at \$500,000. The project included improvements to 1) buildings and structures; 2) machinery, equipment and fixtures; and 3) personal property.

### 2024 Wauna Mill SIP Request

Georgia-Pacific has recently requested a SIP agreement for a projected \$152 million replacement of Paper Machine #1. Based on revised statutes, the first \$40 million is taxed and the Community Service Fee is capped at \$3 million. The projected improvements include 1) buildings and structure enhancements; 2) machinery, equipment and fixtures; and 3) personal property.

In addition to the statutory Community Service Fee (25% of tax savings), the agreement includes an additional 5% of tax savings dedicated as a Community Impact Fee. These funds will be distributed as follows: 2% to Clatskanie Fire; 2% to Rural Law Enforcement District and 1% to Westport Rural Fire. These represent the first-responder agencies serving the Wauna Mill area.

By rule (OAR), the Community Service Fee distribution must be formalized by the Board of Commissioners within three months of the date of approval by the Oregon Business Development Commission. Taxing districts eligible for a proportional share of the Community Service Fee include: 1) Clatsop County; 2) Road District #1; 3) Rural Law Enforcement District; 4) 4-H/Extension District; 5) Port of Astoria; 6) Sunset Empire Transportation District; and 7) Clatsop Care District.

For illustrative purposes only, and not intended as a representation or prediction of future development, the following example depicts how the total payment may be calculated:

Investment Value	\$152,000,000
Taxable Amount (with SIP)	\$ 40,000,000
Property Tax Rate	\$ 10.4036
Property Tax (without SIP)	\$ 1,581,347
Property Tax (with SIP)	\$ 416,144 a
Community Service Fee (CSF)	\$ 291,301 b
Community Impact Fee (CIF)	\$ 58,260 c
<b>Total Annual Payment (a+b+c)</b>	<b>\$ 765,705</b>

It is anticipated the project will commence by April 1, 2024 and be completed by April 1, 2026. Based on this tentative construction schedule, the SIP would be applied beginning in the 2026/27 fiscal year.

**Fiscal Impact:** The SIP will generate additional tax revenue based on the taxable amount of \$40 million (indexed), a Community Service Fee and Community Impact Fee.

**Requested Action:**

I move to adopt the Resolution and Order approving the SIP Agreement between Georgia-Pacific, Port of Astoria and Clatsop County and recommend the Oregon Economic Development Commission approve the Georgia-Pacific application (Wauna Mill) for inclusion in the State Strategic Investment Program.

**Attachment List**

- A. Resolution and Order/Oregon SIP Agreement with Georgia-Pacific (Wauna Mill)



**CLATSOP COUNTY, OREGON**  
800 Exchange Street, Suite 410  
Astoria, Oregon 97103  
*An Equal Opportunity Employer*

## **OREGON STRATEGIC INVESTMENT PROGRAM AGREEMENT**

Clatsop County, a political subdivision of the State of Oregon (County), the Port of Astoria (Port), Georgia-Pacific Wauna LLC. (“Georgia-Pacific”), hereby enter into this Oregon Strategic Investment Program Agreement (“SIP Agreement”) regarding operations at Georgia-Pacific’s mill located at 92326 Taylorville Road, Clatskanie, Oregon (the “Wauna Mill”) effective as of the date of the last signature below (the “Effective Date”).

### **WITNESSETH:**

**Whereas**, the Oregon Legislature has established the Strategic Investment Program (hereafter “SIP”) to promote industrial competitiveness and to improve employment in the area where projects are to be located. (See ORS 307.123 and ORS 285C.600 – 285C.635); and

**Whereas**, the SIP encourages local governments to enter into agreements with trade-sector industries to attract and retain long-term investments and employment; and

**Whereas**, Georgia-Pacific owns and operates a paper manufacturing facility and other associated facilities and structures at the Wauna Mill and intends to improve and maintain such operations at the Wauna Mill with a capital cost of at least \$40 million (subject to adjustment based on the Consumer Price Index per ORS 285C.606), thereby qualifying such improvement as a SIP, which the County and Port recommends for acceptance; and

**Whereas**, the County and Port have negotiated this SIP Agreement with the Company, the Company have provided the County with a copy of their SIP application (the “SIP Application”), the SIP Application has been drafted, and following the mutual execution of this SIP Agreement, the Company will submit a final SIP Application to the Oregon Business Development Department (OBDD); and

**Whereas**, Georgia-Pacific and its affiliates have previously made significant investments in the County that have contributed to long-term investment and employment in the County; and

**Whereas**, the County and the Port have entered into negotiations with Georgia-Pacific to develop this SIP Agreement (the “Agreement”), and Georgia-Pacific will submit a final SIP application to the OBDD for consideration by the Oregon Business Development Commission (“OBDC”) after the parties have fulfilled their requirements under State law. It is the intent of this

SIP Agreement to provide the competitive tax structure for Georgia-Pacific to engage in improving and maintaining its paper-making facilities in Oregon and to contribute to the local community's quality of life; and

**Whereas**, the County and Port along with Georgia-Pacific have provided public information and an opportunity for public input regarding the SIP generally and the SIP Application specifically, including a formal public hearing on this SIP Agreement held by the County on February 28, 2024, and a public meeting by the Port on February 20, 2024; and

**Whereas**, this Agreement provides the terms and conditions under which the County and Port agrees to recommend to the OBDC that the SIP application be approved and tax abatement be granted for the Project, as defined below, in exchange for performance by Georgia-Pacific of the obligations herein;

Now therefore, in consideration of the mutual covenants of the parties, each to the other giving, the parties do hereby agree as follows:

**1. Project Definition and Scope.**

1.1 The "Project" for purposes of this SIP Agreement and the SIP, shall include all capital investments made by the Company, or any affiliate, in the County between April 1, 2024 and April 1, 2026, including, but not limited to the following, specific capital investments:

- a. The Project will rebuild an end-of-life machine (No.1 Paper Machine) and upgrade it with modern paper machine technology, including related infrastructure and facility improvements.
- b. Real property, machinery and equipment, fixtures and personal property installed on, at or in the Wauna Mill land, buildings or structures, which are placed in service on or after the date of this Agreement.
- c. Should Georgia-Pacific or their affiliates make additional investments within the investment time frame, the parties anticipate including them under this SIP Agreement.
- d. Georgia-Pacific may add to or subtract from the property that constitutes the Project, consistent with this section, including but not limited to major repairs, replacements, modernization, renovations or remodeling, and shall report any such additional or subtracted property during the term of this Agreement on its annual property tax return filed with the Oregon Department of Revenue, a copy of which shall be provided to the County.

1.2 The Project shall exclude: (a) any capital investments outside the boundaries of the County, and (b) any expenditure deemed not to constitute a component of an "eligible project" pursuant to the administrative rules of the OBDD.

**2. SIP Exemption Period.** Consistent with ORS 307.123(2)(c).

2.1 The "SIP Exemption Period" starts with the property tax year (July 1 to June 30), in which:

- 2.1.1 As of the immediately preceding June 30, the project is certified for occupancy for purposes of commercial operation, has otherwise commenced commercial operation, or may no longer be exempt under ORS 307.330; and
    - 2.1.2 The Project has a real market value equal to or exceeding \$40 million on the January 1 assessment date thereof.
  - 2.2 The “SIP Exemption Period” ends at the end of the 14th successive property tax year after the year described in Section 2.1
  - 2.3 As used above in this provision, “commercial operation” means that the Project is fully capable of manufacturing a product otherwise suitable for sale. Georgia-Pacific shall deliver to the County and the Port a notice of commencement of commercial operation within 30 days of commercial operation and such notice shall state the date of commencement of commercial operation.
3. **Conditions Precedent.** The obligations of the parties as set forth herein arise solely on account of, and depend entirely upon, the following:
- 3.1 Georgia-Pacific’s completion of development of the Project such that the Project is in regular commercial operation throughout the term of this Agreement;
  - 3.2 Determination by the OBDD or its designee that the Project as defined herein is eligible for the tax exemption provided in ORS 285C.606, ORS 307.123, and applicable administrative rules; and
  - 3.3 Georgia-Pacific’s ability to reduce its property tax liability on the Project under ORS 307.123.

4. **Exemption, Company Payments, and Related Obligations.**

4.1 Ad Valorem Property Taxes

Subject to normal and customary procedures of property tax invoicing, payment and collection, including but not limited to rights of appeal, Georgia-Pacific shall pay property taxes as levied and imposed by the County on the assessed value of a portion of the property comprising the Project, as provided in ORS 307.123(2)(a), for which the real market value equals \$40 million in the first tax year of the SIP Exemption Period and annually increases by three percent with each subsequent year of the SIP Exemption Period. It is understood and agreed by the parties that the payment of property taxes as set in the first tax year of the SIP Exemption Period shall be a floor for property taxes paid during the Exemption Period, except as may be adjusted by destruction of property not caused by Georgia-Pacific (e.g. natural disaster). If replacement with exempt property results in property taxes less than the floor, the Community Service Fee (“CSF”) shall be increased in an amount to meet the floor payment (property taxes plus increased CSF equals floor payment). The remainder of the property comprising the Project shall be exempt from *ad valorem* taxation during the period of this Agreement.



4.2 Community Service Fee (“CSF”)

For each year of the SIP Exemption Period, as provided by ORS 285C.609(4)(b), Georgia-Pacific shall pay to the County a CSF, in an amount equal to the lesser of: i) \$3,000,000 (subject to adjustment based on the Consumer Price Index per ORS 285C.609), or ii) twenty five percent (25%) of the property taxes saved by Georgia-Pacific in the current property tax year as a result of SIP assessment and exemption under ORS 307.123. Each year, no later than January 1st of each year, the County shall provide Georgia-Pacific with a statement describing its calculations and the CSF due under this Paragraph, and Georgia-Pacific shall pay such amount to the County within 30 days of receipt of such statement. Georgia-Pacific may challenge the determination as reflected in the statement as provided in this Agreement

- 4.2.1 Community Impact Fee (“CIF”). For each year of the SIP Exemption Period, Georgia Pacific shall pay County in an amount equal to five percent (5%) of the property taxes saved by Georgia-Pacific in the current property tax year as a result of SIP assessment and exemption under ORS 307.123. Of this five percent (5%), the County shall distribute; to Clatskanie Rural Fire District two percent (2%), to Clatsop County Rural Law Enforcement District two percent (2%) and to Westport Rural Fire District one percent (1%).

Each year, no later than January 1st of each year, the County shall provide Georgia-Pacific with a statement describing its calculations and the CIF due under this Paragraph, and Georgia-Pacific shall pay such amount within 30 days of receipt of such statement. Georgia-Pacific may challenge the determination as reflected in the statement as provided in this Agreement.

- 4.3 First-Source Agreement. Before submitting its SIP application, Georgia-Pacific shall enter into a first-source hiring agreement with the State of Oregon, Employment Department (acting as the contact agency for local publicly funded job training providers) in substantially the form required pursuant to OAR chapter 123, division 070.
- 4.4 Job Fair. Georgia-Pacific shall hold a job fair after placing a timely announcement of the job fair through WorkSource Oregon as required by ORS 285C.606.
- 4.5 SIP Application. Georgia-Pacific has submitted a SIP application to the OBDC, which will be considered for State approval, pursuant to the execution of this Agreement and the discharge of obligation by the County described in Sections 5.1, 5.2 and 5.3.

**5. County’ Obligations.**

- 5.1 As part of executing this Agreement, the Clatsop County Board of County Commissioners shall hold a public hearing and take official action at a regular or duly called special meeting by affirmative vote of a majority of its members, to request that the OBDC determine that the real and personal property constituting the Project be granted exemption from ad valorem property taxation for the SIP Exemption Period in fulfillment of ORS 285C.609.

- 5.2 The County shall provide Georgia-Pacific with documentation of its official action and of the public hearing conducted prior to execution of this Agreement for inclusion with the SIP application submitted to OBDD.
  - 5.3 The County shall enter into an agreement among itself, the Port and other local taxing districts, but not involving or affecting the interests of Georgia-Pacific, to govern distribution of collected CSF moneys, as required under ORS 285C.609(6).
  - 5.4 The County shall be solely responsible for distribution of the CSF and CIF, including the payment of any portion due or payable to any other organization.
  - 5.5 After Georgia-Pacific has discharged its duty to pay the CSF and CIF as set forth in Section 4.2. the County shall indemnify and hold Georgia-Pacific harmless from any liability or obligation arising from the funds and their distribution or use.
  - 5.6 Neither the County nor the Port shall impose or request any additional requirements on Georgia-Pacific in connection with the SIP, except as expressed in this Agreement.
6. **Joint Obligations.** In addition to the other obligations set forth in this Agreement, the parties shall:
- 6.1 Cooperate with the OBDD/OBDC, the Department of Revenue or the Clatsop County Assessor, as necessary and appropriate to secure authorization and receipt of SIP assessment and exemption of Project property.
  - 6.2 Coordinate with each other and initiate such steps as may, from time to time, be prudent or necessary with the Department of Revenue or the Assessor to ensure the maintenance and effective administration of the SIP assessment and exemption throughout the term of this Agreement, including but not limited to the technical details relating to reporting requirements and the proper categorization, qualification and valuation of land, buildings, structures, support facilities, real property machinery and equipment, and personal property relative to the Project.
  - 6.3 Provide such information and resources to one another as may be reasonably necessary to ensure proper calculation of the amounts due under this Agreement and to document compliance for purposes of this Agreement or as required by any external agency.
7. **Taxes and Incentives in General.**
- 7.1 Nothing herein shall govern the assessment, payment, or collection of ad valorem property taxes on the portion of real or personal property comprising the Project that is taxable as described in Section 4.1 of this Agreement or on any property not comprising the Project as defined in Section 1.
  - 7.2 Nothing herein shall limit or restrict Georgia-Pacific from challenging the real market value or assessed value of any property, or the amount due, or the amount that would otherwise be due on Project property but for the SIP, for ad valorem property taxes, in the same manner as any other taxpayer under Oregon law.

- 7.3 Nothing herein shall affect Georgia-Pacific's responsibility for timely application with the Clatsop County Assessor and related requirements, in order to receive exemption on eligible property in accordance with ORS 307.330 and 307.340 and applicable administrative rules and procedural standards of the Assessor and the Department of Revenue, including but not limited to the Project, while any Georgia-Pacific facility remains under construction.
- 7.4 Nothing herein shall govern any other liability of Georgia-Pacific, respective to federal, state or local taxes, fees, charges or the like, or any other tax abatement or incentive available to or benefiting Georgia-Pacific, aside from the SIP exemption and the associated obligations under this Agreement, including but not limited to waivers, exemptions, discounts or actions otherwise promised by the County in addition to or as an alternative to the SIP exemption

## **8. Miscellaneous Provisions.**

### **8.1 Judicial Jurisdiction and Dispute Resolution.**

- 8.1.1 The laws of the State of Oregon shall govern this Agreement and, subject to Section 7.2, any mediation, arbitration or trial court litigation arising out of or related to this Agreement or its breach shall be commenced and conducted in Clatsop County, Oregon, or as applicable, before the Oregon Tax Court or the Federal District Court of Oregon.
- 8.1.2 Subject to Section 7.2, the parties agree that any disputes among or claims against one another arising out of or related to this Agreement or its purported breach shall be subject to mediation as a condition precedent to any party having the right to commence a suit or action related to such dispute or claims in Circuit Court or other applicable judicial venue.
- 8.1.3 Upon a party's or parties' receipt of a demand for mediation from the other party or parties, the parties shall diligently attempt to agree in good faith upon a single, unbiased mediator, and thereupon mediation shall proceed pursuant to procedures prescribed by that mediator.
- 8.1.4 If the parties are unable to agree upon such mediator within ten (10) days after a party's receipt of the demand for mediation from the other party, then any party may demand mediation pursuant to the Commercial Mediation Procedures of the American Arbitration Association, and thereupon such Procedures shall govern.
- 8.1.5 The requirement to mediate set out in this Section 8.1 shall be specifically enforceable by any court having jurisdiction thereof.
- 8.1.6 Any mediation pursuant to this Section 8.1 shall be demanded within a reasonable time after the dispute or claim arises, but in no event after the applicable statute of limitations has expired.
- 8.1.7 The parties agree to use best efforts to avoid undue delay in proceeding with mediation hereunder, to equally split mediator expenses, and to participate

diligently and in good faith in any such mediated negotiations.

- 8.2 No person shall be subjected to discrimination in receipt of the benefits of any services or activities made possible by or resulting from this Agreement, nor denied same, on the grounds of race, color, religion, gender, sexual orientation, national origin, disability, age, or marital status.
- 8.3 The terms herein shall be given their normal and customary meaning, except that terms relating to the payment of property taxes and fees in lieu of taxes shall be construed consistently with the tax laws and administrative rules of the State of Oregon. No provision shall be construed against a party on the basis that the party drafted the provision.
- 8.4 Georgia-Pacific may assign this Agreement to a third party or parties at any time upon written notice to the County. Georgia-Pacific may freely assign this Agreement to any affiliate, subsidiary, or other entity which controls Georgia-Pacific, is controlled by Georgia Pacific, or is under common control with Georgia-Pacific, or to a successor entity resulting from the reorganization, merger, division or consolidation of Georgia-Pacific. Any assignees or successors of Georgia-Pacific with respect to the Project will be bound by the terms and conditions set forth in this Agreement, which shall run with the land, and the terms and conditions set forth in municipal permits and entitlements for the Project. This Agreement shall be recorded in the deed records of Clatsop County.
- 8.5 Failure to make payment in full of the CSF by the due date shall result in interest being charged on the past due balance in the same amount as is provided by Oregon law for late payment of ad valorem property taxes.
- 8.6 At the discretion of Clatsop County and in accordance with Oregon law, in the event of an overpayment of the CSF the County shall either issue an overpayment refund check or return the incorrect payment and request that Georgia-Pacific reissue payment in the correct amount. In the event of returned payment, the Assessor shall establish a schedule for payment
- 8.7 If Georgia-Pacific fails to pay the CSF by the end of the property tax year in which it is due, the tax exemption for the Project shall be revoked and the property shall be fully taxable for the following tax year and for each subsequent tax year for which the CSF remains unpaid. If an unpaid CSF is paid after the exemption is revoked, the property shall again be eligible for the exemption, beginning with the tax year after the payment is made. Reinstatement of the exemption shall not extend the 15-year exemption period.
- 8.8 Georgia-Pacific shall not be required to pay the CSF for any year that it fully pays ad valorem property taxes as duly levied and imposed on the entire assessed value of the Project, due to suspension, cancellation or disqualification of the SIP property tax exemption or at the discretion of Georgia-Pacific.
- 8.9 **Notices.** All notices required or permitted to be given hereunder shall be given in writing and shall be deemed properly given when personally delivered to the person

set forth or when sent by nationally recognized overnight courier or by U.S. registered or certified mail, postage prepaid, return receipt requested, addressed as follow:

Georgia-Pacific Georgia-Pacific Wauna LLC  
ATTN: Tax Department  
P.O. Box 105681  
133 Peachtree Street NE- 23rd Floor  
Atlanta, GA 30303

Clatsop County Clatsop County Board of Commissioners  
800 Exchange Street Suite 400  
Astoria, OR 97103

Port of Astoria Port of Astoria  
422 Gateway Avenue, Suite 100  
Astoria, OR 97103

9. **Term.** This Agreement shall commence on the date of execution and shall expire on the later of June 30 of the final property tax year of the SIP Exemption Period or upon completion of the obligations of the parties

10. **Merger.** THIS CONTRACT CONSTITUTES THE COMPLETE AND EXCLUSIVE AGREEMENT AMONG THE PARTIES WITH RESPECT TO THIS MATTER, WHICH IS HEREIN SPECIFICALLY LIMITED TO THE STRATEGIC INVESTMENT PROGRAM(“SIP”) AND PROPERTY TAX ABATEMENT FOR THE PROJECT FOLLOWING AND APART FROM THE EXEMPTION UNDER ORS 307.330 (PRIOR TO COMMENCEMENT OF THE SIP EXEMPTION PERIOD PROJECT), AND IT SUPERSEDES ALL PRIOR AGREEMENTS AND PROPOSALS, ORAL OR WRITTEN, AND ANY OTHER COMMUNICATION AMONG THE PARTIES ON THIS MATTER. NO WAIVER, MODIFICATION, AMENDMENT OR OTHER CHANGE RESPECTIVE TO THE COVENANTS, OBLIGATIONS AND OTHER SUCH PROVISIONS OF THIS AGREEMENT SHALL BE BINDING ON ANY PARTY, EXCEPT AS A WRITTEN ADDENDUM, SIGNED BY AUTHORIZED AGENTS OF ALL PARTIES.

IN WITNESS WHEREOF, the parties hereto have executed this SIP Agreement in duplicate effective \_\_\_\_\_.

CLATSOP COUNTY  
BOARD OF COMMISSIONERS

GEORGIA-PACIFIC WAUNA LLC

\_\_\_\_\_  
Commissioner Mark Kujala, Chair

\_\_\_\_\_  
Julie A. Anderson, Chief Operating Officer

PORT OF ASTORIA

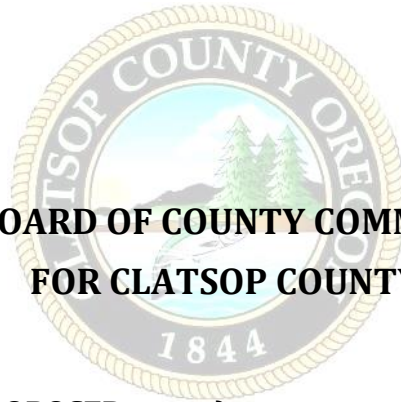
\_\_\_\_\_  
Robert Stevens, President

**EXHIBIT A**

**Example Calculation of Project Total SIP Payment**

For illustrative purposes only and not intended as a representation or prediction of future development, the following example depicts how the total payment may be calculated:

Value	\$152,000,000	
Taxable amount (with SIP)	\$ 40,000,000	
Property Tax Rate*	10.4036	
Property tax (without SIP)	\$ 1,581,347	
Property tax (with SIP)	\$ 416,144	a
Community service fee (CSF)	\$ 291,301	b
Community impact fee (CIF)	\$ 58,260	c
Total Annual Payment (a+b+c)	\$ 765,705	



**IN THE BOARD OF COUNTY COMMISSIONERS  
FOR CLATSOP COUNTY**

**IN THE MATTER OF A PROPOSED )  
STRATEGIC INVESTMENT PROGRAM ) RESOLUTION AND ORDER  
FOR GEORGIA-PACIFIC WAUNA LLC )  
AT THE GEORGIA-PACIFIC WAUNA )  
MILL )**

**WHEREAS**, the Oregon Legislative Assembly has established the Strategic Investment Program (hereafter “SIP”) to promote industrial competitiveness and to retain or improve employment in the area where projects are to be located; and

**WHEREAS**, the SIP encourages local governments to enter into agreements with trade-sector industries to attract and retain long-term investment and employment for the benefit of the people of Oregon and of the local community; and

**WHEREAS**, Georgia-Pacific Wauna LLC (“Georgia-Pacific”) proposes to build and operate at the Wauna Mill property within the County a paper making machine facility and other associated facilities and structures with a capital cost of at least \$40 million; and

**WHEREAS**, Georgia-Pacific and the County have entered into negotiations to develop a SIP Agreement, and Georgia-Pacific will submit a final SIP application to the Oregon Economic and Community Development Department (OECD) for consideration by the Oregon Economic and Community Development Commission (OECD) after the parties have fulfilled their requirements under State law; and

**WHEREAS**, Whereas, the County and Georgia-Pacific have provided public information and an opportunity for public input regarding the Strategic Investment Program generally and Georgia-Pacific’s SIP application specifically, including a formal public hearing on this Agreement held on February 28, 2024; and



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**NOW THEREFORE, IT IS HEREBY RESOLVED AND ORDERED:**

- 1) Pursuant to ORS 285C.609(1), the Board of County Commissioners hereby recommends to the Oregon Business Development Commission approval of the Georgia-Pacific application for inclusion in the State Strategic Investment Program, and approves the Oregon Strategic Investment Program Agreement (Rural), attached hereto as Exhibit A.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

BOARD OF COMMISSIONERS FOR  
CLATSOP COUNTY, OREGON

\_\_\_\_\_  
Mark Kujala, Chair

# Board of Commissioners Clatsop County

## AGENDA ITEM SUMMARY

February 28, 2024

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**Agenda Title:** Red Bluff Road Resolution of Necessity  
**Category:** Public Hearing  
**Presented By:** Terry Hendryx, Public Works Director

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**Issue Before the Commission:** Hear testimony from the public and County staff regarding the potential authorization of a Resolution of Necessity in order to replace a culvert on Red Bluff Road.

**Informational Summary:** In order to reconstruct Red Bluff Road, additional right-of-way, easements, and other property interests will be required. The Project is expected to impact one property abutting the Project on the westerly side of the road. The Board has authority to exercise the power of eminent domain under Oregon law, including but not limited to the County Charter, ORS Chapter 203, and ORS Chapter 35 to acquire the needed property interests by purchase or condemnation proceedings. In accordance with the procedure set forth in ORS Chapter 35, a Resolution of Necessity is required before offers are made to acquire the property interests through the exercise of eminent domain.

The Project design team has collected and analyzed data sufficient to clarify the existing right-of-way and to advance the design of the Project. The Project has been planned and located in a manner which is most compatible with the greatest public good and which causes the least private injury. The design has progressed through the Department of Transportation and Development's project development procedures and the final legal descriptions required for acquisition of the needed property interests have been developed.

**Fiscal Impact:** \$2,000.00 paid from 002/3120/82-3554

**Requested Action:**

Chair Kujala sign Resolution of Necessity to start acquisition of right-of-way and construction easement.

**Attachment List**

- A. Resolution of Necessity Packet
- B. Fish Passage Email From ODFW

February 28<sup>th</sup>, 2024

Board of County Commissioners  
Clatsop County

Members of the Board:

**Approval of a Resolution Declaring the Public Necessity and Purpose of the Acquisition of Property Interests for the Red Bluff Culvert Replacement at Milepost 1.0 by Purchase or Eminent Domain**

<b>Purpose/Outcomes</b>	Under Oregon law, including but not limited to the County Charter, ORS Chapter 203, and ORS Chapter 35, the County is authorized to declare by resolution or ordinance the necessity and the purpose for which property is required for a public purpose.
<b>Dollar Amount and Fiscal Impact</b>	The right-of-way for the Project is included in the approximated \$100,000 Project budget.
<b>Funding Source</b>	Road Maintenance and Construction – Land and Contractual Services.
<b>Duration</b>	The Resolution, if approved, will take effect upon its passage.
<b>Previous Board Action</b>	Executive Session 2/14/2024.
<b>Strategic Plan Alignment</b>	This item supports Public Work’s 5-year Plan. The reconstruction of Red Bluff Road has been moved back for two consecutive years to allow for the completion of culvert replacement.
<b>Counsel Review</b>	County Counsel and outside counsel, Nicole Swift, Cable Huston LLP, reviewed and approved 2/14/2024 This item is a resolution of necessity, required under ORS 35 as a precursor in support of possible condemnation action.
<b>Contact Persons</b>	Terry Hendryx, Public Works Director

## **BACKGROUND**

County road funds will be utilized to reconstruct Red Bluff Road to accommodate a minimum 20' wide travel surface. Over the past two years, Public Works has replaced several culverts in preparation for the reconstruction.

In order to reconstruct the road, additional right-of-way, easements, and other property interests will be required. The Project is expected to impact one property abutting the Project on the westerly side of the road. The Board has authority to exercise the power of eminent domain under Oregon law, including but not limited to the County Charter, ORS Chapter 203, and ORS Chapter 35 to acquire the needed property interests by purchase or condemnation proceedings. In accordance with the procedure set forth in ORS Chapter 35, a Resolution of Necessity is required before offers are made to acquire the property interests through the exercise of eminent domain.

The Project design team has collected and analyzed data sufficient to clarify the existing right-of-way and to advance the design of the Project. The Project has been planned and located in a manner which is most compatible with the greatest public good and which causes the least private injury. The design has progressed through the Department of Transportation and Development's project development procedures and the final legal descriptions required for acquisition of the needed property interests have been developed.

The County shall negotiate in good faith and accordance with all applicable laws, rules, and regulations in an attempt to reach agreement as to the amount of just compensation and any compensable damages owed to each affected property owner or other persons of interest. To fairly determine the amount of just compensation and any compensable damages, staff will utilize the expertise of authorized real estate appraisers and other such experts to make appraisals and appraisal reviews for acquisitions.

The Resolution of Necessity directs County staff, counsel, and authorized agents to proceed with good faith negotiations for the acquisition of the needed property interests and to utilize the expertise of authorized real estate appraisers and other such experts to assist in the acquisition process. The Resolution further requires the Public Works Director to notify the Board if the exercise of the power of eminent domain becomes necessary. Only after this process is completed does it authorize the Office of County Counsel and authorized outside counsel to file condemnation proceedings.

**RECOMMENDATION:**

Staff respectfully recommends that the Board of County Commissioners approve the Resolution of Necessity authorizing the acquisition of necessary property interests by good faith negotiation if possible, or condemnation, if necessary.

Exhibits:

- A: Legal Description Map
- B: Legal Description
- C: Assessor's Map
- D: Location Aerial

Respectfully,

Terry Hendryx,  
Public Works Director

Centerline 50' wide easement per B. 387, P. 813, B. 634, P. 426 Deed Records.

Owner: Murray

True Point of Beginning

COUNTY ROAD #119

ELDERBERRY LODGES

CONSTRUCTION EASEMENT AREA

True Point of Beginning

RED BLUFF RD.

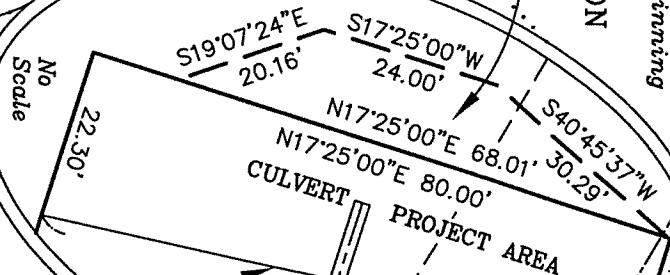
EXHIBIT "A"

CULVERT PROJECT AREA

RIVER BEND ROAD

DETAIL

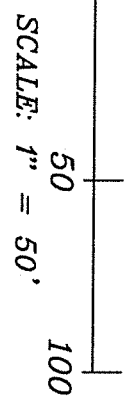
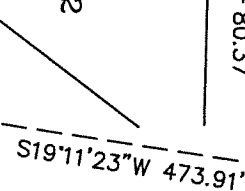
32.16' ROAD



RED BLUFF ROAD

existing culvert

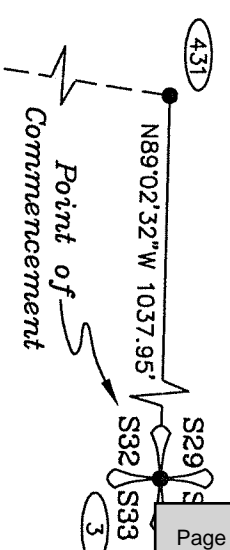
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L=80.37'  
A=115°22"  
Ch=  
S11°54'57\"/>



**LEGEND**

● = Found monument

⊕ = Monument number referenced to description in "Monument Notes"



**MONUMENT NOTES:**

- ⊕ 3 SECTION CORNER COMMON TO S28 S29 S32 & S33 T5N R7W: a 1" iron pipe per CS# BT-177 inside an 8" x 8" concrete block, 2" above concrete.
- ⊕ 410 INITIAL POINT OF ELDERBERRY LODGES: a 1-1/2" iron pipe per plat of Elderberry Lodges, with top flared to 2", below ground 10".
- ⊕ 431 a 1/2" iron pipe per plat of Elderberry Lodges, below ground 2".





**CULVERT PROJECT AREA BOUNDARY ON WEST SIDE OF RED BLUFF ROAD**

A tract of land in the Northeast Quarter of Section 32, Township 5 North, Range 7 West, Willamette Meridian, Clatsop County Oregon, depicted on the attached Exhibit "A"; the boundaries of which are more particularly described as:

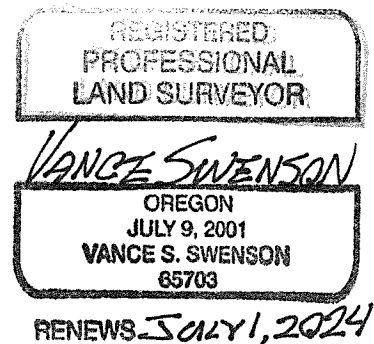
Commencing at a 1 inch iron pipe inside an 8 inch square concrete block at the Section Corner common to Sections 28, 29, 32 and 33, Township 5 North, Range 7 West, Willamette Meridian; thence N89°02'32"W 1037.95 feet to a 1/2 inch iron pipe at the northeast corner of Lot 37, Elderberry Lodges, Book 10, Page 2, Clatsop County Town Plat Records; thence S19°11'23"W 473.91 feet to a 1-1/2 inch iron pipe at the Initial Point of Elderberry Lodges; thence N60°17'39"W 322.16 feet to the True Point of Beginning of the tract herein described; thence S72°35'00"E 14.59 feet to the westerly right-of-way line of Red Bluff Road; thence Southerly along the westerly line of Red Bluff Road along a 3666.18 foot radius curve to the right, through a central angle of 1°15'22", an arc length of 80.37 feet, the chord of which bears S11°54'57"W 80.37 feet; thence leaving said right-of-way line N72°35'00"W 22.30 feet; thence N17°25'00"E 80.00 feet to the True Point of Beginning. Containing 1487 square feet, more or less.

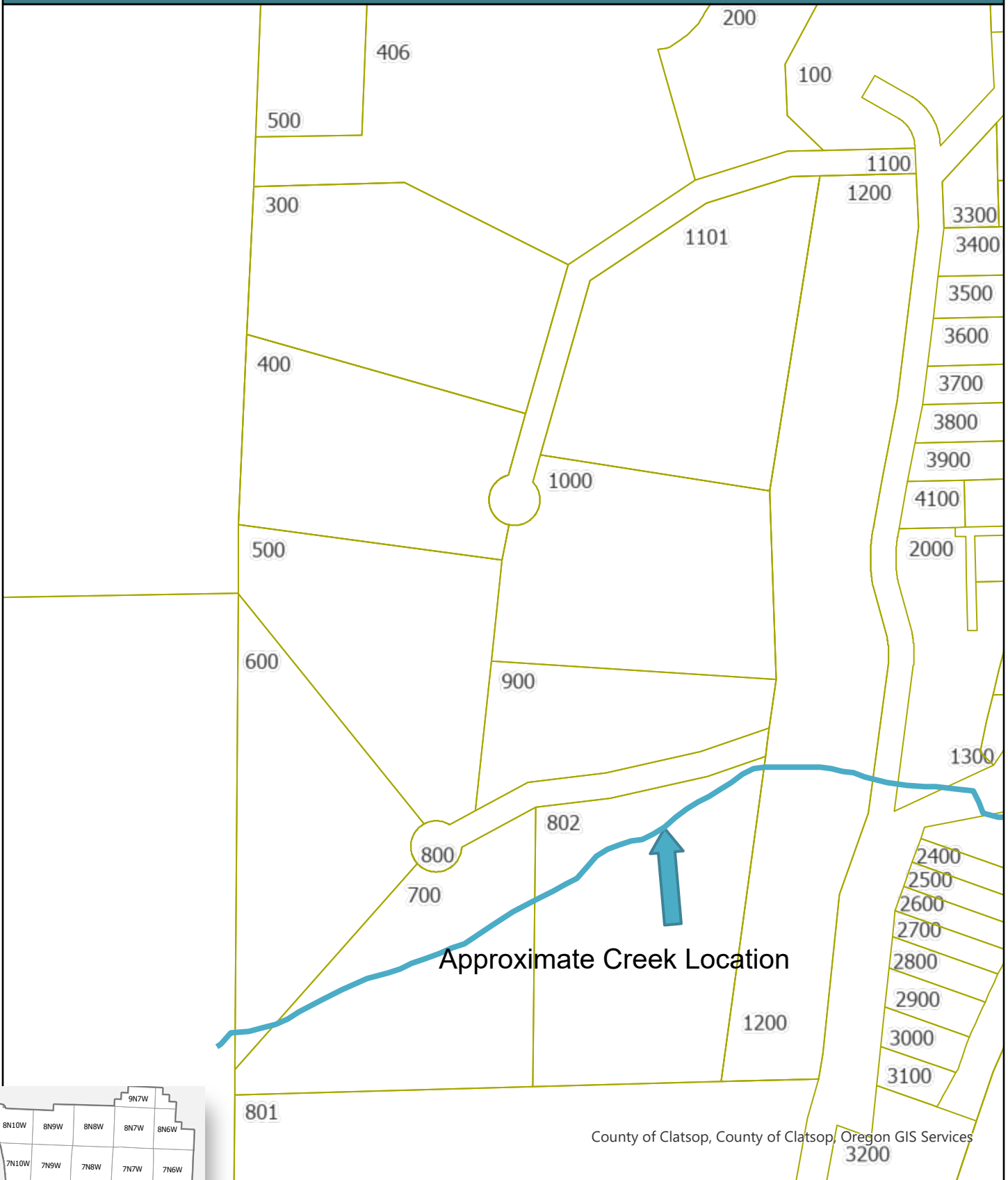
**CONSTRUCTION EASEMENT BOUNDARY**

An easement in the Northeast Quarter of Section 32, Township 5 North, Range 7 West, Willamette Meridian, Clatsop County Oregon, depicted on the attached Exhibit "A"; the boundaries of which are more particularly described as:

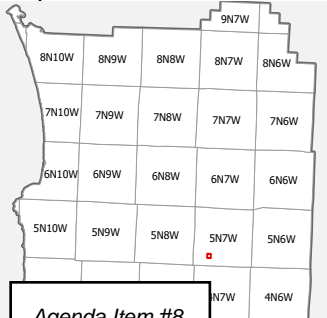
Commencing at a 1 inch iron pipe inside an 8 inch square concrete block at the Section Corner common to Sections 28, 29, 32 and 33, Township 5 North, Range 7 West, Willamette Meridian; thence N89°02'32"W 1037.95 feet to a 1/2 inch iron pipe at the northeast corner of Lot 37, Elderberry Lodges, Book 10, Page 2, Clatsop County Town Plat Records; thence S19°11'23"W 473.91 feet to a 1-1/2 inch iron pipe at the Initial Point of Elderberry Lodges; thence N60°17'39"W 322.16 feet to the True Point of Beginning of the easement herein described; thence S40°45'37"W 30.29 feet; thence S17°25'00"W 24.00 feet; thence S19°07'24"E 20.16 feet; thence N17°25'00"E 68.01 feet to the True Point of Beginning. Containing 552 square feet, more or less.

Descriptions are based on CS# 14322, Clatsop County Survey Records.





County of Clatsop, County of Clatsop, Oregon GIS Services



Agenda Item #8.



# Clatsop County

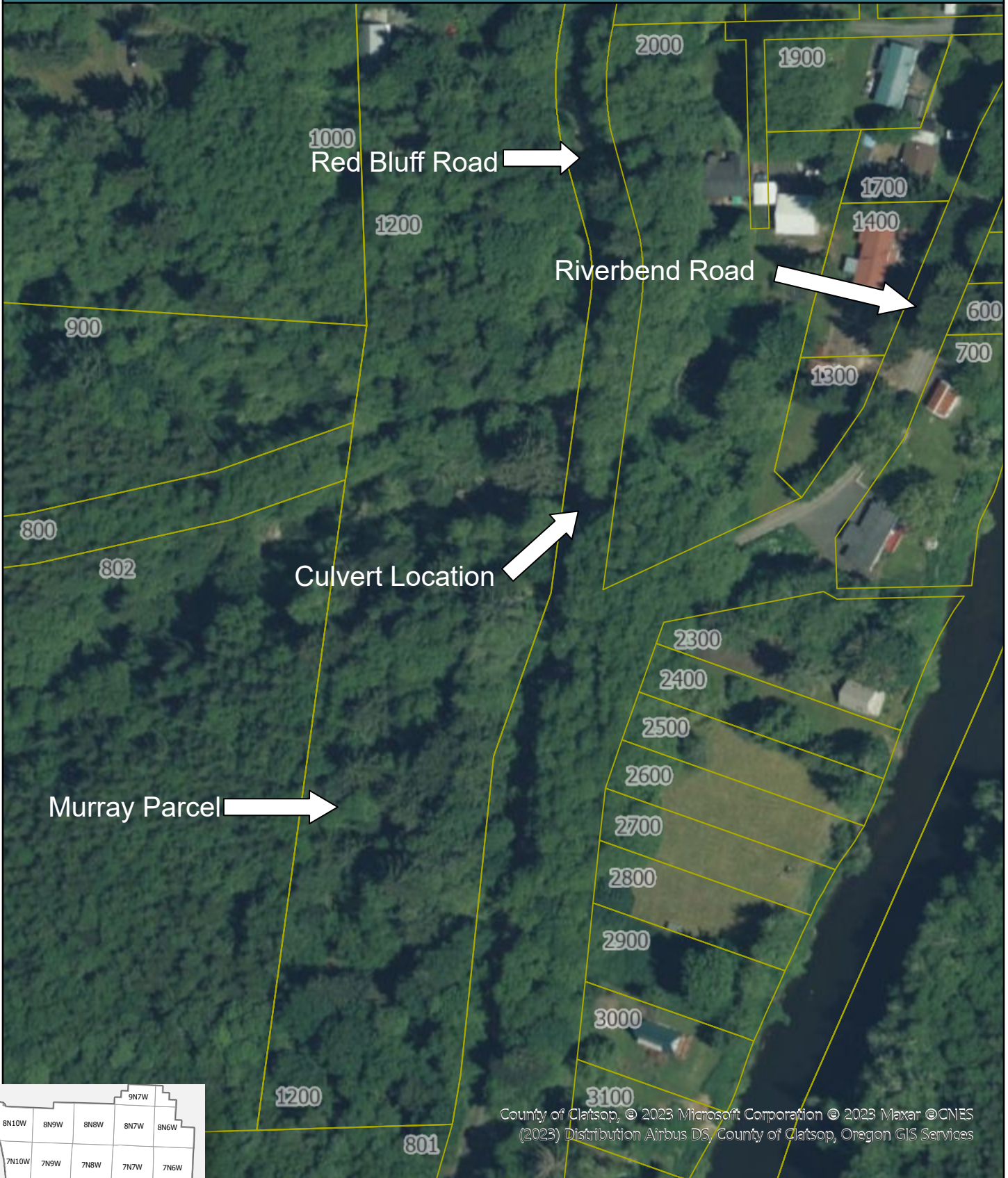
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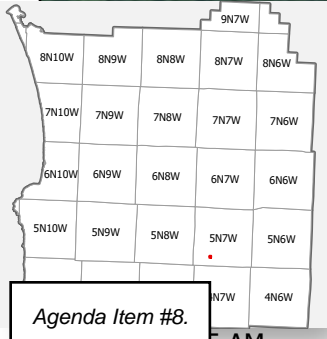


*This map was produced using Clatsop County GIS data. The data is maintained by Clatsop County to support its governmental activities. Clatsop County is not responsible for any map errors, possible misinterpretation.*

# Clatsop County Webmaps



County of Clatsop, © 2023 Microsoft Corporation © 2023 Maxar © CNES (2023) Distribution Airbus DS, County of Clatsop, Oregon GIS Services



Agenda Item #8.



## Clatsop County

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*This map was produced using Clatsop County GIS data. The data is maintained by Clatsop County to support its governmental activities. Clatsop County is not responsible for any map errors, possible misinterpretation.*

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF CLATSOP COUNTY, STATE OF OREGON**

In the Matter of Declaring the Public  
Necessity and Purpose of the Acquisition of  
Property Interests for the Red Bluff Road  
Reconstruction Project by Purchase and  
Eminent Domain

Resolution No. \_\_\_\_\_

Page 1 of 2

This matter comes before the Board of County Commissioners of Clatsop County, Oregon (the "Board") at its regularly scheduled meeting on February 28, 2024 and,

It appearing to the Board that the Red Bluff Road Reconstruction Project (the "Project") is consistent with the powers and purposes of County government; and is necessary for public use and the continued growth, transportation, safety, and welfare of the community; and,

It further appearing that the Board has the responsibility of providing safe transportation routes for commerce, convenience, and to adequately serve the traveling public.

It further appearing to the Board that the Project has been planned in accordance with appropriate standards for the improvement of transportation infrastructure such that property damage is minimized, transportation promoted, and travel safeguarded; and

It further appearing to the Board that the Project has been planned and located in a manner which is most compatible with the greatest public good and causes the least private injury; and,

It further appearing to the Board It further appearing to the Board that the property interests legally described in Exhibit B and depicted in Exhibit A attached (collectively, the "Property Interests") are necessary for the design construction, and implementation of the Project, which is further depicted in Exhibits C and D attached; and

It further appearing that the Board has authority under Oregon law, including but not limited to the County Charter, ORS Chapter 203, and ORS Chapter 35 to acquire property by purchase and by exercise of the power of eminent domain; and

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that this Board declares it necessary and in the public interest for the County to acquire the Property Interests for the Project, through good faith negotiation, agreement, and purchase, or, if necessary, through condemnation proceedings.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF CLATSOP COUNTY, STATE OF OREGON**

In the Matter of Declaring the Public  
Necessity and Purpose of the Acquisition of  
Property Interests for the Red Bluff Road  
Reconstruction Project by Purchase and  
Eminent Domain

Resolution No. \_\_\_\_\_

Page 2 of 2

IT IS FURTHER RESOLVED THAT:

1) The County and its agents are authorized to, in good faith, attempt to negotiate agreements of just compensation with owners of the Property Interests or other persons of interest. In so doing, the County is authorized to retain real estate appraisers, negotiators, and other such experts deemed necessary to assist staff with the acquisition process; and,

2). If the Director of the Public Works Department (the "Director") determines that changes to the design of the Project, unanticipated field conditions, or the need to accommodate uneconomic remnants makes it necessary or desirable to modify the Property Interests required for the Project, the Director shall promptly bring before the Board, and the Board shall promptly consider a resolution amending the Property Interests; and,

3). It is the intention of the Board that the required Property Interests be obtained through good faith negotiations, but the Board acknowledges that the exercise of the power of eminent domain may be necessary in the event of unsuccessful negotiations. The Director shall inform the Board when the Director deems eminent domain necessary, but the Director is not required to seek further approval from the Board. After informing the Board, County Counsel, and/or outside counsel, are authorized to file complaints of condemnation with the circuit court of the County and take such other steps as they determine necessary for the immediate possession of the Property Interests and the successful litigation of the condemnation proceedings, including the retention of real estate appraisers, experts, and other consultants deemed necessary.

4). This Resolution is effective as of the date below.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024

\_\_\_\_\_  
Mark Kujala, Chair

\_\_\_\_\_  
Clerk of the Board



**From:** Robert Bradley <[Robert.Bradley@state.or.us](mailto:Robert.Bradley@state.or.us)>  
**Sent:** Thursday, May 14, 2020 10:31 AM  
**To:** Ben Brown <[BBrown@co.clatsop.or.us](mailto:BBrown@co.clatsop.or.us)>; [Michael.Sinnott@state.or.us](mailto:Michael.Sinnott@state.or.us)  
**Subject:** RE: Clatsop County

Ben,

We've had a chance to briefly review these sites (some onsite, some by map/aerial). Here's our thoughts:

Barendse Rd- All three sites require fish passage. These are tidal sites with little drainage area upstream (mostly pastures and surface drainage it appears). ACW would not be appropriate here because the channels at the crossing are larger than would be necessary to provide fish passage. There is no upstream area to measure an appropriate width. Can you determine a size based on the hydraulics of the waterway?

Red Bluff Rd MP 1.0- Although not currently mapped for fish use in our database, this stream appears large enough to at least historically hold fish and thus fish passage would be required. ACW is tricky here also. The downstream side is influenced by the current crossing and thus difficult to determine the true channel. Plus there is only a short distance to the Nehalem River. On the upstream side, beaver dams create ponded water, obscuring the channel. For this site, if you are able to model a size based on the drainage area that may be the best approach. Otherwise we'd have to see about getting permission to access the stream further above the beaver pond to make a better determination.

Red Bluff Rd MP 0.4 and 0.6- No fish passage required

Salminen Ln, MP .11- No fish passage required.

Robert

Robert W. Bradley  
District Fish Biologist  
Oregon Department of Fish and Wildlife  
North Coast Watershed District  
4907 Third St  
Tillamook, OR 97141  
503-842-2741 x253 (w)  
503-842-8385 (fax)

**From:** Ben Brown [<mailto:BBrown@co.clatsop.or.us>]  
**Sent:** Wednesday, May 06, 2020 6:45 AM  
**To:** Robert Bradley ([robert.bradley@state.or.us](mailto:robert.bradley@state.or.us)) <[robert.bradley@state.or.us](mailto:robert.bradley@state.or.us)>; [Michael.Sinnott@state.or.us](mailto:Michael.Sinnott@state.or.us)  
**Subject:** Clatsop County

Gentleman,

# Board of Commissioners Clatsop County

## AGENDA ITEM SUMMARY

February 28, 2024

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**Agenda Title:** Update Public Clatsop County Code § 1.04.060 – Public Contracting Rules

**Category:** Public Hearing

**Presented By:** Anthony Pope – County Counsel

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**Issue Before the Commission:** Update to Clatsop County Contracting Rules

**Informational Summary:** Clatsop County adopted its contracting rules as a policy in 2005, and revised them periodically prior to codification as Clatsop County Code §1.04.060 in 2012. Since 2012 there have been no major amendments to the rules, with the last update occurring in 2016 with only minor changes.

After reviewing the current Contracting Rules, staff decided to draft a new version rather than amending the current rules. Attached is a list of the key changes in the proposed Contracting Rules, including a revised contract signing authority amount.

As background, the current contract authority delegated to the County Manager (\$30,000) was formalized in 2005. Staff recommends this amount be increased to \$150,000 based on the current practices of similarly situated counties as detailed below.

<i>Clatsop County:</i>	\$ 30,000	<i>(current)</i>
Jackson County:	\$ 100,000	
Marion County:	\$ 100,000	
Hood River County:	\$ 150,000	
Clackamas County:	\$ 150,000	
Lane County:	\$ 150,000	
Deschutes County:	\$ 250,000	
Washington County:	\$ 300,000	

**Requested Action:** Continue the matter to the March 13, 2024, meeting.

**Attachment List**

- A. List of key changes to Contracting Rules
- B. Proposed Contracting Rules



Key differences with the current public contracting rules and the proposed contracting rules:

- Rather than follow the AG model rules as a limitation, authorizes full use of all of the contracting powers and authorities. In other words, allows the model rules to authorize, rather than limit the County. Gives the County the most flexibility to adapt to a particular contract situation.
- Eliminates the idea that “purchase orders” are not contracts. Treats all purchases and contracts the same under the rules.
- Clarifies that the following are not subject to the public contracting regulations for solicitation:
  - o IGAs
  - o Grants
  - o Witnesses or legal consultants for litigation (not attorneys)
  - o Real property
  - o Finance debt such as bonds or loans
  - o Employee benefits
  - o Federal contracts
  - o Concession agreements (used to be exempt from solicitation).
- Sets up procedure for award and solicitation protests, debarments or prequalification decisions. All such decisions are made by the Purchasing Manager (County Manager).
- Increases the delegated authority to the County Manager to \$150,000 for all purchases and contracts. Increases the change order authority to \$150,000 as well.
- Authorizes the County Manager to adopt solicitation forms, contracts for the County’s needs.
- Eliminates the one-year limitation for contracts. Rather, the authority limit will be current for the life of the contract.
- Expands small procurements from \$3k to \$10k
- Specifically authorizes electronic advertisement of public improvement contracts in lieu of publishing.
- Leases are exempted from the public contracting process.

**PUBLIC CONTRACTING REGULATIONS  
FOR THE CLATSOP COUNTY**

**Section 1. Public Contracts – Clatsop County**

- A. Short Title.** This may be cited as the Public Contracting Regulations for Clatsop County.
- B. Purpose of Public Contracting Regulations.** It is the policy of Clatsop County (“County”) in adopting the Public Contracting Regulations to utilize public contracting practices and methods that maximize the efficient use of public resources and the purchasing power of public funds by:
- (1) Promoting impartial and open competition;
  - (2) Using solicitation materials that are complete and contain a clear statement of contract specifications and requirements; and
  - (3) Taking full advantage of evolving procurement methods that suit the contracting needs of the County as they emerge within various contracting activities.
  - (4) Encourage local and emerging as well as women, minority, and veteran-owned businesses to respond to request for bids.
- C. Interpretation of Public Contracting Rules.** In furtherance of the purpose of the objectives set forth in subsection B, it is County’s intent that these Public Contracting Regulations be interpreted to authorize the full use of all contracting powers and authorities described in ORS Chapters 279A, 279B and 279C and the Model Rules of the Attorney General set forth in OAR 137-046, 047, 048, and 049.

**Section 2. Application of Public Contracting Regulations.**

In accordance with ORS 279A.025, the County’s public contracting regulations and the Oregon Public Contracting Code do NOT apply to the following classes of contracts:

- A. Between Governments.** Contracts between the County and a public body or agency of the State of Oregon or its political subdivisions, or between the County and an agency of the federal government.
- B. Grants.** A grant contract is an agreement under which the County is either a grantee or a grantor of moneys, property or other assistance, including loans, loan guarantees, credit enhancements, gifts, bequests, commodities or other assets, for the purpose of supporting or stimulating a program or activity of the grantee and in which no substantial involvement by the grantor is anticipated in the program or activity other than involvement associated with monitoring compliance with the grant conditions. The making or receiving of a grant is not a public contract subject to the Oregon Public Contracting Code; however, any grant made by County for the purpose of constructing a public improvement or public works project shall impose conditions on the grantee that ensure that expenditures of the grant to design or construct the public improvement

or public works project are made in accordance with the Oregon Public Contracting Code and these regulations.

- C. Legal Witnesses and Consultants.** Contracts for professional or expert witnesses or consultants to provide services or testimony relating to existing or potential litigation or legal matters in which the County is or may become interested or involved.
- D. Real Property.** Acquisitions or disposals of real property or interests in real property.
- E. Finance.** Contracts, agreements or other documents entered into, issued or established in connection with:
  - (1) The incurring of debt by the County, including contracting with various professionals to assist County with the process and any contracts, agreements or other documents associated with incurring the debt, regardless of whether the obligations that the contracts, agreements or other documents establish are general, special or limited;
  - (2) The making of program loans and similar extensions or advances of funds, aid or assistance by the County to a public or private Person for the purpose of carrying out, promoting or sustaining activities or programs authorized by law, other than for the construction of public works or public improvements;
  - (3) The investment of funds by the County as authorized by law; or
  - (4) Banking, money management or other predominantly financial transactions of the County that, by their character, cannot practically be established under the competitive contractor selection procedures, “based upon the findings of the Purchasing Manager.”
- F. Employee Benefits.** Contracts for employee benefit plans or retirement plans.
- G. Exempt Under State Laws.** Any other public contracting specifically exempted from the Oregon Public Contracting Code by another provision of law.
- H. Federal Law.** Except as otherwise expressly provided in ORS 279C.800 to 279C.870, applicable federal statutes and regulations govern when federal funds are involved and the federal statutes or regulations conflict with any provision of the Oregon Public Contracting Code or these regulations, or require additional conditions in public contracts not authorized by the Oregon Public Contracting Code or these regulations.
- I. Concession Agreements.** Contracts for a franchise or concession to promote or sell by a private entity or individual for its own business purposes.

### **Section 3. Public Contracts – Regulation by County.**

Except as expressly delegated under these regulations, the County Board of Commissioners reserves to itself the exercise of all of the duties and authority of a contract review board and a contracting agency under state law including, but not limited to, the power and authority to:

- A. **Solicitation Methods Applicable to Contracts.** Approve the use of contracting methods and exemptions from contracting methods for a specific contract or certain classes of contracts;
- B. **Waiver of Performance and Payment Bonds.** Approve the partial or complete waiver of the requirement for the delivery of a performance or payment bond for construction of a public improvement, other than in cases of emergencies;
- C. **Appeals of Debarment and Prequalification of Decisions.** Hear properly filed appeals of the Purchasing Manager’s determination of debarment or prequalification;
- D. **Rulemaking.** Adopt contracting rules under ORS 279A.065 and ORS 279A.070 including, without limitation, rules for the procurement, management, disposal and control of goods, services, personal services and public improvements; and
- E. **Award.** Award all contracts that exceed the authority of the Purchasing Manager. Such contract awards may expressly delegate to the County Manager or Chair, the authority to approve a specific contract without further Board action.

**Section 4. Public Contracts – Attorney General Model Rules.**

The Model Rules adopted by the Attorney General under ORS 279A.065 (Model Rules) are hereby adopted as the public contracting rules for the County, to the extent that the Model Rules do not conflict with the provisions of this Resolution, including any amendments to this Resolution.

**Section 5. Public Contracts – Authority of Purchasing Manager.**

- A. **General Authority.** The County Manager shall be the Purchasing Manager for the County and is hereby authorized to issue all solicitations and to award all County contracts for which the contract price does not exceed \$150,000. Said contracts shall be within budgetary restraints. Subject to the provisions of this Resolution, the Purchasing Manager may adopt and amend all solicitation materials, contracts and forms required or permitted to be adopted by contracting agencies under the Oregon Public Contracting Code or otherwise convenient for the County’s contracting needs. The Purchasing Manager shall hear all solicitation and award protests.
- B. **Change Orders and Amendments.**
  - (1) **Non-compensation.** The County Manager may execute any amendment extending the contract period or changing terms other than compensation.
  - (2) **Compensation.** The County Manager may execute amendments or change orders not exceeding the following:
    - (a) The original contract amount plus 25% or \$150,000, whichever is greater, based on the aggregate amount of the contract, plus all change orders and extra work; or

(b) The amount expressly authorized by the Board at the time the contract is approved. If this authorization is used, the person delegated the authority to authorize the amendments or change order(s) shall formally advise the Board of all change order(s) made.

**C. Delegation of Purchasing Manager's Authority.** Any of the responsibilities or authorities of the Purchasing Manager under this Resolution may be delegated and sub-delegated by written directive.

**D. Mandatory Review of Rules.** Whenever the Oregon State Legislative Assembly enacts laws that cause the Attorney General to modify its Model Rules, the Purchasing Manager and County Counsel shall review the Public Contracting Regulations, other than the Model rules, and recommend to the County Board of Commissioners any modifications required to ensure compliance with statutory changes.

## **Section 6. Public Contracts – Definitions.**

The following terms used in these regulations shall have the meaning set forth below.

**Award** means the selection of a person to provide goods, services or public improvements under a public contract. The award of a contract is not binding on the County until the contract is executed and delivered by County.

**Bid** means a binding, sealed, written offer to provide goods, services or public improvements for a specified price or prices.

**Contract price** means the total amount paid or to be paid under a contract, including any approved alternates, any fully executed change orders or amendments.

**Cooperative procurement** means procurement conducted by or on behalf of one or more contracting agencies.

**Debarment** means a declaration by the Purchasing Manager under ORS 279B.130 or ORS 279C.440 that prohibits a potential contractor from competing for the County's public contracts for a prescribed period of time.

**Disposal** means any arrangement for the transfer of property by the County under which the County relinquishes ownership.

**Emergency** means circumstances that: create a substantial risk of loss, damage or interruption of services or a substantial threat to property, public health, welfare or safety; and require prompt execution of a contract to remedy the condition.

**Goods** means any item or combination of supplies, equipment, materials or other personal property, including any tangible, intangible, and intellectual property and rights and licenses in relation thereto.

**Informal solicitation** means a solicitation made in accordance with the County’s Public Contracting Regulations to a limited number of potential contractors, in which the Solicitation Agent attempts to obtain at least three written quotes or proposals.

**Invitation to bid** means a publicly advertised request for competitive sealed bids.

**Model Rules** means the public contracting rules adopted by the Attorney General under ORS 279A.065.

**Offeror** means a person who submits a bid, quote or proposal to enter into a public contract with the County.

**Oregon Public Contracting Code** means ORS chapters 279A, 279B and 279C.

**Person** means a natural person or any other private or governmental entity, having the legal capacity to enter into a binding contract.

**Proposal** means a binding offer to provide goods, services or public improvements with the understanding that acceptance will depend on the evaluation of factors other than, or in addition to, price. A Proposal may be made in response to a request for proposals or under an informal solicitation.

**Personal services contract** means a contract with an independent contractor predominantly for services that require: special training or skill; certification; technical, creative, professional or communication skills or talents; unique and specialized knowledge; or the exercise of judgment skills; and for which the quality of the service depends on attributes that are unique to the service provider. Such services include, but are not limited to, the services of architects, engineers, land surveyors, attorneys, auditors and other licensed professionals, landscaping designers, artists, designers, computer programmers, performers, consultants and property managers. The Purchasing Manager shall have authority and discretion to determine whether additional types of services not specifically mentioned in this paragraph fit within the definition of personal services.

**Public contract** means a sale or other disposal, or a purchase, lease, rental or other acquisition, by the County of personal property, services (including personal services), public improvements, public works, minor alterations, or ordinary repair or maintenance necessary to preserve a public improvement.

**Public improvement** means a project for construction, reconstruction or major renovation on real property by or for the County. “Public improvement” does not include:

- (1) Projects for which no funds of the County are directly or indirectly used, including projects for which participation is incidental or related primarily to project design or inspection; or
- (2) Emergency work, minor alteration, ordinary repair or maintenance necessary to preserve a public improvement.

**Purchasing Manager** means the County Manager, or designee appointed by the County Manager, to exercise the authority of the Purchasing Manager under these public contracting regulations.

**Qualified pool** means a pool of vendors who are pre-qualified to compete for the award of contracts for certain types of contracts or to provide certain types of services. The pool may be created by the County, the State of Oregon or any Oregon local government entity.

**Quote** means a price offer made in response to an informal or qualified pool solicitation to provide goods, services or public improvements.

**Request for proposals** means a publicly advertised request for sealed competitive proposals.

**Services** means and includes all types of services (including construction labor) other than personal services.

**Solicitation** means an invitation to one or more potential contractors to submit a bid, proposal, quote, statement of qualifications or letter of interest to the County with respect to a proposed project, procurement or other contracting opportunity. The word “solicitation” also refers to the process by which the County requests, receives and evaluates potential contractors and awards public contracts.

**Solicitation Agent** means, with respect to a particular solicitation or contract, the County employee charged with responsibility for conducting the solicitation and making an award, or making a recommendation on award to the Purchasing Manager or County Board of Commissioners.

**Solicitation documents** means all informational materials issued by the County for a solicitation, including, but not limited to advertisements, instructions, submission requirements and schedules, award criteria, contract terms and specifications, and all laws, regulations and documents incorporated by reference.

**Standards of responsibility** means the qualifications of eligibility for award of a public contract. An offeror meets the standards of responsibility if the offeror has:

- (1) Available the appropriate financial, material, equipment, facility and personnel resources and expertise, or ability to obtain the resources and expertise, necessary to establish the capability of the offeror to meet all contractual responsibilities;
- (2) A satisfactory record of performance; the Solicitation Agent shall document the record of performance of an offeror if the Solicitation Agent finds the offeror to be not responsible under this paragraph;
- (3) A satisfactory record of integrity; the Solicitation Agent shall document the record of integrity of an offeror if the Solicitation Agent finds the offeror to be not responsible under this paragraph;

(4) Qualified legally to contract with the County;

(5) Supplied all necessary information in connection with the inquiry concerning responsibility; if an offeror fails to promptly supply information requested by the Solicitation Agent concerning responsibility, the Solicitation Agent shall base the determination of responsibility upon any available information or may find the offeror non-responsible; and

(6) Not been debarred by the County and, in the case of public improvement contracts, has not been listed by the Construction Contractors Board as a contractor who is not qualified to hold a public improvement contract.

(7) Holds current licenses that businesses or service professionals operating in this state must hold in order to undertake or perform the work specified in the contract.

**Surplus property** means personal property owned by the County which is no longer needed for use by the department to which such property has been assigned or by any other County department.

**Section 7. Timber Sales – County Procedure.** Sale of county timber does not require a declaration of surplus property. The County Manager may authorize sales of less than \$75,000. Sales with a gross value of less than \$5,000 may be sold by direct contract. Sales with gross value of \$5,000, or more shall require a competitive process in ORS 275.290 and ORS 275.340, if applicable.

**Section 8. Public Contracts – Solicitation Methods for Classes of Contracts.** The following classes of public contracts, and the method(s) that are approved for the award of each of the classes, are hereby established by the County Board of Commissioners.

**A. Purchases from Nonprofit Agencies for Disabled Individuals.** The County shall give a preference to goods, services and public improvements available from qualified nonprofit agencies for disabled individuals in accordance with the provisions of ORS 279.835 through 279.850.

**B. Public Improvement Contracts.**

**(1) Any Public Improvement.** Unless otherwise provided in these regulations or approved for a special exemption, public improvement contracts in any amount may be issued only under an invitation to bid.

**(2) Non-Transportation Public Improvements Up to \$100,000.** Public improvement contracts (other than contracts for a highway, bridge or other transportation project) for which the estimated contract price does not exceed \$100,000 may be awarded using an informal solicitation for quotes.

**(3) Transportation Public Improvements up to \$50,000.** Contracts for which the estimated contract price does not exceed \$50,000 for highways, bridges or other transportation projects may be awarded using an informal solicitation for quotes.



(4) **\$100,000 Award from Qualified Pool.** Contracts for construction services for which the estimated contract price does not exceed \$100,000 may be awarded by direct appointment without competition from a Qualified Pool.

**C. Personal Services Contracts.**

(1) **Any Personal Services Contract.** Personal services contracts in any amount may be awarded under a publicly advertised request for competitive sealed proposals.

(2) **Personal Service Contracts Not Exceeding \$150,000.** Contracts for personal services for which the estimated contract price does not exceed \$150,000 may be awarded using an informal solicitation for proposals.

(3) **\$150,000 Award from Qualified Pool.** Contracts for personal services for which the estimated contract price does not exceed \$150,000 may be awarded by direct appointment without competition from a Qualified Pool.

(4) **Personal Service Contracts for Continuation of Work.** Contracts of not more than \$150,000 for the continuation of work by a contractor who performed preliminary studies, analysis or planning for the work under a prior contract may be awarded without competition, and by direct appointment, if the prior contract was awarded under a competitive process and the Purchasing Manager determines that use of the original contractor will significantly reduce the costs of, or risks associated with, the work.

(5) **Contracts for Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying and Related Services.** Contracts for architectural, engineering, photogrammetric mapping, transportation planning or land surveying services shall follow ORS 279C.100 to 279C.125 for selection procedures. Selection procedures for contracts estimated up to \$100,000 may be by direct appointment.

(6) **Local Contracting.** In contracting for personal services not covered under the requirements of ORS 279C.110(2), the County will make reasonable efforts to spread such contracting among local, qualified persons.

**D. Hybrid Contracts.** The following classes of contracts include elements of public improvement construction as well as personal services and may be awarded under a request for proposals, unless otherwise exempt from competitive solicitation.

(1) **Design/Build and CM/GC Contracts.** Contracts for the construction of public improvements using a design/build or construction manager/general contractor construction method shall be awarded under a request for proposals. The determination to construct a project using a design/build or construction manager/general contractor construction method must be approved by the Purchasing Manager or designee, upon application of the Solicitation Agent, in which the Solicitation Agent submits facts that support a finding that the

construction of the improvement under the proposed method is likely to result in cost savings, higher quality, reduced errors, or other benefits to the County.

- (2) **Energy Savings Performance Contracts.** Unless the contract qualifies for award under another classification in this Section 8, contractors for energy savings performance contracts shall be selected under a request for proposals in accordance with the County's Public Contracting Regulations.

**E. Contracts for Goods and Services.**

- (1) **Any Procurement.** The procurement of goods or services, or goods and services in any amount may be made under either an invitation to bid or a request for proposals.
- (2) **Procurements Up to \$150,000.** The procurement of goods or services, or goods and services, for which the estimated contract price does not exceed \$150,000 may be made under an informal solicitation for either quotes or proposals.

**F. Contracts Subject to Award at Solicitation Agent's Discretion.** The following classes of contracts may be awarded in any manner which the Solicitation Agent deems appropriate to the County's needs, including by direct appointment or purchase. Except where otherwise provided the Solicitation Agent is not required to make a record of the method of award.

- (1) **Advertising.** Contracts for the placing of notice or advertisements in any medium.
- (2) **Amendments.** Contract amendments shall not be considered to be separate contracts if made in accordance with the Public Contracting Regulations.
- (3) **Animals.** Contracts for the purchase of animals.
- (4) **Asphaltic Concrete, Concrete and Rock.** Contracts for asphalt, concrete or rock. Where practical, competitive quotes shall be obtained.
- (5) **Attorneys, Mediators and Hearings Officers.** Contracts for legal advice, mediation or to act as a hearings officer.
- (6) **Ballots and Voter's Pamphlet.** The printing of ballots and ballot envelopes, including ballot pages and labeling of ballot cards and the voter's pamphlet.
- (7) **Contracts Up to \$10,000.** Contracts of any type for which the contract price does not exceed \$10,000.
- (8) **Copyrighted Materials and Library Materials.** Contracts for the acquisition of materials entitled to copyright, including, but not limited to works of art and design, literature and music, or materials even if not entitled to copyright, purchased for use as library lending materials.

- (9) Engineers, Wetland Consultants, Geotechnical Consultants and Traffic Study Consultants.** Contracts for the hire of engineers, wetland consultants, geotechnical consultants, and traffic study engineers up to \$100,000.
- (10) Equipment Repair.** Contracts for equipment repair or overhauling, provided the service or parts required are unknown and the cost cannot be determined without extensive preliminary dismantling or testing. A record of the method of solicitation and award is required.
- (11) Fish Food.** Contracts for fish food in hatcheries and net pens.
- (12) Government Regulated Items.** Contracts for the purchase of items for which prices or selection of suppliers are regulated by a governmental authority.
- (13) Hazmat/Environmental Cleanup.** For cleaning up or restoring a contaminated site where the Oregon Department of Environmental Quality has issued an order that the site be cleaned up within a time limitation or an environmental site where a state or federal environmental regulator has required immediate remediation.
- (14) Insurance.** Insurance and service contracts as provided for under ORS 414.115, 414.125, 414.135 and 414.145.
- (15) Information Technologies Support.** Contracts for maintenance, repair and technical support for computer hardware, software and networking systems.
- (16) Laboratory and Medical Supplies.** Contracts for the purchase of laboratory and medical supplies including but not limited to vaccines, medication and medical/pharmaceutical supplies.
- (17) Manufacturer Direct Supplies.** Contracts for a large volume purchase if the cost from the manufacturer is the same or less than the cost of the manufacturer charges to its distributor.
- (18) Medical and Mental Health.** Contracts for the provision of medical services, mental health services, disability care services and drug and alcohol services.
- (19) Non-Owned Property.** Contracts or arrangements for the sale or other disposal of abandoned property or other personal property not owned by the County.
- (20) Payroll Services.** Contracts for Payroll Services provided to the County.
- (20) Petroleum Products.** Contracts for the purchase of gasoline, diesel fuel, heating oil and lubricants if quotes are obtained.
- (21) Renewals.** Contracts that are being renewed in accordance with their terms are not considered to be newly issued Contracts and are not subject to competitive procurement procedures.

**(22) Sole Source Contracts.** Contracts for goods or services which are available from a single source may be awarded without competition.

**(23) Sponsor Agreements.** Sponsorship agreements, under which the County receives a gift or donation in exchange for recognition of the donor.

**(24) Temporary Extensions or Renewals.** Contracts (other than contracts for public improvements) for a single period of one year or less, for the temporary extension or renewal of an expiring and non-renewable, or recently expired, contract.

**(25) Temporary Use of County-Owned Property.** The County may negotiate and enter into a license, permit or other contract for the temporary use of County-owned property without using a competitive selection process if:

- (a) The contract results from an unsolicited proposal to the County based on the unique attributes of the property or the unique needs of the proposer;
- (b) The proposed use of property is consistent with the County's use of the property and the public interest; and
- (c) The County reserves the right to terminate the contract without penalty, in the event that the County determines that the contract is no longer consistent with the County's present or planned use of the property or the public interest.

**(26) Temporary Workers.** Contracts for the provision of temporary workers.

**(27) Used Property up to \$100,000.** The Purchasing Manager, for procurements up to \$100,000, may contract for the purchase of used property by negotiation if such property is suitable for the County's needs and can be purchased for a lower cost than substantially similar new property. For this purpose, the cost of used property shall be based upon the life-cycle cost of the property over the period for which the property will be used by the County. The Purchasing Manager shall record the findings that support the purchase.

**(28) Utilities.** Contracts for the purchase of gas, electricity, heat, water, telecommunications services, and other utilities.

**G. Contracts Required by Emergency Circumstances.**

**(1) In General.** When the Purchasing Manager determines that immediate execution of a contract within the official's authority is necessary to prevent substantial damage or injury to persons or property, the Purchasing Manager may execute the contract without competitive selection and award or County Board of Commissioners approval; provided, however, where time permits, the official shall attempt to use competitive price and quality evaluation before selecting an emergency contractor.

**(2) Reporting.** An official who enters into an emergency contract shall, as soon as possible, in light of the emergency circumstances: (1) document the nature of the emergency, the method used for selection of the particular contractor and the reason why the selection method was deemed in the best interest of the County and the public; and (2) notify the County Board of Commissioners of the facts and circumstances surrounding the emergency execution of the contract.

**(3) Emergency Public Improvements Contracts.** A public improvement contract may only be awarded under emergency circumstances if the Purchasing Manager has made a written declaration of emergency. Any Public Improvement Contract award under emergency conditions must be awarded within 60 days following the declaration of an emergency unless the County Board of Commissioners grants an extension of the emergency period. Where the time delay needed to obtain a payment or performance bond for the contract could result in injury or substantial property damage, the Purchasing Manager may waive the requirement for all or a portion of required performance and payment bonds.

**H. Federal and State Purchasing Programs.** Goods and services may be purchased without competitive procedures under a local government purchasing program administered by the United States General Services Administration (“GSA”) or State Purchasing through Oregon Procurement Information Network (“ORPIN”).

**I. Cooperative Procurement Contracts.** Cooperative procurements may be made without competitive solicitation as provided in the Oregon Public Contracting Code.

**J. Surplus Property.**

**(1) General Methods.** Surplus property may be disposed of by any of the following methods upon a determination by the Solicitation Agent that the method of disposal is in the best interest of the County. Factors that may be considered by the Solicitation Agent include costs of sale, administrative costs, and public benefits to the County. The Solicitation Agent shall maintain a record of the reason for the disposal method selected and the manner of disposal, including the name of the person to whom the surplus property was transferred.

**(a) Governments.** Without competition, by transfer or sale to another County department or public agency.

**(b) Auction.** By publicly advertised auction to the highest bidder.

**(c) Bids.** By publicly advertised invitation to bid.

**(d) Liquidation Sale.** By liquidation sale using a commercially recognized third-party liquidator selected in accordance with rules for the award of personal services contracts.

**(e) Fixed Price Sale.** The Solicitation Agent may: establish a selling price based upon an independent appraisal or a generally accepted, published

schedule of values; schedule and advertise a sale date; and sell to the first buyer meeting the sales terms.

**(f) Trade-In.** By trade-in, in conjunction with acquisition of other price-based items under a competitive solicitation. The solicitation shall require the offer to state the total value assigned to the surplus property to be traded.

**(g) Donation.** By donation to:

(i) Any organization operating within or providing a service to residents of the County which is recognized by the Internal Revenue Code Internal Revenue Service as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, as amended; or

(ii) Any sheltered workshop, work activity center or group care home which operates under contract or agreement with, or grant from, any State agency and which is certified to receive federal surplus property.

**(2) Disposal of Property with Minimum Value.** Surplus property which has a value of less than \$1,000, or for which costs of sale are likely to exceed sale proceeds may be disposed of by any means determined to be cost-effective, including by disposal as waste. The official making the disposal shall make a record of the value of the item and the manner of disposal.

**(3) Personal-Use Items.** An item (or indivisible set of items) of specialized and personal use, other than police officer's handguns, with a current value of less than \$100 may be sold to a retired or voluntarily terminated employee for whose use it was purchased. These items may be sold for fair market value without bid and by a process deemed most efficient by the Purchasing Manager.

**(4) Restriction on Sale to County Employees.** County employees shall not be restricted from competing, as members of the public, for the purchase of publicly sold surplus property, but shall not be permitted to offer to purchase property to be sold to the first qualifying bidder until at least three days after the first date on which notice of the sale is first publicly advertised.

**(5) Conveyance to Purchaser.** Upon the consummation of a sale of surplus personal property, the County shall, at the written request of purchaser, make, execute and deliver, a bill of sale signed on behalf of the County, conveying the property in question to the purchaser and delivering possession, or the right to take possession, of the property to the purchaser.

**Section 9. Public Contracts – Informal Solicitation Procedures.** The County may use the following procedure for informal solicitation in lieu of the procedures set forth in the Model Rules.

**A. Informally Solicited Quotes and Proposals.**

- (1) **Solicitation of Offers.** When authorized by these regulations, an informal solicitation may be made by general or limited advertisement to a certain group of vendors, by direct inquiry to persons selected by the Solicitation Agent, or in any other manner which the Solicitation Agent deems suitable for obtaining competitive quotes or proposals. The Solicitation Agent shall deliver or otherwise make available to potential offerors, a written scope of work or specifications, a description of how quotes or proposals are to be submitted and description of the criteria for award.
- (2) **Award.** The Solicitation Agent shall attempt to obtain a minimum of three written quotes or proposals before making an award. If the award is made solely on the basis of price, the Solicitation Agent shall award the contract to the responsible offeror that submits the lowest responsive quote. If the award is based on criteria other than or in addition to price, the Solicitation Agent shall award the contract to the responsible offeror that will best serve the interest of the County, based on the criteria for award.
- (3) **Records.** A written record of all persons solicited and offers received shall be maintained. If three offers cannot be obtained, a lesser number will suffice, provided that a written record is made of the effort to obtain the quotes.

**B. Qualified Pools.**

- (1) **General.** To create a qualified pool, the Purchasing Manager may invite prospective contactors to submit their qualifications to the County for inclusion as participants in a pool of contractors qualified to provide certain types of goods, services, or projects including personal services, and public improvements.
- (2) **Advertisement.** The invitation to participate in a qualified pool shall be advertised in the manner provided for advertisements of invitations to bid and requests for proposals by publication in at least one newspaper of general circulation in the County. If qualification will be for a term that exceeds one year or follows open entry on a continuous basis, the invitation to participate in the pool must be re-published at least once per year and shall be posted at the County's appropriate department office and on the County's website.
- (3) **Contents of Solicitation.** Requests for participation in a qualified pool shall describe the scope of goods or services or projects for which the pool will be maintained, and the minimum qualifications for participation in the pool, which may include, without limitation, qualifications related to financial stability, contracts with manufacturers or distributors, certification as an emerging small business, insurance, licensure, education, training, experience and demonstrated skills of key personnel, access to equipment, and other relevant qualifications that are important to the contracting needs of the County.
- (4) **Contract.** The operation of each qualified pool may be governed by the provisions of a pool contract to which the County and all pool participants are parties. The Contract shall contain all terms required by the County, including, without limitation, terms related to price, performance, business registration or

licensure, continuing education, insurance, and requirements for the submission, on an annual or other periodic basis, of evidence of continuing qualification. The qualified pool contract shall describe the selection procedures that the County may use to issue contract job orders. The selection procedures shall be objective and open to all pool participants and afford all participants the opportunity to compete for or receive job awards. Unless expressly provided in the contract, participation in a qualified pool will not entitle a participant to the award of any County contract.

- (5) **Use of Qualified Pools.** Subject to the provisions of these regulations concerning methods of solicitation for classes of contracts, the Purchasing Manager shall award all contracts for goods or services of the type for which a qualified pool is created from among the pool's participants, unless the Purchasing Manager determines that best interests of the County require solicitation by public advertisement, in which case, pool participants shall be notified of the solicitation and invited to submit competitive proposals.
- (6) **Amendment and Termination.** The Purchasing Manager may discontinue a qualified pool at any time, or may change the requirements for eligibility as a participant in the pool at any time, by giving notice to all participants in the qualified pool.
- (7) **Protest of Failure to Qualify.** The Purchasing Manager shall notify any applicant who fails to qualify for participation in a pool that it may appeal a qualified pool decision to the County Board of Commissioners in the manner described in Section 13.

**Section 10. Public Contracts – Bid, Performance and Payment Bonds.**

- A. **Solicitation Agent May Require Bonds.** The Solicitation Agent may require bid security and a good and sufficient performance and payment bond even though the contract is of a class that is exempt from the requirement.
- B. **Bid Security.** Except as otherwise exempted, the solicitations for all contracts that include the construction of a public improvement and for which the estimated contract price will exceed \$100,000 shall require bid security or, in the case of contracts for highways, bridges and other transportation projects, more than \$50,000. Bid security for a request for proposal may be based on the County's estimated contract price.
- C. **Performance Bonds.**
  - (1) **General.** Except as provided in these regulations, all public contracts are exempt from the requirement for the furnishing of a performance bond.
  - (2) **Contracts Involving Public Improvements.** Prior to executing a contract for more than \$100,000 that includes the construction of a public improvement, or, in the case of contracts for highways, bridges and other transportation projects, more than \$50,000, the contractor must deliver a performance bond in an amount equal to the full contract price conditioned on the faithful performance



of the contract in accordance with the plans, specifications and conditions of the contract. The performance bond must be solely for the protection of the County and any public agency that is providing funding for the project for which the contract was awarded.

- (3) **Cash-in-Lieu.** The Purchasing Manager may permit the successful offeror to submit a cashier's check, certified check, or County approved irrevocable letter of credit, in lieu of all or a portion of the required performance bond.

**D. Payment Bonds.**

- (1) **General.** Except as provided in these regulations, all public contracts are exempt from the requirement for the furnishing of a payment bond.
- (2) **Contracts Involving Public Improvements.** Prior to executing a contract for more than \$100,000 that includes the construction of a public improvement, or, in the case of contracts for highways, bridges and other transportation projects, more than \$50,000, the contractor must deliver a payment bond equal to the full contract price, solely for the protection of claimants under ORS 279C.600.

**E. Design/Build Contracts.** If the public improvement contract is with one Person to provide both design and construction of a public improvement, the obligation of the performance bond for the faithful performance of the contract must also be for the preparation and completion of the design and related services covered under the contract. Notwithstanding when a cause of action, claim or demand accrues or arises, the surety is not liable after final completion of the contract, or longer if provided for in the contract for damages of any nature, economic or otherwise and including corrective work, attributable to the design aspect of a design-build project, or for the costs of design revisions needed to implement corrective work.

**F. Construction Manager/General Contractor Contracts.** If the public improvement contract is with one Person to provide construction manager and general contract services, in which a guaranteed maximum price may be established by an amendment authorizing construction period services following preconstruction period services, the contractor shall provide the bonds required by Subsection A. of this section upon execution of an amendment establishing the guaranteed maximum price. The County shall also require the contractor to provide bonds equal to the value of construction services authorized by any early work amendment in advance of the guaranteed maximum price amendment. Such bonds must be provided before construction starts.

**G. Surety; Obligation.** Each performance bond and each payment bond must be executed solely by a surety company or companies holding a certificate of authority to transact surety business in Oregon and satisfactory to the County. The bonds may not constitute the surety obligation of an individual or individuals. The performance and payment bonds must be payable to the County or to the public agency or agencies for whose benefit the bond is issued, as specified in the solicitation documents, and shall be in a form approved by the Purchasing Manager or County Counsel.

- H. Emergencies.** In cases of emergency, or when the interest or property of the County probably would suffer material injury by delay or other cause, the requirement of furnishing a good and sufficient performance bond and good and sufficient payment bond for the faithful performance of any public improvement contract may be excused, if a declaration of such emergency is made in accordance with the provisions above, unless the County Board of Commissioners requires otherwise.

**Section 11. Public Contracts – Electronic Advertisement of Public Improvement Contracts.** In lieu of publication of a newspaper of general circulation in the County area, the advertisement for an invitation to bid or request for proposals for a contract involving a public improvement may be published electronically by posting on the County’s website.

**Section 12. Appeal of Debarment or Prequalification Decision.**

- A. Right to Hearing.** Any person who has been debarred from competing for County contracts or for whom prequalification has been denied, revoked or revised may appeal the County’s decision to the County Board of Commissioners as provided in in these rules.

- B. Filing of Appeal.** The person must file a written notice of appeal with the County’s Purchasing Manager within three business days after the prospective contractor’s receipt of notice of the determination of debarment, or denial of prequalification.

- (1) The written notice of appeal must be filed with the County Manager.
- (2) The written appeal shall explain the basis for the appeal and include the name, address and telephone number of the party appealing.

- C. Notification of County Board of Commissioners.** Immediately upon receipt of such notice of appeal, the Purchasing Manager shall notify the County Board of Commissioners of the appeal.

- D. Hearing.** The procedure for appeal from a debarment or denial, revocation or revision of prequalification shall be as follows:

- (1) Promptly upon receipt of notice of appeal, the County shall notify the appellant of the time and place of a hearing before the County Manager;
- (2) On the basis of the hearing, the County Manager may determine to grant the appeal and reverse the debarment or prequalification denial. If the County Manager decides to recommend denial of the appeal, the County Manager shall make written findings and recommendations on the appeal to the County Board of Commissioners. All persons appearing at the hearing shall be provided copies of the findings and recommendations.
- (3) Upon receipt of the County Manager’s findings and recommendation, the County Board of Commissioners shall conduct the hearing and shall within 30 days after receiving notice of the appeal from the Purchasing Manager grant or deny the appeal or may remand the matter back to the County Manager for further hearing; and

- (4) At the hearing, the County Board of Commissioners shall consider de novo the notice of debarment, or the notice of denial, revocation or revision of prequalification, the standards of responsibility upon which the decision on prequalification was based, or the reasons listed for debarment. Board of Commissioner's consideration of the appeal shall be on the hearing record established before the County Manager, but, at Board of Commissioner's discretion, the parties may address the Board of Commissioners.

- E. Decision.** The County Board of Commissioners shall set forth in writing the reasons for the decision.
- F. Costs.** The County Board of Commissioners may allocate the County's costs for the hearing between the appellant and the County. The allocation shall be based upon facts found by the County Board of Commissioners and stated in the County Board of Commissioner's decision that, in the County Board of Commissioner's opinion, warrant such allocation of costs. If the County Board of Commissioners does not allocate costs, the costs shall be paid by the appellant, if the denial decision is upheld, or by the County, if the denial decision is overturned.
- G. Judicial Review.** The decision of the County Board of Commissioners may be reviewed only upon a petition in the Circuit Court of Clatsop County filed within 15 days after the date of the County Board of Commissioner's decision.

**Finding 13. Miscellaneous Provisions.**

The County Board of Commissioners hereby determines that the provisions of ORS 279B.135 and 279C.410(7), relating to the requirement to send a notice of intent to award a contract at least seven days before the award, may be impractical with respect to some solicitations on invitations to bid; therefore, upon a determination by the Solicitation Agent that it is in the best interests of the County to do so, a time shorter than seven days may be permitted if provided in the Solicitation Document.

# Board of Commissioners Clatsop County

## AGENDA ITEM SUMMARY

February 28, 2024

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**Agenda Title:** Ordinance 24-05: Non-Conforming Uses and Structures  
**Category:** Public Hearing  
**Presented By:** David Cook, Community Development Senior Planner

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**Issue Before the Commission:** Conduct the second public hearing of Ordinance 24-05, amending the *Land and Water Development and Use Code*

**Informational Summary:**

**BACKGROUND**

The County's Land and Water Development and Use Code (LAWDUC) Article 3 Section 3.1000, Non-Conforming Uses and Structures has not undergone substantial review in a number of years. The purpose of non-conforming standards are to regulate non-conforming structures and uses, those uses or structures legally established in the past, but which do not conform to current LAWDUC regulations.

The amendments proposed are designed to make code standards which are more consistent with the LAWDUC at large, to allow property owners to more easily alter and expand their non-conforming structures, and to allow owners of property suffering from structure damage to more easily obtain permits for reconstruction.

**PLANNING COMMISSION RECOMMENDATION**

The Planning Commission conducted a public hearing on this item at its January 9, 2024 meeting. The Planning Commission voted unanimously to recommend the Board of Commissioners approve the ordinance as presented.

Your Board heard Ordinance 24-05 at its first hearing on February 14, 2024 at a public hearing. There were no comments from the public and a motion passed to continue this item to a second hearing.

## **SUMMARY OF PROPOSED AMENDMENTS**

- **Bold and underlined text indicates new language or language reorganized from another section**
- ~~Strikethrough~~ text indicates text that is proposed for deletion
- Standard text indicates no proposed change

**Fiscal Impact:** None

### **Requested Action:**

**"Approve Ordinance 24-05"**

### **Attachment List**

A. Ordinance 24-05

**BEFORE THE BOARD OF COMMISSIONERS  
FOR THE COUNTY OF CLATSOP**

In the Matter of:

**An Ordinance adopting Amendments  
to the Clatsop County Land and  
Water Development and Use Code  
Article 3 regarding Non-Conforming  
Uses and Structures**

**ORDINANCE NO. 24-05**

Doc # \_\_\_\_\_

Recording Date: \_\_\_\_\_

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**RECITALS**

WHEREAS, the Clatsop County Land and Water Development and Use Code (LAWDUC) provides land use regulations for unincorporated Clatsop County including Non-Conforming Uses and Structures provisions; and

WHEREAS, the Board of Clatsop County Commissioners recognizes that the Clatsop County Land and Water Development and Use Code needs periodic revision and amendment; and

WHEREAS, Clatsop County Community Development staff have identified provisions in the LAWDUC Section 3.1000, Non-Conforming Uses and Structures, which could be amended to better serve Clatsop County; and

WHEREAS, the Clatsop County Planning Commission held a public hearing on these amendments on December 9, 2024; and

WHEREAS, the Board of Clatsop County Commissioners has received and considered the Planning Commission's recommendations on these proposed amendments

**THE BOARD OF COMMISSIONERS OF CLATSOP COUNTY ORDAINS AS FOLLOWS:**

**SECTION 1. ADOPTION**

The Board of County Commissioners hereby adopts amendments to the Land and Water Development and Use Code Article 3, Section 3.1000 as shown in Exhibit 1, attached hereto and incorporated herein by this reference.

**SECTION 2. SEPARABILITY**

The provisions of this ordinance are severable. If any portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

**SECTION 3. CONFORMANCE OF STATE LAW**

Ordinance 24-05

1<sup>st</sup> Public Hearing: February 14, 2024

2<sup>nd</sup> Public Hearing: February 28, 2024

Agenda Item #10.

Page 97

This Ordinance shall not substitute for nor eliminate the necessity for conformity with any and all laws or rules of the state of Oregon, or its agencies, or any ordinance, rule, or regulation of Clatsop County.

SECTION 4. INCONSISTENT PROVISIONS

This Ordinance shall supersede, control and repeal any inconsistent provision of any County Ordinance as amended or any other regulations made by Clatsop County.

SECTION 5. APPLICABILITY

This Ordinance shall apply within the unincorporated areas of Clatsop County but shall not apply within the boundaries of any incorporated City.

SECTION 6. EFFECTIVE DATE

This Ordinance shall take effect on the 30<sup>th</sup> day following adoption by the Board of Commissioners as provided in Chapter III, Section 8(B) of the Home Rule Chapter for the Government of Clatsop County.

Approved this \_\_\_\_ day of \_\_\_\_\_, 2024

THE BOARD OF COUNTY COMMISSIONERS  
FOR CLATSOP COUNTY, OREGON

By \_\_\_\_\_  
Mark Kujala, Chair

Date \_\_\_\_\_

By \_\_\_\_\_  
Theresa Dursse, Recording Secretary

First Reading: February 14, 2024

Second Reading: February 28, 2024

Effective Date: March 29, 2024



# EXHIBIT 1

Ordinance 24-05

1<sup>st</sup> Public Hearing: February 14, 2024

2<sup>nd</sup> Public Hearing: February 28, 2024

Agenda Item #10.

SECTION 3.1000. NON-CONFORMING USES AND STRUCTURES

Section 3.1010. Purpose

The purpose of the Non-conforming uses and structures provisions are to establish standards and procedures regulating the continuation, improvement and replacement of structures and uses which do not comply with this Ordinance.

Section 3.1020. Definitions.

The following definitions are applicable to the provisions of Section 3.1000, Non-conforming Uses and Structures.

**ABANDONMENT: A non-conforming use shall be considered abandoned when the non-conforming use is discontinued for a period of one year. When a non-conforming use is determined to be abandoned, subsequent use of the property shall conform to this Ordinance. Abandonment does not apply to circumstances such as fire or other catastrophes outside of the owner's control.**

**Non-conforming uses are not considered interrupted or abandoned for any period while a federal, state or local emergency order temporarily limits or prohibits the use or the restoration or replacement of the use.**

ALTERATION. A change to a structure, not involving enlargement of the external dimensions of the structure.

EXPANSION. Any increase in any external dimension of a Non-conforming structure.

FLOATING RECREATIONAL CABIN: A moored floating structure used wholly or in part as a dwelling, not physically connected to any upland utility services except electricity, and is used only periodically or seasonally.

FLOATING RESIDENCE: A dwelling unit which floats on a water body and is designed such that it does not come into contact with land except by ramp. Floating residences may also be referred to as floating homes or houseboats. A floating residence is not equivalent to a floating recreational cabin or other similar recreational structure designed for temporary use. It is also not equivalent to a boathouse, designed for storage of boats.

**INTERRUPTION: The discontinuance of any non-conforming use for a period of less than one year.**

LAWFULLY MOORED: To be lawfully moored, a floating recreational cabin or floating residence must be constructed upon or attached to piling or a dock by the owner or with the permission of the owner or lawful lessee of the piling or dock. If moored to piling or a dock, such piling or dock must have been installed or constructed and be maintained in compliance with all Federal, State and County requirements. If the floating recreational cabin or floating residence is attached to the shore, such attachment must also be by or with the permission of the owner or lawful lessee of the area of attachment.

~~LEGAL~~ NON-CONFORMING STRUCTURE: A building or structure that does not conform to one or more standards of the zoning district in which it is located, but which legally existed at the time the applicable section(s) of the zoning district took effect.

~~LEGAL NON-CONFORMING USE:~~ A use which does not conform to the use regulations of the zoning district in which it is located, but which lawfully occupied a building or land at the time the applicable use regulation took effect.

~~NON-CONFORMING STRUCTURE:~~ A building or structure that does not conform to one or more standards of the zoning district in which it is located, and which did not legally exist at the time the applicable section(s) of the zoning district took effect.

~~NON-CONFORMING USE:~~ A use which does not conform to the use regulations of the zoning district in which it is located, and which did not lawfully occupy a building or land at the time the applicable use regulation took effect.

**REAL MARKET VALUE: The value indicated in the Clatsop County Assessor's records for an improvement or the value determined by an independent licensed appraiser.**

Section 3.1030. Continuance

- 1) A Non-conforming use legally established prior to the adoption date of this Ordinance may be continued at the level of use (e.g., hours of operation) existing on the date that the use became Non-conforming.
- 2) **Under a Type I procedure, the County shall verify whether a use is a valid non-conforming use consistent with the standards in Section 3.1000 and ORS 215.130. An application to verify a non-conforming use shall demonstrate all of the following:**
  - a. **The non-conforming use was lawfully established on or before the effective date of the zoning change that prohibited the use;**
  - b. **The non-conforming use has continued without abandonment or interruption for the 10-year period immediately preceding the date of application or the period from the date of the ordinance change prohibiting the use, whichever is less; and**
  - c. **Any alterations to the nature and extent of the non-conforming use were done in compliance with the applicable standards in Section 3.1000.**
  - d. **The applicant shall bear the burden of proof for establishing that the structure or use was lawfully established.**
  - e. **The applicant shall bear the burden of proof for establishing the level of use that existed at the time the use became non-conforming.**
- 3) **A non-conforming structure may continue within the building dimensions (height, width and length) in existence on the date that the structure became non-conforming. Additions, alterations and expansions to a non-conforming structure shall not increase the non-conformity of the structure.**
- ~~2) A Non-conforming structure legally constructed prior to the effective date of this Ordinance may continue within the building dimensions (height, width and length) in existence on the date that the structure became Non-conforming.~~
- ~~3) The applicant shall bear the burden of proof for establishing that the structure or use was lawfully established.~~
- ~~4) The applicant shall bear the burden of proof for establishing the level of use that existed at the time the use became Non-conforming.~~
- ~~5) The county may allow a property owner, under a Type II procedure, to prove the existence, continuity, nature and extent of the use for the 10-year period immediately preceding the date~~

~~of application. If the county finds evidence proving the existence, continuity, nature and extent of the use for the ten-year period preceding application, then such findings shall create a rebuttable presumption that the use, as proven, lawfully existed at the time the applicable Ordinance provision was adopted and has continued uninterrupted until the date of application.~~

**Section 3.1040. Abandonment or Interruption of Use**

If a non-conforming use is discontinued for a period of one year, the non-conforming use shall be considered abandoned. Subsequent use of the property shall conform to this Ordinance.

Non-conforming uses are not considered interrupted or abandoned for any period while a federal, state or local emergency order temporarily limits or prohibits the use or the restoration or replacement of the use. [ORD. 23-02]

**For purposes of determining whether abandonment or interruption has occurred, the following shall apply:**

- 1) **Abandonment or interruption may be caused by ceasing the use or by changing the nature of the use for 365 continuous days, or longer.**

Section ~~3.1040.~~**3.1050.** Alteration

- 1) **Through Type I procedures, alterations shall be permitted to a non-conforming structure, or to a structure containing a non-conforming use; and**
  - a. **Alteration of any such structure or use shall be permitted when necessary to comply with any lawful requirement for alteration in the structure or use.**
  - b. **Except as provided in ORS 215.215, the County shall not place conditions upon the continuation or alteration of a use described under this subsection when necessary to comply with state or local health or safety requirements, or to maintain in good repair the existing structure associated with the use.**
  - c. **A change of ownership or occupancy shall be permitted.**

~~1) Through Type I procedures alterations shall be permitted to a non-conforming structure, or to a structure devoted to a non-conforming use. Alteration of any such use shall be permitted when necessary to comply with any lawful requirement for alteration in the use. Except as provided in ORS 215.215, a county shall not place conditions upon the continuation or alteration of a use described under this subsection when necessary to comply with state or local health or safety requirements, or to maintain in good repair the existing structures associated with the use. A change of ownership or occupancy shall be permitted.~~

- 2) If in a three-year period, alterations to a non-conforming structure, or to a structure containing a non-conforming use exceeds 75% of the real market value of the structure, the structure shall be brought into conformance with the requirements of this Ordinance. [ORD #17-02]

Section ~~3.1050.~~**3.1060** Expansion

- 1) **Non-conforming structures containing a use permitted in the underlying zone may be expanded through a Type I procedure. The expansion of such a structure shall not increase the non-conformity of the structure and shall be in conformance with the requirements of this Ordinance.**

- 2) **For non-conforming structures dedicated to a residential use and located in a zone not intended for residential uses, an expansion may be permitted through a Type I procedure. The expansion of such a structure shall not increase the non-conformity of the structure and shall be in conformance with the requirements of this Ordinance including setbacks, lot coverage, and other development standards as required by code.**
- 1) ~~Through a Type II procedure an expansion of a Legal Non-Conforming Structure shall be in conformance with the requirements of this Ordinance, and satisfy the criteria under Section 3.1050(3)(A)-(C) or a variance for the expansion shall be required pursuant to Section 2.8000 Variances.~~
- 2) ~~Through a Type IIA procedure an expansion of a Non-Conforming Structure or Use shall be in conformance with the requirements of this Ordinance, and satisfy the criteria under Section 3.1050(3)(A)-(C) below or a variance for the expansion shall be required pursuant to Section 2.8000 Variances.~~
- 3) An expansion of a ~~Legal Non-Conforming Use~~ **Use**, or a change in the characteristics of a ~~Legal Non-Conforming Use~~ **Use**, (i.e. hours of operation or levels of service provided) may be approved, pursuant to a ~~Type II~~ **Type II** procedure, where the following standards are met:
  - (A) The floor area of a building(s) shall not be increased by more than 20%.
  - (B) The land area covered by structures shall not be increased by more than 10%.
  - (C) The proposed expansion, or proposed change in characteristics of the use will have no greater adverse impact on neighboring areas than the existing use, considering:
    1. Comparison of the following factors:
      - (a) Noise, vibration, dust, odor, fume, glare, or smoke detectable at the property line.
      - (b) Numbers and kinds of vehicular trips to the site.
      - (c) Amount and nature of outside storage, loading and parking.
      - (d) Visual impact.
      - (e) Hours of operation.
      - (f) Effect on existing vegetation.
      - (g) Effect on water drainage and water quality.
      - (h) Service or other benefit to the area.
      - (i) Other factors relating to conflicts or incompatibility with the character or needs of the area.
    2. The character and history of the use and of development in the surrounding area.
    3. An approval may be conditioned to mitigate any potential adverse impacts that have been identified **by the review body.**

Section ~~3.1060~~ **3.1070** Changes to a Non-conforming Use

- 1) A ~~Non~~ **non**-conforming use may only be changed to that of a conforming use. Where such a change is made, the use shall not thereafter be changed back to a ~~Non~~ **non**-conforming use.

Section ~~3.1070~~ **3.1080** Replacement and Damage

- 1) ~~Legal~~ **Legal** Non-conforming structures and uses.
  - (A) If a ~~legal~~ **legal** non-conforming structure or a structure ~~occupied~~ **containing** by a ~~legal~~ **legal**-non-conforming use is damaged or destroyed by **fire, natural disaster or other catastrophe**

~~outside of the owner's control, any cause other than an action of the property owner or his authorized agent, it may be reconstructed in conformance with the dimensional standards of the building prior to its destruction; and~~

- ~~i. A building permit for its reconstruction shall be obtained within three years of the date of the damage;~~
- ~~ii. If a building permit is not obtained within three years, the reconstruction shall be in conformance with the current requirements of this Ordinance. However, by a Type I procedure, the Community Development Director may grant a one-year extension of the three-year period. Requests to extend the three-year period must be submitted prior to the expiration of the three-year period, provided in writing, and shall explain why the extension is necessary and how the extension will be used to complete the project.~~

~~A building permit for its reconstruction shall be obtained within one year of the date of the damage. If a building permit is not obtained within one year, the reconstruction shall be in conformance with the current requirements of this Ordinance. However, by a Type Ila procedure, the planning commission may grant an extension of the one year period.~~

- (B) ~~If a legal non-conforming structure or a structure devoted to a legal non-conforming use is damaged, destroyed, or demolished by an action of the property owner or his authorized agent, to an extent amounting to ~~seventy-five percent (75%)~~ or more of its fair real market value as indicated by the records of the County Assessor, it shall be reconstructed in conformance with the current requirements of this Ordinance, unless approval of a variance is obtained as described in LAWDUC Section 2.8000.~~
- (C) ~~If a legal non-conforming structure or a structure devoted to a legal non-conforming use is damaged by an action of the property owner or his authorized agent, to an extent amounting to less than ~~seventy-five percent (75%)~~ of its fair real market value as indicated by the records of the County Assessor, it may be reconstructed in conformance with the dimensional standards of the building prior to its destruction; and~~
- ~~i. A building permit for its reconstruction shall be obtained within three years of the date of the damage, destruction or demolition.~~
  - ~~ii. If a building permit is not obtained within three years, the reconstruction shall be in conformance with the current requirements of this Ordinance. However, by a Type I procedure, the Community Development Director may grant a one-year extension of the three-year period. Requests to extend the three-year period must be submitted prior to the expiration of the three-year period, provided in writing, and shall explain why the extension is necessary and how the extension will be used to complete the project.~~

~~a building permit for its reconstruction shall be obtained within one year of the date of the damage. The determination of the percentage of fair market value loss shall be based on either square footage of all floor areas or on a third-party appraisal. If a building permit is not obtained within one year, the reconstruction shall be in conformance with the current requirements of this Ordinance. However, by a Type Ila procedure, the planning commission may grant an extension of the one-year period.~~

- (D) The percentage of real market value loss shall be based on the real market value lost to damages compared to the real market value of the entire structure or building. Real

**market value shall be the value determined by the records of the County Assessor or the value determined by an independent licensed appraiser.**

**(E) Non-conforming mobile home parks destroyed by natural disaster may be replaced subject to Section 3.4095. [ORD. 23-02]**

~~2) Non-conforming structures and uses.~~

~~(A) If a non-conforming structure or a structure devoted to a non-conforming use is damaged or destroyed by any cause other than an action of the property owner or his agent, to an extent amounting to fifty percent (50%) or more of its fair market value as indicated by the records of the County Assessor, it shall be reconstructed in conformance with the current requirements of this Ordinance. The determination of the percentage of fair market value loss shall be based on either square footage of all floor areas or on a third-party appraisal.~~

~~(B) If a non-conforming structure or a structure devoted to a non-conforming use is damaged by any cause other than an action of the property owner or his agent, to an extent amounting to less than percent (50%) of its fair market value as indicated by the records of the County Assessor, a building permit for its reconstruction shall be obtained within one year of the date of the damage. The determination of the percentage of fair market value loss shall be based on either square footage of all floor areas or on a third-party appraisal. If a building permit is not obtained within one year, the reconstruction shall be in conformance with the current requirements of this Ordinance. However, by a Type IIa procedure, the planning commission may grant an extension of the one-year period.~~

~~3) Legal non-conforming mobile home parks destroyed by natural disaster may be replaced subject to Section 3.4095. [ORD. 23-02]~~

Section ~~3.1080~~**3.1090** Completion

A development that is lawfully under construction on the effective date of an ordinance that makes that use or structure Non-conforming may be completed. The use or structure may be used for the purpose for which it was designed, arranged or intended.

Section ~~3.1090~~. Discontinuance of Use

~~If a Non-conforming use is discontinued for a period of one year, subsequent use of the property shall conform to this Ordinance.~~

~~Non-conforming uses and structures are not considered interrupted or abandoned for any period while a federal, state or local emergency order temporarily limits or prohibits the use or the restoration or replacement of the use. [ORD. 23-02]~~

Section 3.1100. Compliance with Other Requirements

Notwithstanding the provisions of this section, alteration of a Non-conforming use or a Non-conforming structure shall be allowed if necessary to comply with state or local health or safety requirements.

# Board of Commissioners Clatsop County

## AGENDA ITEM SUMMARY

February 28, 2024

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**Agenda Title:** Ordinance 24-06: Clatsop Plains Community Plan  
**Category:** Public Hearing  
**Presented By:** Gail Henrikson, Community Development Director

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**Issue Before the Commission:** Conduct the second public hearing of Ordinance 24-06, amending the *Clatsop Plains Community Plan*

**Informational Summary:**

**BACKGROUND**

The Clatsop Plains planning area comprises approximately 16,307 acres within northwest Clatsop County and is located along Oregon's northern Pacific coastline south of the mouth of the Columbia River. The Clatsop Plains planning area's southern boundary is near the junction of U.S. Highways 101 and 26.

Originally adopted on November 21, 1979 (Ordinance 79-10), the Clatsop Plains Community Plan is part of the County's acknowledged comprehensive plan. It contains policies specific to the Clatsop Plains planning area, such as those that prioritize dune erosion prevention, protection of steep slopes, wildlife habitat, existing drainage patterns and natural and scenic resources, and public safety. Protection of water resources, coastal views and shoreline dunes are also community plan priorities.

**CLATSOP PLAINS COMMUNITY PLAN 2040**

The Clatsop Plains Citizen Advisory Committee (CPCAC) met from August-December 2021 to review existing policies in the Clatsop Plains Community Plan and to identify new issues and policies to be included in that community plan.

The work completed by the CPCAC entailed a review of the existing goals, policies and objectives contained within the current community plan. The narrative of the plan was rewritten to include an historical overview of development of the Clatsop Plains, an assessment of current conditions, and identification of future trends likely to affect the Clatsop Plains planning area over the next 20 years. Relevant policies from the current plan are also incorporated into this current draft.



A draft of the Clatsop Plains Community Plan was reviewed by your Board at a work session held on November 1, 2023.

**PLANNING COMMISSION RECOMMENDATION**

The Planning Commission conducted a public hearing on this item at its January 9, 2024 meeting. The Planning Commission voted 6-0 (Commissioner Pritchard excused) to recommend the Board of Commissioners approve the ordinance as presented.

Your Board conducted the first public hearing of Ordinance 24-06 on February 14. No members of the public spoke for or against the proposed amendments.

**Fiscal Impact:** None

**Requested Action:**

Approve Ordinance 24-06

**Attachment List**

- A. Ordinance 24-06
- B. [Clatsop Plains Community Plan](#) (via link)

**BEFORE THE BOARD OF COMMISSIONERS  
FOR THE COUNTY OF CLATSOP**

In the Matter of:

**An Ordinance adopting the Clatsop  
Plains Community Plan - 2040.**

**ORDINANCE NO. 24-06**

**Doc #** \_\_\_\_\_

**Recording Date:** \_\_\_\_\_

Ordinance 24-06

1<sup>st</sup> Public Hearing: February 14, 2024

2<sup>nd</sup> Public Hearing: February 28, 2024

Agenda Item #11.

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## RECITALS

WHEREAS, the Oregon State Legislature approved Senate Bill 100 on May 29, 1973, creating the Land Conservation and Development Commission and establishing the foundation for the statewide land planning system; and

WHEREAS, the Board of Clatsop County Commissioners approved Resolution and Order 74-11-4 adopting *A Plan for Land and Water Use Clatsop County, Oregon Phase I*; and

WHEREAS, the Board of Clatsop County Commissioners adopted Ordinance 79-10 on November 21, 1979, which amended the Clatsop County Comprehensive Plan by incorporating the Clatsop Plains Community Plan; and

WHEREAS, the Board of Clatsop County Commissioners approved Ordinance 80-13 on September 30, 1980, amending Resolution and Order 74-11-4 by adopting new background reports and countywide elements into the Comprehensive Plan; and

WHEREAS, the Board of Clatsop County Commissioners adopted Ordinances 82-03, 82-32, 83-17, 84-09, 84-10, 03-08, and 14-03 amending Ordinance 79-10 (Clatsop Plains Community Plan); and

WHEREAS, the Board of Clatsop County Commissioners recognizes that the Clatsop County Comprehensive Plan and supporting community plans continue to need periodic revision and amendment; and

WHEREAS, the Board of Clatsop County Commissioners adopted Ordinance 23-06 on June 28, 2023, amending Ordinance 80-13; and

WHEREAS, the *Clatsop Plains Community Plan – 2040* shall be included as an element of the Clatsop County Comprehensive Plan; and

WHEREAS, the Board of Commissioners finds that the *Clatsop Plains Community Plan – 2040* complies with the Statewide Planning Goals 1-14 and 16-19; and

WHEREAS, the Board of Commissioners further determines that the adoption procedure for this Ordinance amending the Comprehensive Plan complies with Statewide Planning Goal 1 – Citizen Involvement; and

WHEREAS, the Clatsop Plains Citizen Advisory Committee developed and reviewed these amendments at public meeting conducted on August 12, September 9, October 14, November 10, and December 9, 2021; and

WHEREAS, the Board of Clatsop County Commissioners reviewed the draft amendments at a work session conducted on November 1, 2023; and

WHEREAS, the Clatsop County Planning Commission held a public hearing on these amendments on January 9, 2024; and

WHEREAS, the Board of Commissioners has received and considered the Planning Commission's recommendations on these proposed amendments

**THE BOARD OF COMMISSIONERS OF CLATSOP COUNTY ORDAINS AS FOLLOWS:**

**SECTION 1. ADOPTION**

The Board of County Commissioners hereby adopts the *Clatsop Plains Community Plan - 2040* as shown in Exhibit 1, attached hereto and incorporated herein by this reference. This document replaces Ordinance 79-10 as amended.

**SECTION 2. SEPARABILITY**

The provisions of this ordinance are severable. If any portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

**SECTION 3. CONFORMANCE OF STATE LAW**

This Ordinance shall not substitute for nor eliminate the necessity for conformity with any and all laws or rules of the state of Oregon, or its agencies, or any ordinance, rule, or regulation of Clatsop County.

**SECTION 4. INCONSISTENT PROVISIONS**

This Ordinance shall supersede, control and repeal any inconsistent provision of any County Ordinance as amended or any other regulations made by Clatsop County.

**SECTION 5. APPLICABILITY**

This Ordinance shall apply within the unincorporated areas of Clatsop County but shall not apply within the boundaries of any incorporated City.

**SECTION 6. EFFECTIVE DATE**

This Ordinance shall take effect on the 30<sup>th</sup> day following adoption by the Board of Commissioners as provided in Chapter III, Section 8(B) of the Home Rule Chapter for the Government of Clatsop County.

Approved this \_\_\_\_ day of \_\_\_\_\_, 2024

THE BOARD OF COUNTY COMMISSIONERS  
FOR CLATSOP COUNTY, OREGON

By \_\_\_\_\_

Mark Kujala, Chair

Date \_\_\_\_\_

By \_\_\_\_\_

Theresa Dursse, Recording Secretary

First Reading: February 14, 2024

Second Reading: February 28, 2024

Effective Date: March 29, 2024

Ordinance 24-06

1<sup>st</sup> Public Hearing: February 14, 2024

2<sup>nd</sup> Public Hearing: February 28, 2024

Agenda Item #11.

# Board of Commissioners Clatsop County

## AGENDA ITEM SUMMARY

February 28, 2024

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**Agenda Title:** Ordinance 24-07: Elsie-Jewell Community Plan  
**Category:** Public Hearing  
**Presented By:** Gail Henrikson, Community Development Director

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**Issue Before the Commission:** Conduct the second public hearing of Ordinance 24-07, amending the *Elsie-Jewell Community Plan*

**Informational Summary:**

**BACKGROUND**

The Elsie-Jewell planning area comprises approximately 178,600 acres within the southeast quadrant of Clatsop County. The majority of the planning area is zoned F-80. Clusters of residential development can be found along Highway 26, Highway 202, and Highway 103. The area includes the unincorporated areas of Elsie and Jewell.

The Elsie-Jewell community plan is part of the County's acknowledged comprehensive plan. The plan contains policies specific to the Elsie-Jewell region, such as those that prioritize erosion prevention, protection of steep slopes, existing drainage patterns and natural and scenic resources, and public safety.

The original Elsie-Jewell Community Plan was adopted on July 23, 1980 (Ordinance 80-07). This plan, along with the community plans for each of the five other planning areas in Clatsop County are broken down into landscape units. Goals, objectives, policies and/or recommendations are provided for each of the landscape units. Additional sections in each community plan also include specific policies for the planning area related to the 18 statewide planning goals applicable to Clatsop County. Since originally adopted, the Elsie-Jewell Community Plan has been amended several times.

**ELSIE-JEWELL COMMUNITY PLAN 2040**

The Elsie-Jewell / Seaside Rural Citizen Advisory Committee (EJSRCAC) met from August-December 2021 to review existing policies in the Elsie-Jewell Community Plan and to identify new issues and policies to be included in that community plan.

The work completed by the EJSRCAC entailed a review of the existing

goals, policies and objectives contained within the current community plan. The narrative of the plan was rewritten to include an assessment of current conditions, and identification of future trends likely to affect the Elsie-Jewell planning area over the next 20 years.

This updated draft of the Elsie-Jewell Community Plan places a greater emphasis on the impacts from natural hazards, particularly flooding and earthquakes. Because much of the land within the planning area is zoned resource (farm/forest), residential development is restricted. The isolated nature of this part of the county, however, makes it particularly vulnerable to severe weather events or natural disasters. Many of the policies included in the updated plan are designed to increase self-sufficiency for residents and businesses within the Elsie-Jewell area.

Also of increasing concern within the planning area is the issue of wildfire. While wildfire risk was not a significant issue when the 1979 community plan was drafted, increasing changes to climate, including prolonged periods of drought, have raised awareness of this issue and the need to prepare and mitigate for such a disaster.

A draft of the Clatsop Plains Community Plan was reviewed by your Board at a work session held on November 1, 2023.

#### **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission conducted a public hearing on this item at its January 9, 2024 meeting. The Planning Commission voted 6-0 (Member Pritchard, excused) to recommend the Board of Commissioners approve the ordinance as presented.

Your Board conducted the first public hearing of Ordinance 24-07 on February 14. No members of the public spoke for or against the proposed amendments.

**Fiscal Impact:** None

#### **Requested Action:**

Approve Ordinance 24-07

#### **Attachment List**

- A. Ordinance 24-07
- B. [Elsie-Jewell Community Plan](#) (via link)

**BEFORE THE BOARD OF COMMISSIONERS  
FOR THE COUNTY OF CLATSOP**

In the Matter of:

**An Ordinance adopting the Elsie-Jewell Community Plan - 2040.**

**ORDINANCE NO. 24-07**

Doc # \_\_\_\_\_

Recording Date: \_\_\_\_\_

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RECITALS

WHEREAS, the Oregon State Legislature approved Senate Bill 100 on May 29, 1973, creating the Land Conservation and Development Commission and establishing the foundation for the statewide land planning system; and

WHEREAS, the Board of Clatsop County Commissioners approved Resolution and Order 74-11-4 adopting *A Plan for Land and Water Use Clatsop County, Oregon Phase I*; and

WHEREAS, the Board of Clatsop County Commissioners adopted Ordinance 80-07 on July 23, 1980, which amended the Clatsop County Comprehensive Plan by incorporating the Elsie-Jewell Community Plan; and

WHEREAS, the Board of Clatsop County Commissioners approved Ordinance 80-13 on September 30, 1980, amending Resolution and Order 74-11-4 by adopting new background reports and countywide elements into the Comprehensive Plan; and

WHEREAS, the Board of Clatsop County Commissioners adopted Ordinances 83-17, 84-09, 84-10, and 03-08 amending Ordinance 80-07 (Elsie-Jewell Community Plan); and

WHEREAS, the Board of Clatsop County Commissioners recognizes that the Clatsop County Comprehensive Plan and supporting community plans continue to need periodic revision and amendment; and

WHEREAS, the Board of Clatsop County Commissioners adopted Ordinance 23-06 on June 28, 2023, amending Ordinance 80-13; and

WHEREAS, the *Elsie-Jewell Community Plan – 2040* shall be included as an element of the Clatsop County Comprehensive Plan; and

WHEREAS, the Board of Commissioners finds that the *Elsie-Jewell Community Plan – 2040* complies with the Statewide Planning Goals 1-14 and 16-19; and

WHEREAS, the Board of Commissioners further determines that the adoption procedure for this Ordinance amending the Comprehensive Plan complies with Statewide Planning Goal 1 – Citizen Involvement; and

Ordinance 24-07

1<sup>st</sup> Public Hearing: February 14, 2024

2<sup>nd</sup> Public Hearing: February 28, 2024



WHEREAS, the Elsie-Jewell / Seaside Rural Citizen Advisory Committee developed and reviewed these amendments at public meetings conducted on August 13, September 10, October 8, November 12, December 10 and December 16, 2021; and

WHEREAS, the Board of Clatsop County Commissioners reviewed the draft amendments at a work session conducted on November 1, 2023; and

WHEREAS, the Clatsop County Planning Commission held a public hearing on these amendments on January 9, 2024; and

WHEREAS, the Board of Commissioners has received and considered the Planning Commission's recommendations on these proposed amendments

**THE BOARD OF COMMISSIONERS OF CLATSOP COUNTY ORDAINS AS FOLLOWS:**

**SECTION 1. ADOPTION**

The Board of County Commissioners hereby adopts the *Elsie-Jewell Community Plan - 2040* as shown in Exhibit 1, attached hereto and incorporated herein by this reference. This document replaces Ordinance 80-07 as amended.

**SECTION 2. SEPARABILITY**

The provisions of this ordinance are severable. If any portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

**SECTION 3. CONFORMANCE OF STATE LAW**

This Ordinance shall not substitute for nor eliminate the necessity for conformity with any and all laws or rules of the state of Oregon, or its agencies, or any ordinance, rule, or regulation of Clatsop County.

**SECTION 4. INCONSISTENT PROVISIONS**

This Ordinance shall supersede, control and repeal any inconsistent provision of any County Ordinance as amended or any other regulations made by Clatsop County.

**SECTION 5. APPLICABILITY**

This Ordinance shall apply within the unincorporated areas of Clatsop County but shall not apply within the boundaries of any incorporated City.

**SECTION 6. EFFECTIVE DATE**

This Ordinance shall take effect on the 30<sup>th</sup> day following adoption by the Board of Commissioners as provided in Chapter III, Section 8(B) of the Home Rule Chapter for the Government of Clatsop County.

Approved this \_\_\_\_ day of \_\_\_\_\_, 2024

THE BOARD OF COUNTY COMMISSIONERS  
FOR CLATSOP COUNTY, OREGON

By \_\_\_\_\_  
Mark Kujala, Chair

Date \_\_\_\_\_

By \_\_\_\_\_  
Theresa Dursse, Recording Secretary

First Reading: February 14, 2024

Second Reading: February 28, 2024

Effective Date: March 29, 2024

# Board of Commissioners Clatsop County

## AGENDA ITEM SUMMARY

February 28, 2024

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**Agenda Title:** Ordinance 24-08: Lewis and Clark Olney Wallooskee Community Plan  
**Category:** Public Hearing  
**Presented By:** Gail Henrikson, Community Development Director

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**Issue Before the Commission:** Conduct the second public hearing of Ordinance 24-08, amending the *Lewis and Clark Olney Wallooskee Community Plan*

**Informational Summary:**

**BACKGROUND**

The Lewis & Clark, Olney-Wallooskee planning area comprises approximately 96,000 acres within the heart of Clatsop County. It includes the Rural Community of Miles Crossing – Jeffers Gardens, the historic Old Youngs Bay Bridge and Lewis & Clark Bridge, the Lewis and Clark National Historic Park and Fort Clatsop, the verdant Youngs River and Lewis & Clark river valleys, basalt quarries, and a scenic section of Hwy 202. It is bounded to the west by the Clatsop Plains and Coast Range Foothills and to the east by the Northeast and Elsie-Jewell plan areas.

The Lewis & Clark, Olney-Wallooskee Community Plan is part of the County's adopted comprehensive plan. It contains policies specific to the Lewis & Clark, Olney-Wallooskee planning area, such as those that address dredging to open drainage channels, maintain tide boxes, and keep drainage systems operating; protecting fisheries and water quality in Youngs Bay and the Youngs and Lewis & Clark river systems; and ground-truthing of wetlands, particularly in the Miles Crossing / Jeffers Gardens area.

The [original Lewis & Clark, Olney-Wallooskee Community Plan](#) was adopted on July 23, 1980 (Ordinance 80-07). The Lewis & Clark, Olney-Wallooskee Community Plan, like community plans for the county's other five planning areas, is broken down into landscape units. Narrative sections outline specific issues and unique characteristics for the landscape units. Due to the vast wetland and estuary areas found in the planning area, many of the goals and policies from the original community plan were redundant with goals and policies found in the original Goal 16/17 hybrid that applied countywide. As recommended by county counsel, redundant goals and policies have been removed

from the community plan and are recommended for inclusion in the appropriate main countywide elements, in particular Goals 16 and 17, which, with Goal 18, are the subject of a request for proposals and are tracking separately from the rest of the Comprehensive Plan update process.

Since its original adoption the Lewis & Clark, Olney-Wallooskee Community Plan has been amended several times:

- Ordinance 83-17
- Ordinance 97-03
- Ordinance 03-10

### **LEWIS & CLARK, OLNEY-WALLOOSKEE COMMUNITY PLAN 2040**

The Lewis & Clark, Olney-Wallooskee Citizen Advisory Committee (LCOW CAC) met from August - December 2021 to review existing policies in the Lewis & Clark, Olney-Wallooskee Community Plan and to identify new issues and policies to be included in that community plan.

The work completed by the LCOW CAC entailed a review of the existing goals, policies and objectives contained within the current community plan. The narrative of the plan was rewritten to include an historical overview of the planning area, current conditions, and identification of issues likely to affect the Lewis & Clark, Olney-Wallooskee planning area over the next 20 years. Relevant policies from the current plan are also incorporated into Draft 10.

Many of the issues identified by the CAC are the same as those raised in 1979-1980, when the original community plan was drafted. These include:

- Housing
- Public facilities and water resources
- Wildlife habitat
- Diking and flood hazards

A draft of the Clatsop Plains Community Plan was reviewed by your Board at a work session held on November 1, 2023.

### **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission conducted a public hearing on this item at its January 9, 2024 meeting. The Planning Commission voted 6-0 (Member Pritchard, excused) to recommend the Board of Commissioners approve the ordinance as presented.

Your Board conducted the first public hearing of Ordinance 24-08 on February 14. No members of the public spoke for or against the proposed amendments.

**Fiscal Impact:** None

**Requested Action:**

Approve Ordinance 24-08

**Attachment List**

- A. Ordinance 24-08
- B. [Lewis and Clark Olney Wallooskee Community Plan](#) (via link)

**BEFORE THE BOARD OF COMMISSIONERS  
FOR THE COUNTY OF CLATSOP**

In the Matter of:

**An Ordinance adopting the Lewis &  
Clark, Olney-Wallooskee Community  
Plan - 2040.**

**ORDINANCE NO. 24-08**

Doc # \_\_\_\_\_

Recording Date: \_\_\_\_\_

Ordinance 24-08

1<sup>st</sup> Public Hearing: February 14, 2024

2<sup>nd</sup> Public Hearing: February 28, 2024

Agenda Item #13.

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## RECITALS

WHEREAS, the Oregon State Legislature approved Senate Bill 100 on May 29, 1973, creating the Land Conservation and Development Commission and establishing the foundation for the statewide land planning system; and

WHEREAS, the Board of Clatsop County Commissioners approved Resolution and Order 74-11-4 adopting *A Plan for Land and Water Use Clatsop County, Oregon Phase I*; and

WHEREAS, the Board of Clatsop County Commissioners adopted Ordinance 80-07 on July 23, 1980, which amended the Clatsop County Comprehensive Plan by incorporating the Lewis & Clark, Olney-Wallooskee Community Plan; and

WHEREAS, the Board of Clatsop County Commissioners approved Ordinance 80-13 on September 30, 1980, amending Resolution and Order 74-11-4 by adopting new background reports and countywide elements into the Comprehensive Plan; and

WHEREAS, the Board of Clatsop County Commissioners adopted Ordinances 83-17, 97-03, and 03-10, amending Ordinance 80-07 (Lewis & Clark, Olney-Wallooskee Community Plan); and

WHEREAS, the Board of Clatsop County Commissioners recognizes that the Clatsop County Comprehensive Plan and supporting community plans continue to need periodic revision and amendment; and

WHEREAS, the Board of Clatsop County Commissioners adopted Ordinance 23-06 on June 28, 2023, amending Ordinance 80-13; and

WHEREAS, the *Lewis & Clark, Olney-Wallooskee – 2040* shall be included as an element of the Clatsop County Comprehensive Plan; and

WHEREAS, the Board of Commissioners finds that the *Lewis & Clark, Olney-Wallooskee – 2040* complies with the Statewide Planning Goals 1-14 and 16-19; and

WHEREAS, the Board of Commissioners further determines that the adoption procedure for this Ordinance amending the Comprehensive Plan complies with Statewide Planning Goal 1 – Citizen Involvement; and

WHEREAS, the Lewis & Clark, Olney-Wallooskee Citizen Advisory Committee developed and reviewed these amendments at public meetings conducted on August 26, September 23, October 28, November 18, and December 16, 2021; and

WHEREAS, the Board of Clatsop County Commissioners reviewed the draft amendments at a work session conducted on November 1, 2023; and

WHEREAS, the Clatsop County Planning Commission held a public hearing on these amendments on January 9, 2024; and

WHEREAS, the Board of Commissioners has received and considered the Planning Commission's recommendations on these proposed amendments

**THE BOARD OF COMMISSIONERS OF CLATSOP COUNTY ORDAINS AS FOLLOWS:**

**SECTION 1. ADOPTION**

The Board of County Commissioners hereby adopts the *Lewis & Clark, Olney-Wallooskee Community Plan - 2040* as shown in Exhibit 1, attached hereto and incorporated herein by this reference. This document replaces Ordinance 80-07 as amended.

**SECTION 2. SEPARABILITY**

The provisions of this ordinance are severable. If any portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

**SECTION 3. CONFORMANCE OF STATE LAW**

This Ordinance shall not substitute for nor eliminate the necessity for conformity with any and all laws or rules of the state of Oregon, or its agencies, or any ordinance, rule, or regulation of Clatsop County.

**SECTION 4. INCONSISTENT PROVISIONS**

This Ordinance shall supersede, control and repeal any inconsistent provision of any County Ordinance as amended or any other regulations made by Clatsop County.

**SECTION 5. APPLICABILITY**

This Ordinance shall apply within the unincorporated areas of Clatsop County but shall not apply within the boundaries of any incorporated City.

**SECTION 6. EFFECTIVE DATE**

This Ordinance shall take effect on the 30<sup>th</sup> day following adoption by the Board of Commissioners as provided in Chapter III, Section 8(B) of the Home Rule Chapter for the Government of Clatsop County.

Approved this \_\_\_\_ day of \_\_\_\_\_, 2024

THE BOARD OF COUNTY COMMISSIONERS  
FOR CLATSOP COUNTY, OREGON

By \_\_\_\_\_  
Mark Kujala, Chair



Date \_\_\_\_\_

By \_\_\_\_\_  
Theresa Dursse, Recording Secretary

First Reading: February 14, 2024  
Second Reading: February 28, 2024  
Effective Date: March 29, 2024

# Board of Commissioners Clatsop County

## AGENDA ITEM SUMMARY

February 28, 2024

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**Agenda Title:** Ordinance 24-09: Northeast Community Plan  
**Category:** Public Hearing  
**Presented By:** Gail Henrikson, Community Development Director

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**Issue Before the Commission:** Conduct the second public hearing of Ordinance 24-09, amending the *Northeast Community Plan*

**Informational Summary:**

**BACKGROUND**

The Northeast planning area includes all of the area along U. S. Highway 30 from the east County line to the eastern edge of the Astoria Urban Growth Boundary (UGB). The southern boundary generally follows the drainage patterns of the coastal hills and valleys. There are no incorporated cities in the planning area, but it does contain the unincorporated communities of Westport, Knappa, and Svensen. In 2003, those communities were designated as Rural Communities and new zoning districts were developed and applied to those areas (Ordinance 03-10).

The Northeast Community Plan is part of the County's adopted comprehensive plan. It contains policies specific to the Northeast region, such as those that prioritize erosion prevention, protection of steep slopes, existing drainage patterns and natural and scenic resources, and public safety.

The original Northeast Community Plan was adopted on December 24, 1979 (Ordinance 79-14). The Northeast Community Plan, along with the community plans for each of the other five planning areas in Clatsop County is broken down into landscape units. Goals, objectives, policies and/or recommendations are provided for each of the landscape units. Additional sections in each community plan also include specific policies for the planning area related to the 18 statewide planning goals applicable to Clatsop County. Since originally adopted, the Northeast Community Plan has been amended several times.

**NORTHEAST COMMUNITY PLAN 2040**

The Northeast Citizen Advisory Committee (NECAC) met from August -

December 2021 to review existing policies in the Northeast Community Plan and to identify new issues and policies to be included in that community plan.

The work completed by the NECAC entailed a review of the existing goals, policies and objectives contained within the current community plan. The narrative of the plan was rewritten to include updated information on housing, recreation, and historical sites with a corresponding assessment of current conditions. The updated plan also identifies future trends likely to affect the Northeast planning area over the next 20 years.

Many of the future trends identified by the NECAC are the same as those raised in 1979 when the original community plan was drafted. These trends include:

- Housing
- Preservation of resource lands
- Water and the carrying capacity of the land
- Wildlife habitat

The goals, objectives and policies have been drafted to balance the sometimes conflicting goals of natural resource protection, including farm and forest lands, and the ongoing desirability of this area for residential development.

A draft of the Clatsop Plains Community Plan was reviewed by your Board at a work session held on November 1, 2023.

### **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission conducted a public hearing on this item at its January 9, 2024 meeting. The Planning Commission voted 6-0 (Member Pritchard, excused) to recommend the Board of Commissioners approve the ordinance as presented.

Your Board conducted the first public hearing of Ordinance 24-09 on February 14. No members of the public spoke for or against the proposed amendments.

**Fiscal Impact:** None

### **Requested Action:**

Approve Ordinance 24-09

### **Attachment List**

- A. Ordinance 24-09
- B. [Northeast Community Plan](#) (via link)

**BEFORE THE BOARD OF COMMISSIONERS  
FOR THE COUNTY OF CLATSOP**

In the Matter of:

**An Ordinance adopting the Northeast  
Community Plan - 2040.**

**ORDINANCE NO. 24-09**

Doc # \_\_\_\_\_

Recording Date: \_\_\_\_\_

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RECITALS

WHEREAS, the Oregon State Legislature approved Senate Bill 100 on May 29, 1973, creating the Land Conservation and Development Commission and establishing the foundation for the statewide land planning system; and

WHEREAS, the Board of Clatsop County Commissioners approved Resolution and Order 74-11-4 adopting *A Plan for Land and Water Use Clatsop County, Oregon Phase I*; and

WHEREAS, the Board of Clatsop County Commissioners adopted Ordinance 79-14 on December 24, 1979, which amended the Clatsop County Comprehensive Plan by incorporating the Northeast Community Plan; and

WHEREAS, the Board of Clatsop County Commissioners approved Ordinance 80-13 on September 30, 1980, amending Resolution and Order 74-11-4 by adopting new background reports and countywide elements into the Comprehensive Plan; and

WHEREAS, the Board of Clatsop County Commissioners adopted Ordinances 80-08, 80-12, 83-17, and 03-10 amending Ordinance 79-14 (Northeast Community Plan); and

WHEREAS, the Board of Clatsop County Commissioners recognizes that the Clatsop County Comprehensive Plan and supporting community plans continue to need periodic revision and amendment; and

WHEREAS, the Board of Clatsop County Commissioners adopted Ordinance 23-06 on June 28, 2023, amending Ordinance 80-13; and

WHEREAS, the *Northeast Community Plan – 2040* shall be included as an element of the Clatsop County Comprehensive Plan; and

WHEREAS, the Board of Commissioners finds that the *Northeast Community Plan – 2040* complies with the Statewide Planning Goals 1-14 and 16-19; and

WHEREAS, the Board of Commissioners further determines that the adoption procedure for this Ordinance amending the Comprehensive Plan complies with Statewide Planning Goal 1 – Citizen Involvement; and

Ordinance 24-09

1<sup>st</sup> Public Hearing: February 14, 2024

2<sup>nd</sup> Public Hearing: February 28, 2024

WHEREAS, the Northeast Citizen Advisory Committee developed and reviewed these amendments at public meetings conducted on September 9, October 14, November 18, and December 9, 2021; and

WHEREAS, the Board of Clatsop County Commissioners reviewed the draft amendments at a work session conducted on November 1, 2023; and

WHEREAS, the Clatsop County Planning Commission held a public hearing on these amendments on January 9, 2024; and

WHEREAS, the Board of Commissioners has received and considered the Planning Commission's recommendations on these proposed amendments

**THE BOARD OF COMMISSIONERS OF CLATSOP COUNTY ORDAINS AS FOLLOWS:**

**SECTION 1. ADOPTION**

The Board of County Commissioners hereby adopts the *Northeast Community Plan - 2040* as shown in Exhibit 1, attached hereto and incorporated herein by this reference. This document replaces Ordinance 79-14 as amended.

**SECTION 2. SEPARABILITY**

The provisions of this ordinance are severable. If any portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

**SECTION 3. CONFORMANCE OF STATE LAW**

This Ordinance shall not substitute for nor eliminate the necessity for conformity with any and all laws or rules of the state of Oregon, or its agencies, or any ordinance, rule, or regulation of Clatsop County.

**SECTION 4. INCONSISTENT PROVISIONS**

This Ordinance shall supersede, control and repeal any inconsistent provision of any County Ordinance as amended or any other regulations made by Clatsop County.

**SECTION 5. APPLICABILITY**

This Ordinance shall apply within the unincorporated areas of Clatsop County but shall not apply within the boundaries of any incorporated City.

**SECTION 6. EFFECTIVE DATE**

This Ordinance shall take effect on the 30<sup>th</sup> day following adoption by the Board of Commissioners as provided in Chapter III, Section 8(B) of the Home Rule Chapter for the Government of Clatsop County.

Approved this \_\_\_\_ day of \_\_\_\_\_, 2024

THE BOARD OF COUNTY COMMISSIONERS  
FOR CLATSOP COUNTY, OREGON

By \_\_\_\_\_  
Mark Kujala, Chair

Date \_\_\_\_\_

By \_\_\_\_\_  
Theresa Dursse, Recording Secretary

First Reading: February 14, 2024

Second Reading: February 28, 2024

Effective Date: March 29, 2024

# Board of Commissioners Clatsop County

## AGENDA ITEM SUMMARY

February 28, 2024

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**Agenda Title:** Ordinance 24-10: Seaside Rural Community Plan  
**Category:** Public Hearing  
**Presented By:** Gail Henrikson, Community Development Director

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**Issue Before the Commission:** Conduct the second public hearing of Ordinance 24-10, amending the *Seaside Rural Community Plan*

**Informational Summary:**

**BACKGROUND**

The Seaside Rural planning area comprises approximately 101,400 acres within the southwest quadrant of Clatsop County, stretching from the Pacific Ocean to east of Highway 53. The majority of the planning area is zoned F-80. Clusters of residential development can be found along Highway 26 and Highway 53. The Seaside Rural Planning Area includes the community of Hamlet.

The Seaside Rural Community Plan is part of the County's adopted comprehensive plan. The plan contains policies specific to the Seaside Rural region, such as those that prioritize erosion prevention, protection of steep slopes, existing drainage patterns and natural and scenic resources, and public safety.

The original Seaside Rural Community Plan was adopted on July 23, 1980 (Ordinance 80-07). This plan, along with the community plans for each of the other five planning areas in Clatsop County are broken down into landscape units. Goals, objectives, policies and/or recommendations are provided for each of the landscape units. Additional sections in each community plan also include specific policies for the planning area related to the 18 statewide planning goals applicable to Clatsop County. Since originally adopted, the Seaside Rural Community Plan has been amended twice.

**SEASIDE RURAL COMMUNITY PLAN 2040**

The Elsie-Jewell / Seaside Rural Citizen Advisory Committee (EJSRCAC) met from August -December 2021 to review existing policies in the Seaside Rural Community Plan and to identify new issues and policies to be included in that community plan.

The work completed by the EJSRCAC entailed a review of the existing goals, policies and objectives contained within the current community plan. The narrative of the plan was rewritten to include an assessment of current conditions, and identification of future trends likely to affect the Seaside Rural planning area over the next 20 years.

Similar to the Elsie-Jewell Community Plan, this updated draft of the Seaside Rural Community Plan places a greater emphasis on the impacts from natural hazards, particularly flooding and earthquakes. Because much of the land within the planning area is zoned resource (farm/forest), residential development is restricted. The isolated nature of this part of the county, however, makes it particularly vulnerable to severe weather events or natural disasters. Many of the policies included in the updated plan are designed to increase self-sufficiency for residents and businesses within the Seaside Rural planning area.

Also of increasing concern within the planning area is the issue of wildfire. While wildfire risk was not a significant issue when the 1979 community plan was drafted, increasing changes to climate, including prolonged periods of drought, have raised awareness of this issue and the need to prepare and mitigate for such a disaster.

The goals, objectives and policies have been drafted to balance the sometimes conflicting goals of natural resource protection, including farm and forest lands, and the need for additional residential and commercial development to support the community.

A draft of the Clatsop Plains Community Plan was reviewed by your Board at a work session held on November 1, 2023.

### **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission conducted a public hearing on this item at its January 9, 2024 meeting. The Planning Commission voted 6-0 (Member Pritchard, excused) to recommend the Board of Commissioners approve the ordinance as presented.

Your Board conducted the first public hearing of Ordinance 24-10 on February 14. No members of the public spoke for or against the proposed amendments.

**Fiscal Impact:** None

### **Requested Action:**

**Approve Ordinance 24-10**

### **Attachment List**



- A. Ordinance 24-10
- B. [Seaside Rural Community Plan](#) (via link)

**BEFORE THE BOARD OF COMMISSIONERS  
FOR THE COUNTY OF CLATSOP**

In the Matter of:

**An Ordinance adopting the Seaside  
Rural Community Plan - 2040.**

**ORDINANCE NO. 24-10**

Doc # \_\_\_\_\_

Recording Date: \_\_\_\_\_

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RECITALS

WHEREAS, the Oregon State Legislature approved Senate Bill 100 on May 29, 1973, creating the Land Conservation and Development Commission and establishing the foundation for the statewide land planning system; and

WHEREAS, the Board of Clatsop County Commissioners approved Resolution and Order 74-11-4 adopting *A Plan for Land and Water Use Clatsop County, Oregon Phase I*; and

WHEREAS, the Board of Clatsop County Commissioners adopted Ordinance 80-07 on July 23, 1980, which amended the Clatsop County Comprehensive Plan by incorporating the Seaside Rural Community Plan; and

WHEREAS, the Board of Clatsop County Commissioners approved Ordinance 80-13 on September 30, 1980, amending Resolution and Order 74-11-4 by adopting new background reports and countywide elements into the Comprehensive Plan; and

WHEREAS, the Board of Clatsop County Commissioners adopted Ordinances 81-07 and 83-17 amending Ordinance 80-07 (Seaside Rural Community Plan); and

WHEREAS, the Board of Clatsop County Commissioners recognizes that the Clatsop County Comprehensive Plan and supporting community plans continue to need periodic revision and amendment; and

WHEREAS, the Board of Clatsop County Commissioners adopted Ordinance 23-06 on June 28, 2023, amending Ordinance 80-13; and

WHEREAS, the *Seaside Rural Community Plan – 2040* shall be included as an element of the Clatsop County Comprehensive Plan; and

WHEREAS, the Board of Commissioners finds that the *Seaside Rural Community Plan – 2040* complies with the Statewide Planning Goals 1-14 and 16-19; and

WHEREAS, the Board of Commissioners further determines that the adoption procedure for this Ordinance amending the Comprehensive Plan complies with Statewide Planning Goal 1 – Citizen Involvement; and

Ordinance 24-10

1<sup>st</sup> Public Hearing: February 14, 2024

2<sup>nd</sup> Public Hearing: February 28, 2024

Agenda Item #15.

Page 132

WHEREAS, the Elsie-Jewell / Seaside Rural Citizen Advisory Committee developed and reviewed these amendments at public meetings conducted on August 13, September 10, October 8, November 12, December 10 and December 16, 2021; and

WHEREAS, the Board of Clatsop County Commissioners reviewed the draft amendments at a work session conducted on November 1, 2023; and

WHEREAS, the Clatsop County Planning Commission held a public hearing on these amendments on January 9, 2024; and

WHEREAS, the Board of Commissioners has received and considered the Planning Commission's recommendations on these proposed amendments

**THE BOARD OF COMMISSIONERS OF CLATSOP COUNTY ORDAINS AS FOLLOWS:**

**SECTION 1. ADOPTION**

The Board of County Commissioners hereby adopts the *Seaside Rural Community Plan - 2040* as shown in Exhibit 1, attached hereto and incorporated herein by this reference. This document replaces Ordinance 80-07 as amended.

**SECTION 2. SEPARABILITY**

The provisions of this ordinance are severable. If any portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

**SECTION 3. CONFORMANCE OF STATE LAW**

This Ordinance shall not substitute for nor eliminate the necessity for conformity with any and all laws or rules of the state of Oregon, or its agencies, or any ordinance, rule, or regulation of Clatsop County.

**SECTION 4. INCONSISTENT PROVISIONS**

This Ordinance shall supersede, control and repeal any inconsistent provision of any County Ordinance as amended or any other regulations made by Clatsop County.

**SECTION 5. APPLICABILITY**

This Ordinance shall apply within the unincorporated areas of Clatsop County but shall not apply within the boundaries of any incorporated City.

**SECTION 6. EFFECTIVE DATE**

This Ordinance shall take effect on the 30<sup>th</sup> day following adoption by the Board of Commissioners as provided in Chapter III, Section 8(B) of the Home Rule Chapter for the Government of Clatsop County.

Approved this \_\_\_\_ day of \_\_\_\_\_, 2024

THE BOARD OF COUNTY COMMISSIONERS  
FOR CLATSOP COUNTY, OREGON

By \_\_\_\_\_  
Mark Kujala, Chair

Date \_\_\_\_\_

By \_\_\_\_\_  
Theresa Dursse, Recording Secretary

First Reading: February 14, 2024

Second Reading: February 28, 2024

Effective Date: March 29, 2024

# Board of Commissioners Clatsop County

## AGENDA ITEM SUMMARY

February 28, 2024

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**Agenda Title:** Ordinance 24-11: Southwest Coastal Community Plan  
**Category:** Public Hearing  
**Presented By:** Gail Henrikson, Community Development Director

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**Issue Before the Commission:** Conduct the second public hearing of Ordinance 24-11, amending the *Southwest Coastal Community Plan*

**Informational Summary:**

**BACKGROUND**

The Southwest Coastal planning area comprises approximately 3,200 acres along the Pacific Ocean, from the southern edge of the City of Cannon Beach to the south County line, eastward to the foothills of the Coast Range.

Originally adopted on June 1, 1979 (Ordinance 79-04), the Southwest Coastal Community Plan is part of the County's acknowledged comprehensive plan. It contains policies specific to the Southwest Coastal planning area, many of which are focused on balancing development, recreation and tourism with protection of sensitive natural areas and scenic beauty.

**SOUTHWEST COASTAL COMMUNITY PLAN 2040**

The Southwest Coastal Citizen Advisory Committee (SWCCAC) met from August-December 2021 to review existing policies in the Southwest Coastal Community Plan and to identify new issues and policies to be included in that community plan.

The work completed by the SWCCAC entailed a review of the existing goals, policies and objectives contained within the current community plan, and identification of new issues and policies to be included in the updated plan.

The SWCCAC recommended new goals and policies, and modifications to existing goals and policies, to address these priorities. Throughout the process, staff advised committee members that certain policy recommendations may not be able to be legally enacted or may bypass other ongoing legislative and planning processes.

Based on feedback from County land use legal counsel following a review of the SWCCAC's recommendations, staff edited the community plan narrative, goals, and policies.

A draft of the Southwest Coastal Community Plan was reviewed by your Board during a work session held on November 1, 2023.

**PLANNING COMMISSION RECOMMENDATION**

On January 9, 2024, the Planning Commission recommended 6-0 (Member Pritchard, excused) to recommend the Board of Commissioners adopt Ordinance 24-11 as presented.

Your Board conducted the first public hearing of Ordinance 24-11 on February 14. No members of the public spoke for or against the proposed amendments.

**Fiscal Impact:** None

**Requested Action:**

Approve Ordinance 24-11

**Attachment List**

- A. Ordinance 24-11
- B. [Southwest Coastal Community Plan](#) (via link)

**BEFORE THE BOARD OF COMMISSIONERS  
FOR THE COUNTY OF CLATSOP**

In the Matter of:

**An Ordinance adopting the  
Southwest Coastal Community Plan -  
2040.**

**ORDINANCE NO. 24-11**

**Doc #** \_\_\_\_\_

**Recording Date:** \_\_\_\_\_

Ordinance 24-11

1<sup>st</sup> Public Hearing: February 14, 2024

2<sup>nd</sup> Public Hearing: February 28, 2024

Agenda Item #16.

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## RECITALS

WHEREAS, the Oregon State Legislature approved Senate Bill 100 on May 29, 1973, creating the Land Conservation and Development Commission and establishing the foundation for the statewide land planning system; and

WHEREAS, the Board of Clatsop County Commissioners approved Resolution and Order 74-11-4 adopting *A Plan for Land and Water Use Clatsop County, Oregon Phase I*; and

WHEREAS, the Board of Clatsop County Commissioners adopted Ordinance 79-04 on June 1, 1979, which amended the Clatsop County Comprehensive Plan by incorporating the Southwest Coastal Community Plan; and

WHEREAS, the Board of Clatsop County Commissioners approved Ordinance 80-13 on September 30, 1980, amending Resolution and Order 74-11-4 by adopting new background reports and countywide elements into the Comprehensive Plan; and

WHEREAS, the Board of Clatsop County Commissioners adopted Ordinances 83-17, 84-9, 03-08, 03-09, 03-10, 03-11, 16-03, and 17-02, amending Ordinance 79-04 (Southwest Coastal Community Plan); and

WHEREAS, the Board of Clatsop County Commissioners recognizes that the Clatsop County Comprehensive Plan and supporting community plans continue to need periodic revision and amendment; and

WHEREAS, the Board of Clatsop County Commissioners adopted Ordinance 23-06 on June 28, 2023, amending Ordinance 80-13; and

WHEREAS, the *Southwest Coastal Community Plan – 2040* shall be included as an element of the Clatsop County Comprehensive Plan; and

WHEREAS, the Board of Commissioners finds that the *Southwest Coastal Community Plan – 2040* complies with the Statewide Planning Goals 1-14 and 16-19; and

WHEREAS, the Board of Commissioners further determines that the adoption procedure for this Ordinance amending the Comprehensive Plan complies with Statewide Planning Goal 1 – Citizen Involvement; and

WHEREAS, the Southwest Coastal Citizen Advisory Committee developed and reviewed these amendments at public meetings conducted on August 11, September 8, October 13, November 10, and December 8, 2021; and

WHEREAS, the Board of Clatsop County Commissioners reviewed the draft amendments at a work session conducted on November 1, 2023; and

WHEREAS, the Board of Commissioners has received and considered the Planning Commission's recommendations on these proposed amendments



**THE BOARD OF COMMISSIONERS OF CLATSOP COUNTY ORDAINS AS FOLLOWS:**

**SECTION 1. ADOPTION**

The Board of County Commissioners hereby adopts the *Southwest Coastal Community Plan - 2040* as shown in Exhibit 1, attached hereto and incorporated herein by this reference. This document replaces Ordinance 79-04 as amended.

**SECTION 2. SEPARABILITY**

The provisions of this ordinance are severable. If any portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

**SECTION 3. CONFORMANCE OF STATE LAW**

This Ordinance shall not substitute for nor eliminate the necessity for conformity with any and all laws or rules of the state of Oregon, or its agencies, or any ordinance, rule, or regulation of Clatsop County.

**SECTION 4. INCONSISTENT PROVISIONS**

This Ordinance shall supersede, control and repeal any inconsistent provision of any County Ordinance as amended or any other regulations made by Clatsop County.

**SECTION 5. APPLICABILITY**

This Ordinance shall apply within the unincorporated areas of Clatsop County but shall not apply within the boundaries of any incorporated City.

**SECTION 6. EFFECTIVE DATE**

This Ordinance shall take effect on the 30<sup>th</sup> day following adoption by the Board of Commissioners as provided in Chapter III, Section 8(B) of the Home Rule Chapter for the Government of Clatsop County.

Approved this \_\_\_\_ day of \_\_\_\_\_, 2024

THE BOARD OF COUNTY COMMISSIONERS  
FOR CLATSOP COUNTY, OREGON

By \_\_\_\_\_  
Mark Kujala, Chair

Date \_\_\_\_\_

By \_\_\_\_\_  
Theresa Dursse, Recording Secretary

First Reading: February 14, 2024  
Second Reading: February 28, 2024  
Effective Date: March 29, 2024

Ordinance 24-11

1<sup>st</sup> Public Hearing: February 14, 2024

2<sup>nd</sup> Public Hearing: February 28, 2024

Agenda Item #16.