



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

Wednesday, January 10, 2024

BOARD OF COMMISSIONERS:

Mark Kujala, Dist. 1
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Pamela Wev, Dist. 3
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Webinar ID: 870 7650 6616

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[\(Zoom link\)](#)

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 clatsopcounty.gov, [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:

Discuss Formal Agenda {5 min}

FY 23-24 Financial Forecast & FY 24-25 Proposed Budget Policy {20 min} {Page 4}

Board Topics for Discussion {30 min}

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

DESIGNATION OF CHAIR & VICE CHAIR FOR 2024

- [1.](#) Designate Board Chair and Vice Chair for 2024 {Page 19}

AGENDA APPROVAL

PROCLAMATION

- [2.](#) Mental Wellness Month Proclamation {Page 20}

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 by 3 p.m. on the day of the meeting.*

CONSENT CALENDAR

- [3.](#) Lower Columbia Youth Soccer Association – Lease Renewal {Page 22}
- [4.](#) Purchase of a 2023 Ram 1500 4x4 for Building Codes {Page 33}
- [5.](#) Formal Categorization of certain properties pursuant to Property Management Policies {Page 35}
- [6.](#) Fisheries Net Pen Gangway & Float Contract {Page 59}
- [7.](#) Non-Profit ARPA Funding Agreement – Helping Hands Reentry Outreach Centers – Seaside Inclement Weather Shelter {Page 68}

COMMISSIONER'S LIAISON REPORTS

COUNTY MANAGER'S REPORT

BUSINESS AGENDA

- [8.](#) Appointments to the Fair Board {Page 71}
- [9.](#) Intergovernmental Agreement Amendment #5 between Oregon Health Authority (OHA) and Clatsop County, for the Biennium July 1, 2023 through June 30, 2024 {Page 80}

PUBLIC HEARINGS

- [10.](#) Ordinance 24-01: LAWDUC Legislative Amendments (formerly Ordinance 23-15) {Page 93}
- [11.](#) Ordinance 24-02: Comprehensive Plan Goal 5 Updates {Page 106}
- [12.](#) Ordinance 24-04: Solid Waste Ordinance and Rules Amendment - Recycling {Page 187}

GOOD OF THE ORDER

ADJOURNMENT

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

Agenda packets also available online at 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

January 10, 2024

Topic: FY 23-24 Financial Forecast & FY 24-25 Proposed Budget Policy
Presented By: Andrew Sullivan, Finance Director

**Informational
Summary:**

In preparation for the annual budget process, the Board of Commissioners adopts policies and procedures that guide staff when developing a proposed budget that aligns with the Board's Strategic Planning Goals and local budget law.

Additionally, the long-range financial forecast provides an overview of the County's fiscal health based on various assumptions over the next five years to help serve as a planning tool that brings a long-term perspective to the budget process.

The purpose of this work session is to review the current and forecasted financial status of the General Fund as well as provide an overview of the proposed Budget Policies for the 2024-25 FY and solicit Board comments/feedback. The Budget Policies are scheduled for Board consideration and adoption on January 24, 2024.

The annual budget process is guided by:

Oregon Budget Law;
Clatsop County Long-term Financial Forecast;
Clatsop County Strategic Plan; and
Board of Commissioner Budget Policy

Attachment List

- A. 2023-2024 General Fund Forecast
- B. 2023-2024 Graph – GF Fund Balance
- C. 2024-2025 Proposed Budget Policy

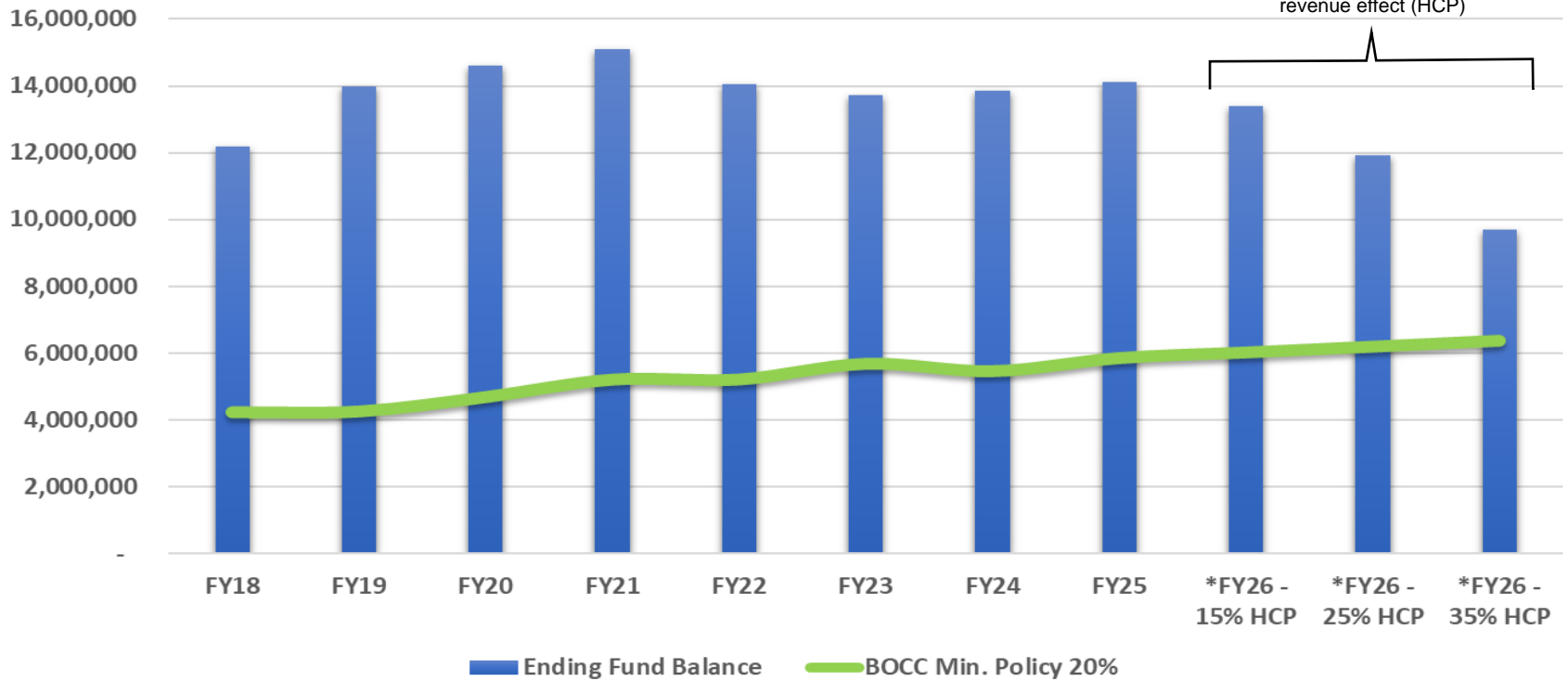
D. Proposed Budget Calendar



FY23-24 Forecast
Fund: General Fund 001

	FY21 Actuals-FINAL	FY22 Actuals-FINAL	FY23 Actuals-FINAL	FY24 Forecast	FY25 Projection	FY26 Projection	FY26 Projection	FY26 Projection
						15% decrease (HCP)	25% decrease (HCP)	35% decrease (HCP)
Revenues								
Property Taxes	9,974,789	10,480,815	11,001,915	12,292,250	12,783,940	13,167,458	13,562,482	13,969,356
Timber Sales	4,658,037	4,300,514	5,091,144	4,553,590	5,064,000	4,296,312	3,790,864	3,285,415
RLED	2,777,611	2,813,509	2,529,248	2,899,190	2,899,190	2,899,190	2,899,190	2,899,190
Room Tax	1,327,213	1,832,563	1,691,621	1,522,459	1,568,132	1,615,176	1,663,632	1,713,541
Indirect Cost Revenue	1,170,400	1,307,700	1,460,400	1,678,900	1,712,478	1,746,728	1,781,662	1,817,295
Intergovernmental State Revenue	766,605	195,274	339,592	355,000	365,650	376,620	387,918	399,556
Misc Income	5,810,737	3,904,657	5,923,875	4,073,986	4,196,205	4,322,092	4,451,754	4,585,307
Total Revenues	26,485,393	24,835,032	28,037,795	27,375,374	28,589,596	28,423,575	28,537,502	28,669,660
Expenses								
Personnel	18,000,484	18,937,883	20,940,352	22,735,487	23,644,906	24,354,253	25,084,881	25,837,427
Materials & Services	4,081,500	4,442,693	4,602,018	4,141,816	4,278,496	4,406,851	4,539,057	4,675,228
Transfers - OUT	3,915,010	2,638,050	2,815,940	382,290	389,936	389,936	389,936	389,936
Total Expenses	25,996,994	26,018,626	28,358,310	27,259,593	28,313,338	29,151,040	30,013,873	30,902,592
Net Resources	488,399	(1,183,594)	(320,515)	115,781	276,258	(727,465)	(1,476,372)	(2,232,931)
Beginning Fund Balance	14,594,019	15,240,589	14,056,995	13,736,481	13,852,262	14,128,520	13,401,055	11,924,683
Ending Fund Balance	15,082,419	14,056,995	13,736,481	13,852,262	14,128,520	13,401,055	11,924,683	9,691,752
FB % of Total Expenditures	58%	54%	48%	51%	50%	46%	40%	31%

Fund Balance - Over Time



CLATSOP COUNTY 20243-20254 BUDGET POLICIES

I. Clatsop County Budget Process:

The budget process and resulting budget document reflect the County's policy and budget priorities for the coming fiscal year as established by the Board of County Commissioners. The budget document, in its entirety, serves as a Policy Document, Operations Guide, Financial Plan, and Communication Device.

The County will adopt a balanced budget for all funds. A balanced budget is defined as a budget where planned expenditures do not exceed the amount of resources available in accordance with state law.

II. Budgets Supported by the General Fund:

- A. **General Fund Underpinnings:** The General Fund houses discretionary revenues and expenditures. The General Fund will be actively managed over a multi-year forecasting horizon according to Board policies and directives, and fund priority programs, services and service levels. The General Fund will be actively managed during the fiscal year, with adjustments made as necessary based on the best information available to meet year-end fund balance goals.
- B. **Fiscal Planning:** Financial forecasting will be grounded in best-available data/information and historical trends.
- C. **General Guidance for FY 243-254**
1. Based on forecast modeling, the aggregated growth in General Fund expenditures is targeted for ~~6% to 7% over~~ 5% - 6% for the FY ~~24/252-23~~ adopted level fiscal year.
 - i. FTE ~~growth is assumed to be status quo — with no major investments in General Fund staffing levels~~ count is to remain consistent with fiscal year 2023/24 levels (no new positions anticipated). The priority is to fund existing COLA, step adjustments and associated benefit costs for existing employees.
 - ii. Materials and supplies are ~~targeted for minimal growth~~ no growth to remain at fiscal year 2023/24 levels or below. Departments should scrutinize M&S line-items and prioritize expenses accordingly and reduce where appropriate.
 - iii. Strategic Plan and other Board directed priorities should be discussed with Finance Director and County Manager prior to including in requested budget.
- D. **Base Budget Assumptions for FY 243-254:** General Fund Departments will be provided a base budget amount. The base allocation is calculated using departments adopted ~~20232-243~~ budgets and includes any known adjustments, either increases or decreases, in expenses for the coming budget cycle.
1. Base Budget Elements:
 - Staffing Levels:** The base budget includes a “status quo” position type and FTE (Full-Time Equivalent) count.

- i. Materials & Services: The base budget does not include an increase for materials and supplies above the current 2023-24 budgeted ~~iii~~ levels. Departments should critically examine past spending patterns by line-item to see if increases or decreases are necessary.

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- ~~iv~~iii. Budget Requests Beyond Base: Personnel or program expenditure changes that departments cannot accommodate within their base budget allocation must be submitted to, and discussed with, the Finance Department and County Manager prior to budget submittal.

- E. Revenue Estimates: Departments should budget for revenues based on the best information available during the budget process. If additional information becomes available during the budget process, it should be provided to the Finance Director on a timely basis. Accuracy in revenue/expenditure estimates is critical. New revenues should be estimated based on available information the first year. Subsequent annual estimates should also take into consideration actual receipts from the previous year. One-time resources should only be used for one-time expenditures/uses, and recurring resources should be used for recurring expenditures/uses.
- F. Pursuit of New Departmental Revenues: Departments shall pursue revenue sources to the fullest extent possible for all services using activity-based costing to determine all cost drivers, both direct and indirect, for fee setting purposes. Any new revenue sources should be used to offset the cost of existing staff and programs, rather than funding new staff or programs. Fee schedules will be reviewed annually to ensure costs are recovered.
- G. Expenditure Reductions: In the event that reductions in revenues require expenditure reductions from the base budget level, recommendations will be guided by the Board's ~~adopted~~ Resource Management Strategy.
- H. New Discretionary Programs: New discretionary programs should be discussed with the Finance Director and County Manager prior to inclusion in the department's budget submittal using the Personnel and Work Program Change form. The impact of new or expanded programs on overhead services (information system services, financial services, building/grounds maintenance, human resource services, budget services, etc.) shall be evaluated to determine if overhead services need to be increased due to the addition of new programs. The costs of increases in overhead services attributed to additional programs shall be included in the analysis of the total cost of new programs. Should outside funding for a program expire, the program may be adjusted or eliminated by the Board of Commissioners.
- I. Full Cost Recovery: County staff shall make every effort to assign costs in the department where they occur through the use of interdepartmental/interfund charges and indirect cost percentage assignments. The intent is to clearly define the actual cost of each direct service the County provides internally or externally. The first priority is the recovery of overhead costs from all funds and grant programs and from County Service Districts, through the use of the County's Indirect Cost Allocation Plan.
- J. Expected Expenditure Level(s): General Fund organization units are expected to spend under the appropriated spending level. Historically, the General Fund

expends between 88% and 92% of the appropriated level. For sake of forecasting, an average expenditure rate based on the historical expenditure amounts is factored into the projected year-end spending and is a cornerstone to financial stability and viability.

III. **Non-General Fund Budgets:**

- A. **General Fund Contributions:** For activities or programs funded primarily from non-General Fund sources, Departments are to prepare budgets holding any General Fund contribution to no more than the amount provided in the current (2023-24) fiscal year, subject to the availability of funds. Whenever possible, reductions in General Fund contributions should be identified.
- B. **Revenue Reductions:** Non-General Fund departments experiencing reductions in State-shared or federal revenues or other earned revenues should not include a General Fund contribution offsetting the reduction.
- C. **Revenue Estimates:** Departments should budget for revenues based on the best information available during the budget process. If additional information becomes available during the budget process, it should be provided to the Finance Manager on a timely basis. Accuracy in revenue/expenditure estimates is critical. New revenues should be estimated based on available information the first year. Subsequent annual estimates should also take into consideration actual receipts from the previous year. One-time resources should only be used for one-time expenditures/uses, and recurring resources should be used for recurring expenditures/uses.
- D. **Overhead Cost Allocation Charges:** All non-General Fund departments should budget the amount allocated to that department in the County's Indirect Cost Allocation Plan.
- E. **Cost Efficiency:** As with the General Fund, staff responsible for non-General Fund budgets will prepare fiscally conservative budgets and will seek savings wherever a balance between cost efficiency and the quality of public service can be achieved.
- F. **General Fund Transfer Savings:** Budget and Finance will monitor and work with departments on the necessity of making all or some of the budgeted General Fund transfers to non-General Fund departments.

IV. **General Fund Reserve Goals:**

- A. Managing the General Fund Reserve is a core strategy to **maintain financial stability**, ensure **essential priority** services are funded and the long-term financial health of the General Fund is maintained **over the long run**. The General Fund Reserve strategy is informed by the following goals:
 - a. Maintain a financial position that provides the time necessary to manage/respond to year-to year fluctuations in revenues and/or expenses. The reserves provide critical time to analyze, strategize and implement strategies to balance revenues and expenditures without negatively impacting priority services and service levels.
 - b. Maintain a favorable Bond Rating

- c. Compliance with financial best practices, per Government Finance Officers Association (GFOA)
 - d. Plan for unforeseen events (recession, natural disaster, other emergency or unanticipated event) within limits of discretionary revenues.
 - e. Maintain positive cash position from beginning of fiscal year to tax collection in November.
- B. General Fund Reserve Goal: The County will manage the General Fund with the goal of maintaining the Reserve within a range of 20% to 30% of budgeted expenditures, excluding Contingency and the transfer amount to the Revenue Stabilization Fund. This equates to 2.5 to 3.5 months of expenses. The minimum reserve level is established at 20%.
- a. The Reserve amount is derived by three elements:
 - i. Contingency (the General Fund has single contingency – Org Unit 9900)
 - ii. General Fund Stabilization (Special Fund – Org. Unit 1200)
 - iii. Unappropriated Ending Fund Balance
- C. Use of Contingency: In all funds, no expenditure can be made using budgeted contingency prior to approval from the Board of County Commissioners. With the approval, the expenditure authority budgeted as contingency will be reduced and the appropriate expense account(s) will be increased by the same amount. Prior to requesting Board approval any request made by a department for use of contingency must first be approved by the County Manager or designee, and must address the following considerations:
1. Need: reason the expenditure is necessary in the current fiscal year.
 2. Planning: reason this expenditure could not have been anticipated during the budget process.
 3. Alternatives: besides contingency, how can the organization realistically fund this request and what are the impacts.
- ~~D. Special Projects Fund: Retain no more than the lowest year of actual timber receipts over the last fifteen (15) years in the General Fund, not to exceed the amount required to support the current level of General Fund services. Additional timber monies shall be transferred to the Special Projects Fund, only in an amount necessary to meet the anticipated capital requirements for the 2023-24 FY, where the monies will be used to fund General Fund capital projects and other one-time expenditures. Ongoing operating expenditures will not be funded using the Special Projects Fund.~~
- ~~E.~~
- D. General Fund Resource Stabilization Account: Maintain a Fund to set aside ~~discretionary timber revenue resources that are in excess of the fifteen (15) year low and once Special Projects needs have been identified, to provide a long-term resource for General Fund operations in the event timber revenues received are insufficient in the future meet General Fund reserve goals detailed in sections IV(B) of this policy.~~ The General Fund Stabilization Account will be used to meet General Fund financial commitments in any year when the County's timber revenue projection is less than the total amount of current year commitments including the amount provided to the General Fund for operations as set forth in Section IV-D, above and any debt payment obligations.

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V. Matching Funds:

- A. County Share: If State funding is reduced, there should be no increased County share for programs funded primarily from non-General Fund sources, unless otherwise approved by the Board of Commissioners. The exceptions would be for high priority programs identified in the Resource Management Strategy or any mandated increases in the County share. Staff shall consider the effect of reducing the existing General Fund match to the lowest allowed by State/Federal mandates.
- B. In-kind Contribution: In-kind resources already allocated by the county will be used first as matching funds for grant purposes. Hard dollar match resources will be used last.

VI. Lobbying and Grant Applications:

- A. Approval to Pursue: County Manager's Office approval is necessary before appointed County representatives and employees may pursue, in accordance with the County Legislative Guide, lobbying efforts on matters having budget implications, and before grant applications are submitted to the granting agency. Elected department heads should advise the Manager's Office before official positions are taken on matters that might have budget implications.
- B. General Fund Matching Funds: General Fund match or share of the cost of a grant project may not be included in grant applications without the prior review and approval of the County Manager or designee.

VII. New Positions and Programs:

- A. Considerations of New Positions and Programs: Consider new positions and programs only if the cost of the position or program is offset by non-General Fund sources legally tied to the new position, or if the cost of the position is offset by new external revenues, and the position is required to generate those revenues, or is pursuant to item II.H., above. Cost estimates for new positions will include office facility space, equipment, rent, utilities, supplies, related increases in overhead services (as identified in II.I. above), etc.

VIII. Mid-Year Budget Reductions:

- A. Revised Revenue or Expense Estimates: If additional information concerning revenue reductions or significant expense increases becomes available after the start of the 2024~~3~~-25~~4~~ fiscal year, it may be necessary to make budget adjustments. These adjustments will be made in accordance with the Board's adopted Resource Management Strategy.

IX. Mid-Year Requests, General Fund Contingency:

- A. Non-Emergency Requests: In those cases where a department is required to absorb an unanticipated cost beyond its control of a non-emergency nature, departmental resources must first be exhausted prior to a transfer from General Fund contingencies. Upon conducting a final financial review of departmental budgets towards the end of the year, a transfer from contingency may be made to cover unanticipated costs that could not be absorbed through the year.
- B. Emergency Requests: Emergency requests during the fiscal year will be submitted to the Budget and Finance Department for recommendation and forwarded to the County Manager and Board of Commissioners for consideration.

X. Employee Salary Adjustments:

- A. Cost of Living Adjustment: Budgeted personnel services expenditures will include an amount to account for a cost of living adjustment for all employees. The amount budgeted for this purpose will consider the most recent consumer price index information available at the time the budget is prepared, existing collective bargaining agreements, and other relevant information.
- B. Step Adjustments: Budgeted personnel services expenditures will include an amount to account for annual step adjustments for all employees who are not currently at the top of their range. Annual employee adjustments will be in accordance with union contracts as well as applicable salary schedules.

XI. Budget Controls:

- A. Legal Compliance: The County Budget Officer or designee will continue to review and control departmental budgets to ensure legal compliance with all applicable rules and regulations.

XII. Contribution(s) to Outside Agencies:

- A. The Board, to the extent resources are available, may allocate up to \$30,000 in General Fund resources for contributions to outside agencies or organizations to be applied for through a grant application process.

XIII. Discretionary Resources:

- A. Maximize Board's Discretion: Wherever legally possible, revenues are to be treated as discretionary resources, rather than as dedicated to a particular program or service. The goal is to give the Board as much flexibility as possible in allocating resources to priority services and service levels.

XIV. Dedicated Resources:

- A. Room Tax Revenues: 7% of the 9.5% room tax monies are not legally dedicated to fund particular programs or services and would fall under discretionary resources. The additional 2.5% is to be distributed as directed by ORS 320.350 which allows 70% of the new revenue to be used to fund tourism promotion or tourism-related

facilities. The remaining 30% of the increase can be used in a discretionary manner and under the Board's direction is intended to be used to fund storm water drainage and improvements to public roads primarily in Arch Cape, or any legal costs associated with legal action taken by citizens of unincorporated Clatsop County against the county on land use issues.

Per Ordinance No. 2018-07 a county-wide tax of one percent is being imposed on transient lodging (room tax). Of this one percent tax increase, a portion of the 70% is to be used to fund tourism promotion or tourism-related facilities and shall be distributed to the Cities within which the tax was collected from. The remaining 30% collected for General Fund purposes shall be used for jail operational costs.

- B. Video Lottery Revenues: Video Lottery monies must be used to further economic development, as defined by the Board. The Board recognizes that a wide variety of County programs and services further economic development, by helping to create climate that makes economic development possible. The first priority for use of video lottery monies will be those existing or new County programs, services, or projects that the Board finds are supporting economic development in the County.
- C. Parks Land and Acquisition Maintenance Fund: Spending priorities for the Parks Land and Acquisition Maintenance Fund are as follows:
1. Matching funds for grants for new or existing Parks facilities that generate revenue;
 2. Urgently needed maintenance of existing parks facilities; and
 3. Recognition that a portion of the fund be used to support parks operating expenses.

When the Parks operation begins to generate revenue beyond the amount needed to cover actual operational costs without General Fund support, the excess amount will be returned to the Parks Land and Acquisition Fund to support parks acquisition and/or major improvements.

- D. Industrial Revolving Fund: These monies are to be spent pursuant to ORS 275.318(3) which includes:
1. Engineering, improvement, rehabilitation, construction, operation or maintenance,
 2. including pre-project planning costs, of any Industrial Facility as defined in ORS 271.510 and specifically including off-site transportation or utility infrastructure that is necessary or appropriate to serve a development project.
- E. Use of Dedicated Funding Sources: Whenever legally possible, the funding responsibility for dedicated programs or activities to appropriate dedicated funding sources should be used. Thus, freeing up scarce discretionary resources to fund Board priorities.

XV. Unappropriated Ending Fund Balances:

- A. Limit Unappropriated Ending Fund Balances: To provide the most budget flexibility during the year, limit the use of unappropriated ending fund balances to circumstances where they are required by law. Rather than use unappropriated fund balances, the goal should be to place any monies not needed for current expenditures in the relevant funds' operating contingencies.

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CLATSOP COUNTY RESOURCE MANAGEMENT STRATEGY

Guiding Policies & Principles

1. Recognizing its financial limits, the County will make a distinction between two different types of services: those that are funded primarily from County discretionary resources; and those that are funded primarily from dedicated resources:
 - * County discretionary resources fund traditional county services that have historically been funded by discretionary resources, and are not services that generate significant revenues from fees or other sources. The County will fund these programs primarily from discretionary resources.
 - * Dedicated resources (e.g., fees, grants, state-shared revenues) are traditional county services that have historically been funded primarily with dedicated resources, or if they are traditional county services and may generate significant revenues from fees or other sources. Frequently, these services will be state or federal programs that the County administers locally, such as Parole & Probation. The County will fund these programs primarily from dedicated resources. Exceptions may be made, on a case-by-case basis, only by the Board of County Commissioners. One criterion will be whether the County would incur more significant discretionary costs in another part of the system by failure to provide discretionary support to a county-wide service funded by dedicated resources.
2. The County services funded by discretionary resources are listed below:

Functional Area

Public Safety and Justice

Public Health

General Government Direct Services

Community Development, Land Use, Transportation, Housing, Economic

Development, and Capital

Culture and Recreation

As additional discretionary resources become available, the Board of Commissioners will consider the priority of functional areas as part of the decision-making process in determining which programs will receive additional and/or new funding.

The County's overhead programs will not be prioritized, but will be sized to the need and size of the overall organization.

3. Generally, wherever possible, the County's goal is to make fee-supported programs self-sufficient. This includes recovering those programs' appropriate share of the County's overhead costs.
4. Where legally possible, the County will consider using dedicated resources to fund high priority programs related to the purpose for which the dedicated funds are received.

RESOURCE MANAGEMENT STRATEGY

General Policies and Principles

1. When faced with a potential reduction in resources, the County's goal is to continue to provide high priority services in a professional, effective and efficient manner. Consequently, to the extent possible, across-the-board reductions in expenditures will be avoided. Reductions will be made on a case-by-case basis, focusing on each individual program or service.
2. Expenditure reductions will attempt to preserve the higher priority functional areas as much as possible; however, all functional areas may have to share in the overall need for reductions. Wherever possible, it will also be the County's goal to reduce the quantity of a service being provided, rather than the quality of service (e.g., limit the number of recipients of a service, rather than the quality of service provided to the remaining recipients).
3. For purposes of the 2024~~3~~-25~~4~~ fiscal year budget, the County will not consider seeking voter approval for a new or increased broad-based discretionary revenue source (such as a new property tax base, sales tax or real estate tax) to offset any reduction in revenues.
4. Recognizing that it is not prudent to fund current operations at the expense of long-term capital or planning programs, every effort will be made to continue capital and planning programs geared to the County's long-term needs.

Resource Management Priorities

If, as a result of loss of a significant amount of discretionary resources, expenditure reductions become necessary, those reductions will be made roughly in the following order:

1. First, County contributions to outside organizations will be reduced or eliminated. If this proves insufficient, then
2. Moderate reductions in discretionary support will be made on a case-by-case basis. These reductions will focus first on programs funded by dedicated resources and then low priority services funded by discretionary resources. Reductions made at this point will generally not have a significant impact on service levels. If this proves insufficient, then

3. Any discretionary funding for County-wide services that are funded by dedicated resources will be reduced or eliminated. This may apply to programs or activities expanded or started with discretionary resources within the last few years. Exceptions may be made on a case-by-case basis, by the Board of County Commissioners. One criterion will be whether the County would incur more significant costs in another part of the system by failure to provide discretionary support to a County-wide service funded by dedicated resources. If necessary, where legally possible the County will consider turning these programs over to the state. If this proves insufficient, then

4. Discretionary funding for programs funded by discretionary resources will be reduced or eliminated. To the extent possible, funding reductions will attempt to preserve the higher priority functional areas as much as possible; however, all functional areas may have to share in the overall need for reductions. If necessary, the County will consider turning programs over to the state where legally possible. County mandated services funded by discretionary revenues are listed below:

Functional Area
Public Safety and Justice
Public Health
General Government Direct Services
Community Development, Land Use, Transportation, Housing, Economic Development, and Capital
Culture and Recreation

General Government overhead will be sized to the needs and size of the rest of the organization. If this proves insufficient, then

5. A reduced County workweek will be proposed to achieve salary savings.

If, due to a loss of state-shared revenue, significant expenditure reductions become necessary in programs that are primarily the state's responsibility, then the County will consider returning responsibility to the state for operating those programs.

DRAFT Budget Calendar

January	4	Cost Sheets Distributed to Departments
	10	Board of Commissioners review Budget Policies/Calendar at work session Review of Long-range Financial Forecast
	22	Indirect Costs and Base Budgets distributed to departments
	23 - 24	Budget Training for Department Staff (Jan. 23 rd at 2pm and Jan. 24 th at 9am)
	24	Board of Commissioners adopt Budget Policies/Calendar
	25	Budget Policies & Calendar distributed to budget committee members and staff
	29	Due Date for submission of any cost sheet revisions
	29 - 31	If applicable – Department meeting to discuss 2024 – 2025 budget requests
February	2	Budget Module opens to department staff
	16	Departments submit current budget year (23-24) expenditure and revenue projections to the Finance office
	16	General Fund capital outlay proposals and future capital outlay proposals due to Finance office
March	1	Submission Deadline for requested line item budget proposals (budget summary) and supporting schedules (personnel/program changes, education/ travel/ membership, contractual services and non-GF departments capital outlay/future capital outlay). Information must be submitted in hard copy form.
	5 - 12	County Manager and Finance review requested budgets with departments
	14 - 15	Additional meetings with departments as needed
	18	Deadline for submission of approved requested budget revisions; final decisions by County Manager
April	15	Proposed Budget document to printers
	24	Budget Document distributed to Commissioners and Committee members for review
May	1	1st Budget Committee Meeting 10 – 12 PM - Presenting the Budget Message Only (County-wide & Special Districts)
	8	2nd Special Districts Budget Committee Meeting 4 – 5 PM - Receive Public Comment
	8	2nd County-wide Budget Committee Meeting 5 – 6 PM - Receive Public Comment
	15	3rd County-wide Budget Committee Meeting 10:15 – 12 PM (if necessary)
	15	3 rd Special Districts Budget Committee Meeting 12 – 1 PM (if necessary)
	22	4th County-wide Budget Committee Meeting 4 – 6 PM (if necessary) Deadline for Committee to offer recommendation to BOCC.
June	12	Public Hearing on approved budget and 24-25 adoption by Board of Commissioners

Board of Commissioners Clatsop County

AGENDA ITEM SUMMARY

January 10, 2024

Agenda Title: Designate Board Chair and Vice Chair for 2024
Category: N/A
Presented By: Chair Kujala

Issue Before the Commission: Designate Board Chair and Vice Chair for 2024

Informational Summary: The Clatsop County Charter (Section 4.(B)), provides for the designation of Chair and Vice Chair at the first regular meeting of each year.

Section 4.(A), further defines the role and authority of the Chair:

The Chair shall:

- 1) preside over the meetings of the Board;
- 2) have a voice and a vote on all questions before the Board; and
- (3) have authority to:
 - a) preserve order at Board meetings;
 - b) enforce the rules of the Board;
 - c) determine the order of the Board business under the rules of the Board; and
 - d) call special meetings and executive sessions of the Board as needed.

In the absence of the Board Chair, the Vice Chair will act as the Chair and serve as the Presiding Officer.

Requested Action:

Designate a Board Chair and Vice Chair for 2024.

Board of Commissioners Clatsop County

AGENDA ITEM SUMMARY

January 10, 2024

Agenda Title: Mental Wellness Month Proclamation
Category: Proclamation
Presented By: Shyra Merila, Deputy Director for Clatsop Behavioral Healthcare

Issue Before the Commission: Proclaiming January 2024 as Mental Wellness Month

Informational Summary: Mental wellness is about how all aspects of your life – the social, emotional, physical, spiritual, and intellectual – all come together for an overall state of well-being. It helps determine how we act, feel, and think, and it affects our ability to handle stress, connect to other people, and to make decisions.

One in three adults now reports experiencing symptoms of anxiety or depression. The distress and isolation during the ongoing COVID-19 pandemic have likely contributed to the worsening mental health in youth and adults.

Mental Wellness Month is an opportunity to destigmatize living with a mental illness or substance use disorder, remind each other it is ok to ask for help, reflect on how we treat ourselves, and further prioritize community health.

Fiscal Impact: None.

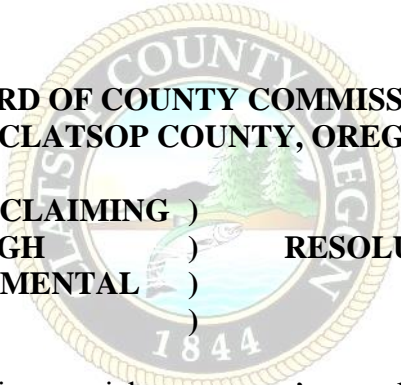
Requested Action:

Approve Resolution and Order proclaiming January 2024 as Mental Wellness Month 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)
JANUARY 1, 2024 THROUGH) RESOLUTION AND ORDER
JANUARY 31, 2024 TO BE MENTAL)
WELLNESS MONTH)**

WHEREAS, mental health is essential to everyone’s overall health and well-being; and

WHEREAS, research shows that mental health significantly impacts our physical health. Individuals with chronic conditions like heart disease, cancer and diabetes are more likely to experience depression or anxiety.

WHEREAS, positive mental health can reduce the risk of heart attack and other serious conditions and help boost your immune system, reducing the risk of getting sick, and

WHEREAS, all Americans face challenges in life that can impact their mental health; and

WHEREAS, there are practical tools that all people can use to improve their mental health and increase resiliency; and

WHEREAS, each business, school, government agency, healthcare provider, organization and citizen share the burden of mental health problems and has an opportunity to promote mental wellness and support prevention efforts.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Clatsop County Board of Commissioners does hereby proclaim January 1, 2024 through January 31, 2024 as

“MENTAL WELLNESS MONTH”

in Clatsop County and invites all community members and local agencies to join in this month of observance by raising awareness and practicing acts of self-care that promote well-being and increase resiliency.

DATED this 10th day of January 2024.

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

Board Chair

Board of Commissioners Clatsop County

AGENDA ITEM SUMMARY

January 10, 2024

Agenda Title: Lower Columbia Youth Soccer Association – Lease Renewal
Category: Consent Calendar
Presented By: Monica Steele, Assistant County Manager

Issue Before the Commission: Renewal of lease agreement with the Lower Columbia Youth Soccer Association (LCYSA)

Informational Summary: The Lower Columbia Youth Soccer Association (LCYSA) is a local non-profit youth soccer organization. They are a volunteer run organization whose mission is to promote youth soccer in Clatsop County and the Long Beach Peninsula. Since the 1990's, Clatsop County has had a long-standing lease agreement with LCYSA for use of County property located on Ridge Road in Warrenton for a soccer complex.

The most recent lease agreement was for 15-years with an annual payment of \$1.00 per year. This lease was established in 2009 and expired in September of 2023, with the September expiration, per the lease agreement, the lease defaults to a month-to-month tenancy.

Given the long-term relationship the County has had with LCYSA, in addition to the significant public benefit provided to over 600 youth on an annual basis just during the fall soccer season, County staff recommend renewing the lease agreement with LCYSA. Staff recommends a 20-year lease which provides more stability to LCYSA as an organization when seeking grant funding for ongoing field improvements.

Fiscal Impact: None

Requested Action:

Authorize the Board Chair to sign the 20-year lease agreement with Lower Columbia Youth Soccer Association in the amount of \$1.00 per year for the continued use as a soccer facility and other youth activities.

Attachment List

- A. Lease Agreement
- B. Exhibit "A" – Legal Descriptions

LEASE AGREEMENT

DATE: January ____, 2024

PARTIES: Clatsop County, a Political Subdivision of the State of Oregon
c/o Clatsop County Manager
800 Exchange Street, Suite 400
Astoria, Oregon 97103
(503) 325-1000

("Lessor")

Lower Columbia Youth Soccer Association ("LCYSA")
P.O. Box 457
Warrenton, Oregon 97146

("Lessee")

THIS INDENTURE OF LEASE, made and entered into effective this ____ day of January, 2024 between **Clatsop County**, a political subdivision of the State of Oregon, hereinafter referred to as **Lessor**, and **Lower Columbia Youth Soccer Association ("LCYSA")**, an Oregon Non-Profit Association, hereinafter referred to as **Lessee**.

WITNESSETH:

IN CONSIDERATION of the covenants and stipulations herein contained on the part of Lessee to be paid, kept and faithfully performed, Lessor does hereby lease, demise and let unto said Lessee, AS IS, those certain premises described in Exhibit A, and situated in the County of Clatsop, and State of Oregon.

TO HAVE AND TO HOLD the above described premises for a period of time commencing with the 11th day of January, 2024 and ending at midnight on the 31st day of December, 2044.

CONSIDERATION for this Lease shall be Lessee's payment of \$1.00 per year payable on or before November 1st of each year. Receipt of \$1.00 for the first year is hereby acknowledged. In addition, Lessee shall pay any real property taxes attributed to Lessee's use of the demised premises. Lessor acknowledges that Lessee will attempt to qualify for an exemption from assessment for such taxes, in which case Lessee would not be responsible to pay any such taxes pursuant this Lease. Lessee shall also pay utility payments when due.

IN CONSIDERATION of the leasing of the said premises and the mutual agreements herein contained, the parties agree as follows:

SECTION 1. USE OF PREMISES

Lessee shall use the premises for a soccer facility and other youth activities and for no other purpose without the express written consent of Lessor, said consent to be in Lessor's sole discretion. Lessee shall not make any unlawful, improper or offensive use of the premises.

SECTION 2. TITLE

Lessor makes no representation as to the suitability of the premises for any particular purpose. Lessor does not warrant or guarantee the extent to which it has title or interest in the premises, if any. Lessee waives any and all rights or claims they may have against Lessor, or any nature, which might arise at any time by reason of Lessor having less than clear title or no title to the premises; or that might arise as a result of Lessee's inability to make a particular use of the property.

SECTION 3. COMPENSATION FOR IMPROVEMENTS

3.1 Lessor shall not be required to make any repairs, alterations, additions or improvements to or upon the premises during the term of this Lease. Lessee hereby agrees to maintain the premises, including all improvements constructed thereon, in good order and repair during the entire term of this Lease, at Lessee's own cost and expense. It is further agreed that Lessee will make no significant alterations, additions or improvements to or upon the premises without the written consent of Lessor first being obtained.

3.2 Lessee shall be responsible for and pay all utility costs associated with the use, construction and maintenance of the demised premises and any improvements constructed thereon.

SECTION 4. LIENS AND ENCUMBRANCES

Lessee shall not do any act or to make any contract that may create any lien, mortgage, or other encumbrance (including tax liens or other assessments) on any interest of Lessor in the premises. If any such lien shall at any time be filed against the premises, Lessee shall cause the same to be discharged of record within 30 days after the date of filing by either payment, deposit, or bond.

SECTION 5. INSURANCE AND INDEMNITY

5.1 Lessee shall obtain and maintain liability insurance coverage satisfactory to Lessor, in respect of the premises, with Lessor named as Additional Insured, in the amount equal or greater to the minimum combined single limit coverage required by ORS 30.272. Lessee shall provide Lessor with a Certificate of Insurance upon execution of this Agreement.

5.2 Except for claims arising solely from the negligence of Lessor, its employees or its agents, Lessee agrees to indemnify and hold Lessor harmless from and against all actions, suits, claims and demands for loss or damage, including property damage, personal injury and wrongful death, arising out of or in connection with Lessee and their lease of the premises, including any claims for attorney fees and costs.

5.3 In case any action or proceeding is brought against Lessor by reason of any such claim, Lessee upon written notice from Lessor shall, at Lessee's expense, defend such proceeding by competent legal counsel. Lessor shall not make any claim against Lessee with respect to any of such risks as to which Lessee has furnished Lessor with insurance policies or certificates of insurance evidencing coverage of such risks unless and until the insurer fails or refuses to defend and/or pay all or any part of a third-party claim.

SECTION 6. RIGHT OF ASSIGNMENT

Lessee will not assign, transfer, pledge, hypothecate, surrender or dispose of this Lease or any interest herein or permit any other person or persons whomsoever to occupy the demised premises without the written consent of Lessor obtained in any special, emergency or regular meeting of the Clatsop County Board of Commissioners, such consent to be in Lessor's sole discretion. This Lease is personal to said Lessee. Lessee's interests, in whole or in part, cannot be sold, assigned, transferred, seized or taken by operation at law or under or by virtue of any execution or legal process, attachment or proceedings instituted against Lessee or in any other matter, except as above mentioned.

SECTION 7. INDEPENDENT CONTRACTOR STATUS

With respect to any work performed by Lessee on or to the premises, Lessee shall be an independent contractor and will be responsible for any Federal or State taxes applicable to services rendered by contractor, his employees and agents and will not be eligible for any benefits as a result of payments pursuant to this Agreement for Federal Social Security, State Workers' Compensation, Unemployment Insurance or Public Employees' Retirement System benefits.

SECTION 8. DEFAULT; REMEDIES

8.1 A breach of this Lease by Lessee arises if Lessee is in default of any of its obligations under this Lease and such default is not cured within 60 days after Lessor has given Lessee written notice specifying the default.

8.2 Upon the occurrence of an event of such breach and failure to cure, Lessor may immediately or at any time thereafter reenter the premises either by summary eviction proceedings or by force or otherwise.

8.3 Whether or not Lessor retakes possession or relets the premises, Lessor has the right to recover its damages.

SECTION 9. MISCELLANEOUS PROVISIONS

9.1. It shall be lawful for Lessor, its agents and representatives, at any reasonable time to enter into or upon said demised premises for the purpose of examining into the condition thereof or any other lawful purpose.

9.2. In the event Lessee for any reason shall hold over after the expiration of this Lease, such holding over shall not be deemed to operate as a renewal or extension of this Lease but shall only create a tenancy from month to month, which may be terminated at will at any time by Lessor.

9.3. Any waiver by Lessor or any breach of any covenant herein contained to be kept and performed by Lessee shall not be deemed or considered as a continuing waiver and shall not operate to bar or prevent Lessor from declaring a forfeiture for any succeeding breach, either of the same condition or covenant or otherwise.

9.4. Any notice required by the terms of this Lease to be given by one party to the other or desired so to be given, shall be sufficient if in writing, contained in sealed envelope, deposited in the U.S. Certified Mails with postage fully prepaid and if intended for Lessor herein, addressed to Lessor **c/o Clatsop County Manager, 800 Exchange Street, Suite 400, Astoria, Oregon 97103** and if intended for Lessee herein, addressed to Lessee **Lower Columbia Youth Soccer Association, P.O. Box 457, Warrenton, Oregon 97146**. Any such notice shall be deemed conclusively to have been delivered to the addresses thereof 48 hours after deposit of such notice in the U.S. Certified Mails.

9.5 Lessee will not make any unlawful, improper or offensive use of said premises; they will not suffer any strip or waste thereof; they will not permit any objectionable noise or odor to escape or to be emitted from said premises or do anything or permit anything to be done or about said premises in any way tending to create a nuisance; they will not sell or permit to be sold any spirituous, vinous or malt liquors on said premises, excepting such as Lessee may be licensed by Law to sell and as may be

herein expressly permitted; nor will they permit to be sold any controlled substance on or about said premises.

9.6 This Lease can be terminated at any time by either party without cause upon three hundred sixty-five (365) days written notice to the other. Any termination of this Lease will not act to relieve Lessee of their responsibilities set forth in Sections 5.2 and 5.3 above.

9.7. All rights, remedies and liabilities herein given to or imposed upon either of the parties hereto shall extend to, inure to the benefit of and bind, as the circumstances may require, to the heirs, executors, administrators, successors and, so far as this Lease is assignable by the terms hereof, to the assigns of such parties.

9.8. Lessee agrees to obey all Federal, State, County, and City laws, regulations and ordinances pertaining to Lessee's use of the demised premises.

9.9 In construing this Lease, it is understood that Lessor or Lessee may be more than one person, that if the context so requires, the singular pronoun shall be taken to mean and include the plural, the masculine, the feminine and the neuter and that generally all grammatical changes hereof apply equally to corporations and to individuals.

SECTION 10. REPORT

On or before January 31st of each year, Lessee shall provide Lessor with a report, in a form acceptable to Lessor, of Lessee's use of the property for the previous calendar year. The report shall include, but need not be limited to, the financial situation of Lessee, number of users served, improvements and repairs made, proposed development strategy, and anticipated changes for the ensuing year's program.

SECTION 11. NONDISCRIMINATION

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 on the grounds of sex, race, color, creed, marital status, age or national origin. Any violation of this provision shall be considered a material violation of this Agreement and shall be grounds for cancellation, termination or suspension in whole or in part by County.

IN WITNESS WHEREOF the parties hereto have executed this Lease Agreement on the date first set out above.

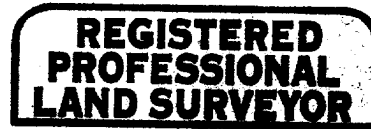
September 20, 2010

EXHIBIT "C"

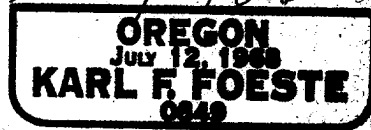
DESCRIPTION OF A TRACT OF LAND TO BE LEASED BY CLATSOP COUNTY
TO LOWER COLUMBIA YOUTH SOCCER ASSOCIATION

A tract of land in the County of Clatsop, State of Oregon,
described as follows:

Block 25 and all that portion of Block 24 located east of the
east right of way boundary of County Road No. 244 (commonly
known as Ridge Road), Great Northern Addition to Warrenton,
in the City of Warrenton, County of Clatsop, State of Oregon.



Karl F. Foeste



Renews 1/1/2012

EXHIBIT "A"

A parcel of land located in Section 20, Township 8 North, Range 10 West, Willamette Meridian, and more particularly described as follows:

Lots 1 through 19, Block 32 and Lots 1 through 10, Block 33, Excepting Highway, all situated in Great Northern addition to Warrenton, in the City of Warrenton, County of Clatsop, State of Oregon.

EXHIBIT "A"

LEGAL DESCRIPTION OF A PARCEL OF LAND
TO BE LEASED TO
THE LOWER COLUMBIA YOUTH SOCCER ASSOCIATION
BY CLATSOP COUNTY

APRIL 26, 2000

A parcel of land located in the Southeast quarter of Section 20, Township 8 North, Range 10 West, Willamette Meridian, and more particularly described as follows;

Commencing at a point which is 380 feet westerly of, when measured at right angles to, Engineers center line station 184+65.27 of County Road #244, also known as Ridge Road, which point is marked by a 5/8 inch rebar with a 1½ inch aluminum cap stamped "OREGON STATE PARKS" as shown on map B-7319;

Thence North 15°03'30" West, parallel to the centerline of said County Road #244, 190.26 feet to the true point of beginning, which is the Southwest corner of the proposed lease parcel;

Thence North 74°56'30" East, perpendicular to the centerline of said County Road #244, 292.00 feet to a point on the westerly edge of the entrance road to Camp Kiwanalong;

Thence North 00°06'34" East 30.58 feet, along the westerly edge of said entrance road to a point on the Westerly right of way of County Road #244, which point is the 80 foot offset of the P.T. of a 280 foot centerline spiral curve at station 182+47.05;

Thence continuing along the Westerly right of way, along the 80 foot offset to said spiral curve, the long chord of which is North 14°43'51" West 281.36 feet to station 179+67.05 which is the beginning of a 8265.11 foot radius curve to the right;

Thence continuing along the Westerly right of way, along the arc of said 8265.11 foot radius curve 154.19 feet through a delta angle of 01°04'08" the long chord of which bears North 13°32'38" West 154.19 feet to a point;

Thence leaving said right of way, South 74°56'30" West 300.19 feet to a point;

Thence parallel to the Westerly right of way of County Road #244, along the arc of a 8565.11 foot radius curve to the left 149.06 feet through a delta angle of 00°59'50" the long chord of which bears South 13°04'52" East 149.06 feet to the curve to spiral point;

Thence continuing parallel to said Westerly right of way, along the 380 foot offset to the 280 foot centerline spiral curve, the long chord of which is South 14°43'47" East 285.72 feet to the P.T. of the spiral curve;

Thence continuing parallel to said Westerly right of way, South 15°03'30" East to the true point of beginning, containing 3.2 acres, more or less.

All being situated within the County of Clatsop, State of Oregon.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Neal E. Wallace

OREGON
JULY 19, 1994
NEAL E. WALLACE
2069

EXHIBIT "A"

**LEGAL DESCRIPTION OF AN ADDITIONAL PARCEL OF LAND
TO BE LEASED TO
THE LOWER COLUMBIA YOUTH SOCCER ASSOCIATION
BY CLATSOP COUNTY**

May 29, 2002

A parcel of land located in the Southeast quarter of Section 20, Township 8 North, Range 10 West, Willamette Meridian, and more particularly described as follows;

Commencing at a point which is 380 feet westerly of, when measured at right angles to, Engineer's center line station 184+65.27 of County Road #244, also known as Ridge Road, which point is marked by a 5/8 inch rebar with 1 1/2 inch aluminum cap stamped "OREGON STATE PARKS" as shown on map B-7319;

Thence North 15°03'30" West, parallel to the centerline of said County Road #244, 190.26 feet to the true point of beginning of the parcel herein described, and is the Southwest corner of the existing lease parcel between Clatsop County and the Lower Columbia Youth Soccer Association;

Thence North 74°56'30" East, perpendicular to the centerline of said County Road #244, 292.00 feet to a point on the Westerly edge of the entrance road to Camp Kiwanalong;

Thence South 06°22'33" East 120.00 feet along the Westerly edge of said entrance road to a point;

Thence South 74°56'30" West 150.00 feet to a point;

Thence North 61°18'01" West 171.52 feet to the true point of beginning, containing 0.60 Acres, more or less.

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

Neal E. Wallace

**OREGON
JULY 19, 1894
NEAL E. WALLACE
2683**

Board of Commissioners Clatsop County

AGENDA ITEM SUMMARY

January 10, 2024

Agenda Title: Purchase of a 2023 Ram 1500 4x4 for Building Codes
Category: Consent Calendar
Presented By: TJ Hecox, Fleet Manager

Issue Before the Commission: Purchase of a 2023 Dodge 1500 from Roberson Motors Inc. for Building Codes
Informational Summary: The FY 2023-24 adopted budget included funds for a new vehicle for the Building Codes Department. Building codes is requesting a larger vehicle with higher ground clearance to use while performing on-site inspections. The Ram 1500 is currently available on state contract for \$37,264.50 This price includes DMV fees, CAT tax, and Privilege tax.
Fiscal Impact: The equipment will be paid from the Building Codes FY 23/24 budget account 100/2002/82-4201.

Requested Action:

Approve the purchase of a 2023 Ram 1500 4x4 on State contract PO-10700-00018359 for a total of \$37,264.50

Attachment List

- A. Roberson Motors Inc Quote

ROBERSON MOTORS
3100 RYAN DRIVE
SALEM OR 97301
503-363 4117

DEAL# 93611
CUST# 92997
142786

MOTOR VEHICLE PURCHASE AGREEMENT
(INCLUDES TERMS ON BACK OF PAGE)

EXPECTED DELIVERY DATE **12/14/2023** TODAY'S DATE **12/14/2023**

PURCHASER'S NAME CLATSOP COUNTY OREGON		PHONE NO. RES 503-325-8565	STOCK NO. 23DS118
ADDRESS 800 EXCHANGE ST STE 310		CITY ASTORIA	STATE OR
		ZIP 97103	

Subject to the terms and conditions set forth below and on reverse side, Purchaser agrees to purchase from Dealer the vehicle described below (the Vehicle). Delivery is to be made on the expected delivery date shown above or as soon thereafter as possible. HOWEVER, PURCHASER AGREES THAT NEITHER THE DEALER NOR THE MANUFACTURER WILL BE LIABLE FOR FAILURE TO EFFECT DELIVERY.

NEW OR USED NEW	YEAR 2023	# CYL. 4	MAKE RAM	BODY TYPE UT	MODEL 1500	VEHICLE IDENTIFICATION NUMBER (V.I.N.) 1C6RR7XTXPS538703
COLOR BLACK		MILEAGE 16		LICENSE		SALES REPRESENTATIVE

ALL DEPOSITS TAKEN ON NEW VEHICLE ORDERS ARE NON-REFUNDABLE EARNEST MONIES

DESCRIPTION OF TRADE-IN			
YEAR	MAKE	BODY TYPE	MODEL
VEHICLE IDENTIFICATION NO.			

ITEMIZATION OF PURCHASE	
Cash Price of Unit	\$ <u>36758.00</u>
10700 00018359	

IMPORTANT WARRANTY INFORMATION

Unless Dealer furnishes Purchaser with a separate written warranty or service contract made by Dealer on its own behalf, DEALER HEREBY DISCLAIMS ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE ON ALL GOODS AND SERVICES SOLD BY DEALER. ALL USED VEHICLES ARE SOLD AS IS. Any warranty on any new vehicle or used vehicle still subject to a Manufacturer's warranty is that made by the Manufacturer only. All warranties, if any, by Manufacturers and suppliers are theirs, not Dealer's, and only the Manufacturers and suppliers shall be liable for performance under such warranties.

LIMITATION OF DAMAGES. PURCHASER SHALL NOT BE ENTITLED TO RECOVER FROM DEALER ANY DAMAGES FOR LOSS TO PROPERTY OR PERSONS OR DAMAGES FOR LOSS OF USE, LOSS OF TIME, LOSS OF PROFITS, LOSS OF INCOME, OR ANY OTHER CONSEQUENTIAL OR INCIDENTAL DAMAGES.

N/A	
1. Total Cash Sale Price	\$ <u>36758.00</u>
2. Other Charges	
A. License/Registration Fee	\$ <u>131.50</u>
B. Title Fee	\$ <u>N/A</u>
C. DEQ Certification Fee	\$ <u>N/A</u>
D. Electronic Filing Fee	\$ <u>N/A</u>
E. Title & Registration Processing Fee	\$ <u>N/A</u>
F. Service Contract Fee	\$ <u>N/A</u>
G. N/A	\$ <u>N/A</u>
H. VEH USE TAX / CAT SUR	\$ <u>375.00</u>
Total Other Charges (Add 2A through 2H)	\$ <u>506.50</u>
3. Downpayment:	
A. Cash Downpayment	\$ <u>N/A</u>
B. One deferred downpayment (pickup pymt) due	\$ <u>N/A</u>
C. Trade In: Value \$ <u>N/A</u> Less Owing \$ <u>N/A</u> Net \$ <u>N/A</u>	
Total Down (A + B + C)	\$ <u>N/A</u>
4. Unpaid balance of cash sale price (1 + 2 minus 3)	\$ <u>37264.50</u>
To be paid	

BINDING ARBITRATION

Purchaser acknowledges that Dealer and/or Purchaser shall have the right to require that any claim, controversy, or dispute between the parties, including but not limited to those arising out of or relating to the Agreement, the interpretation thereof, or the vehicle, shall be resolved in binding arbitration in accordance with paragraph 11 on the backside of the Agreement. Both parties are waiving their right to a jury trial.

PURCHASER _____

ELECTRONIC FILING FEE

This dealership can electronically file your DMV forms and your vehicle will be immediately registered with the state. Standard Oregon license plates, registration and ownership documents will be expedited and arrive more quickly. Electronic filing is optional and not required by law. If you do not want to file your DMV forms electronically, you will receive your documents and plates in DMV's standard processing time.

ACCEPTS N/A (INITIAL) DECLINES N/A (INITIAL)

USED CAR BUYERS GUIDE

A Buyers Guide has been posted on the window of each used vehicle. The information on the Buyers Guide for this Vehicle is part of and overrides any contrary provisions in this Agreement. [La informacion que aparece en la ventanilla de este vehiculo forma parte de este contrato. La informacion contenida en el formulario de la ventanilla anula cualquier prevision que establezca lo contrario y que aparezca en el contrato de venta.] Purchaser acknowledges receipt of Buyers Guide.

PURCHASER N/A

TRADE-IN ALLOWANCE AND PAYOFF BALANCE

Purchaser agrees to deliver to Dealer the title(s) to the Trade-in and warrants that Purchaser holds title to the Trade-in free and clear of all liens and encumbrances except as noted below. Purchaser agrees to pay any lost title replacement fees. Subject to the terms set forth on the back of this Agreement, the Trade-in allowance shown on line 3C above is the amount Dealer agrees to credit to Purchaser's account, providing Purchaser accepts delivery of the Vehicle and completes the transaction in accordance with this Agreement. If the value of the Trade-in exceeds the amount owing on the Trade-in, the excess shall be included in Purchaser's down payment. If the payoff balance (amount owing) exceeds the amount shown on line 3C above, Purchaser shall pay the deficiency in cash on demand.

PAYOFF OWED TO _____

PURCHASER HAS READ ALL THE PROVISIONS PRINTED ON THE FRONT SIDE AND BACK SIDE OF THIS PAGE AND AGREES THAT THEY FORM A PART OF THIS CONTRACT.

PURCHASER SIGNATURE _____
DEALER **ROBERSON MOTORS**

CO-PURCHASER SIGNATURE N/A

Purchaser agrees to obtain physical damage and liability insurance on the Vehicle. Delivery of the Vehicle to Purchaser is subject to credit approved by a financial institution of Dealer's choice (Lender). If Purchaser's credit is not approved by Lender, Purchaser will immediately return the Vehicle to Dealer. THE FRONT AND BACK OF THIS AGREEMENT COMPRISE THE ENTIRE AGREEMENT PERTAINING TO THIS TRANSACTION AND IT MAY ONLY BE AMENDED BY A WRITING SIGNED BY ALL OF THE PARTIES.

60915*1*SAL-FI

12/14/2023 12:28 pm
FORM NO. 99-01-01 (Rev. 10/16)

Board of Commissioners Clatsop County

AGENDA ITEM SUMMARY

January 10, 2024

Agenda Title: Formal Categorization of certain properties pursuant to Property Management Policies

Category: Consent Calendar

Presented By: Monica Steele, Assistant County Manager

Issue Before the Commission: Formal Categorization of certain county owned properties pursuant to the Clatsop County Property Management Policy

Informational Summary: On August 2, 2023, a meeting of the Categorization Committee was held to review certain foreclosed properties and make recommendations as to which category each property should be placed according to the current Property Management Policy.

Staff came before your Board in a work session on December 6, 2023 to discuss the thirteen properties and the recommended categories as presented in the attachments.

Parcels categorized as Auction will be brought to the Board to set minimum bids and a sale date in the near future.

Fiscal Impact: No cost to the County for categorization

Requested Action:

Authorize the categorization of the properties as presented in Exhibit "A" and authorize the Chair to sign the Resolution and Order formally categorizing certain county owned properties.

Attachment List

- A. Maps of Properties
- B. Resolution and Order
- C. Property Categorization Policy

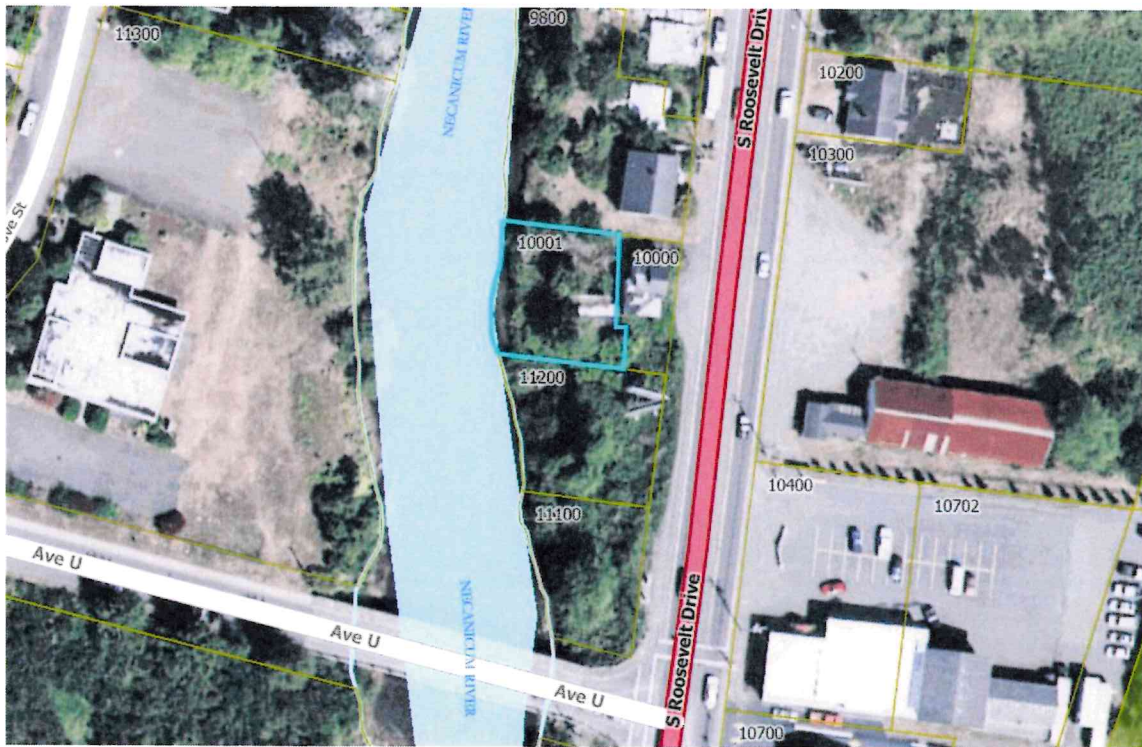
PARCEL # 23-01

MAP # 50728DB00800 – Acct ID#3739	Recommended Category: Auction
Real Market Value \$114,022	Assessed Value \$49,770
Acreage: .51	General Area: 82396 Vinemapple Rd
Zoning: RA-1 Residential Agriculture	Special Overlay:
Comments: Vacant property with an un-maintained outbuilding and several abandoned cars. Possible permitted septic system and drain field that the neighboring RV's may have used for several years. Currently on the list for NCWA/EPA historic roadway runoff and tire contamination testing.	



PARCEL # 23-02

MAP # 61028AB10001 - Acct ID#13804	Recommended Category: Auction
Real Market Value \$131,133	Assessed Value \$81,675
Acreage: .14	General Area: 2100 S Roosevelt Drive
Zoning: General Commercial w/Aquatic Conservation	Special Overlay:
Necanicum river front and close proximity to busy Hwy 101 (access to and from by Hwy 101). Lot sits off of S Roosevelt Dr below TL 10000 and slopes down to the Necanicum River. Improvement has been in a state of remodel since at least 2011. Septic ? TL 10000 recently sold: 3-28-23 for \$130,000.	



PARCEL # 23-03

MAP # 80822B002100 – Acct #20450	Recommended Category: Auction
Real Market Value \$87,762	Assessed Value \$16,440
Acreage: .59	General Area: Old Hwy 30
Zoning: KS-RCR	Special Overlay:
Comments: Unimproved, rectangular, rolling wooded vacant Homesite. Old Hwy 30 frontage along west boundary.	



PARCEL # 23-04

MAP #50819B000300 – Acct #4101	Recommended Category: Auction
Real Market Value \$4,016	Assessed Value \$2,230
Acreage: 3.46	General Area: 1 mile past Hwy 53 Junction on Hwy 26
Zoning: F-80	Special Overlay:
Comments: Specially assessed as undesignated forest. Foreclosed 10-19-90. Notes in file indicate several attempts to purchase over the years. <ul style="list-style-type: none">• Numerous notes over the years regarding garbage being dumped, gravel driveway built, 4-wheeler activity and etc.• Grandson of foreclosed owner unsuccessfully requested to purchase in 2000.• Grandson remains interested in purchasing.	



PARCEL # 22-01 Updated to 23-05

MAP #40707C001300 – Acct ID#1422	Recommended Category: Auction
Real Market Value \$150,849	Assessed Value \$58,533
Acreage: 5.05	General Area: Lower Nehalem Road
Zoning: RA-5	Special Overlay: Geographic Hazard Overlay - Landslide
Comments: Vacant land in the Sha-Ne-Mah subdivision (Unrecorded) with an easement to the property recorded in 1973.	
<ul style="list-style-type: none">• 2022 Suggested Category by Committee – Auction	



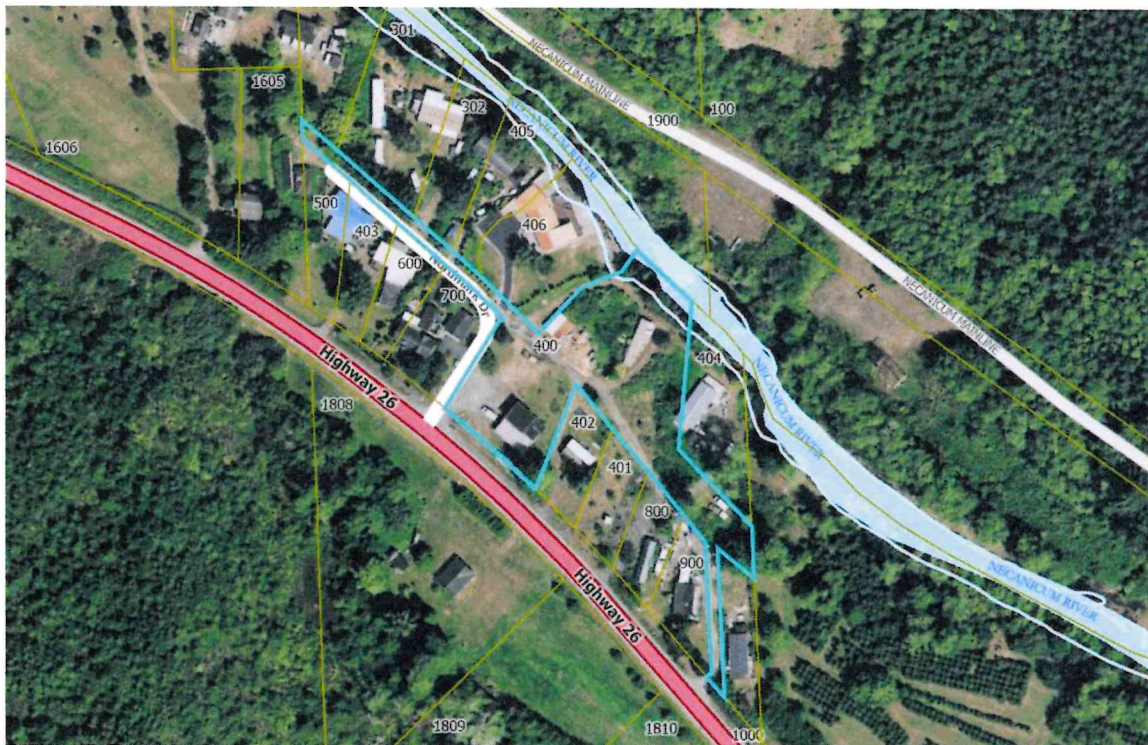
PARCEL # 22-02 Updated to 23-06

MAP # 50732AC001900 – Acct #3924	Recommended Category: Auction
Real Market Value \$192,370	Assessed Value \$81,137
Acreage: .40	General Area: 82080 Red Bluff Rd
Zoning: RA-1	Special Overlay:
Comments: No doors nor windows in this house, much deferred maintenance, if not a tear down. <ul style="list-style-type: none">• 2022 Suggested Category by Committee - Auction	



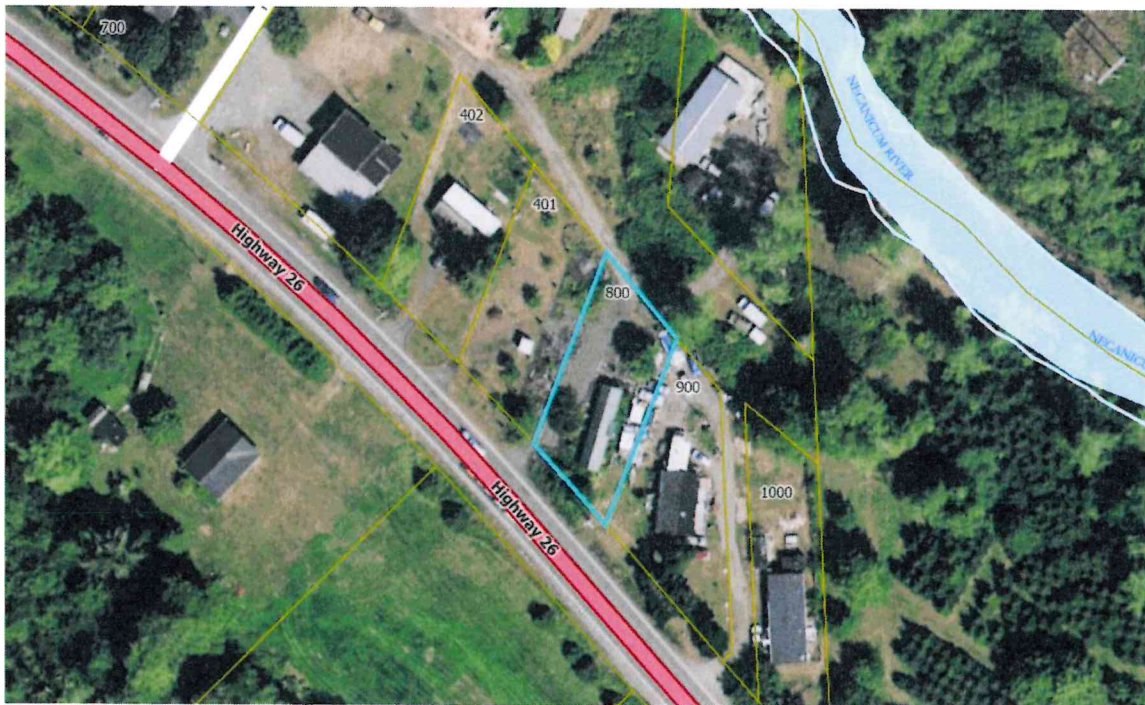
PARCEL #22-04 Updated to 23-07

<p>MAP #51010DA 00400- Acct #50895-MS Acct #33330</p>	<p>Recommended Category: Auction</p>
<p>Real Market Value \$284,284</p>	<p>Assessed Value \$198,813</p>
<p>Acreage: 2.91</p>	<p>General Area: 84375 Nordmark Drive, off of US Hwy 26</p>
<p>Zoning: RA-2</p>	<p>Special Overlay: Portion in Geo Hazard Overlay and in a Floodway</p>
<p>Comments: Brought before the Categorization committee in 2022. Looked at for possible future County Use.</p>	
<p>Deferred maintenance, has two out buildings and one Manufactured Structure.</p>	



PARCEL # 22-05 Updated to 23-08

MAP #51010DA00800-Acct #4652-33341	Recommended Category: Auction
Real Market Value \$59,269	Assessed Value \$38,000
Acreage: .25	General Area: 33731 US Hwy 26
Zoning: RA-2	Special Overlay: Floodway
Comments: Presented to Categorization Committee in 2022. Held for review at that time. Has a MH leaning on its side. May have additional buildings as well, or neighbor encroaching.	



PARCEL #22-06 Updated to 23-09

MAP #60601AA01800-Acct ID# 7219	Recommended Category: Auction
Real Market Value \$9,850	Assessed Value \$6,136
Acreage: .25	General Area: 71906 North Shore Drive Fishhawk Lake, Birkenfeld
Zoning: RSA-SFR	Special Overlay:
Comments: Lot is steep from road to lake. Difficult site to build on.	
<ul style="list-style-type: none">Fishhawk Lake Reserve and Community owns all tax lots from 2600-1800 except tax lot 2500 and 1700 on the North side of Northshore Drive	



PARCEL #22-07 Updated to 23-10

<p>MAP #61003CD01516-Acct #54658</p>	<p>Recommended Category: Future County Use</p>
<p>Real Market Value \$139,271</p>	<p>Assessed Value \$88,160</p>
<p>Acreage: .23</p>	<p>General Area: Vacant Lot off of Kershul Circle in Gearhart</p>
<p>Zoning: RCDP-Residential Commercial Planned Community</p>	<p>Special Overlay: Tsunami Evacuation Zone</p>
<p>Comments: On City of Gearhart water and buildable. Septic.</p> <ul style="list-style-type: none"> • 2022 Suggested Category – Auction • 2023 Category updated to Future County Use 	



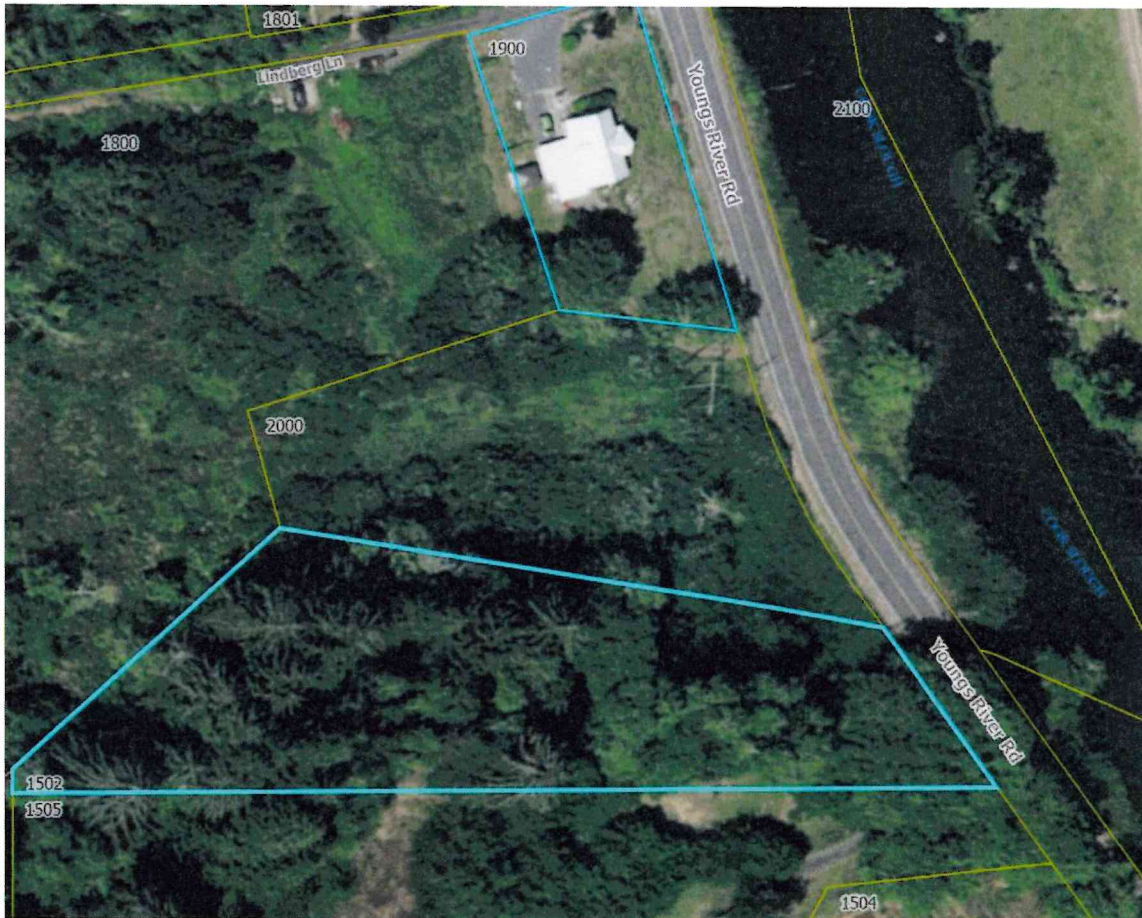
PARCEL #22-09 Updated to 23-11

MAP #81005CD01700-Acct #28532	Recommended Category: Future County Use
Real Market Value \$69,066	Assessed Value \$14,322
Acreage: .25	General Area: Vacant Lot off of 3rd Ave in Hammond
Zoning: RH	Special Overlay: Small area in wetlands on the south side of the lot
Comments: <ul style="list-style-type: none">• 2022 Suggested Category – Future County Use• 2023 – Future County Use	



PARCEL #22-08 Updated to 23-12

MAP #809290001502-Acct #27658	Recommended Category: Auction
Real Market Value \$164,364	Assessed Value \$18,502
Acreage: 1.50	General Area: Vacant Lot off of Youngs River Road
Zoning: RCR	Special Overlay:
Comments: <ul style="list-style-type: none">• 2022 Suggested Category – Auction• Currently valued as buildable site, but could be questionable.	



PARCEL #23-13

MAP #50732DB00601 – 602 – 603 Acct #3961-3962-3963	Recommended Category: Auction
Real Market Value \$109,265 (total)	Assessed Value \$43,443 (total)
Acreage: .73 (total)	General Area: 81899 Red Bluff Road
Zoning: RA-1	Special Overlay:
Comments: Currently vacant, but has a long Code Enforcement history. Application for Grant with DEQ to clean up and removed structures and cars unsuccessful to our knowledge. 2022 categorization left under review.	





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

**IN THE MATTER OF FORMAL)
CATEGORIZATION OF CERTAIN) RESOLUTION AND ORDER
COUNTY OWNED PROPERTIES)
)**

WHEREAS, Clatsop County adopted Property Management Policies in 1997; and

WHEREAS, the policies have been reviewed and updated from time to time; and

WHEREAS, the policies were amended most recently in April 2012; and

WHEREAS, the policies call for staff to inventory and identify for future use all real properties owned by Clatsop County; and

WHEREAS, the County Property Categorization Committee met on August 2, 2023 to make categorization recommendations to the Board of County Commissioners on certain properties,

NOW THEREFORE, IT IS HEREBY RESOLVED AND ORDERED that the group of properties be categorized as identified in Exhibit A attached hereto.

Dated this _____ day of January, 2024.

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

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EXHIBIT "A"

Parcel #	ASSESSOR'S MAP #	ACCOUNT ID#	CATEGORY	RECOMMENDATIONS
23-01	50728DB00800	3739	1	Public Auction
23-02	61028AB10001	13804	1	Public Auction
23-03	80822B002100	20450	1	Public Auction
23-04	50819B000300	4101	1	Public Auction
23-05	40707C001300	1422	1	Public Auction
23-06	50732AC01900	3924	1	Public Auction
23-07	51010DA00400	50895-33330	1	Public Auction
23-08	51010DA00800	4652-33341	1	Public Auction
23-09	60601AA01800	7219	1	Public Auction
23-10	61003CD01516	54658	2	Held for County Government Use
23-11	81005CD01700	28532	2	Held for County Government Use
23-12	809290001502	27658	1	Public Auction
23-13	50732DB00601- 602-603	3961-3962-3963	1	Public Auction



IN THE BOARD OF COUNTY COMMISSIONERS
FOR CLATSOP COUNTY, OREGON

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IN THE MATTER OF UPDATING)
COUNTY PROPERTY) RESOLUTION AND
MANAGEMENT POLICIES) ORDER
)

WHEREAS, The Clatsop County Commission finds that their Property Management Policies should be reviewed and updated from time to time; and

WHEREAS, the Board of County Commissioners deems it in the County's best interest to amend these policies; NOW, THEREFORE

IT IS HEREBY RESOLVED that the Property Management Policies attached hereto as Exhibit "A" are hereby approved as amended by the Board of County Commissioners.

DATED this 25th day of April 2012

BOARD OF COUNTY COMMISSIONERS
FOR CLATSOP COUNTY, OREGON

Peter Huhtala, Chairperson

PROPERTY MANAGEMENT POLICY
Adopted by the Clatsop County Board of Commissioners

ADOPTED: _____ **2012**

PURPOSE:

The purpose of the Property Management program is to maintain a complete and accurate inventory of County-owned or tax-foreclosed real estate and to return surplus properties to the property tax rolls through a fair and equitable manner.

This policy establishes procedures and criteria for categorizing County-owned property for future use, managing those properties and for selling, leasing or trading County-owned or tax-foreclosed land.

PROCEDURES:

I. CATEGORIZATION OF COUNTY-OWNED PROPERTIES

Staff will inventory and identify for future use all real properties owned by the County and recommend the appropriate category for each parcel to the Board of Commissioners for approval. Staff will review the categorization of parcels and make recommendations to the Board at least annually

A. The County Property Categorization Committee, generally to include the County Manager, Public Works Director, Surveyor, Assessment and Taxation Director, Chief Deputy Assessor and Tax Collector, Appraisal Supervisor, Community Development Director and Property Specialist, will review the categorization of parcels and make recommendations to the Board of Commissioners based on these policies.

B. The Categories are:

1. Properties to be Sold at Public Auction or Private Sale

This category includes most properties considered surplus. Statutory exceptions are described in other categories. State law requires surplus tax-foreclosed property be sold at public auction unless it cannot be built on and qualifies for private sale under ORS 275.225. For a public auction, a minimum bid is established by either a fee appraisal or an estimated market value determined by the County Assessor. Properties may be designated for sale for cash or contract and may be designated for sale by oral auction or written bid

2. Properties Held for County Government Use

This category includes properties held for future County facilities or properties held for trades, for wetlands mitigation or other uses.

The County will follow Oregon Revised Statutes regarding payment of Local Improvement District assessments on County-owned land.

3. Properties Held for Other Governments

This category includes street plugs, rights of way and other properties that are within other governmental jurisdiction.

Property sold, traded or given to a government outside the auction process must be retained by that government and used for a public purpose.

4. Properties On Which the County Holds the Mineral Rights Only

The County may retain mineral rights on parcels that may have future County use, such as a rock quarry.

5. Properties Held for Industrial Development

State law authorizes the County to sell or otherwise convey County-owned property for "industrial uses." Industrial uses include manufacturing, commercial, research and development and warehousing activities. Property to be used for industrial purposes can be sold, traded or conveyed to an individual or business through private negotiations without going through the auction process. Proceeds from the sale of tax-foreclosed property are distributed to the appropriate taxing agencies, unless the property is zoned industrial and the Board of Commissioners designates the proceeds for industrial development investment at County facilities.

6. Properties Held for Right-of-Way Purposes

This category consists of properties that will be incorporated as rights-of-way or dedicated to the public for road purposes. Parcels incorporated in the right-of-way or dedicated to the public will be deleted from the County's inventory.

7. Properties Held for Future Park and Recreational Use

This category consists of parcels of land that have been received by the County through the tax foreclosure process, received as a donation, purchased or otherwise acquired, and that are held in trust for future recreational or possible park use.

Parcels will be held for potential parks use if so identified in the County's officially adopted County Recreation Lands and Parks Master Plan. Generally, parcels held for this purpose should be held for no more than five years and will be reviewed by the Property Specialist in a report to the Board of Commissioners every five years.

In accordance with the Recreational Master Plan, Clatsop County shall utilize the County Recreational Lands Committee as a primary public review body for potential County land sales involving County Park or recreational lands or lands adjoining County park properties.

No existing County-owned recreational lands shall be sold, traded or exchanged without the input of the Clatsop County Recreational Lands Committee.

State law authorizes the County to sell or otherwise convey public parks or recreational areas so designated by Order of the Board upon a finding that the sale or conveyance is in the best interest of the public. Any proceeds from the conveyance shall be held for maintenance and improvement of existing parks and recreation lands or future acquisition of lands to be set aside for park or recreational purposes.

Recreational lands will be retained in their natural state and not developed or operated as County Parks without the approval of the Board of Commissioners.

8. Properties Held for Timber Harvest

This category consists of parcels of land that the County is holding for potential timber harvest and forest management.

9. Properties Being Used by the County

This category consists of the properties that are currently in use by the County. These include the Courthouse, Public Works Building, Judge Guy Boyington Building, 800-820 Exchange Street complex, Animal Shelter, Community Corrections Transition Center and all other buildings and land used by the County, existing County Parks and those properties under active lease by the County to other parties.

From time to time, Clatsop County may lease property from a private party for special needs, such as stockpiles, storage or program needs.

10. Surplus Property Leased to a Private Party

Surplus property may be leased to a private party as office space, tower sites, substations, etc., for profit as per contract with terms.

- C. First priority will be given to the County's needs and interest for the use of County owned land. Generally, the County will designate that property for the County's future use.
- D. The next priority should be other local governments that show a public need and demonstrate the ability to purchase the property within three years.
- E. All properties will be placed in Category 1 unless identified as in another category.
- F. Tax-foreclosed land may be held for trade if unsold at public auction pursuant to Oregon Revised Statutes.

II. SALE OR TRADE OF PROPERTIES

A. DISTRIBUTION OF SALE PROCEEDS

- 1. The proceeds of Sheriff's sales or public auctions shall be distributed as provided in ORS 275.275. Prior to distribution to the taxing districts or any other use of land sale proceeds, the County will reimburse itself for the incurred management costs of those properties from the sale proceeds. These costs include but are not limited to staff time, publication costs, preliminary title searches, recording costs, appraisal fees and timber cruises.
- 2. The County will record all deeds and Memorandums of Sale and will reimburse itself for recording costs from the proceeds of the sale.

B. SALE OR TRANSFER TO NONPROFITS

- 1. Nonprofit organizations that qualify as tax-exempt organizations under Section 501(c)(3) of the Internal Revenue Code and meet the criteria of ORS 271.330 will be offered an opportunity to acquire any properties the County may receive through the tax foreclosure process that are not being used for a County

purpose. The property must be used for a public purpose and must be within their local jurisdiction.

2. The property may be transferred or sold at any price the Board of County Commissioners deems appropriate if the proposed use is found to be in the best interests of the County. The criteria set forth in C.1. below shall be considered. The use of the property shall be restricted to the public purpose for which it is transferred, and a reversionary interest shall be retained, unless waived pursuant to ORS 271.330(5). The reversionary clause should be waived for property purchased for full market value.
3. Nonprofit organizations must provide a copy of their tax exempt letter, current bylaws, and corporate registration when making a request to acquire County property.

C. SALE OR TRANSFER TO OTHER GOVERNMENTS

1. Property sold, traded or given to a government outside the auction process must be retained by that government and used for a public purpose. The County should seek full compensation from other governments for tax-foreclosed property unless the Board determines it is in the County's best interest to donate the property or accept less than market value. The following criteria shall be considered:
 - Whether the value of the property is significant;
 - The possibility of finding a private purchaser;
 - The liability or potential maintenance costs if the County retains the property;
 - Cost of disposing of the property at public auction or negotiated sale vs. potential sale proceeds;
 - Amount of back taxes owed on the property and the willingness of the local government to pay the County to cover its costs and taxes owed;
 - The intended public use by the local government and whether the use would provide significant benefits to county residents and taxpayers as whole rather than benefiting primarily local residents and taxpayers.
2. Property should be transferred or sold with a reversionary clause for not less than 20 years, unless the Board determines the reversionary clause should be waived pursuant to ORS 271.330(5). The reversionary clause should be waived for all property purchased for fair market value.

D. REVERSIONARY RIGHTS

1. The County will uniformly enforce its ownership rights the reversionary clause in any deed or other conveyance to a public body or non-profit corporation.
2. The County will examine the specific language of the instrument and the purpose for which conveyance was made.
3. If the document conveying property to a municipality without consideration does not expressly mention a purpose or include a reversionary clause, the County

shall take a position that the conveyance was made for a public purpose and that a reversion to the County was required by ORS 271.330.

4. In a dispute over reversionary rights, the County should first attempt to economically resolve the matter by mutual agreement in the spirit of the original conveyance. If agreement is not reached, the County will seek resolution through appropriate judicial means.
5. All property re-acquired by the County through a reversionary clause will be categorized and managed pursuant to County Property Management Policies.

E. PUBLIC SALE OF SURPLUS PROPERTIES BY AUCTION

1. Parcels in category 1 will be offered for sale at public auction to the general public in a fair and equitable manner.
2. Staff will strive to hold at least one public auction each year to dispose of property, unless the Assessment and Taxation Director determines there is insufficient property available to sell.
3. Before each public auction, the Property Management division will present the date of the sale and the notice of sale listing the properties and minimum bids and whether the sale will be cash or contract, to the Board of Commissioners for approval.

The Property Specialist, Assessment and Taxation Director, Chief Deputy Assessor and Tax Collector and the County Manager are authorized to remove property from the public auction during the two weeks prior to the sale. The Board shall be promptly notified with an explanation of the circumstances justifying the removal.

4. Contiguous properties should generally be grouped together for sale as one unit of ownership. This policy will allow the County to dispose of property and receive the best return for its surplus property. Parcels to be grouped together shall be annotated on the inventory to be sold as one unit of ownership.
5. Sales under \$20,000 will be for cash only. Sales over that amount may be offered on contract. The interest rate will be a fixed rate set as to the farm credit service rate. The rate will be that rate effective the January of the year of the start of the contract and will be applied to the unpaid balance per annum.
6. Staff shall provide Instruction Sheets for prospective bidders detailing the terms and conditions of sales and bidder responsibilities during registration at all public auctions.
7. High bidders who do not pay for property by the deadline established for payment are prohibited from bidding or purchasing County-owned property for two years after the date of the sale.
8. The Clatsop County Board of Commissioners reserves the right to reject any and all offers on real property. In the event the County does not accept an offer or removes a property from sale after taking bids, bidders will be refunded all deposit monies on that property.
9. Sales may also be conducted by written bid. To conduct a written bid auction, the County will advertise the property that is for sale and date and time of bid

closing in a newspaper of general circulation in the County at least 15 days before date of opening. Written bids received will be secured unopened until the bid closing. All submitted bids must be valid for a period of 30 days from date of opening. Property will be sold to the highest and best bidder who meets the conditions of the sale.

F. DISPOSITION OF PROPERTY THAT DID NOT SELL AT AUCTION

1. After each auction, surplus properties that did not sell will be made available for private sale for a price not less than 80% of the established minimum bid to the first person offering to purchase it. Any offer to purchase must be in writing, and is only accepted when approved by the Board of Commissioners.
2. Property that has not sold within one year of the first auction will be re-evaluated by the County Categorization Committee and either re-auctioned by oral bid or sold by written bid auction. The Categorization Committee shall establish the revised minimum bid price.
3. Tax foreclosed land that did not sell at auction may be exchanged for land of equal appraised value pursuant to ORS 275.060.

G. UNBUILDABLE LAND

1. Unbuildable tax-foreclosed property as defined by ORS 275.225 may be offered to contiguous property owners through private sale or trade. These parcels are usually small slivers of land that are of value only to the adjoining property owner and require time and expense to the County to manage.
2. The Property Specialist will maintain a list of these properties and initiate contact with contiguous owners. In identifying potential purchasers the property manager will take into account access to surrounding properties.
3. With the recommendation of staff, the Board of Commissioners will establish the minimum bids; authorize the Property Specialist to accept offers that meet or exceed the minimum bid and to prepare the deeds, and authorize the Chairperson of the Board of Commissioners or designee to sign Quit Claim deeds and purchase agreements.

H. EXCHANGES

Tax foreclosed property may be exchanged for property of equal value, pursuant to ORS 271.340, however, the property received shall be managed as tax foreclosed property.

I. MINERAL RIGHTS

Mineral rights may be sold as provided in ORS 275.312-316 or by public sale.

IV. MISCELLANEOUS

- A. The County may consider easements, sales or leases of County-owned parcels that involve lease agreements with the Department of State Lands and adjoining Floating Recreational Cabins if the applicant is in compliance with state and local land use regulations.
- B. The Property Management Specialist will be the Official Manager of the Clatsop Plains Pioneer Cemetery with the authority to operate a cemetery in municipal

ownership. This position is responsible for informing the Oregon Mortuary and Cemetery Board of any changes in management and care of the cemetery and for filing forms with the controlling authority.

Board of Commissioners Clatsop County

AGENDA ITEM SUMMARY

January 10, 2024

Agenda Title: Fisheries Net Pen Gangway & Float Contract
Category: Consent Calendar
Presented By: Terry Hendryx, Public Works Director

Issue Before the Commission: Appropriate \$375,470.00 from Special Projects to hire Topper Industries I, LLC, for the design, construction and delivery of the net pen gangways and float.

Informational Summary: On December 27th, 2022, Clatsop County experienced a winter storm that saw several inches of rain dropped on the area. This rain combined with a high wind drove the expected 8.2-foot tide (as depicted in Tide Times, by ODFW Shellfish Program) to have a tidal surge of at least 2 feet higher than what was anticipated by tidal forecasters. The result of the higher than expected water level floated the approximately 320 feet of wooden gangway that connected the shore to the net pen/boat dock system into the river, breaking it into pieces. Most of that debris was retrieved by the County Sheriff's Boat Patrol. The high water also caused an excessive amount of other debris to be transported down the river. One of these pieces of debris tore the bottom out of one of the net pens and approximately 25,000 smolt were lost.

The gangway and docks are owned by the City of Astoria and leased by Clatsop County. Prior to the County's creation of the net pens and terminal fishery in Young's Bay, the local gillnetters utilized the gangway and dock to tie-up their boats for the spring and fall gillnetting seasons as the dock/net pens are not accessible for approximately 12 hours per day due to the mud flat between the shore and deeper water.

In late December of 2023 Bergerson Construction commenced work on their contract that was approved by the Board to remove existing wooden piles and to install steel piles to accommodate the gangways and float installation. This contract is the next step to bring the Net Pen Gangway Project to fruition.

Fiscal Impact: \$375,470.00 in the 2023-24 fiscal year with a partial reimbursement per an IGA with the City of Astoria.

Requested Action:

Approve the contract with Topper Industries I, LLC in the amount of \$375,470.00 and authorize the County Manager to sign the contract and any future amendments.

Attachment List

- A. Contract with Topper Industries I, LLC including their Certificate of Insurance
- B. Topper Industries I, LLC. Proposal



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

Contract No. C8603

PERSONAL/PROFESSIONAL SERVICES AGREEMENT

This AGREEMENT is by and between Clatsop County ("County") and **Topper Industries I, LLC** ("Contractor"). Whereas County has need of the services which Contractor has agreed to provide; NOW THEREFORE, in consideration of the sum not to exceed \$375,470.00 to be paid to Contractor by County, Contractor agrees to perform between date of execution and **July 12, 2024**, inclusive, the following specific personal and/or professional services:

- A. All materials, labor, equipment and incidentals, and to perform all work shown for the project "Yacht Club Pier Replacement Project", Scope of Work and the Proposal OR-128371 - Attachment A.
- B. Payment Terms:
 - 1. 20% of Contract paid to begin design - \$75,094.00
 - 2. 50% of Contract paid upon approved plan s submittal - \$187,735.00
 - 3. Final 30% of Contract paid prior to shipping - \$112,641.00

- 1. **COMPLETE AGREEMENT.** This Agreement contains the entire understanding of the parties and supersedes all prior agreements, oral or written, and all other communication between the parties relating to the subject matter of this Agreement.
- 2. **WRITTEN NOTICE.** Any notice of termination or other communication having a material effect on this Agreement shall be served by U.S. Mail on the signatories listed.
- 3. **GOVERNING LAW/VENUE.** This Agreement shall be governed by the laws of the State of Oregon. Any action commenced in connection with this Agreement shall be in the Circuit Court of Clatsop County. The prevailing party shall be entitled to reasonable attorney fees and costs, including an appeal. All rights and remedies of County shall be cumulative and may be exercised successively or concurrently. The foregoing is without limitation to or waiver of any other rights or remedies of County according to law.
- 4. **COMPLIANCE.** Contractor shall comply with all applicable Federal, State, and local laws, rules and regulations. All provisions of ORS 279B.220-235 (Public Contracts and Purchasing) are incorporated herein to the extent applicable to personal/professional service agreements. Specifically, Contractor shall:
 - a. Promptly pay, as due, all persons supplying labor and material for the prosecution of the work provided of in such contract. If Contractor fails to pay any such claim, County may pay the claim and charge the payment against the funds due Contractor, pursuant to ORS 279B.220;
 - b. Pay any required contributions due the Industrial Accident Fund incurred in the performance of

- c. Not permit any lien or claim to be filed or prosecuted against County, on account of any labor or material furnished by Contractor;
- d. Pay the Department of Revenue all sums withheld from employees pursuant to ORS 316.167;
- e. Not employ any person more than 10 hours a day, or 40 hours a week, unless permitted under ORS 279B.235, and any employee working over 40 hours per week shall be paid overtime as provided in ORS 279B.235.
- f. Pay promptly, as due, any payment for medical surgical or hospital care furnished to employees of Contractor, pursuant to ORS 279B.230.
- g. If Contractor is a subject employer, Contractor will comply with ORS 656.017.

5. **JUDICIAL RULINGS.** If any provision of this-as applied to either party or to any circumstances shall be adjudged by a court to be void or unenforceable, the same shall in no way affect any other provision of this Agreement or the validity of enforceability of the Agreement.

6. **INDEPENDENT CONTRACTOR.** Contractor, in carrying out the services to be provided under this Agreement, is acting as an "independent contractor" and is not an employee of County, and as such accepts full responsibility for taxes or other obligations associated with payment for services under this Agreement. As an "independent contractor", Contractor will not receive any benefits normally accruing to County employees unless required by applicable law. Furthermore, Contractor is free to contract with other parties, on other matters, for the duration of this Agreement.

7. **INDEMNIFICATION.** Contractor shall save harmless, indemnify, and defend County for any and all claims, damages, losses and expenses including but not limited to reasonable attorney's fees arising out of or resulting from Contractor's performance of or failure to perform the obligations of this Agreement to the extent same are caused by the negligence or misconduct of Contractor or its employees or agents.

8. **INSURANCE.** Contractor shall purchase and maintain at Contractor's expense, Comprehensive General Liability, Automobile Liability, and Professional Liability insurance. This insurance is to provide separate coverage for each of the required types of insurance at a minimum of \$700,000 for property damage and minimum of \$800,000 per person for bodily injury and no less than \$1,600,000 for each occurrence. In addition, all such insurance, with the exception of Professional Liability, shall name County, its Commissioners, employees and agents, as an **Additional Insured**. A copy of the policy or certificate of insurance acceptable to County shall be submitted to County. Some, or all, of the required insurance may be waived or modified if approved by County's counsel as follows:

_____ (approved by County Counsel) _____ (Contractor's Initials) _____

9. **WORKER'S COMPENSATION.** Contractor shall comply with ORS 656.017 for all employees who work in the State of Oregon. If Contractor hires employees, he or she shall provide County with certification of Worker's Compensation Insurance, with employer's liability in the minimum of \$100,000.

10. **NONDISCRIMINATION.** 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 on the grounds of sex, race, color, creed, marital status, age or national origin. Any violation of this provision shall be considered a material violation of this Agreement and shall be grounds for cancellation, termination or suspension in whole or in part by County.

11. **TERMINATION OF AGREEMENT.** This Agreement may be terminated under the following conditions:

- a. By written mutual agreement of both parties. Termination under this provision may be immediate.
- b. Upon fifteen (15) calendar days written notice by either Party to the other of intent to terminate.
- c. Immediately on breach of the contract.

12. **SUBCONTRACTING/NONASSIGNMENT.** No portion of this Agreement may be contracted to assigned to any other individual, firm, or entity without the express and prior approval of County.

13. **SURVIVAL.** The terms, conditions, representations and all warranties contained in this Agreement shall survive the termination or expiration of this Agreement.

14. **FUNDING.** In the event the Board of Commissioners of County reduces, changes, eliminates, or otherwise modifies the funding for any of the services identified, Contractor agrees to abide by any such decision including termination of service.

15. **STANDARD OF SERVICES AND WARRANTY.** Contractor agrees to perform its services with that standard of care, skill and diligence normally provided by a professional individual in the performance of similar services. It is understood that Contractor must perform the services based in part on information furnished by County and that Contractor shall be entitled to rely on such information. However, Contractor is given notice that County will be relying on the accuracy, competence and completeness of Contractor's services in utilizing the results of such services. Contractor warrants that the recommendations, guidance and performance of any person assigned under this Agreement shall be in accordance with professional standards and the requirements of this Agreement.

16. **COUNTY PRIORITIES.** Contractor shall comply promptly with any requests by County relating to the emphasis or relative emphasis to be placed on various aspects of the work or to such other matters pertaining to said work.

17. **OWNERSHIP AND USE OF DOCUMENTS.** All documents, or other material submitted to County by Contractor shall become the sole and exclusive property of County. All material prepared by Contractor under this Agreement may be subject to Oregon's Public Records Laws.

18. **TAX COMPLIANCE CERTIFICATION.** Contractor hereby certifies, under penalty of perjury, as provided in ORS 305.385(6), that to the best of Contractor's knowledge, Contractor is not in violation of any of the tax laws of this state or political subdivision of this state, including but not limited to ORS 305.380(4), 305.620 and ORS chapters 316, 317 and 318. Contractor represents that Contract will continue to comply with the tax laws of this state and any applicable political subdivision of this state during the term of the public contract. If Contractor's fails to comply with the tax laws of this state or a political subdivision of this during the term of this agreement, the Contractor shall be in default and County may terminate this agreement and pursue its remedies under the agreement and under applicable law.

Handwritten initials in a circle: BA

Handwritten notes: UP TO THE POINT OF TERMINATION OF SUSPENSION. COUNTY AGREES TO PAY TAPPER FOR ALL MATERIALS PURCHASES AND WORK FORSIGNED.

This Agreement will not be effective until approved by the authorized signatory for County.

FOR COUNTY:

FOR CONTRACTOR:

Signature _____ Date _____

Signature Bruce Abraham Date 12/19/2023

Printed Name _____

Printed Name Bruce Abraham

Title _____

Title SALES MANAGER

Address 1333 GLENWOOD STREET

City WOODLAND, WASHINGTON State _____ Zip 98674

Proposal / Contract

WA-TOPPEI1210R
OR- 128371
CA-776888

ATTACHMENT "A"



TOPPER INDUSTRIES I, LLC

1333 Glenwood St.
Woodland, WA. 98674
Phone (360) 841-8320 / Fax (360) 841-8021

Date:	12/14/2023
Client:	Clatsop County Public Works ATTN: Ben Brown, Engineering Tech III
Client Address:	1100 Olney Avenue Astoria, Oregon 97103
Phone:	P: 503-325-8631 email: bbrown@clatsopcounty.gov
Delivery:	Astoria, Oregon
Project Name:	Clatsop County Yacht Club Pier Replacement Project

We hereby submit specifications and estimates for:

Item ID

**One (1) each 6'-0" (clear inside guardrails) x 75'-0" Topper Aluminum Pier Section,
One (1) each 6'-0" (clear inside guardrails) x 60'-0" Topper Aluminum Pier Section,
Two (2) each 6'-0" (clear inside guardrails) x 50'-0" Topper Aluminum Pier Sections,
One (1) each 6'-0" (clear inside guardrails) x 82'-0" Topper Aluminum Pier Gangway,
One (1) each 6'-0" (clear inside guardrails) x 12'-0" Topper Aluminum Transition Ramp,
One (1) each 10'-0" x 20'-0" Topper Aluminum Gangway Landing Floating Dock, to include;
Pier Sections, Gangway and Transition Ramp;**

1. Topper truss design.
2. 100psf live load, L/360 deflection.
3. Fibergrate Ecograte 62% open, molded, skid resistant, fiberglass deck.
4. One (1) each 4" toe rail – both sides.
5. Horizontal mid rails – less than 4" openings – both sides.
6. Internal handrail – both sides.
7. Fixed connection one end of pier sections. Fixed hinge shore end of gangway.
8. Sliding connection one end of pier sections. Nylatron wheels dock end of gangway.
9. One (1) each transition plate to cover all gaps, 1'-0" x 6'-0" x 0.250" – metalized surface.
10. One (1) each bottom transition ramp plate, 3'-0" x 6'-0" x 0.375" – metalized surface.
11. Two (2) each 1'-0" x 4'-0" x 0.250" aluminum run-off plates with wheel guides.
12. Topper extrusion with L.E.D. lighting both sides. 110v electricity required to power lights.
13. 18" utility channels, 5'-0" on center.
14. Drawings and Stamped Oregon engineering for review / approval.

10'-0" x 20'-0" Topper Aluminum Gangway Landing Floating Dock;

1. Topper structural aluminum Tube Frame design.
2. 20psf live load.
3. Fibergrate Ecograte 62% open, molded, skid resistant, fiberglass deck.
4. Six sided, polyethylene encased tub floats filled with expanded polystyrene foam block.
5. 60 ln.ft. of 2" x 8" structural composite rub rail.
6. Two (2) each Topper heavy duty external pile retainers lined with UHMW wear plates.
7. Drawings and stamped float calculations for review / approval.

Project subtotal.....	\$366,770.00 *
Estimated Freight – FOB job site truck, Astoria, Oregon.....	\$8,700.00 *
Agenda Item #6.....	\$375,470.00 *

NOTE: Freight is estimated at time of quote. Actual freight charge may be invoiced at time of shipping.

We propose hereby to furnish material and labor; complete in accordance with above specifications, for the sum of: **Three Hundred Seventy Five Thousand Four Hundred Seventy and 00/100 dollars (\$375,470.00)**.

Terms: 20% down payment, 50% upon approved submittals, 30% prior to shipping.

* Note that sales tax is not included in the price stated above, if applicable.

Acceptance of Proposal: *The above scope is to be furnished complete in general accordance with plans and specifications. Payment and delivery terms to be negotiated. All prices shown are valid for thirty (30) days only unless otherwise stated above. Unless otherwise agreed in writing, the information herein is a proposal only and should not be construed as a promise to perform absent the separate written consent of Topper Industries I LLC.*

Exclusions: *Any item not listed, Buy America / Buy American if not previously mentioned will not be included, any inspection beyond visual, sales tax, permits, prevailing wage, material escalation costs, liquidated damages, installation of bridge - catwalk - gangway - dock, etc., consequential damages, mill delays, any proposed modification to the scope of work will be processed as a change order, includes one design revision to engineering, any further revisions at the customer's request will be billed at our engineering hourly rate in the form of a change order, Topper Industries I LLC, Terms and Conditions are to be signed.*

Signature: _____

Date of Acceptance: _____

G:\Shared drives\I - Sales\ Bruce\2023 Bids & Proposals\12 - December\Clatsop County Piers Gangway and Docks\Quote & Budget\Support Document for Quote\Clatsop County Yacht Club Pier Replacement Project 1223 Revised.docx



e: sales@topperfloats.com
t: (360) 841-8320
www.topperfloats.com

STANDARD TERMS & CONDITIONS OF SALE

These Standard Terms and Conditions of Sale ("Terms and Conditions") shall apply to any contract for the sale of goods, services or a combination of both goods and services by Topper Industries I, LLC or any direct and indirect subsidiaries, joint ventures and/or any other affiliated entities of Topper (collectively and individually, "Topper," "we," "us," or "our"). EXCEPT AS OTHERWISE AGREED IN WRITING, THESE TERMS AND CONDITIONS GOVERN ALL OUR CONTRACTS TO THE EXCLUSION OF OTHER TERMS AND CONDITIONS. ORDER PLACED BY YOU WILL ONLY BE ACCEPTED BY OUR WRITTEN CONFIRMATION OF SUCH ORDER.

1. GENERAL

- (a) These Terms & Conditions and any related document shall be deemed to be a contract made under and shall be construed in accordance with and governed by the laws of the State of Washington without regard to the conflict of laws and provisions of the State of Washington, or of any other state.
- (b) These Terms and Conditions shall be incorporated into and deemed an integral part of the following documents: (i) any bid, quote, response to a request for quote, letter, proposal, or any other form of offer for the sale of products or services by us to a purchaser; (ii) any form of order acknowledgment by us to a purchaser; and (iii) any invoice or similar document submitted by us for the sale of goods and/or services. These Terms and Conditions shall supersede and replace any terms and conditions offered by purchaser and shall be the only terms and conditions applicable to purchaser's purchase of goods or services pursuant to the terms appearing on our proposal, estimate, order acknowledgment or invoice. We specifically and expressly object to and reject any terms and conditions or other provisions in purchaser's purchase orders, printed forms, correspondence or any other writings or oral representations which are different from, inconsistent with or in addition to these Terms and Conditions. A purchaser's efforts to change these Terms and Conditions or the terms set forth on a proposal, estimate, order acknowledgment or invoice shall constitute a material alteration of our offer and shall not be binding on us. Receipt of a purchase order for our goods and services or our initiation of any work to manufacture and supply the goods or services shall constitute acceptance by purchaser of these Terms and Conditions. Notwithstanding any prior custom, practice or course of dealing between us and the purchaser, or generally within the industry, we may insist on strict adherence to these Terms and Conditions.
- (d) All quotations are for immediate acceptance and subject to change or withdrawal without notice before an order is acknowledged by us. No proposal shall become effective until accepted by an authorized employee of Topper. If a proposal constitutes an acceptance of an offer, such acceptance is expressly conditioned on purchaser's assent to the terms of proposal, including, without limitation, these Terms and Conditions.
- (e) The related proposal, or as applicable bid or submittal package (collectively, the "Project Details"), these Terms and Conditions, and Certificate of Limited Warranty contain each agreement and understanding between the parties relating to its subject matter, and none of them may be altered or amended except in writing signed by authorized representatives of both the parties.
- (f) No party shall be liable for any failure to perform its obligations in connection with any action described herein if such failure results from any act of God, act of terrorism, riot, war, pandemic, civil unrest, flood, hurricane, earthquake or other cause beyond such party's reasonable control (including any mechanical, electronic, or communications failure, but excluding failure caused by a party's financial condition or negligence); except that no party may be excused from the obligation of payment or indemnification under this section.
- (g) Any action or proceeding relating in any way to these Terms & Conditions or the services shall be brought and enforced exclusively in the courts of the State of Washington or any United States federal court sitting in Cowlitz County, Washington. Each party hereby irrevocably waives, to the fullest extent permitted by applicable law, any objection which it may now or hereafter have to the laying of venue of any such proceeding brought in such a court and any claim that such proceeding brought in such a court has been brought in an inconvenient forum.

2. SCOPE OF WORK; DRAWINGS.

Topper shall perform the services set forth in the related Project Details. Topper's scope will include only required engineering associated with the design of the products quoted and issue a PE stamped design package when appropriate. Topper will provide one (1) design revision at the customer's request, but due to the nature of this work any further revisions requested by the customer due to on-site and scope of work changes, unknowns, code references that are not provided, etc... will be charged to the customer at our billable rate listed as follows (Principle Engineer: \$312.00/hour, Senior Engineer (E6): \$237.00/hour, Senior CAD Technician (D3): \$123.00/hour, CAD Technician (D2): \$109.00/hour (Effective 08/30/2021)). We do not perform project site inspection or testing to determine product selection or criteria, and therefore we do not assume any fit for use responsibilities, which are the responsibility of the purchaser's engineers and/or managers. We reserve the right to discontinue or modify the design and construction of any product or to substitute material equal to or superior to that originally specified, without notice to purchaser. Any product design drawings will be provided for final purchaser approval. All drawings are the property of Topper and shall be used only for the project specified in the Project Details and shall not be reused, resold, or otherwise used without the prior written consent of Topper. Any inventions, modifications, improvements, techniques, or know-how affecting the products made or gained by us in the course of performing this contract, shall belong to Topper.

3. ENGINEERING CRITERIA.

The products furnished by Topper are sophisticated engineering products; accordingly, purchaser represents and warrants: (a) it has provided and will promptly provide all the information reasonably necessary to enable us to (i) evaluate the requirements for performing and (ii) perform pursuant to the purchaser's requirements, and that all such information is complete and accurate; (b) that all premises, plant, engineering support, spare parts, connected pipe work and machinery and inputs that is required to provide for the design, engineering, installation, testing and use of the products are fit for their purpose and of good engineering quality; (c) it will fully cooperate with Topper in the design, engineering, installation, testing and use of the products; (d) to use the products for the intended purpose only and in accordance with the product literature; and (e) it will not under any circumstances, use any unapproved spare part, connected machinery, service or repair or use the products in any manner as may render the product dangerous; purchaser agrees that any breach of these negative criteria will negate all specific and implied conditions and obligations on the part of Topper relating to the quality of the products. Purchaser further agrees that it will be liable to Topper for any costs, expenses, and losses it suffers by reason of any breach of these undertakings. Any and all change orders must be submitted in writing by an authorized representative of purchaser.

4. TAXES.

Unless otherwise agreed, taxes imposed with respect of the sale of the products or services sold hereunder are excluded in any quotation by Seller. All applicable taxes shall be added and paid by customer in addition to the purchase price. If we pay any such taxes, the customer shall reimburse us for all such amounts upon demand. For any tax-exempt project or organization, a tax exemption certificate must be provided to us at the time of order.

5. PAYMENT.

(a) The purchaser is responsible for payment in the amount as set forth in the related Project Details, and the prices shown on any quote, proposal or estimate expire in thirty (30) days if not accepted. Notwithstanding any other provision hereof or any other agreement with purchaser or its agents, all pricing is subject to change due to increases in material prices at the time of production whether due to general market increases, tariffs, or for other reasons. Unless otherwise specified in the Project Details, for all prefabricated structures, a 20% deposit is required to begin the design process, 50% progress payment upon approval of submittal drawings to commence material acquisition and production, and the remaining balance must be paid net 20 days after delivery (unless credit has been approved prior to order placement or the purchaser has authorized ACH payments). A 5% service charge will be added to all credit card payments. Payment for additional work, or changes to the work and structure, including additional work or changes to work and equipment precipitated by latent or unforeseen site conditions, shall be as set forth in a separate written agreement between the purchaser and Topper; provided that absent such agreement, we shall have the right, but not the obligation, to charge the purchaser our standard rates and prices. If payment is not received on or before the date due, the purchaser shall pay the lesser of an interest charge of five percent (5%) per month, or the maximum rate allowed by law on any past due amounts. Any attorney's fees, collection/fees and any other costs incurred in collecting any delinquent amount shall be paid by purchaser. Purchaser's obligation to pay for products and services delivered in accordance with these Terms & Conditions is unconditional and irrespective of whether purchaser has been paid by any third-party. (b) Title to the purchased products shall transfer to the purchaser upon full



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payment; provided, however, that in the event delivery is prior to full payment, Topper shall retain a security interest in the products until it receives payment in full. Pending payment of the full purchase price of the products or parts furnished by Seller,

6. SHIPPING AND FREIGHT.

(a) Prices are f.o.b. our facility with freight allowed to the job site with unloading by others at a truck accessible location. Our responsibility for damages in transit ceases upon delivery of goods to carrier and purchaser then assumes responsibility for damage determination and collection from carrier. All freight will be delivered to the nearest site easily accessible to over-the-road trucks. We will select the method of shipment and routing unless specified by the purchaser. Purchaser will coordinate directly with freight carriers for delivery. Freight charges quoted are exclusive of any special access fees or costs or any unloading costs unless specifically noted on the quotation.

(b) Freight charges quoted are only estimates based on information received from the carrier. Final freight charges are subject to adjustment by the freight carrier due to market conditions and a variety of other reasons. Nonetheless, all final freight costs are the responsibility of the purchaser, and the purchaser will be billed and agrees to pay for final freight, shipping, and any other associated charges in excess of the initial amount quoted by the carrier. Allowable unloading time for delivery trucks is two (2) hours. Demurrage charges of \$75.00 per hour thereafter will be added. We reserve the right to suspend services or postpone delivery pending purchaser payment of freight, shipping, or related charges.

(c) The purchaser is responsible for unloading and inspecting all products and materials upon arrival. A driver signature evidencing damages or shortage is required to file a claim with carrier. All claims by Purchaser for shortages in a shipment of equipment or equipment damaged in transit must be made against the carrier. All claims by purchaser against seller for nonconforming equipment and claims for shortages in a shipment or damaged equipment (other than claims to be made against the carrier) must be made in writing to Seller within ten (10) days after receipt of shipment or thirty (30) days after date of shipment, whichever occurs first, or they are waived. Topper shall not be responsible for damage or loss rising from delays that occurred in transportation, accidents occurring during delivery, or any other causes whatsoever beyond its control.

(d) While expected dates of delivery of goods are given in good faith, the same are not of the essence of or in any way terms of the contract or representations of fact. All shipping dates given are approximate, and while effort is made to maintain schedules, we will not be liable for damages on account of delay. In case of delay by purchaser in furnishing complete schedules or information, delivery dates may be extended for a reasonable time depending on factory conditions. Topper shall not be responsible for reasonable or excusable delays, nor shall the purchaser refuse to accept delivery because of any such delays. If there is a scarcity in any of its products or goods, Topper will allocate its available supply in its sole discretion. Also, delivery times may be dependent upon purchaser's timely acceptance or supply of such information or materials necessary for us to manufacture and ship the order, including but not limited to, designs, artwork, labels, or sketches (the "Approvals") for use in manufacturing the product. After acceptance of the Approvals, any alterations called for shall be at the expense of purchaser. If purchaser fails or refuses for any reason whatsoever to take delivery of the products sold at the designated time of delivery, then purchaser shall be responsible for all storage fees associated. These equate to a monthly charge of 5% of the total project value, which will apply to any finished products stored over thirty (30) days. Unless otherwise agreed to in writing, any products held by us in storage for more than sixty (60) days after the agreed date of delivery may be invoiced, sold, scrapped and/or destroyed by us without relieving purchaser of the obligation to pay for the products and storage. When products are to be exported, purchaser shall, at its sole expense, furnish to us with each order all consular and customs declarations and licenses and shall accept all liability and responsibility for penalties resulting from errors or omissions thereon.

7. RIGHT OF ACCESS.

The purchaser will provide right of entry to our personnel and to all necessary equipment at the project site(s), during reasonable business hours throughout the duration of the project, as necessary for us to perform the services and/or deliver the ordered product.

8. LIMITED WARRANTY.

Topper' product warranty is set forth in a separate Certification of Limited Warranty that is incorporated herein by reference. TOPPER DOES NOT WARRANT THE MERCHANTABILITY OF ITS PRODUCTS AND DOES NOT WARRANT THE FITNESS OF THE PRODUCTS FOR A PARTICULAR PURPOSE. SELLER DOES NOT MAKE, AND HEREBY DISCLAIMS AND EXCLUDES, ANY WARRANTY, EXPRESS OR IMPLIED, OTHER THAN THE WARRANTY CONTAINED HEREIN. THERE ARE NO WARRANTIES EXPRESS OR IMPLIED BEYOND THAT WHICH IS DESCRIBED IN THE CERTIFICATION OF LIMITED WARRANTY.

9. DELAYS IN WORK.

Topper will not be responsible for delays in the work caused by the purchaser or its agents, consultants, contractors, or subcontractors.

10. TERMINATION.

Our work may be canceled by the purchaser at any time, and our agreement may be terminated by either party upon fifteen (15) days' written notice in the event of substantial failure by the other party to perform in accordance with the terms herein or in the related Project Details. Such termination shall not be effective if such substantial failure has been remedied before expiration of the period specified in the written notice. In the event of any cancellation or termination, Topper shall be paid for the percentage completion of its work to the termination or cancellation effective date.

11. LIMITATION OF REMEDIES AND LIABILITY.

Our liability hereunder shall be limited to the obligation to repair or replace only those products proven to have been defective in material or workmanship at the time of delivery, or allow credit, at its option. Our total cumulative liability in any way arising from or pertaining to any product or service sold or required to be sold under this contract shall NOT in any case exceed the purchase price paid by purchaser for such products or services. IN NO EVENT SHALL TOPPER HAVE ANY LIABILITY FOR COMMERCIAL LOSS, LOST PROFITS, CLAIMS FOR LABOR, OR CONSEQUENTIAL, SPECIAL, PUNITIVE, OR INCIDENTAL DAMAGES OF ANY TYPE, WHETHER PURCHASER'S CLAIM IS BASED IN CONTRACT, TORT, WARRANTY, STRICT LIABILITY, NEGLIGENCE, OR OTHERWISE. IT IS EXPRESSLY AGREED THAT PURCHASER'S REMEDIES EXPRESSED IN THIS SECTION ARE PURCHASER'S SOLE AND EXCLUSIVE REMEDIES.

12. CLAIMS BY PURCHASER.

Purchaser shall thoroughly inspect products sold under this contract immediately upon receipt to verify conformance with the specifications of the contract. Purchaser must notify us of claims for failure or delay in delivery within 30 days after the scheduled delivery date. Purchaser must notify us of any claims for nonconforming or defective products within 30 days after the nonconformity or defect was or should have been discovered. In addition, we must be given an opportunity to investigate the claim before purchaser disposes of the material, or else purchaser's claim will be barred. Topper shall incur no liability for damage, shortages, or other cause alleged to have occurred or existed at or prior to delivery to the carrier unless the purchaser shall have entered full details thereof on its receipt to the carrier.

13. WARRANTY OF OTHER MANUFACTURER'S PRODUCTS.

We make no warranty or representation of any kind whatsoever, either expressed, implied or statutory on any component parts or accessories sold hereunder which are not manufactured by us. However, we hereby extend the manufacturer's warranty or guaranties, if any, given to us by the manufacturer of said component parts and accessories, but only to the extent we can enforce such warranty or guaranties. We do not guaranty warranties of other manufacturers' products. Claims under any manufacturer's warranty shall be made in accordance with the manufacturer's requirements regarding the return, repair, or replacement of the goods. We agree to use our reasonable best efforts and will cooperate with purchaser in enforcing any claims against manufacturer(s) for defects that may occur.

Name: _____ Title: _____ Date: _____

Board of Commissioners Clatsop County

AGENDA ITEM SUMMARY

January 10, 2024

Agenda Title: Non-Profit ARPA Funding Agreement – Helping Hands Reentry Outreach Centers – Seaside Inclement Weather Shelter

Category: Consent Calendar

Presented By: Monica Steele, Assistant County Manager

Issue Before the Commission: Approve the non-profit funding agreement with Helping Hands Reentry Outreach Center to provide low-barrier inclement weather shelter services at 1530 S. Roosevelt in Seaside.

Informational Summary: Recent weather events have brought some significant flooding within parts of the Seaside area including at the City’s designated camping site for the unhoused. In an effort to provide temporary shelter and reprieve from the weather Helping Hands stood-up an inclement weather shelter in the facility that is currently operating as a daytime shelter and navigation center through BHRN dollars. The long-term goal for this site has been to establish a 24-hour low barrier shelter with approximately 40 beds, however operational funding as well as the necessary funds to install a sprinkler system have been a barrier. County staff have been having ongoing conversations with Helping Hands as well as the state to identify potential resources to help expedite this process but at this point have not been able to secure funding.

In the interim, Helping Hands has had conversations with the City of Seaside Fire Department who are willing to grant temporary inclement weather shelter status without the sprinkler system in anticipation of the winter weather as long there continues to be a long-term goal of getting one installed.

Staff have processed a Non-Profit Funding Agreement in the amount of \$30,000 from budgeted ARPA funds and are bringing before your Board a request to amend the agreement for an additional \$20,000 of ARPA funding for a total agreement amount of \$50,000. This level of funding will provide service through the winter months and is based on conversations with the City of Seaside and is required to follow all Federal ARPA reporting requirements.

Fiscal Impact: These ARPA funds are budgeted in the FY 2023 – 2024 budget in accordance with the ARPA funding concept.

Requested Action:

Authorize the County Manager to sign Amendment #1 for the Non-Profit Funding Agreement with Helping Hands Reentry Outreach Centers to provide inclement weather shelter in Seaside for a total amount of \$50,000.

Attachment List

- A. Non-Profit Funding Agreement Funding Agreement – Helping Hands Reentry Outreach Center
- B. Amendment #1

**Non-Profit Funding Agreement
Amendment No. 1**

This Amendment dated and effective as of this ____ day of January 2024, shall be attached to and become a part of the Non-Profit Funding Agreement dated December 21, 2023 between Clatsop County (“County”) and Helping Hands Reentry Outreach Centers (“Non-Profit”).

The parties agree to the following changes to the Non-Profit Funding Agreement:

Services and Payment: County shall provide funding to Non-Profit in the amended total amount of \$50,000. All other terms and conditions of the agreement apply.

Except as expressly amended, the Non-Profit Funding Agreement is hereby ratified and affirmed by the parties, and shall remain in full force and effect according to their terms.

IN WITNESS WHEREOF, The parties have executed this Amendment as of the date first written above.

CLATSOP COUNTY
 (“County”)

Helping Hands Reentry Outreach Centers
 (“Non-Profit”)

By: _____
Don Bohn
County Manager

By: _____
Name: _____
Title: _____

Dated: _____

Dated: _____

Board of Commissioners Clatsop County

AGENDA ITEM SUMMARY

January 10, 2024

Agenda Title: Appointments to the Fair Board
Category: Business Agenda
Presented By: Kyle Sharpsteen, Fairgrounds Manager

Issue Before the Commission: Appointments to the Fair Board

Informational Summary:

The Clatsop County Fair Board consists of five members of the public that are appointed by the Clatsop County Board of Commissioners, in accordance with ORS 565.210. Each member is appointed for a three-year term or until their respective successors are appointed.

Two of the five board members terms end on December 31, 2023, Matt Bellingham and Sarah Finn.

A call for applicants was issued on September 18, 2023. At the November 7, 2023 Fair Board work session, the applications were presented to the Fair Board. The County has received four applications for consideration. The applicants are, Matt Bellingham, Sarah Finn, Lisa Morley and Virginia Hall.

At the December 6th, 2023 work session, the Board discussed the four applications that were received. The Commissioner districts were reviewed after the work session and updated in the chart below.

CURRENT MEMBERS			
Matt Bellingham *	4	Costco Dept. Manager	12/31/23
Brittany Israel	3	Restaurant Owner	12/31/25
Kallie Linder	4	Hair Dresser/ Salon Owner	12/31/25
Sarah Finn *	4	VP Finance and Administration	12/31/23
Mallory Litehiser	5	Banking Manger/ VP	12/31/25

**Denotes expired term*

APPLICANTS			
Name	Commissioner District	Occupation	Term Expiration Date
Sarah Finn	4	VP Finance and Administration	12/31/2023
Matt Bellingham	4	Costco Dept. Manager	12/31/2023
Lisa Morely	3	Safety Consultant	N/A
Virginia Hall	4	Retired (Goldsmith)	N/A

Fiscal Impact: None

Requested Action:

“Approve _____ and _____ with a terms ending December, 2026 to the Clatsop County Fair Board.”

Attachment List

- A. Applications

Committee Vacancies Application: Submission #59

Date

Sat, 10/28/2023 - 00:00

Applicant Information

Matthew Bellingham

90171 Logan rd

Astoria. 97103

matthewbellingham101@gmail.com

15033389734

Current Occupation

Manager Costco Wholesale

Past Occupation (if currently retired)

none

Years Resident of County

38

In which Commissioner District do you reside?

3

Committee, Board or Commission Applied For

Fair Board

Background (relevant education, training, experience, etc.)

Three years Fairboard experience. 29 years involved in the clatsop county fair. 19 of which are volunteer.

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

I want to have a positive impact on our fairgrounds and county fair. I have a passion for this particular area of our community and I hope to assist in managing it well.

Committee Vacancies Application: Submission #56

Date

Tue, 09/19/2023 - 00:00

Applicant Information

Sarah Finn

35576 Montrose Ct

35576 Montrose Ct

Astoria. 97103

sfinn@teevinbros.com

503-298-0188

Current Occupation

VP of Finance & Administration

Past Occupation (if currently retired)

n/a

Years Resident of County

43

In which Commissioner District do you reside?

4

Committee, Board or Commission Applied For

Fair Board

Background (relevant education, training, experience, etc.)

I have spent the last year on as a Fair board member.

I have 21 years is business management & accounting experience as well as 16 years in Human Resource & Payroll experience.

I was on the Clatsop County 4-H Association Board from October of 2016 to October of 2020.

I spent a year helping the Non Profit "Helping Hands" with their finances and applications for grants.

I am a life long 4-H participant, starting as a member and now the mother of members.

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

My interest in this position is simply to help our community and keep our fairgrounds running smoothly. I feel with my business knowledge and the love for my community would be a large asset for this board. I have loved my time on the board this last year and feel like I have learned a lot and helped our board grow as well.

I personally have rented parts of the facility and have been grateful to be able to host events there over the years. I would like to take part in making that happen for others.

My love for 4-H does come in to play as well. Clatsop County Fair is a very big deal to my family and friends and I would like to help the Fair continue to be successful for years to come.

COMMITTEE, BOARD OR COMMISSION APPLICATION
CLATSOP COUNTY

Date: 06NOV2023

Lisa Morley

Name

4908 Cedar St

Mailing Address

Astoria OR 97103

City

Street Address: 4908 Cedar St. Astoria OR 97103 Email: lisa.g.morley@gmail.com

Home Telephone: 971.326.0430 Other Telephone: _____
 work cell phone

Current Occupation Safety Consultant

Past Occupation (if retired) _____

Years Resident of County: 8

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. Clatsop County Fair and Expo Board

2. _____

3. _____

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

Degrees in Animal Science and Environmental Science, working at Behavioral Science Technology (BST) as a Behavioral Science and Neuroscience expert consultant in relation to leadership and safety for the last 15 years. Worked as buyer, master trainer and Project Manager for Intel culture for 13 years prior to that, and as Technical Analyst for the President of Westronics. I also worked as a construction Project Manager after graduation from Texas A&M @ Prairie View, TX.

Please complete other side →

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

I have strong skills in planning, budgeting, training, construction and safety. In all of my jobs, one of my favourite side gigs, has always been event planning. I've done so for work events and committees, for friends and family, all the way to our home and neighborhood park here in Astoria.

Work related:

Created and/or managed several team events at Intel.

Reconfigured a 30 year long, \$10M annual recognition event for appx 10,000 leaders at Intel.

Developed quarterly team-building events for my teams at Intel, then taught my techniques at both Intel and BST.

Worked on a committee (both internal members, along with external client members) at BST (now Dekra N.A.) to create, schedule, promote, conduct, and evaluate our annual Safety In Action conference, with our largest attendance being 3500 participants.

Non-work related:

Most recently, after managing 2 drives to "save our park" (Birch Park in the Alderbrook neighborhood here in Astoria), I created:

- * Friends of Alderbrook Parks
- * Clean the Park
- * Movies in the Park
- * Art in the Park
- * Game Day in the Park
- * Christmas Tree Decorating in the Park

(You can see some of those results on the facebook page - <https://www.facebook.com/FriendsOfAlderbrookParks>)

Home related:

My life partner and I (truly, he does almost ALL of the work...I'm the "planner", but he's the one that makes it happen!!) do annual decorating at our house for the kids, neighbors and town to enjoy. :-) It really brings me the most joy :-) (He's really great with his high-quality drone as well.)

Here are a few links to those events:

<https://www.youtube.com/watch?v=An3xrbJDgig&t=100s> - Christmas

<https://www.youtube.com/watch?v=XTKumQaftV0> - Halloween

<https://www.youtube.com/watch?v=wDARh7ljCCA> - Easter

<https://www.youtube.com/watch?v=rS7pGIY7gSA> - 4th of July

<https://www.youtube.com/watch?v=2oVJ0Q-I4AQ&t=1098s> - Halloween (bonus)

Lisa Morley

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: 9-15-2023

Virginia Hall

Name

92192 Clover Road

Mailing Address

Astoria, OR 97103

City

Street Address: same

Email: kjseaside@msn.com

Home Telephone: 503-325-0998

Other Telephone: _____

work cell phone

Current Occupation Retired, Teach at CCC

Past Occupation (if retired) Goldsmith

Years Resident of County: 25 +

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. Clatsop County Fair Board

2. _____

3. _____

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

4-H Livestock, Horse and Foods Exhibiter

Business Owner

Market Gardener

Teacher of handcrafts and metalworking

Computer programming, psychology, finances and tax preparation studies

Please complete other side →

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

I am interested in large events and every aspect of their administration. My unique background supports my ability to analyze layouts and brainstorm possible situations arising when diverse human participants gather in unfamiliar and unpredictable surroundings. I have experience in research and outsourcing. I have spent time recently studying Oregon laws and can navigate the internet quickly to access them for various purposes. I am not a stranger to professional negotiations.

I was at the fair every day this year and am alarmed by the lack of community participation. Something must change in order for the fair to continue.

Virginia R Hall

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

Board of Commissioners Clatsop County

AGENDA ITEM SUMMARY

January 10, 2024

Agenda Title: Intergovernmental Agreement #180004 Amendment #5 between Oregon Health Authority (OHA) and the Local Public Health Authority for Clatsop County (LPHA), Clatsop County Department of Public Health, for the Biennium July 1, 2023 through June 30, 2024.

Category: Business Agenda

Presented By: Jiancheng Huang, CCDPH Director

Issue Before the Commission: Request of Authorization for County Manager to approve Amendment #5 under Intergovernmental Agreement #180004 between Oregon Health Authority (OHA) and Clatsop County Department of Public Health and approve the 2023-24 budget and appropriation adjustment as required by ORS 294.338 for a total of \$61,720.00 (rounded).

Informational Summary: Operation of the Public Health Department is primarily funded by the OHA Public Health contract, program fees, General Fund support and other private and governmental grants.

Fiscal Impact: The State mandates a certain level of service elements to be administered by Local Public Health Agencies. This Agreement in the amount of \$348,331.98 covers those Program Elements administered by the Local Public Health Department.

Amendment #5 awards rollover of unspent FY22/23 funds to FY23/24 for the following Program Element:

- 1) PE01-09 COVID-19 Active Monitoring – ELC = \$286,607.98

This Amendment also awards new funding for:

- 1) PE27-04 PDOP Naloxone Project = \$50,000.00
- 2) PE43-05 OIP Bridge COVID = \$11,724.00

At the time the Clatsop County Public Health budget was prepared for FY23/24, the State of Oregon, acting by and through its Oregon Health Authority, had not released this Amended Agreement which awards for the first fiscal year (July 1, 2023 through June 30, 2024) of the Biennium. As such, one Program Element (PE27-04) was awarded more than the CCDPH budgeted amount, along with a new Program Element (PE43-05) which had not been budgeted, resulted in a total of \$61,724.00 which is summarized in Schedule "A".

Requested Action:

Approve the budget adjustment for \$61,720.00 to remain in compliance with Oregon budget law per ORS 294.338 and authorize the County Manager to sign Amendment 5 of IGA 180004 between OHA and Clatsop County Department of Public Health.

Attachment List

- A. Copy of Intergovernmental Agreement 180004-5 for a total of \$348,331.98
- B. Resolution and Order
- C. Schedule "A" Appropriation adjustments

Schedule A

2023-24 Budget Adjustments

I. ADJUSTMENTS INVOLVING EXPENDITURE OF UNANTICIPATED GRANT REVENUE

<u>ORGANIZATION UNIT/FUND</u>		<u>INCREASE</u>	<u>DECREASE</u>
PDOP Naloxone Project (PE27-04)			
PDOP Rev	007/4168/81-5218	\$ 50,000.00	
Program Asst II Exp	007/4168/82-1185	\$ 50,000.00	
OIP Bridge COVID (PE43-05)			
OIP Bridge COVID Rev	007/4129/81-5120	\$ 11,720.00	
PH Nurse III Exp	007/4129/82-1210	\$ 11,720.00	

Comment: OHA IGA 180004 Amendment 5 is a total of \$348,331.98 and is outlined in the Agenda Item Summary. We are requesting the above referenced as budget appropriation adjustments for FY23/24.

IN THE BOARD OF COUNTY COMMISSIONERS
FOR CLATSOP COUNTY, OREGON

In the matter of the adjustment of the fiscal)
year 2023-24 budget and appropriations by) RESOLUTION AND ORDER
authorizing expenditure of unanticipated)
grant revenue from the Oregon Health Authority))
for Contract 180004 Amendment #5, per ORS)
294.338)

It appearing to the Board that there is a need to make adjustments in the fiscal year 2023-24 budget by authorizing expenditure of unanticipated grant revenue;

Where as the need for said adjustments, the purpose of the authorized expenditures and the amount of appropriations adjustments, is more particularly described in the Schedule of Revenue and Appropriation Adjustments attached hereto and incorporated herein as Schedule "A"; and

Where as it appearing to the Board that such adjustments are allowed pursuant to ORS 294.338; now, therefore, it is

RESOLVED AND ORDERED that the Schedule of Revenue and Appropriation Adjustments attached hereto as Schedule "A" be approved.

ADOPTED AND APPROPRIATED this 10th Day of January 2024.

BOARD OF COUNTY COMMISSIONERS
FOR CLATSOP COUNTY, OREGON

Chair

Agreement #180004



**FIFTH AMENDMENT TO OREGON HEALTH AUTHORITY
2023-2025 INTERGOVERNMENTAL AGREEMENT FOR THE
FINANCING OF PUBLIC HEALTH SERVICES**

In compliance with the Americans with Disabilities Act, this document is available in alternate formats such as Braille, large print, audio recordings, Web-based communications and other electronic formats. To request an alternate format, please send an e-mail to dhs-oha.publicationrequest@state.or.us or call 503-378-3486 (voice) or 503-378-3523 (TTY) to arrange for the alternative format.

This Fifth Amendment to Oregon Health Authority 2023-2025 Intergovernmental Agreement for the Financing of Public Health Services, effective July 1, 2023, (as amended the “Agreement”), is between the State of Oregon acting by and through its Oregon Health Authority (“OHA”) and Clatsop County, (“LPHA”), the entity designated, pursuant to ORS 431.003, as the Local Public Health Authority for Clatsop County. OHA and LPHA are each a “Party” and together the “Parties” to the Agreement.

RECITALS

WHEREAS, OHA and LPHA wish to modify the Fiscal Year 2024 (FY24) Financial Assistance Award set forth in Exhibit C of the Agreement.

WHEREAS, OHA and LPHA wish to modify the Exhibit J information required by 2 CFR Subtitle B with guidance at 2 CFR Part 200;

NOW, THEREFORE, in consideration of the premises, covenants and agreements contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

AGREEMENT

1. This Amendment is effective on **November 1, 2023**, regardless of the date this amendment has been fully executed with signatures by every Party and when required, approved by the Department of Justice. However, payments may not be disbursed until the Amendment is fully executed.
2. The Agreement is hereby amended as follows:
 - a. Exhibit A “Definitions”, Section 18 “Program Element” is amended to add Program Element titles and funding source identifiers as follows:

<u>PE NUMBER AND TITLE</u> • SUB-ELEMENT(S)	<u>FUND TYPE</u>	<u>FEDERAL AGENCY/ GRANT TITLE</u>	<u>CFDA#</u>	<u>HIPAA RELATED (Y/N)</u>	<u>SUB-RECIPIENT (Y/N)</u>
PE43-05 - OIP Bridge COVID	FF	CDC/Immunization and Vaccines for Children	93.268	N	Y

- b. Exhibit C, Section 1 of the Agreement, entitled “Financial Assistance Award” for FY24 is hereby superseded and replaced in its entirety by Attachment A, entitled “Financial Assistance Award (FY24)”, attached hereto and incorporated herein by this reference. Attachment A must be read in conjunction with Section 3 of Exhibit C.
- c. Exhibit J of the Agreement entitled “Information required by 2 CFR Subtitle B with guidance at 2 CFR Part 200” is amended to add to the federal award information datasheet as set forth in Attachment B, attached hereto and incorporated herein by this reference.

- 3. LPHA represents and warrants to OHA that the representations and warranties of LPHA set forth in Section 4 of Exhibit F of the Agreement are true and correct on the date hereof with the same effect as if made on the date hereof.
- 4. Capitalized words and phrases used but not defined herein shall have the meanings ascribed thereto in the Agreement.
- 5. Except as amended hereby, all terms and conditions of the Agreement remain in full force and effect.
- 6. This Amendment may be executed in any number of counterparts, all of which when taken together shall constitute one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of this Amendment so executed shall constitute an original.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the dates set forth below their respective signatures.

7. **Signatures.**

STATE OF OREGON, ACTING BY AND THROUGH ITS OREGON HEALTH AUTHORITY

Approved by: _____
 Name: /for/ Nadia A. Davidson
 Title: Director of Finance
 Date: _____

CLATSOP COUNTY LOCAL PUBLIC HEALTH AUTHORITY

Approved by: _____
 Printed Name: Don Bohn
 Title: County Manager
 Date: _____

DEPARTMENT OF JUSTICE – APPROVED FOR LEGAL SUFFICIENCY

Agreement form group-approved by Steven Marlowe, Senior Assistant Attorney General, Tax and Finance Section, General Counsel Division, Oregon Department of Justice by email on August 11, 2023, copy of email approval in Agreement file.

REVIEWED BY OHA PUBLIC HEALTH ADMINISTRATION

Reviewed by: _____
 Name: Rolonda Widenmeyer (or designee)
 Title: Program Support Manager
 Date: _____

**Attachment A
Financial Assistance Award (FY24)**

State of Oregon Oregon Health Authority Public Health Division		
1) Grantee Name: Clatsop County Street: 820 Exchange, Suite 100 City: Astoria State: OR Zip: 97103-4609	2) Issue Date Wednesday, November 1, 2023	This Action Amendment
	3) Award Period From July 1, 2023 through June 30, 2024	

4) OHA Public Health Funds Approved				
Number	Program	Previous Award Balance	Increase / Decrease	Current Award Balance
PE01-01	State Support for Public Health	\$51,752.00	\$0.00	\$51,752.00
PE01-09	COVID-19 Active Monitoring - ELC	\$0.00	\$286,607.98	\$286,607.98
PE01-10	OIP - CARES	\$182,143.25	\$0.00	\$182,143.25
PE01-12	ACDP Infection Prevention Training	\$1,517.82	\$0.00	\$1,517.82
PE10-02	Sexually Transmitted Disease (STD)	\$104,870.47	\$0.00	\$104,870.47
PE12-01	Public Health Emergency Preparedness and Response (PHEP)	\$74,351.00	\$0.00	\$74,351.00
PE13	Tobacco Prevention and Education Program (TPEP)	\$435,247.86	\$0.00	\$435,247.86
PE27-04	PDOP Naloxone Project (SOR)	\$46,000.00	\$50,000.00	\$96,000.00
PE36	Alcohol & Drug Prevention Education Program (ADPEP)	\$107,623.00	\$0.00	\$107,623.00
PE40-01	WIC NSA: July - September	\$40,640.00	\$0.00	\$40,640.00
PE40-02	WIC NSA: October - June	\$121,926.00	\$0.00	\$121,926.00
PE40-05	Farmer's Market	\$1,937.00	\$0.00	\$1,937.00
PE42-03	MCAH Perinatal General Funds & Title XIX	\$2,107.00	\$0.00	\$2,107.00
PE42-04	MCAH Babies First! General Funds	\$6,735.00	\$0.00	\$6,735.00

4) OHA Public Health Funds Approved				
Number	Program	Previous Award Balance	Increase / Decrease	Current Award Balance
PE42-06	MCAH General Funds & Title XIX	\$3,952.00	\$0.00	\$3,952.00
PE42-11	MCAH Title V	\$21,479.00	\$0.00	\$21,479.00
PE43-01	Public Health Practice (PHP) - Immunization Services	\$12,544.00	\$0.00	\$12,544.00
PE43-05	OIP Bridge COVID	\$0.00	\$11,724.00	\$11,724.00
PE46-05	RH Community Participation & Assurance of Access	\$17,301.11	\$0.00	\$17,301.11
PE50	Safe Drinking Water (SDW) Program (Vendors)	\$22,600.00	\$0.00	\$22,600.00
PE51-01	LPHA Leadership, Governance and Program Implementation	\$359,640.00	\$0.00	\$359,640.00
PE51-03	ARPA WF Funding	\$122,962.19	\$0.00	\$122,962.19
PE51-05	CDC PH Infrastructure Funding	\$64,898.62	\$0.00	\$64,898.62
PE62	Overdose Prevention-Counties	\$121,445.00	\$0.00	\$121,445.00
		\$1,923,672.32	\$348,331.98	\$2,272,004.30

Footnotes and Comments on following pages.

5) Foot Notes:	
PE10-02	7/15/2023: Full FY24 award funds may be used in FY24 during the period of 7/1/23-12/31/2023 due to DIS WF federal grant funding being cut by CDC on 12/31/23.
PE10-02	8/2023: Prior Footnote dated 7/15/2023 Null and Void. Full FY24 award funds may now be used in FY24 during the period of 7/1/23-01/31/2024 due to new guidance from the CDC.
PE40-01	7/2023: Unspent SFY2024 Q1 award will be rescinded by the state, cannot be carried over to SFY2024 Q2-4 period.
PE40-02	7/2023: Q2-4 Unspent grant award will be rescinded by the state at end of SFY2024
PE42-11	7/2023: Indirect charges cap at 10%.
PE43-01	7/2023: Awarded funds can be spent on allowable costs for the period of 7/1/2023 - 9/30/23. Any unspent funds will be de-obligated.
PE43-01	9/2023: Prior Footnote dated 7/2023 Null and Void.
PE51-01	7/2023: Bridge funding for 7/1/23-9/30/23.
PE51-01	8/2023: Prior Footnote dated 7/2023 Null and Void
PE51-03	9/2023: Federal funds expire 6/30/24 and will be ineligible for carryover into SFY25.

Comments on following page.

6) Comments:	
PE01-01	8/2023: Prior Comment dated 7/2023 Null and Void 7/2023: SFY24 funding available 7/1/23-9/30/23 only.
PE01-09	11/2023: rollover unspent SFY23 funds of \$286,607.98
PE01-10	10/2023: rollover unspent SFY23 funds of \$182,143.25
PE10-02	10/2023: rollover unspent SFY23 funds of \$30,638.47
PE12-01	8/2023: \$350 award for In-Person PHEPR/OHA Meeting and Listening Session Travel Award 8/2023: Prior Comment dated 7/2023 Null and Void 7/2023: SFY24 Award funding for first 3 months only
PE13	10/2023: rollover unspent SFY23 funds of \$129873 9/2023: All Prior Comments Null and Void 7/15/23: SFY24 Award adding funding for 10/1/23-6/30/24 7/2023: SFY24 Bridge Funding 7/1/23-9/30/23
PE27-04	11/2023: Prior Comment Null and Void. \$29,386.13 available 7/1/23-9/29/23, \$16,613.87 available 7/1/23-10/31/23, Additional funds of \$50,000 available 10/1/23-6/30/24. 7/2023: FY24 funds available 7/1/23-9/29/23 only.
PE40-01	7/2023: SFY2024 Q1 WIC NSA grant award. \$8,128 must spent on Nutrition Ed; \$1,182 on BF Promotion. Underspend Q1 award cannot be carried over to Q2-4 period.
PE40-02	7/2023: SFY2024 Q2-4 grant award. \$24,385 must be spent on Nutrition Ed, \$7,432 on BF Promotion.
PE40-05	10/2023: Prior Comment dated 7/2023 Null and Void. 7/2023: SFY2024 WIC Farmers Market Mini grant award. Final Q2 Rev & Exp Report is required for final accounting. Underspent funds will be rescinded by the state in February 2024
PE44-01	8/2023: SFY24 Amendment - Clatsop Declined SBHC Program PE44-01
PE51-03	10/2023: rollover unspent SFY23 funds of \$110,527.19
PE51-05	10/2023: rollover unspent SFY23 funds of \$23,880.31 7/2023: SFY24 Award Available 7/1/23-6/30/24. Funding total is split over 60 months for the period of 12/1/22-11/30/27.
PE62	10/2023: Additional funds of \$100,098 available 9/1/23-6/30/24. 7/15/2023: De-obligated anticipated unspent funds from SFY23 per county request and moving to SFY24. SFY24 Award - 7/15/2024: Funds available 7/1/23-8/31/23 only. 7/2023: FY24 funds available 7/1/23-9/29/23 only.

7) Capital outlay Requested in this action:				
Prior approval is required for Capital Outlay. Capital Outlay is defined as an expenditure for equipment with a purchase price in excess of \$5,000 and a life expectancy greater than one year.				
Program	Item Description	Cost	PROG APPROV	

Attachment B
Information required by CFR Subtitle B with guidance at 2 CFR Part 200

PE01-09 COVID-19 Active Monitoring - ELC

Federal Award Identification Number:	NU50CK000541
Federal Award Date:	05/18/20
Budget Performance Period:	08/01/2019-07/31/2024
Awarding Agency:	CDC
CFDA Number:	93.323
CFDA Name:	Epidemiology and Laboratory Capacity for Infectious Diseases (ELC)
Total Federal Award:	98,897,708
Project Description:	Oregon 2019 Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infectious Diseases (ELC)
Awarding Official:	Brownie Anderson-Rana
Indirect Cost Rate:	17.64%
Research and Development (T/F):	FALSE
HIPPA	No
PCA:	53708
Index:	50401

Agency	UEI	Amount	Grand Total:
Clatsop	F1HMUWL4TKL5	\$286,607.98	\$286,607.98

PE27-04 PDOP Naloxone Project (SOR)

Federal Award Identification Number:	H79TI085732
Federal Award Date:	09/05/23
Budget Performance Period:	9/30/23 - 9/29/24
Awarding Agency:	SAMHSA
CFDA Number:	93.788
CFDA Name:	Opioid STR
Total Federal Award:	16,014,749
Project Description:	Oregon SOR 3 grant
Awarding Official:	Tiffany Clayton
Indirect Cost Rate:	3.13%
Research and Development (T/F):	FALSE
HIPPA	No
PCA:	82446
Index:	87850

Agency	UEI	Amount	Grand Total:
Clatsop	F1HMUWL4TKL5	\$96,000.00	\$96,000.00

PE43-05 OIP Bridge COVID

Federal Award Identification Number:	NH23IP922626
Federal Award Date:	09/05/23
Budget Performance Period:	07/01/2023-12/31/2024
Awarding Agency:	HHS/CDC
CFDA Number:	93.268
CFDA Name:	Immunization Cooperative Agreements
Total Federal Award:	\$6,192,977.00
Project Description:	CDC-RFA-IP19-1901 Immunization and Vaccines for Children
Awarding Official:	Divya Cassity
Indirect Cost Rate:	17.79%
Research and Development (T/F):	FALSE
HIPPA	No
PCA:	53635
Index:	50404

Agency	UEI	Amount	Grand Total:
Clatsop	F1HMUWL4TKL5	\$11,724.00	\$11,724.00

DOCUMENT RETURN STATEMENT

Please complete the following statement and return with the completed signature page and the Contractor Data and Certification page and/or Contractor Tax Identification Information (CTII) form, if applicable.

If you have any questions or find errors in the above referenced Document, please contact the contract specialist.

Document number: 180004-5 , hereinafter referred to as "Document."

I, Don Bohn County Manager
Name Title

received a copy of the above referenced Document, between the State of Oregon, acting by and through the Department of Human Services, the Oregon Health Authority, and

Clatsop County Dept of Public Health by email.

Contractor's name

On 12/6/2023 ,
Date

I signed the electronically transmitted Document without change. I am returning the completed signature page, Contractor Data and Certification page and/or Contractor Tax Identification Information (CTII) form, if applicable, with this Document Return Statement.

Authorizing signature

Date

Please attach this completed form with your signed document(s) and return to the contract specialist via email.

Board of Commissioners Clatsop County

AGENDA ITEM SUMMARY

January 10, 2024

Agenda Title: Ordinance 24-01: LAWDUC Legislative Amendments (formerly Ordinance 23-15)
Category: Public Hearing
Presented By: Gail Henrikson, Community Development Director

Issue Before the Commission: Approval of amendments to the *Land and Water Development and Use Code* (LAWDUC), to address legislative land use changes to Oregon Revised Statutes

Informational Summary: Oregon Revised Statutes (ORS) 197.646 requires that “a local government shall amend its acknowledged comprehensive plan or... land use regulations implementing the plan...to comply with a new requirement in land use statutes, statewide land use planning goals or rules implementing the statutes or the goals.” This statute also states that when a local government does not adopt the required amendments, the new requirements “apply directly to the local government’s land use decisions.” Failure to adopt or enforce the new requirements is “basis for initiation of enforcement action” against the local jurisdiction.

Per ORS 197.646(2), the Department of Land Conservation and Development (DLCD) is required to notify local governments when a new requirement in land use statutes, statewide land use planning goals or rules implementing the statutes or the goals requires changes to an acknowledged comprehensive plan or to land use regulations implementing either plan.

The proposed LAWDUC amendments included in Exhibit A are designed to incorporate legislative changes to ORS affecting land use. The amendments cover legislative year 2023.

IA draft of the proposed amendments was presented to the Planning Commission on October 10, 2023. The Planning Commission conducted a public hearing on the proposed amendments on November 14, 2023. The Planning Commission voted 6-0 (Planning Commission Member Krauser excused) to recommend your Board

approve the amendments as presented. No members of the public spoke for or against the proposed amendments.

Your Board conducted the first public hearing of Ordinance 24-01 on December 13, 2023. No members of the public spoke for or against the proposed amendments.

Fiscal Impact: None

Requested Action:

Adopt Ordinance 24-01.

Attachment List

- A. Ordinance 24-01
- B. Planning Commission Memo dated November 14, 2023

EXHIBIT A

Ordinance 24-01

**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* to address legislative updates pertaining to land use regulations.

ORDINANCE NO. 24-01

Doc # _____

Recording Date: _____

RECITALS

WHEREAS, Oregon Revised Statutes (ORS) 197.646 requires that “a local government shall amend its acknowledged comprehensive plan or...land use regulations implementing the plan...to comply with a new requirement in land use statutes, statewide land use planning goals or rules implementing the statutes or the goals”; and

WHEREAS, if a local government does not adopt the required amendments, the new requirements “apply directly to the local government’s land use decisions”; and

WHEREAS, in 2023 the Oregon Legislature adopted new land use legislation that requires Clatsop County to amend its land use regulations to comply with state statutes, statewide land use planning goals or rules implementing the statutes or the goals; and

WHEREAS, the Board of Clatsop County Commissioners has determined that including these revisions in the *Land and Water Development and Use Code* will comply with state law and will assist residents and property owners by including the changes in local codes; and

WHEREAS, the Clatsop County Planning Commission held a public hearing on these amendments on November 14, 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 amendments to the Clatsop County *Land and Water Development and Use Code* 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

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 30th day following adoption by the Board of Commissioners as provided in Chapter III, Section 8(2) 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 _____
_____, Chair

Date _____

By _____
Theresa Dursse, Recording Secretary

First Reading: December 13, 2023

Second Reading: January 10, 2024

Effective Date: February 9, 2024

Ordinance 24-01

1st Public Hearing: December 13, 2023

2nd Public Hearing: January 10, 2024

EXHIBIT 1

Ordinance 24-01

1st Public Hearing: December 13, 2023

Agenda Item #10. ng: January 10, 2024

Agenda Item #10.

ARTICLE II. PROCEDURES FOR LAND USE APPLICATIONS

Section 2.0300. Exclusions from Development Permit Requirement

The activities listed below do not require a development permit. Exclusion from the requirement for a development permit does not exempt the development or its use from the other applicable requirements of the Ordinance.

- 12) A recreational vehicle may be occupied as a residential dwelling on a lot or parcel with an existing dwelling that is uninhabitable due to damages from **an emergency or** natural disaster, including wildfire, earthquake, flooding or storms, until no later than:
 - a) The dwelling has been repaired or replaced and an occupancy permit has been issued;
 - b) The County determines that the owner of the dwelling is unreasonably delaying in completing repairs or replacing the dwelling; or
 - c) **Five years** ~~Twenty-four months~~ after the date the dwelling first became uninhabitable.
 - d) **Under alter, restore, or replacement of a dwelling destroyed by wildfire, identified in an Executive Order issued by the Governor in accordance with the Emergency Conflagration Act (ORS 476.510 to 476.610) between August 1 and September 30, 2020, occupancy of a recreational vehicle under ORS197.493 (1)(b)(c) is extended to December 30, 2030.**

ARTICLE III. STRUCTURE SITING AND DEVELOPMENT STANDARDS

SECTION 3.0900. ACCESSORY DWELLING UNITS AND GUESTHOUSES

- B. Unless otherwise specified below, the following standards shall apply to all accessory dwelling units (ADU) on rural residential lands.
 - 1. The lot or parcel is not located within an area designated as an urban reserve as defined in ORS 195.137.
 - 2. The lot or parcel is at least two acres in size.
 - 3. ADUs shall be allowed only in conjunction with parcels containing one single-family dwelling (the “primary dwelling”). A maximum of one ADU is permitted per lot or parcel. ADUs shall not be permitted in conjunction with a duplex or multi-family dwelling.
 - 4. The existing single-family dwelling property on the lot or parcel is not subject to an order declaring it a nuisance or subject to any pending action under ORS 105.550 to 105.600.
 - 5. The existing single-family dwelling is not subject to any code violations under Clatsop County Code or the Clatsop County *Land and Water Development and Use Code*.
 - 6. The accessory dwelling unit will comply with all applicable laws and regulations relating to sanitation and wastewater disposal and treatment.
 - 7. The accessory dwelling unit will comply with all applicable laws and regulations relating to water supply and quantity.
 - 8. The accessory dwelling unit will be located no farther than 100 feet from the existing single-family dwelling. This distance shall be measured from the closest portion of the exterior wall of both structures, not including roof structures such as eaves, gutters, canopies, and other similar architectural features.
 - 9. ADUs shall comply with setback requirements applicable to the parcel containing the primary dwelling.

10. The ADU may be created through conversion of an existing structure, or construction of a new structure that is either attached to the primary dwelling or detached.
11. The maximum gross habitable floor area (GHFA) of the ADU shall not exceed 900 square feet. The floor area of any garage, utility rooms, or areas below the average level of the adjoining ground shall not be included in the total GHFA.
12. No portion of the lot or parcel is within a designated area of critical state concern.
13. The lot or parcel and ADU is served by a fire protection service.
14. If the lot or parcel is in an area identified on the statewide map of wildfire risk described in ORS 477.490 as within the wildland-urban interface, The lot or parcel and ADU comply with any applicable minimum defensible space requirements for wildfire risk reduction established by the State Fire Marshal under ORS 476.392 and any applicable local requirements for defensible space established by a local government pursuant to ORS 476.392.
- ~~15. Statewide wildfire risk maps have been approved and the ADU complies with Oregon residential specialty code relating to wildfire hazard mitigation for the mapped area.~~
15. **The accessory dwelling unit complies with the construction provisions of section R327 of the Oregon Residential Specialty code, if:**
 - a. **The lot or parcel is in an area identified as extreme or high wildfire risk on the statewide map of wildfire risk described in ORS 477.490; or**
 - b. **No statewide map of wildfire risk has been adopted**
16. The accessory dwelling unit ~~must~~ **shall** comply with all minimum-required setbacks from adjacent lands zoned for resource use.
17. The accessory dwelling unit has adequate access for firefighting equipment, safe evacuation and staged evacuation areas.
18. If the accessory dwelling unit is not in an area identified on the statewide map of wildfire risk described in ORS 477.490 as within the wild-land-urban interface, the accessory dwelling unit complies with the provisions of this section and any applicable local requirements for defensible spaces established by a local government pursuant to ORS 476.293.
19. Accessory dwelling units allowed under this section may not be used for vacation occupancy, as defined in ORS 90.100.
20. The property owner, as a condition of approval, shall record a restrictive covenant on the property that prohibits the Accessory dwelling unit from being used for vacation occupancy, as defined in ORS 90.100.
21. The County may not approve a subdivision, partition, or other division of the lot or parcel so that the existing single-family dwelling is situated on a different lot or parcel than the accessory dwelling unit.

SECTION 3.9180. FOREST ZONE STANDARDS

Section 3.9190. Residential Uses

- 4) Alteration, restoration or replacement of a lawfully established dwelling, where ~~Subsections (A) or (B) apply where:~~
 - (A) **Alteration or restoration of a lawfully established dwelling that The dwelling to be altered, restored, or replaced has, or formerly had:**
 1. **Has Intact exterior walls and roof structures;**
 2. **Has Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;**
 3. **Has Interior wiring for interior lights; and**
 4. **Has a A heating system; ; and**

- (B) Unless the value of the dwelling was eliminated as a result of destruction or demolition, was assessed as a dwelling for purposes of ad valorem taxation since the later of:**
- 1. Five years before the date of the application; or**
 - 2. The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment; or**
- (C) If the value of the dwelling was eliminated as a result of destruction or demolition, was assessed as a dwelling for purposes of ad valorem taxation prior to the destruction or demolition and since the later of:**
- 1. Five years before the date of the destruction or demolition; or**
 - 2. The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment.**
- (D) In the case of replacement, is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling. For replacement of a lawfully established dwelling under this section:**
- 1. The dwelling to be replace must be removed, demolished or converted to an allowable nonresidential use within three months after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055.**
 - 2. The replacement dwelling:**
 - a) May be sited on any part of the same lot or parcel.**
 - b) Must comply with applicable siting standards. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.**
 - c) Must comply with the construction provisions of section R327 of the Oregon Residential Specialty Code, if:**
 - i. The dwelling is in an area identified as extreme or high wildfire risk on the statewide map of wildfire risk described in ORS 477.490; or**
 - ii. No statewide map of wildfire risk has been adopted.**
- (E) An application under this section must be filed within three years following the date that the dwelling last possessed all the features listed under subsection (A) of this section.**
- (F) Construction of a replacement dwelling approved under this subsection must commence no later than four years after the approval of the application under this section becomes final.**

EXHIBIT B

Planning Commission Summary Memo

November 14, 2023



Clatsop County – Land Use Planning

800 Exchange Street, Suite 100
Astoria, OR 97103
(503) 325-8611 | (503) 338-3606 (Fax) | comdev@clatsopcounty.gov

TO: Planning Commission Members

CC: Anthony Pope, County Counsel
Land Use Planning Staff

FROM: Ian Sisson, Senior Planner
David Cook, Planner
Gail Henrikson, AICP, CFM – Community Development Director

DATE: November 14, 2023

RE: **2023 LEGISLATIVE UPDATES**

BACKGROUND

Oregon Revised Statutes (ORS) 197.646 requires that “a local government shall amend its acknowledged comprehensive plan or... land use regulations implementing the plan...to comply with a new requirement in land use statutes, statewide land use planning goals or rules implementing the statutes or the goals.” This statute also states that when a local government does not adopt the required amendments, the new requirements “apply directly to the local government’s land use decisions.” Failure to adopt or enforce the new requirements is “basis for initiation of enforcement action” against the local jurisdiction.

Per ORS 197.646(2), the Department of Land Conservation and Development (DLCD) is required to notify local governments when a new requirement in land use statutes, statewide land use planning goals or rules implementing the statutes or the goals requires changes to an acknowledged comprehensive plan or to land use regulations implementing either plan.

The proposed LAWDUC amendments included in **Exhibit A** are designed to incorporate legislative changes to ORS affecting land use. The amendments originate from legislation adopted by the Oregon Legislature during its 2023 regular session.

A summary of the relevant bills is provided below. The draft amendments were reviewed by the Planning Commission on October 10, 2023, in order to familiarize you with the legislation and amendments that will be required. It is anticipated that based upon your recommendation, two public hearings before the Board of Commissioners would be scheduled for December 13, 2023, and January 10, 2024.

LEGISLATIVE SUMMARY

[HB 2192 – Replacement Dwellings on Forest Land](#)

The Agriculture-Forestry Zone (AF) and Forest-80 (F-80) Zone currently allow alteration, restoration, or replacement of lawfully established dwellings on forest land subject to the standards listed in LAWDUC Section 3.9190(4), which require that the existing dwelling “has,”

- intact exterior walls and roof structures;
- indoor plumbing consisting of a kitchen sink, toilet and bathing facilities, connected to a sanitary waste disposal system;
- interior wiring for interior lights; and
- a heating system.

If the existing dwelling is to be replaced, the existing dwelling must be removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.

By contrast, for agricultural land in the Exclusive Farm Use Zone (EFU) and AF Zone, alteration, restoration, or replacement of lawfully established dwellings is allowed subject to the standards listed in LAWDUC Section 3.9140, which requires that the dwelling “has” or “formerly had” the features listed above.

HB 2192 aligns the standards for alteration, restoration, or replacement of lawfully established dwellings on forest land with the standards applicable on agricultural land by providing the opportunity to alter, restore, or replace dwellings that “formerly had” the required features; however, the application must be filed within three years following the date the dwelling last possessed all the required features. Additionally, construction of a replacement dwelling must commence no later than four years after approval of the application.

The bill also requires that the dwelling was assessed as a dwelling for purposes of ad valorem taxation since the later of five years before the date of the application or the date the dwelling was erected and became subject to property tax assessment. If the value of the dwelling was eliminated as a result of destruction or demolition, the dwelling must have been assessed as a dwelling since the later of five years before the date of the destruction or demolition, or the date the dwelling was erected and became subject to property tax assessment.

Finally, a replacement dwelling must comply with the construction provisions of section R327 of the Oregon Residential Specialty code if the dwelling is in an area identified as extreme or high wildfire risk on the statewide map of wildfire risk or if no statewide map of wildfire risk has been adopted.

[HB 2898 – Use of Recreational Vehicles Following Natural Disasters](#)

HB 2898 is a revision to House Bill 2809 (2021). HB 2809 was a direct response to the recovery from the 2020 wildfires and allowed sitting of an RV as a dwelling on a lot previously occupied by a manufactured or single-family dwelling made uninhabitable by a natural disaster.

HB 2898 alters the original house bill to allow for occupancy of an RV for five years instead of 24 months. This bill is directly related to properties destroyed by the 2020 wildfires (August 1-September 30, 2020).

[SB 644 - Accessory Dwelling Units on lands zoned for rural residential use](#)

In 2023, the Clatsop County Board of Commissioners adopted Ordinance 23-03 which introduced a pathway for rural residentially-zoned lands to permit an Accessory Dwelling Unit (ADU). An ADU is a habitable structure that serves as an additional living space on a property that already contains a single-family dwelling. ADUs can be attached or detached to an existing dwelling and they contain living space, bathrooms, and kitchens. The standards described in Ordinance 23-03, which were implemented from House Bill 3012 and Senate Bill 391. SB 391 required the adoption of a statewide wildfire-risk map prepared by the Oregon Department of Forestry (ODF). While the map was initially developed and presented for public input, it was subsequently removed after many communities and individuals throughout the state raised concerns about the proposed map. ODF is currently in the process of refining the wildfire maps, but until that is completed, under SB 391, Clatsop County was not able to permit an ADU using those regulations.

Senate Bill 644 allows local jurisdictions to remove the wildfire-risk map component of their ADU regulations until the maps are fully developed and adopted. The regulations still require that the parcel is served by a fire protection service, that the ADU is adequately setback from adjacent resource zones, and that the ADU has proper access for firefighting equipment, safe evacuations and staged evacuations areas, and that all structures comply with the construction provisions of Section R327 of the Oregon Residential Speciality Code.

The proposed LAWDUC amendments would allow Clatsop County to implement the ADU regulations that Ordinance 23-03 allowed for.

Board of Commissioners Clatsop County

AGENDA ITEM SUMMARY

January 10, 2024

Agenda Title: Ordinance 24-02: Comprehensive Plan Goal 5 Updates
Category: Public Hearing
Presented By: Gail Henrikson, Community Development Director

Issue Before the Commission: Revisions to Clatsop County Comprehensive Plan Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

Informational Summary: On June 28, 2023, your Board approved amendments to the Clatsop County Comprehensive Plan to update Goals 1-4, 6-14 and 19. Goal 5, due to its complexity, was removed from that adoption process and placed on a separate review and update track.

On August 31, 2023, County staff completed revisions to Goal 5 and forwarded that draft to the Department of Land Conservation and Development (DLCDD) for a courtesy review. As of October 9, no comments have been received back from the State.

The proposed revisions to Goal 5 follow the same process and changes to update Goals 1-4, 6-14 and 19:

- Narrative sections were removed from the comprehensive plan and placed in a separate background report
- Policies were reviewed and revised to distinguish between policies or actions that are mandated under state law and items are discretionary
- Remove or combine redundant or repetitive policies

The Planning Commission conducted a public hearing on the proposed amendments at its December 12, 2023, meeting. No members of the public spoke for or against the proposed revisions.

Fiscal Impact: None anticipated

Requested Action:

Continue the matter to the February 28, 2024, meeting.

Attachment List

- A. Ordinance 24-02
- B. Planning Commission Cover Memo (December 12, 2023)

EXHIBIT A

Ordinance 24-02

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

In the Matter of:

An Ordinance adopting Amendments to Clatsop County Comprehensive Plan Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces.

ORDINANCE NO. 24-02

Doc # _____

Recording Date: _____

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 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 amendments to Goals 1-4, 6-14 and 19 on June 28, 2023; 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 Commissioners finds that updated Clatsop County Comprehensive Plan Goal 5 complies with the respective Statewide Planning Goals; 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 County Planning Commission held a public hearing on these amendments on December 12, 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:

Ordinance 24-02

1st Public Hearing: January 10, 2024

2nd Public Hearing: January 24, 2024

Agenda Item #11.

Page 109

SECTION 1. ADOPTION

The Board of County Commissioners hereby adopts Comprehensive Plan Goal 5 as shown in Exhibit 1, and adopts the Goal 5 Background Report, as shown in Exhibit 2, attached hereto and incorporated herein by this reference, and adopts all other listed supporting documents by 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

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 30th 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 _____
Chair

Date _____

By _____

Theresa Dursse, Recording Secretary

First Reading: January 10, 2024

Second Reading: January 24, 2024

Effective Date: February 23, 2024

Ordinance 24-02

1st Public Hearing: January 10, 2024

Agenda Item #11. ng: January 24, 2024

EXHIBIT 1

Ordinance 24-02

1st Public Hearing: January 10, 2024

Agenda Item #11. ng: January 24, 2024

GOAL 5



NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES

STATEWIDE PLANNING GOAL 5:

To protect natural resources and conserve scenic and historic areas and open spaces.

CLATSOP COUNTY GOAL 5:

To protect natural resources and conserve scenic and historic areas and open spaces.

OVERVIEW

Goal 5 is an extremely broad and complex goal. LCDC implements the goal primarily through OAR Chapter 660, division 23. Almost all of the 15 resources addressed by Statewide Planning Goal 5 can be found within the county's borders. The Goal requires local governments to inventory many of the resources, and encourages the inventory of others.

Required Inventories

- Riparian Corridors
- Wetlands
- Wildlife Habitat
- Groundwater Resources
- Oregon Scenic Waterways
- Federal Wild and Scenic Rivers
- Oregon Recreation Trails
- Natural Areas
- Wilderness Areas
- Mineral and Aggregate Resources
- Energy Sources
- Cultural Areas

Recommended Inventories

- Historic Resources
- Open Space
- Scenic Views and Sites

Goal 5 relies on inventories that have been conducted by state or federal entities or, for some resource categories, requires local inventories be developed. Inventoried resources are assessed to identify those that are high value or "significant". Inventories and assessments are the basis for developing a local program to protect significant resource sites and plan for development and conflicting uses.

Protection of these diverse resources requires a variety of approaches. The role of land use planning in this protection

CLATSOP COUNTY COMPREHENSIVE PLAN

involves a threefold approach:

- Collecting and maintaining data and other inventories of assets;
- Coordinating with local, regional, state and federal programs; and
- Administering local and state regulations that protect the sustainability and quality of the resources.

The following Goal 5 significant resource sites have been identified and are listed in the Clatsop County Comprehensive Plan:

DRAFT

TABLE 1: CLATSOP COUNTY GOAL 5 RESOURCE INVENTORY

Riparian Corridors

No Riparian Corridors are included in the current Goal 5 inventory. The County’s Shoreland Overlay (Goals 16 and 17) includes a 50’ buffer for specified estuarine resources and coastal shorelands. Section 6.5000, LAWDUC, includes standards for the protection of riparian vegetation.

Wetlands

<u>Resource Description</u>	<u>Location</u>	<u>Planning Area</u>	<u>Notes</u>
Site 1 (CP 9)	Along the Skipanon River, south of Warrenton and SE of Hwy 101	Clatsop Plains	Size: 98 acres
Site 2 (CP 13)	Taylor Lake, north of Cullaby Lake	Clatsop Plains	Size: 17 acres
Site 3 (CP 14)	Cullaby Lake	Clatsop Plains	Size: 280 acres
Site 4 (CP 15)	Between Cullaby Lake and Hwy 101	Clatsop Plains	Size: 230 acres
Site 5 (CP 16)	East of Hwy 101 from the south end of Dellmoor Loop Rd south to Palmberg Gravel Works	Clatsop Plains	Size: 380 acres
Site 6 (CP 18)	Two small lakes and adjacent wetlands on Cullaby Creek, 4000 ft south of Cullaby Lake	Clatsop Plains	Size: 160 acres
Site 7 (CP 19)	North of the road to the Crown site, up to the Palmberg Gravel Co. east of Hwy 101 and Seaside airport	Clatsop Plains	Size: 130 acres
Site 8	Southeast of Seaside; south of the Millponds, east of Hwy 101	Clatsop Plains	Size: 132 acres
Site 9 (EC 35)	Driscoll Slough marshes, between Wauna Mill and Westport	Northeast	Size: 360 acres

Fish and Wildlife Habitat

<u>Resource Description</u>	<u>Location</u>	<u>Planning Area</u>	<u>Notes</u>
Major Big Game Range	"That portion of the county which supports the majority of big game. In general, these lands are sparsely developed forest lands."	Multiple	
Peripheral Big Game Range	"Foothill areas of the county, generally located between commercial forest lands and productive agricultural lands."	Multiple	
Excluded Big Game Range	"Developed areas that are only occasionally used by big game."	Multiple	
Upland Game Birds (grouse, mountain quail, band-tailed pigeons)	Generally corresponds with Major & Peripheral Big Game Range and includes riparian areas and mineral springs and other watering areas. See also: Sensitive Bird Habitat Overlay District (SBHO)	Multiple	
Waterfowl	Estuarine and coastal shoreland areas; water areas; riparian areas	Multiple	
Furbearers and Hunted Non-game Wildlife (aquatic species - beaver, muskrat, mink; terrestrial species - skunk, bobcat, coyote)	Aquatic furbearers: estuarine and coastal shoreland habitat; riparian areas; Terrestrial	Multiple	

<p>Non-game Wildlife (eagles, hawks, osprey, herons) Snowy Plover</p>	<p>furbearers: areas considered Major and Peripheral Big Game Range. Refer to SBHO and map on page 92 Sparsely vegetated, active dune areas just inland from the high tide line; beach from Necanicum River north to Columbia River. See also: SBHO</p>	<p>Multiple Clatsop Plains</p>
<p>Fish Habitat</p>	<p>All rivers and streams with a perennial flow; non-coastal shoreland lakes (including Big Creek Pond, Fishhawk Lake, Lost Lake, Lost Lake (yes there are two), Spruce Run Lake, Riverside Lake, Quartz Lake, Soapstone Lake, Carnahan Lake, and Cullaby Lake); riparian areas along rivers, streams, and lakes.</p>	<p>Multiple</p>
<p>Groundwater Resources</p>		
<p><u>Resource Description</u> Clatsop Plains Area * See also: Goal 6 - Air, Water, and Land Resources Quality</p>	<p><u>Location</u></p>	<p><u>Planning Area</u> Clatsop Plains</p>
<p>Oregon Scenic Waterways</p>		
<p><u>Resource Description</u> Nehalem River</p>	<p><u>Location</u> ~4.38 miles, between Henry Rierson Spruce Run Park and the Clatsop/ Tillamook County line</p>	<p><u>Planning Area</u> Elsie-Jewell</p> <p><u>Notes</u> This terminology replaces “Wild and Scenic Waterways”</p>
<p>Federal Wild and Scenic Rivers</p>		
<p>No Federal Wild and Scenic Rivers are located in Clatsop County</p>		
<p>Oregon Recreation Trails</p>		
<p><u>Resource Description</u> Saddle Mountain Trail Oregon Coast Trail</p>	<p><u>Location</u> North of Highway 26, west of Highway 202 Fort Stevens State Park to Clatsop/ Tillamook County line</p>	<p><u>Planning Area</u> Elsie-Jewell Clatsop Plains Seaside Rural Southwest Coastal</p>
<p>Also refer to Goal 8 Recreational Lands</p>		
<p>Natural Areas (Oregon State Register of Natural Heritage Resources)</p>		
<p><u>Resource Description (Per OAR 660-023-0160, sites listed in the Oregon State Register of Natural Heritage Resources are required to be included in local inventories)</u></p>		
<p>Blind Slough Swamp Preserve</p>	<p>North of Highway 30</p>	<p>Northeast</p>
<p>Knappa Slough Island</p>	<p>North of Highway 30</p>	<p>Northeast</p>
<p>Saddle Mountain</p>	<p>North of Highway 26, west of Highway 202</p>	<p>Elsie-Jewell</p>
<p>Natural Areas (Locally-Identified Ecologically- and Scientifically-Significant Natural Areas)</p>		
<p><u>Resource Description</u> Bradwood Cliffs Walker Creek Old Growth Forest</p>	<p><u>Location</u> T 8N, R 6W, Sections 9 and 16 T 6N, R 6W, Sections 7 and 18</p>	<p><u>Planning Area</u> Northeast Elsie-Jewell</p> <p><u>Notes</u> - -</p>

CLATSOP COUNTY COMPREHENSIVE PLAN

Elsie County Park (aka Nehalem Park or Red Bluff Park)	T 5N, R 7W, Section 32	Elsie-Jewell	-
David Douglas County Park	T 5N, R 8W, Section 21	Elsie-Jewell	-
Onion Peak	T 4N, R 10W, Section 22-23	Seaside Rural	-
Sugarloaf Mountain	T 4N, R 10W, Section 1	Seaside Rural	-
Klootchey Creek Park	T 5N, R 10W, Section 14	Seaside Rural	-
Saddle Mountain State Park	T 6N, R 8W, Sections 28, 29, 32, 33, 24	Seaside Rural	-
Bradley State Park	T 8N, R 6W, Section 16	Northeast	-
Oswald West State Park	T4N, R 10W, Section 30-31	SW Coastal	-

Wilderness Areas

<u>Resource Description</u>	<u>Location</u>	<u>Planning Area</u>	<u>Notes</u>
Oregon Islands Wilderness	Tillamook Head Rocks; Bird Rocks; Sea Lion Rocks; Haystack Rock; Castle Rock; Jockey Cap; Tim Rock; Gull Rock; Unnamed Rocks located in Section 12, Township 5W, Range 10W	Seaside Rural Southwest Coastal	

Mineral and Aggregate Resources

<u>Resource Description</u>	<u>Location</u>	<u>Planning Area</u>	<u>Notes</u>
Clatsop County - Clifton	T 8N, R 6W, Section 17	Northeast	Rock
Clatsop County - Big Creek	T 8N, R 7W, Section 29	Northeast	Gravel
Howard Johnson - US 101	T 5N, R 10W, Section 4	Clatsop Plains	Rock
Bayview Transit Mix - US 101	T 5N, R 10W, Section 4	Clatsop Plains	Basalt
George Ordway	T 5N, R 10W, Section 14	Seaside Rural	Basalt
Teevin Bros. Logging	T 8N, R 6W, Section 27	Northeast	Rock
Daren Berg, Humbug Rock	T 5N, R 8W, Section 18	Elsie-Jewell	Rock
M. Nygaard Logging	T 7N, R 9W, Section 31	Lewis & Clark, Olney- Wallooskee	Rock
A. Riekkola	T 7N, R 8W, Section 18	Lewis & Clark, Olney- Wallooskee	Basalt
Tagg	T 7N, R 10W, Section 3	Clatsop Plains	Sand
Horecny	T 5N, R 9W, Section 23	Seaside Rural	Rock

Various "Other Sites" are also listed, but are not protected from conflicting uses under Goal 5. Multiple

Energy Sources

<u>Resource Description</u>	<u>Location</u>	<u>Planning Area</u>	<u>Notes</u>
Defined by OAR 660-023-0190 as naturally-occurring locations, accumulations, or deposits of natural gas, surface water (dam sites), geothermal, solar and wind. No energy sources have been identified or inventoried in Clatsop County. Energy sources applied for or approved through the Oregon Energy Facility Siting Council (EFSC) or the Federal Energy Regulatory Commission (FERC). There are no EFSC or FERC facilities within Clatsop County. Also refer to Goal 13 Energy Conservation			

Cultural Areas

<u>Resource Description</u>	<u>Location</u>	<u>Planning Area</u>	<u>Notes</u>
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Various archeological sites

An inventory of 90 known archeological sites is maintained in confidential status at the State Historic Preservation Office. Because of the limited number of archeological surveys undertaken, there are undoubtedly other undiscovered archeological sites in Clatsop County.

Multiple

Historic Resources

<u>Resource Description</u>	<u>Location</u>	<u>Planning Area</u>	<u>Notes</u>
Fort Clatsop National Monument	T 7N, R 10W, Section 35	Lewis & Clark, Olney-Wallooskee	-
Cannon at Cannon Beach	East side of Hwy 101 between Cannon Beach and Arch Cape	SW Coastal	-
Tillamook Rock Lighthouse	T 5N, R 11W, Section 1	Seaside Rural	-
Ecola State Park	T 5N, R 10W, Sections 6, 7, 18 T 5N, R 11W, Sections 1, 12 T 6N, R 10W, Sections 29, 30, 31, 32	Seaside Rural, Clatsop Plains	-
Lindgren House	T 7N, R 10W, Section 22	Clatsop Plains	-
R.W. Morrison House (aka Tagg Place)	T 7N, R 10W, Section 4	Clatsop Plains	-
Clatsop Plains Memorial Church	T 7N, R 10W, Section 4	Clatsop Plains	-
Clatsop Plains Cemetery	T 7N, R 10W, Section 4	Clatsop Plains	-
The Mill Site of the Falls Pulp Company	T 7N, R 10W, Section 27	Lewis & Clark, Olney-Wallooskee	-
The Shepherd and Morse Sawmill Site	T 8N, R 6W, Section 36	Northeast	-
Westport Log Tunnel	T 8N, R 6W, Section 36	Northeast	-

Open Spaces

<u>Resource Description</u>	<u>Location</u>	<u>Planning Area</u>	<u>Notes</u>
General Open Space	Forest lands, agricultural lands, estuarine areas, Pacific Ocean and adjacent beaches.	All	Forest and agricultural land comprise 80% of the County's land area.
Parks, wildlife refuges, natural areas, specific scenic sites, and fresh water wetlands	Countywide	All	These categories are addressed in the corresponding section(s) of Goal 5 and Goal 8.
Areas provided in conjunction with a specific development, usually residential.	Countywide	All	Subdivisions in the Clatsop Plains area are required to have clustered lots in order to maintain open space values.

Scenic Views and Sites

<u>Resource Description</u>	<u>Location</u>	<u>Planning Area</u>	<u>Notes</u>
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Box Canyon	T 6N, R 10W, Section 13 and T 6N, R 9W, Sections 18-19	Lewis & Clark, Olney- Wallooskee and Seaside Rural	-
Knappa Gorge at Big Creek	T 8N, R 7W, Sections 28, 29, 32, 33	Northeast	-
Gnat Creek Falls	T 7N, R 6W, Section 6	Northeast	-
Plympton Creek Falls	T 7N, R 6W, Sections 2 and 11	Northeast	-
Fall Creek Falls	T 4N, R 8W, Section 20	Seaside Rural	-
Youngs River Falls	T 7N, R 8W, Section 27	Lewis & Clark, Olney- Wallooskee	-
Nehalem River from Cronin to Gorge Creek	T 4N, R 8W	Elsie-Jewell	-
Lewis and Clark Rd above Thompson Falls	T 6N, R 10W, Section 14	Clatsop Plains	-
U.S. Hwy 101 Scenic Corridor	Cannon Beach Junction to Silver Point	Seaside Rural, SW Coastal	-
Westport - Scenic Conservancy, Hwy Corridor	T 8N, R 6W, Sections 35, 36	Northeast	-
Hwy 53 - Scenic Conservancy, Hwy Corridor	T4N, R 9W, Sections 20, 27	Seaside Rural	-
North Fork Nehalem River - Scenic Conservancy, River Corridor	T 4N, R 9W, Section 25 and T 4N, R 8W, Sections 19, 20	Seaside Rural	-

Watersheds			
Resource Description - Major Waterway(s)	Location	Planning Area	Notes
Plympton Creek / West Creek	-	Northeast	Size: 8,900 acres
Hunt Creek	-	Northeast	Size: 5,100 acres
Blind Slough / Grizzly Slough	-	Northeast	Size: 24,700 acres
Big Creek / Little Creek / Fertile Valley Creek	-	Northeast	Size: 29,000 acres
Mary's Creek / Bear Creek / Ferris Creek	-	Northeast	Size: 14,500 acres
John Day River	-	Northeast	Size: 4,400 acres
Youngs River / Klaskanine River / Walluski River	-	Lewis & Clark, Olney-Wallooskee	Size: 80,300 acres
Lewis & Clark River	-	Lewis & Clark, Olney-Wallooskee	Size: 42,800 acres
Neawanna Creek / Thompson Creek	-	Clatsop Plains, Seaside Rural	Size: 4,700 acres
Canyon Creek	-	Seaside Rural	Size: 2,100 acres
Necanicum River	-	Seaside Rural	Size: 30,300 acres
Nehalem River	-	Elsie-Jewell	Size: 213,200 acres
Elk Creek	-	Seaside Rural	Size: 15,200 acres
Arch Cape Creek / Asbury Creek / Shark Creek / Fall Creek / Red Rock Creek	-	SW Coastal, Seaside Rural	Size: 7,100 acres
Clatsop Plains (Skipanon River and Neacoxie Creek)	-	Clatsop Plains	Not listed

* See also: Goal 6 - Air, Water, and Land Resources Quality

OBJECTIVES AND POLICIES

CLIMATE CHANGE

OBJECTIVE 1: Clatsop County shall work to protect watersheds, surface waters, aquifers and drinking water supplies from the impacts of climate change.

- Policy A:** The County should promote water conservation and reduced use to avoid unnecessary waste and consumption.
- Policy B:** The County should encourage the use of natural processes and functions to mitigate projected changes in climate.
- Policy C:** The County should review the need for increased riparian protection on public lands.
- Policy D:** Clatsop County should encourage state agencies and property owners to develop a framework to protect cold water streams that will serve as thermal refugia.
- Policy E:** The County may develop incentives for projects that voluntarily increase riparian and floodplain connectivity.
- Policy F:** The County will include the future planning concerns of the infrastructure districts, including water, sanitary sewer, and fire districts, in looking at future development. Such review will include the number of homes supplied.

RIPARIAN CORRIDORS

OBJECTIVE 1: The County will preserve riparian areas to provide for productive ecological function.

- Policy A:** The County may explore creating comprehensive and continuous riparian area protections across all land uses.
- Policy B:** The County may restore riparian buffers, structure and function on County-owned lands.
- Policy C:** The County may continue to work with the Columbia River Estuary Study Taskforce (CREST) to identify significant riparian areas within Clatsop County.
- Policy D:** At such time as the County chooses to conduct a riparian corridor inventory, the County shall use the Goal 5 Administrative Rule to conduct an ESEE analysis to determine which riparian corridors should be included in the County's Goal 5 resource inventory.
- Policy E:** At such time as the County chooses to conduct a riparian corridor inventory, the County shall work with property owners, community members, elected and appointed officials to determine the level of regulation necessary to protect any riparian corridors identified as a Goal 5 resource.
- Policy F:** The County shall encourage the protection of riparian corridors, recognizing that

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they support fish and wildlife habitat and the health of the communities.

Policy G: The county may adopt a hybrid approach for riparian corridors.

Policy H: Grading, excavation or filling in the riparian zone of rivers, streams and creeks shall continue to be reviewed by Clatsop County, the Oregon Department of State Lands, and/or the US Army Corps of Engineers, as applicable. Filling, grading, and excavation of lands is prohibited within the shoreland overlay.

WETLANDS

OBJECTIVE 1: The County will protect significant freshwater wetlands as identified in the Statewide Wetland Inventory.

Policy A: The County will protect identified significant freshwater wetlands, for which no conflicting uses have been identified, from incompatible uses.

Policy B: The following requirements shall apply to Wetland Site 7 (which also contains white-tail deer habitat).

1. All industrial development shall be located north of the railroad right-of-way. The area between the railroad right-of-way and U.S. Highway 30 shall be designated for protection of its wetland characteristics.
2. Development of land adjacent to Driscoll Slough shall minimize the alteration of riparian vegetation, degradation of water quality and stream sedimentation.
3. Piling is preferred to filling for any access corridor across Driscoll Slough.
4. Industrial development on the eastern portion of the site shall be designed to minimize or avoid the removal of riparian vegetation along Westport Slough. Riparian vegetation removal shall be permitted where direct access to the water is required.
5. Filling of the site shall not be permitted until a specific development proposal has been reviewed and approved by the County.

Policy C: The County should encourage protection and restoration of wetlands and floodplains to improve watershed functions and soil water retention.

Policy D: The Board of Commissioners may review the work of the ad hoc wetlands advisory committee and establish buffer areas around ecologically significant areas as recommended by that committee.

Policy E: The County should identify newly emergent wetlands and utilize the Goal 5 Administrative Rule and ESEE process to determine which sites should be included in its wetlands resource inventory or used for potential wetland mitigation.

Policy F: The County may continue to work with the Columbia River Estuary Study Taskforce (CREST) to identify significant wetlands within Clatsop County.

Policy G: If significant wetlands are identified and added to the County's Goal 5 inventory, the County shall work with property owners and elected and appointed official to determine the necessary level of protection required.

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- Policy H:** The County may work with CREST to develop educational materials to inform property owners about the importance of wetlands and to encourage maintenance and preservation of wetlands wherever possible.
- Policy I:** Clatsop County may work with realtors to advise sellers and buyers of the possibility of wetlands when properties are transferred.
- Policy J:** The County may digitize wetland delineations approved by the Oregon Department of State Land in order to reflect ground-truthed conditions on WebMaps.
- Policy K:** The County may work with DSL to refine procedures and policies to facilitate development on properties in Clatsop County that contain potential wetlands.
- Policy L:** The County should develop a process to allow zoning boundaries to be relocated based on ground-truthed evidence, such as DSL-approved wetland delineations.
- Policy M:** The County should finalize the CREST Wetlands Report (2021), submit the report to the Department of State Lands for review and approval and adopt the final DSL-approved-report. The report may be used as a basis for a workplan to pursue the identification of significant wetlands and adoption of appropriate local protection. The County shall explore adopting the Arch Cape Cove Beach Local Wetland Inventory and going through the appropriate Goal 5 process (ESEE or safe harbor).
- Policy N:** The County may develop a transfer of development rights (TDR) program to encourage further protection wetlands and other sensitive natural areas.
- Policy O:** The County may develop incentive programs to encourage the voluntary preservation of wetlands.

WILDLIFE HABITAT

GOAL 1: Clatsop County recognizes the importance of riparian vegetation in protecting fish and wildlife habitat resources. Vegetated riparian areas are vital to water quality function including the following:

1. Providing shade to maintain or reduce stream temperatures to meet state water quality standards
2. Supporting wildlife in the stream corridors
3. Minimizing erosion and nutrient loading into water
4. Maintaining natural hydrology
5. Stabilizing slopes to prevent landslides that contribute to sedimentation of water.

Clatsop County strongly encourages the protection of riparian vegetation to the greatest extent feasible from the impacts of development consistent with the best available ecological science.

- Policy A:** To ensure that future development does not unduly conflict with Major Big Game Range, the County shall:
1. require that review uses and conditional uses in the F-80 and AF zones be

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- allowed only if they are found to be consistent with the maintenance of big game range;
2. require that review uses and conditional uses in the F-80 and AF zones be subject to clustering and siting criteria;
 3. submit proposed review use and conditional use applications to the Oregon Department of Fish and Wildlife for their comments on consistency with Major Big Game habitat and recommendations on appropriate siting criteria to minimize any conflicts; and
 4. submit all proposed comprehensive plan and zone changes of land zoned F-80, and AF to a more intensive use zone to the Oregon Department of Fish and Wildlife for a determination of possible conflicts with big game habitat requirements. If the Department identifies conflicts, the County will consider recommendations for resolving these conflicts.
 5. Residential development in areas of big game habitat shall be of a low density so that potential conflicts (i.e. damage to gardens, yards, etc.) can be minimized.

- Policy B:** To ensure that future development does not unduly conflict with Peripheral Big Game Range, the County shall:
1. require that review use and conditional uses in the F-80 and AF zones be allowed only if they are found to be consistent with the maintenance of big game range;
 2. require that review of conditional uses in the F-80 and AF zones be subject to clustering and siting criteria;
 3. submit proposed review use and conditional use applications to the Oregon Department of Fish and Wildlife for their comments on consistency with Peripheral Big Game Range and recommendations on appropriate siting criteria to minimize any conflict; and
 4. submit all proposed comprehensive plan and zone changes of land zoned F-80 and AF to the Oregon department of Fish and Wildlife for a determination of possible conflicts with big game habitat requirements. If the Department identifies conflicts, the County will consider recommendations for resolving these conflicts.
 5. Residential development in areas of big game habitat shall be of a low density so that potential conflicts (i.e. damage to gardens, yards, etc.) can be minimized.

- Policy C:** The County shall rely on strict enforcement of support and promote enforcement of current riparian vegetation and stream protection standards in the Oregon Forest Practices Act to protect riparian vegetation along Type F streams and lakes, and Type N streams affecting Type F streams. The county may seek changes to the Forest Practices Act when necessary to better protect riparian vegetation and water quality, from potential adverse effects of forest practices.

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- Policy D:** Existing riparian vegetation along streams and lakes not subject to the Forest Practices Act should be maintained to the greatest extent feasible to provide fisheries and wildlife habitat, minimize erosion and scouring, retard water velocities and suppress water temperatures. To protect riparian vegetation along streams and lakes not covered by the Forest Practices Act, the County may implement buffers as required by OAR 629-635-0310, and shall require a minimum setback for non-water dependent uses of 35 feet or as determined by best available ecological practices. The County should amend buffer requirements as the best available science is updated or when Forest Practices Act-required buffers are amended.
- Policy E:** The County shall rely on the State Department of Water Resources to ensure that minimum stream flow standards required for the maintenance of fish habitat are developed and implemented.
- Policy F:** The County shall rely on the Division of State Lands' permit process, under the Fill and Removal Law, to ensure that proposed stream alterations such as bridges, channelization, or filling do not adversely affect the stream's integrity or its value as fish and wildlife habitat.
- Policy G:** The County shall submit all proposals with a potential for impact on identified Columbian White-tail deer habitat (e.g. subdivision, dredge material disposal, industrial development, and land clearing of more than 3,000 square feet) to the Oregon Department of Fish and Wildlife and the U.S. Fish & Wildlife for their determination of conflicts. If either agency identifies conflicts and makes recommendations for resolving these conflicts, the County shall implement those recommendations to the maximum extent feasible, consistent with other land use planning requirements. If in the future subpopulation of the Columbia White-tailed deer are located which are not within identified essential habitat, the County will consider recommendations for protection of these areas to the extent feasible consistent with other land use planning requirements including but not limited to the Goal 5 Administrative Rule.
- Policy H:** The County will notify USFW and ODFW when processing applications for development and activities in nesting areas and habitat sites of sensitive, threatened, and endangered species from incompatible uses and activities.
- Policy I:** The County, in coordination with property owners and state agencies, may explore the use of mechanisms to protect large, contiguous areas that currently have high-quality habitats for fish and wildlife.
- Policy J:** The County may explore developing incentives for projects that enhance connectivity between existing high-quality habitats or habitats that could be feasibly enhanced and connected.
- Policy K:** The County should identify areas of county-owned lands that contain connected, less-fragmented habitats suitable for long-term protection.

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- Policy L:** The County may identify areas of county-owned lands that may be small, fragmented, or isolated, but which may still be suitable for long-term habitat preservation.
- Policy M:** The County shall add language to its zoning code that would allow projects for restoration and enhancement of fish and wildlife habitat to be added as permitted and conditional uses in all zones.
- Policy N:** The County should consider requiring cluster developments to provide more open space. The County should encourage ODFW to identify and protect wildlife migration corridors that are usable and provide forage and water.
- Policy O:** Clatsop County should coordinate with local Native American tribes and other signing jurisdictions and agencies to implement the requirements of the Declaration of Cooperation.
- Policy P:** Unnecessary removal of shoreline vegetation shall be prohibited.
- Policy Q:** The County shall maintain important fish and wildlife sites by protecting vegetation along many water bodies through the use of riparian corridors with appropriate setbacks.
- Policy R:** Private and public owners of property on which valuable habitat is located will be encouraged to adequately protect important fish and wildlife sites. The private owners which participate in preserving the natural character of these sites will be assisted in taking advantage of reduced property taxes for protecting such areas.
- Policy S:** New subdivisions in the Clatsop Plains Planning Area in the Rural Lands designation and cluster partitions in any Comprehensive Plan designation shall be required to leave undeveloped 30% common open space, which may benefit fish and wildlife habitat.
- Policy U:** Development within crucial habitat areas shall conform to Oregon Department of Fish and Wildlife (ODFW) regulations.
- Policy V:** Habitat of all species indicated as endangered, threatened or vulnerable shall be preserved as directed by ODFW and USFW.
- Policy W:** New culverts, roads, bridges, etc. that impact rivers and streams shall be designed to minimize removal of shoreline vegetation and shall be installed in a manner that will not impede the flow of water or passage of fish.
- Policy X:** The County shall coordinate with ODFW to evaluate any proposal to change the use or modify lands that are habitat of threatened, endangered or otherwise listed species to determine possible effects on the species. Habitats of all species indicated as endangered, threatened or vulnerable should be preserved. Nesting sites of endangered bird species should be protected and buffered from conflicting uses.
- Policy Y:** Clatsop County will cooperate with governmental agencies to conserve and protect identified fish and wildlife habitat, including notifying appropriate agencies of applications that may affect fish and wildlife habitat and working on land use

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compatibility statements for Department of State Lands and/or US Army Corps of Engineers projects.

- Policy Z:** To conserve and protect fish and wildlife habitat, new developments shall be designed and constructed so as to:
1. Maintain wherever possible a natural, vegetative buffer strip along wetlands and streams;
 2. Minimize the alteration of land and vegetation; and
 3. Preserve open space, including agricultural and forest lands.
 4. The County should revise stream and riparian setback language to align with the Oregon Forest Practice Act (FPA) as defined in OAR 629-635-0310.

FEDERAL WILD AND SCENIC RIVERS

- Policy A:** If any federal Wild and Scenic Rivers are designated within Clatsop County, the designated area(s) shall be added to the Comprehensive Plan Goal 5 resource inventory; and corresponding land use policies shall be added to the Land and Water Development and Use Code in accordance with OAR 660-023-0120.

STATE SCENIC WATERWAYS

- Policy A:** The OSW-designated section of the Nehalem River shall be included in the Comprehensive Plan Goal 5 resource inventory and corresponding land use policies shall be added to the Land and Water Development and Use Code in accordance with OAR 660-023-0130.
- Policy B:** If any Oregon Scenic Waterways are designated within Clatsop County, the designated area(s) shall be added to the Comprehensive Plan Goal 5 resource inventory; and corresponding land use policies shall be added to the Land and Water Development and Use Code in accordance with OAR 660-023-0130.

GROUNDWATER AND SURFACE WATER RESOURCES

- Policy A:** The County should cooperate and coordinate with State and Federal Agencies in assuring the beneficial use of all water areas in the County.
- Policy B:** In partnership with private landowners and state and federal agencies, Clatsop County may monitor impacts to groundwater resources caused by climate change, and will develop strategies to mitigate those impacts.
- Policy C:** The County may establish an education and outreach program to raise awareness of the value and fragility of groundwater resources and the role of the Clatsop Plains aquifer in water regeneration, supply and quality.
- Policy D:** In partnership with private landowners and state and federal agencies, The County may monitor the cumulative impacts of pollution on groundwater and surface water. Ensure that inappropriate development is directed to appropriate commercial and

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industrial districts.

- Policy E:** The County should encourage state and federal agencies to monitor impacts from potential sea level change, including the potential for salt water intrusion into coastal aquifers.

OREGON RECREATION TRAILS

- Policy A:** The Oregon Coast Trail and Saddle Mountain Trail shall be added to the Comprehensive Plan Goal 5 resource inventory.
- Policy B:** If any Oregon Recreation Trails are designated within Clatsop County, the designated trail(s) shall be added to the Comprehensive Plan Goal 5 resource inventory. Corresponding land use policies may be added to the Land and Water Development and Use Code in accordance with OAR 660-023-0150.
- Policy C:** The County is encouraged to cooperate with public and private property owners and the Oregon Parks and Recreation Commission to support the designation of new Oregon Recreation Trails in Clatsop County.

NATURAL AREAS

- Policy A:** Significant natural and scientific areas and scenic sites should be set aside for preservation and managed so as to protect the unique characteristics of the area.
- Policy B:** The County will cooperate with appropriate State and Federal agencies and private groups to ensure that examples of the full range of Clatsop County's natural ecosystem are preserved for future study and enjoyment.
- Policy C:** As resources permit, Clatsop County shall continue to identify sites for possible voluntary listings as Goal 5 inventoried natural area resources, assisting property owners who wish to participate, by entering into conservation easements, or using other instruments, such as Oregon State Register of Natural Heritage Resources, to preserve natural areas. These may be areas not previously addressed in periodic reviews. Participation would be completely at the property owner's option.
- Policy D:** The Natural designation for Sugar Loaf Mountain shall not affect the continued operating and maintenance of the radio transmitter facility located there.

WILDERNESS AREAS

- Policy A:** Clatsop County shall work with federal agencies in the protection of federal wilderness areas.
- Policy B:** Clatsop County shall periodically verify that all Clatsop County sites in the Oregon Islands Wilderness Area are listed as Goal 5 resources in the County's comprehensive plan as required by OAR 660-023-0160.

MINERAL AND AGGREGATE RESOURCES

- GOAL 1:** To protect and ensure appropriate use of mineral and aggregate resources of the county, while minimizing any adverse effects of mining and processing upon surrounding land uses.
- Policy A:** The County shall maintain an inventory of mineral and aggregate resources sites and shall protect significant mineral and aggregate resources consistent with Statewide Planning Goal 5 and the process for complying with the Goal specified in Oregon Administrative Rules Chapter 660, Division 16.
- Policy B:** In making a decision whether to protect a significant mineral or aggregate site from conflicting uses, the County shall recognize that Goal 5 requires the protection of natural resources for future generations, and that the requirements of other applicable Statewide Planning Goals must be considered in any analysis of conflicting uses.
- Policy C:** For each site determined to be significant, the county shall complete the remainder of the Goal 5 process of identifying conflicting uses, analyzing the ESEE consequences of the conflicting use(s), and designating a level of protection from conflicting uses. If the final decision concerning the site is to fully preserve or partially protect the resource from conflicting uses, the site shall be zoned with the Mineral and Aggregate Resources Overlay.
- Policy D:** The County shall require increased setbacks, insulation, screening, or similar measures as conditions of approval for any new conflicting use within an impact area surrounding a mineral or aggregate resource site when such measures are deemed necessary to resolve conflicts identified in a site-specific Goal 5 analysis.
- Policy E:** Mineral and aggregate resource maps shall be kept updated with active/inactive quarry/reclamation/mining overlays and layers.
- Policy F:** The Quarry/Mining Zone shall be updated to reflect the actual uses.
- Policy G:** Quarry/Mining Zone and Overlay shall be revised to accurately apply to all sites, as the zone and overlay are intended to protect the resource from conflicting uses developing next to them.
- Policy H:** The County shall review its acknowledged inventory of mineral and aggregate resources during its regular review of Goal 5.

ENERGY SOURCES

- Policy A:** Development shall not be allowed to preclude use of adjacent properties for potential wind generating facilities.
- Policy B:** The County will rely on state and federal permitting processes to govern the location of low-head hydro projects and to resolve any conflicts that may result from such projects.
- Policy C:** Clatsop County shall apply the Goal 5 Administrative Rule to oil, gas, nuclear,

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geothermal, and large-scale hydro that are proposed in the future.

- Policy D:** If and when the City of Astoria intends on constructing a hydroelectric facility at the Youngs River Falls site, Clatsop County shall, in cooperation with the City of Astoria, apply the Goal 5 Administrative Rule.
- Policy E:** The County should coordinate with Camp Rilea personnel and appropriate agencies to encourage the installation and use of solar panels to generate electricity.
- Policy F:** Clatsop County may identify possible sites that could be candidates for wind generation facilities.
- Policy G:** Clatsop County may review and monitor developments in ocean thermal energy conversion to determine and evaluate impacts to and benefits for Clatsop County.

CULTURAL AREAS

- Policy A:** The County will review land use activities that may affect known archeological sites. If it is determined that a land-use activity may affect the integrity of an archaeological site, the County shall consult with local Native American tribes and the State Historic Preservation Office on appropriate measures to preserve or protect the site and its contents.
- Policy B:** Native American cairns, graves and other significant archaeological resources uncovered during construction or excavation shall be preserved intact until a plan for their excavation or reinternment has been developed by local Native American tribes and the State Historic Preservation Office.
- Policy C:** Clatsop County should seek to work cooperatively countywide with state agencies, cities, the Clatsop County Historical Society and local historic preservation organizations, and local Native American tribes to recognize and protect cultural and historic sites.
- Policy D:** Clatsop County shall create a standard condition of approval for all development permits advising permit holders of requirements for Oregon Archaeological Permits.
- Policy E:** Clatsop County should encourage the State Historic Preservation Office and local Native American tribes to coordinate on an archaeological survey of and protection for Native American villages within Clatsop County.
- Policy F:** Clatsop County shall review development on properties adjacent to significant archaeological sites to ensure that activities are not in compatible with adjacent cultural resources and do not conflict with known archaeological sites.
- Policy G:** The County should identify ways to incorporate more input and cultural and historical knowledge from the federally recognized and unrecognized local Native American tribes.

HISTORIC RESOURCES

- Policy A:** Clatsop county shall seek to work cooperatively countywide with state and federal agencies, cities, the Clatsop County Historical Society and local historic preservation

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organizations local Native American tribes to recognize and protect cultural and historic sites.

- Policy B:** The County Parks Department, to the extent funding permits, will continue to maintain the Lindgren House.
- Policy C:** The County should encourage the Clatsop County Historical Society, the State Historic Preservation Office and local Native American tribes to place commemorative plaques at the sites of the Falls Pulp Mill and the Shepherd and Morse Sawmill.
- Policy D:** The County will continue to protect the historical character of the Tillamook Lighthouse, Morrison House, the Clatsop Plains Memorial Church and the Westport Log Tunnel through appropriate provisions in the zoning ordinance.
- Policy E:** Clatsop County should work with the State Historic Preservation Office and local historic preservation organizations to evaluate the historical significance of sites and buildings identified through this comprehensive plan update process. The County will protect National Register resources as required by OAR 660-023-0200.
- Policy F:** The County should identify ways to incorporate more input and cultural and historical knowledge from the federally-recognized and unrecognized local Native American tribes.
- Policy G:** The County should identify and map historic rural places and buildings in order to preserve that knowledge for future generations.
- Policy H:** The County should consider opportunities to designate historic routes, including information about structures that may no longer physically exist.
- Policy I:** The County should encourage adaptive reuse of old buildings and encourage preservation of historic buildings.
- Policy J:** The County should inventory and evaluate the following resources to determine historic significance:
- Bradwood and Clifton, particularly the Clifton net shed
 - Svensen Cemetery
 - Arch Cape Tunnel
 - Wagon Trail in Arch Cape
 - Hug Point and surrounding geological sites
 - Hamlet School
 - Hamlet Cemetery
 - All sites on the National Register of Historic Places
 - Sites on the State Historic Sites inventory
 - State-identified archaeological sites
 - Historic cemeteries
- Policy K:** The County should explore whether there is public support for the County becoming a Certified Local Government.
- Policy L:** The County should develop a public education and outreach program to inform

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property owners about how to properly handle and report found artifacts.

Policy M: All sites and structures within unincorporated Clatsop County that are included on the National Register of Historic Places are also included in the Clatsop County Goal 5 historic resource inventory. Appropriate protective measures shall be developed for these sites.

Policy N: Clatsop County shall protect significant historical resources by:

1. encouraging those programs that make preservation economically possible;
2. implementing measures for preservation when possible;
3. recognizing such areas in public and private land use determinations subject to County review.

Policy O: Clatsop County shall review development on properties adjacent to significant historic sites to ensure that activities are not incompatible with adjacent historic resources and do not conflict with known historic sites.

Policy P: Clatsop County should encourage the use of identifying signs or markers for historic landmarks, historically-significant buildings and other historic sites. The Clatsop County Historical Society and other local preservation organizations should be encouraged to assist in this project.

OPEN SPACE

Policy A: The County should consider maximum-allowed lot coverage limitations countywide.

Policy B: The County should consider developing an open space acquisition program for the purposes of protecting Clatsop County's Goal 5 resources such as open space, wetlands, historic sites, and outstanding scenic sites; and for hazard mitigation functions such as flood storage or protection of landslide-prone areas. Consideration should include short and long-term funding sources. Acquisitions as part of this program would be opportunistic, as properties become available, rather than a use of eminent domain.

Policy C: The County should consider developing a program to encourage and facilitate private property owners to create conservation easements or other related instruments for the purposes of protecting Clatsop County's open space values.

Policy D: The County should consider developing a program to encourage and facilitate private property owners to eradicate noxious and/or invasive plant species.

Policy E: The County should consider requiring subdivisions to be clustered countywide in order to provide increased open space, preserve views and protect wildlife habitat to the maximum extent possible.

Policy F: Land owners should be encouraged to retain or preserve large parcels of undeveloped land as open space under the provisions of the open space taxation program.

Policy G: Permanent open space should include, whenever possible, steep dunes which would

CLATSOP COUNTY COMPREHENSIVE PLAN

require substantial alterations for building, buffers along streams, water bodies, deflation plains, areas abutting military lands, and farm and forest lands.

Policy H: The County is encouraged to develop standards for dedicated open space in subdivisions that support continuity of natural resources / sensitive areas / wildlife habitat.

Policy I: The County should encourage the use of conservation easements where transfer of development rights and other regulatory approaches are not workable or achievable, and coordinate with land trusts, cities, state and federal agencies, and other agency partners, in educating property owners on the benefits and stewardship responsibilities that come with having a conservation easement.

SCENIC VIEWS AND SITES

Policy A: Protection of Goal 5 scenic views and sites should include best management practices to reduce wildfire risk.

Policy B: Review of energy production facilities, including but not limited to wind or off-shore production, should include an evaluation of potential impacts to Goal 5 scenic views and sites.

Policy C: The County should encourage owners of private property containing Goal 5 scenic views and sites to enter into conservation easements. Facilitate opportunities for property owners to voluntarily enter into conservation easements (or other instruments).

Policy D: The County should consider conducting an Economic, Social, Environmental, Energy (ESEE) evaluation for the following sites to determine if those areas should be included as inventoried scenic view and site resources:

- Clatsop Plains planning area, or portions thereof
- Fishhawk/Lee Wood Park Falls
- Jewell Meadows
- Red Bluff Park
- Twilight Eagle Sanctuary
- Svensen Island
- Bradley Hill
- Knappa Docks
- Fort-to-Sea Trail
- Highway 101 to the south County border
- Oswald West State Park
- Ecola State Park
- Fort Stevens State Park
- Saddle Mountain State Park
- Arcadia State Recreation Area
- Hug Point State Recreation Area
- Cape Falcon Marine Reserve

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- Ecola Forest Reserve

IMPLEMENTING OREGON ADMINISTRATIVE RULES (OAR):

660-023 – Procedures and Requirements for Complying with Goal 5

660-016 – Complying with Statewide Planning Goal 5

660-031 – State Permit Compliance and Compatibility

COORDINATING STATE AND LOCAL AGENCIES:

Oregon Department of Fish and Wildlife (ODFW)

Oregon Department of Agriculture (ODA)

Oregon Parks and Recreation Department (OPRD)

Oregon Department of Energy (ODOE)

State Historic Preservation Office (SHPO)

Oregon Department of State Lands (DSL)

Oregon Health Authority (OHA)

Department of Geology and Mineral Inventories (DOGAMI)

Oregon Department of Land Conservation and Development (DLCD)

Columbia River Estuary Study Taskforce (CREST)

BACKGROUND REPORTS AND SUPPORTING DATA:

- Threatened, Endangered, Candidate Fish and Wildlife Species, ODFW 2021
- *Fifth Oregon Climate Assessment*, Oregon Climate Change Research Institute, January 2021
- *Future Climate Projects Clatsop County*, Oregon Climate Change Research Institute, February 2020
- *Regional Framework for Climate Adaptation Clatsop and Tillamook Counties*, Sea Grant Oregon, 2010
- *Oregon Climate Change Adaptation Framework 2021*, Department of Land Conservation and Development
- *Clatsop County Significant Wetlands; Wetland and Riparian Inventory in Unincorporated Clatsop County* – Columbia River Estuary Study Taskforce (CREST) (2021)
- Goal 5 Background Report

EXHIBIT 2
Goal 5 Background Report

Ordinance 24-02

1st Public Hearing: January 10, 2024

Agenda Item #11. ng: January 24, 2024

GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES BACKGROUND REPORT

PURPOSE: To protect natural resources and conserve scenic and historic areas and open spaces.

HISTORICAL PERSPECTIVE

When Clatsop County first developed its Goal 5 plan, the community reviewed existing information on the Goal 5 resources that occurred locally and were important to address. The County then reviewed land uses allowed on or near each resource site that might have a negative impact on the resource. It then decided on a level of protection appropriate for each resource site and adopted codes to put its policies into effect. State rules for implementing Goal 5 have been adopted and amended over the years. As Clatsop County works through this update of its comprehensive plan and community plans, it has the opportunity to identify new resources and to adopt policies and codes that are consistent with the current state rules for Goal 5.

The "Goal 5 Process" starts with an inventory of Goal 5 resources. Resource sites are assessed and significant sites are protected. Rules for some Goal 5 resource categories rely on inventories and assessments that have been conducted by state or federal entities. There are four Goal 5 resource categories found in Clatsop County that rely on state or federal inventories:

- State scenic water ways
- Ground water resources
- Oregon recreation trails
- Wilderness areas

Three categories require local inventories:

- Riparian areas
- Wetlands
- Wildlife habitat

There are three categories for which local Goal 5 programs are optional, which also rely on local inventories:

- Historic resources
- Open space
- Scenic views and sites

Aggregate is a Goal 5 resource for which a county-wide local inventory was initially required. Since 1996, sites are added to the local inventory on a site-by-site basis in response to applications made by applicants to the county.

CLATSOP COUNTY COMPREHENSIVE PLAN

The following Goal 5 significant resource sites have been identified and are listed in the Clatsop County Comprehensive Plan:

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TABLE 1: CLATSOP COUNTY GOAL 5 RESOURCE INVENTORY

Riparian Corridors

No Riparian Corridors are included in the current Goal 5 inventory

The County’s Shoreland Overlay (Goals 16 and 17) includes a 50’ buffer for specified estuarine resources and coastal shorelands. Section 6.5000, LAWDUC, includes standards for the protection of riparian vegetation.

Wetlands

<u>Resource Description</u>	<u>Location</u>	<u>Planning Area</u>	<u>Comprehensive Plan Page Reference(s)</u>	<u>Notes</u>
Site 1 (CP 9)	Along the Skipanon River, south of Warrenton and SE of Hwy 101	Clatsop Plains	69-70	Size: 98 acres
Site 2 (CP 13)	Taylor Lake, north of Cullaby Lake	Clatsop Plains	69, 71	Size: 17 acres
Site 3 (CP 14)	Cullaby Lake	Clatsop Plains	69, 71	Size: 280 acres
Site 4 (CP 15)	Between Cullaby Lake and Hwy 101	Clatsop Plains	69, 72	Size: 230 acres
Site 5 (CP 16)	East of Hwy 101 from the south end of Dellmoor Loop Rd south to Palmberg Gravel Works	Clatsop Plains	69, 72	Size: 380 acres
Site 6 (CP 18)	Two small lakes and adjacent wetlands on Cullaby Creek, 4000 ft south of Cullaby Lake	Clatsop Plains	69, 73	Size: 160 acres
Site 7 (CP 19)	North of the road to the Crown site, up to the Palmberg Gravel Co. east of Hwy 101 and Seaside airport	Clatsop Plains	69, 73	Size: 130 acres
Site 8	Southeast of Seaside; south of the Millponds, east of Hwy 101	Clatsop Plains	69, 74	Size: 132 acres

Site 9 (EC 35)	Driscoll Slough marshes, between Wauna Mill and Westport	Northeast	69, 74	Size: 360 acres
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Fish and Wildlife Habitat				
Resource Description	Location	Planning Area	Comprehensive Plan Page Reference(s)	Notes
Major Big Game Range	"That portion of the county which supports the majority of big game. In general, these lands are sparsely developed forest lands."	Multiple	22-30, 40	See map on page 40
Peripheral Big Game Range	"Foothill areas of the county, generally located between commercial forest lands and productive agricultural lands."	Multiple	22-30, 40	See map on page 40
Excluded Big Game Range	"Developed areas that are only occasionally used by big game."	Multiple	22-30, 40	See map on page 40
Upland Game Birds (grouse, mountain quail, band-tailed pigeons)	Generally corresponds with Major & Peripheral Big Game Range and includes riparian areas and mineral springs and other watering areas. See also: Sensitive Bird Habitat Overlay District (SBHO)	Multiple	31-33	
Waterfowl	Estuarine and coastal shoreland areas; water areas; riparian areas	Multiple	33-34	
Furbearers and Hunted Non-game Wildlife (aquatic species - beaver, muskrat, mink; terrestrial species - skunk, bobcat, coyote)	Aquatic furbearers: estuarine and coastal shoreland habitat; riparian areas; Terrestrial furbearers: areas considered	Multiple	34	

	Major and Peripheral Big Game Range.			
Non-game Wildlife (eagles, hawks, osprey, herons)	Refer to SBHO and map on page 92	Multiple	34-49, 92	See map on page 92
Snowy Plover	Sparsely vegetated, active dune areas just inland from the high tide line; beach from Necanicum River north to Columbia River. See also: SBHO	Clatsop Plains	42	
Fish Habitat	All rivers and streams with a perennial flow; non-coastal shoreland lakes (including Big Creek Pond, Fishhawk Lake, Lost Lake, Lost Lake (yes there are two), Spruce Run Lake, Riverside Lake, Quartz Lake, Soapstone Lake, Carnahan Lake, and Cullaby Lake); riparian areas along rivers, streams, and lakes.	Multiple	43-47	

Federal Wild and Scenic Rivers

No Federal Wild and Scenic Rivers are included in the Goal 5 inventory

Groundwater Resources

<u>Resource Description</u>	<u>Location</u>	<u>Planning Area</u>	<u>Comprehensive Plan Page Reference(s)</u>	<u>Notes</u>
Clatsop Plains Area		Clatsop Plains	97	

* See also: Goal 6 - Air, Water, and Land Resources Quality

Water Areas

Resource Description

Location

Planning Area

Comprehensive
Plan Page
Reference(s)

Notes

See Wetlands, Watersheds, and Fish and Wildlife Habitat.

Watersheds

Resource Description - Major Waterway(s)

Location

Planning Area

Comprehensive
Plan Page
Reference(s)

Notes

Plympton Creek / West Creek

-

Northeast

96

Size:
8,900
acres

Hunt Creek

-

Northeast

96

Size:
5,100
acres

Blind Slough / Grizzly Slough

-

Northeast

96

Size:
24,700
acres

Big Creek / Little Creek / Fertile Valley Creek

-

Northeast

96

Size:
29,000
acres

Mary's Creek / Bear Creek / Ferris Creek

-

Northeast

96

Size:
14,500
acres

John Day River

-

Northeast

96

Size:
4,400
acres

Youngs River / Klaskanine River / Walluski River

-

Lewis & Clark,
Olney-
Wallooskee

96

Size:
80,300
acres

Lewis & Clark River

-

Lewis & Clark,
Olney-
Wallooskee

96

Size:
42,800
acres

Neawanna Creek / Thompson Creek

-

Clatsop Plains,
Seaside Rural

96

Size:
4,700
acres

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Canyon Creek	-	Seaside Rural	96	Size: 2,100 acres
Necanicum River	-	Seaside Rural	96	Size: 30,300 acres
Nehalem River	-	Elsie-Jewell	96	Size: 213,200 acres
Elk Creek	-	Seaside Rural	96	Size: 15,200 acres
Arch Cape Creek / Asbury Creek / Shark Creek / Fall Creek / Red Rock Creek	-	SW Coastal, Seaside Rural	96	Size: 7,100 acres
Clatsop Plains (Skipanon River and Neacoxie Creek)	-	Clatsop Plains	96-97	Not listed

* See also: Goal 6 - Air, Water, and Land Resources Quality

Oregon Recreation Trails

<u>Resource Description</u>	<u>Location</u>	<u>Planning Area</u>	<u>Comprehensive Plan Page Reference(s)</u>	<u>Notes</u>
Refer to Goal 8 Recreational Lands			85	

Wild and Scenic Waterways

<u>Resource Description</u>	<u>Location</u>	<u>Planning Area</u>	<u>Comprehensive Plan Page Reference(s)</u>	<u>Notes</u>
Refer to Goal 8 Recreational Lands			85	

Ecologically and Scientifically Significant Natural Areas

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<u>Resource Description</u>	<u>Location</u>	<u>Planning Area</u>	<u>Comprehensive Plan Page Reference(s)</u>	<u>Notes</u>
Bradwood Cliffs	T 8N, R 6W, Sections 9 and 16	Northeast	48-61	-
Walker Creek Old Growth Forest	T 6N, R 6W, Sections 7 and 18	Elsie-Jewell	48-61	-
Elsie County Park (aka Nehalem Park or Red Bluff Park)	T 5N, R 7W, Section 32	Elsie-Jewell	48-61	-
David Douglas County Park	T 5N, R 8W, Section 21	Elsie-Jewell	48-61	-
Onion Peak	T 4N, R 10W, Section 22-23	Seaside Rural	48-61	-
Sugarloaf Mountain	T 4N, R 10W, Section 1	Seaside Rural	48-61	-
Kloutchy Creek Park	T 5N, R 10W, Section 14	Seaside Rural	48-61	-
Saddle Mountain State Park	T 6N, R 8W, Sections 28, 29, 32, 33, 24	Seaside Rural	48-61	-
Bradley State Park	T 8N, R 6W, Section 16	Northeast	48-61	-
Oswald West State Park	T4N, R 10W, Section 30-31	SW Coastal	48-61	-

Wilderness Areas

<u>Resource Description</u>	<u>Location</u>	<u>Planning Area</u>	<u>Comprehensive Plan Page Reference(s)</u>	<u>Notes</u>
Oregon Islands Wilderness	Tillamook Head Rocks; Bird Rocks; Sea Lion Rocks; Haystack Rock; Castle Rock; Jockey Cap; Tim Rock; Gull Rock; Unnamed Rocks located in Section 12, Township 5W, Range 10W	SW Coastal	79	

Mineral and Aggregate Resources

<u>Resource Description</u>	<u>Location</u>	<u>Planning Area</u>	<u>Comprehensive Plan Page Reference(s)</u>	<u>Notes</u>
Clatsop County - Clifton	T 8N, R 6W, Section 17	Northeast	15-19, 94	Rock
Clatsop County - Big Creek	T 8N, R 7W, Section 29	Northeast	15-19, 94	Gravel
Howard Johnson - US 101	T 5N, R 10W, Section 4	Clatsop Plains	15-19, 94	Rock
Bayview Transit Mix - US 101	T 5N, R 10W, Section 4	Clatsop Plains	15-19, 94	Basalt
George Ordway	T 5N, R 10W, Section 14	Seaside Rural	15-19, 94	Basalt

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Teevin Bros. Logging	T 8N, R 6W, Section 27	Northeast	15-19, 94	Rock
Daren Berg, Humbug Rock	T 5N, R 8W, Section 18	Elsie-Jewell	15-19, 94	Rock
M. Nygaard Logging	T 7N, R 9W, Section 31	Lewis & Clark, Olney- Wallooskee	15-19, 94	Rock
A. Riekkola	T 7N, R 8W, Section 18	Lewis & Clark, Olney- Wallooskee	15-19, 94	Basalt
Tagg	T 7N, R 10W, Section 3	Clatsop Plains	15-19, 94	Sand
Horecny	T 5N, R 9W, Section 23	Seaside Rural	15-19, 94	Rock
Various "Other Sites" are also listed, but are not protected from conflicting uses under Goal 5.		Multiple	15-19, 94	

Energy Sources

<u>Resource Description</u>	<u>Location</u>	<u>Planning Area</u>	<u>Comprehensive Plan Page Reference(s)</u>	<u>Notes</u>
Refer to Goal 13 Energy Conservation				

Cultural Areas

<u>Resource Description</u>	<u>Location</u>	<u>Planning Area</u>	<u>Comprehensive Plan Page Reference(s)</u>	<u>Notes</u>
Various archeological sites	"An inventory of 53 known archeological sites is maintained in confidential status at both the Clatsop County Planning Department and the State Historic Preservation Office. Because of the limited number of archeological surveys undertaken, there are undoubtedly other	Multiple	84-85	

undiscovered archeological sites in Clatsop County."

Historic Areas, Sites, Structures and Objects				
<u>Resource Description</u>	<u>Location</u>	<u>Planning Area</u>	<u>Comprehensive Plan Page Reference(s)</u>	<u>Notes</u>
Fort Clatsop National Monument	T 7N, R 10W, Section 35	Lewis & Clark, Olney-Wallooskee	79-84, 93	-
Cannon at Cannon Beach	East side of Hwy 101 between Cannon Beach and Arch Cape	SW Coastal	79-84, 93	-
Tillamook Rock Lighthouse	T 5N, R 11W, Section 1	Seaside Rural	79-84, 93	-
Ecola State Park	T 5N, R 10W, Sections 6, 7, 18 T 5N, R 11W, Sections 1, 12 T 6N, R 10W, Sections 29, 30, 31, 32	Seaside Rural, Clatsop Plains	79-84, 93	-
Lindgren House	T 7N, R 10W, Section 22	Clatsop Plains	79-84, 93	-
R.W. Morrison House (aka Tagg Place)	T 7N, R 10W, Section 4	Clatsop Plains	79-84, 93	-
Clatsop Plains Memorial Church	T 7N, R 10W, Section 4	Clatsop Plains	79-84, 93	-
Clatsop Plains Cemetery	T 7N, R 10W, Section 4	Clatsop Plains	79-84, 93	-
The Mill Site of the Falls Pulp Company	T 7N, R 10W, Section 27	Lewis & Clark, Olney-Wallooskee	79-84, 93	-
The Shepherd and Morse Sawmill Site	T 8N, R 6W, Section 36	Northeast	79-84, 93	-
Westport Log Tunnel	T 8N, R 6W, Section 36	Northeast	79-84, 93	-

Open Space				
<u>Resource Description</u>	<u>Location</u>	<u>Planning Area</u>	<u>Comprehensive Plan Page Reference(s)</u>	<u>Notes</u>

General Open Space

Forest lands, agricultural lands, All estuarine areas, Pacific Ocean and adjacent beaches.

8-9

Forest and agricultural land comprise 95% of the County's land area.

Parks, wildlife refuges, natural areas, specific scenic sites, and fresh water wetlands

Countywide

All

8-9

These categories are addressed in the corresponding section(s) of Goal 5 and Goal 8.

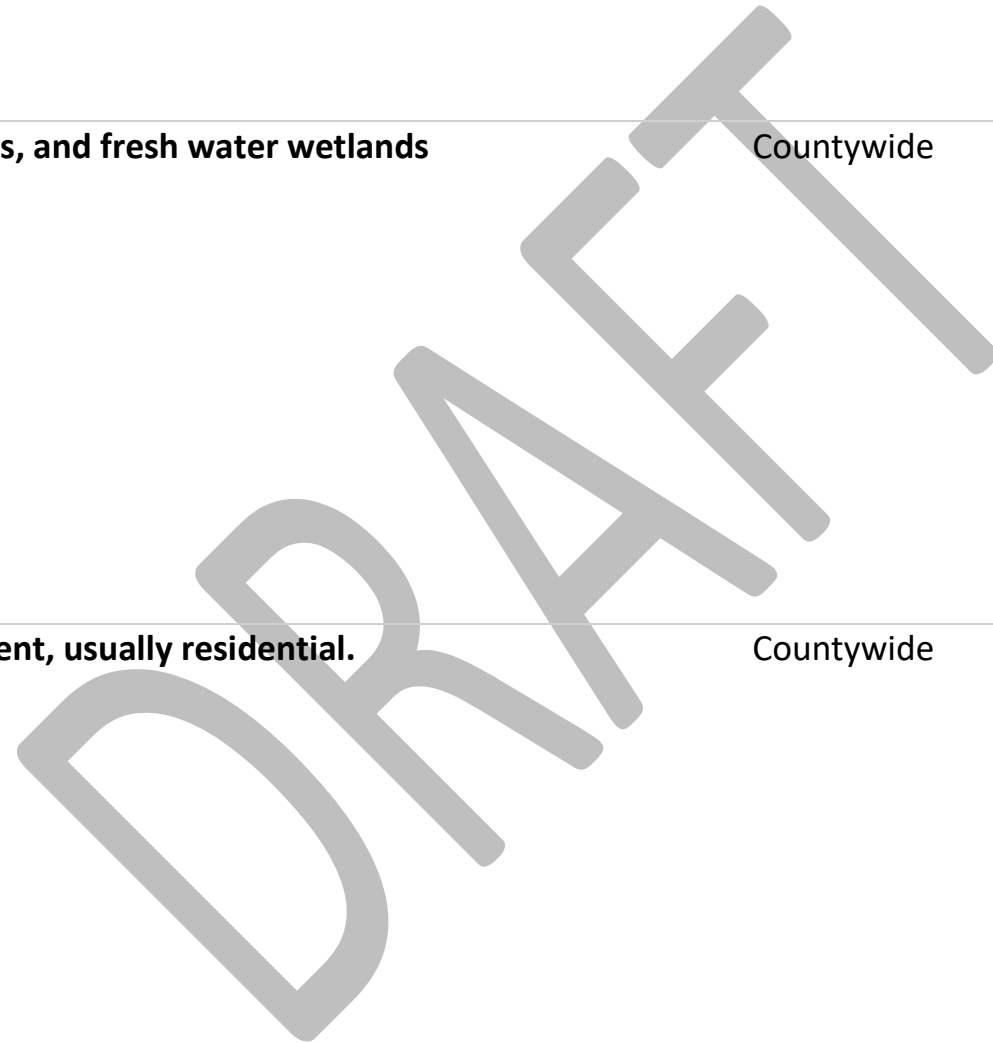
Areas provided in conjunction with a specific development, usually residential.

Countywide

All

8-9

Subdivisions in the Clatsop Plains area are required to have clustered lots in order to maintain open space values.



Outstanding Scenic Views and Sites				
Resource Description	Location	Planning Area	Comprehensive Plan Page Reference(s)	Notes
Box Canyon	T 6N, R 10W, Section 13 and T 6N, R 9W, Sections 18-19	Lewis & Clark, Olney- Wallooskee and Seaside Rural	62-69	-
Knappa Gorge at Big Creek	T 8N, R 7W, Sections 28, 29, 32, 33	Northeast	62-69	-
Gnat Creek Falls	T 7N, R 6W, Section 6	Northeast	62-69	-
Plympton Creek Falls	T 7N, R 6W, Sections 2 and 11	Northeast	62-69	-
Fall Creek Falls	T 4N, R 8W, Section 20	Seaside Rural	62-69	-
Youngs River Falls	T 7N, R 8W, Section 27	Lewis & Clark, Olney- Wallooskee	62-69	-
Nehalem River from Cronin to Gorge Creek	T 4N, R 8W	Elsie-Jewell	62-69	-
Lewis and Clark Rd above Thompson Falls	T 6N, R 10W, Section 14	Clatsop Plains	62-69	-
U.S. Hwy 101 Scenic Corridor	Cannon Beach Junction to Silver Point	Seaside Rural, SW Coastal	62-69	-
Westport - Scenic Conservancy, Hwy Corridor	T 8N, R 6W, Sections 35, 36	Northeast	62-69	-
Hwy 53 - Scenic Conservancy, Hwy Corridor	T4N, R 9W, Sections 20, 27	Seaside Rural	62-69	-
North Fork Nehalem River - Scenic Conservancy, River Corridor	T 4N, R 9W, Section 25 and T 4N, R 8W, Sections 19, 20	Seaside Rural	62-69	-

CURRENT CONDITIONS

RIPARIAN CORRIDORS

Riparian areas, similar to the functions of wetlands, provide habitat for nursery salmonids; and they absorb and can hold carbon. Clatsop County's existing and acknowledged Goal 5 element does not contain an inventory of any riparian corridors. Clatsop County has, however, adopted a shoreland overlay that requires a 50-foot buffer from significant estuarine and coastal shorelands identified in Goals 16 and 17. The County has also adopted standards related to the protection of riparian vegetation in Section 6.5000, LAWDUC. Oregon Administrative Rule (OAR) 660-023-0250, adopted in 1996, requires local governments to amend acknowledged plans and land use regulations during periodic review. Because the County is no longer subject to mandatory periodic review requirements, an inventory for this resource has not been developed, and the rule otherwise does not impose a deadline on the county to conduct an inventory. No new riparian inventories are proposed as part of this comprehensive plan update and the County will continue to provide riparian protections to the waterways and water bodies identified in Goals 16 and 17.

WETLANDS RESOURCES

Wetlands provide habitat for nursery salmonids; and they absorb and can hold carbon. Clatsop County supports the beneficial use of all water areas within the County, including:

- domestic water supply
- fishing
- industrial water supply
- boating
- irrigation
- water contact recreation
- livestock watering
- aesthetic quality
- fish and aquatic life
- hydropower
- wildlife and hunting
- commercial navigation and transportation
- non-use
- critical habitat for salmonids

OAR 660-023-0100 requires local governments to notify the Oregon Department of State Lands when development permit applications or other land use permit applications are submitted that may affect wetlands. On lands outside of Urban Growth Boundaries (UGB) or in Urban Unincorporated Communities, local jurisdictions are required to determine the need for Department of State Lands (DSL) notification based on the Statewide Wetland Inventory (SWI). Counties are not required to amend their comprehensive plan to add or amend a list of locally-significant wetlands. If a county chooses to conduct a local wetland inventory

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and protect locally significant wetlands, the process steps described for areas inside UGBs apply.

In 1983, Duncan Thomas prepared a report entitled *Significant Shoreland and Wetland Habitats in the Clatsop Plains*. This report identified 58 significant wetlands, primarily within the Clatsop Plains planning area. That initial report and list was further reviewed and subsequently the nine sites shown on Table 1 were included as Goal 5 locally-significant wetlands. In 2020, Clatsop County contracted with the Columbia River Estuary Study Taskforce (CREST) to prepare an updated report – *Clatsop County Significant Wetlands; Wetland and Riparian Inventory in Unincorporated Clatsop County*. The County may utilize the information in the 2020 CREST report as a basis for future identification of locally-significant wetlands and development of appropriate local protection program elements.

WILDLIFE HABITAT

Clatsop County is historically an area of rich, abundant rivers and forests. Fish and wildlife are among the county's major attributes. Two state agencies' missions include monitoring and protection of fish and wildlife areas and habitats:

- The Oregon Department of Forestry (ODF) administers the Forest Practices Act (FPA), which sets standards for all commercial activities involving the establishment, management, or harvesting of trees on Oregon's forestlands. Key elements of the act are aimed at protection of water resources. Regulations require landowners to leave forested buffers and other vegetation along streams, wetlands, and lakes to protect water quality and fish and wildlife habitat. Timber harvesting, road building, and chemical use are restricted near streams, rivers, lakes, and wetlands. Wildlife protection practices include timing of operation, leaving nesting habitat for birds, bats and other mammals, and modifying harvest activities to protect sensitive areas used by species identified as sensitive, threatened, or endangered.
- More substantially, the Oregon Department of Fish and Wildlife's (ODFW) programs and authorities are covered in Chapter 635 of the Oregon Administrative Rules. Divisions under Chapter 635 are vast in scope and address topics that range from tax incentives, fishing seasons, hatchery management, harvest licensing and seasons, to enhancement programs, wildlife rehabilitation, conservation programs and wildlife management programs.

Per OAR 660-023-0110, "wildlife habitat" is defined as an area upon which wildlife depend in order to meet their requirements for food, water, shelter, and reproduction. Examples include wildlife migration corridors, big game winter range, and nesting and roosting sites. The county is required to obtain current habitat inventory information from ODFW for the following:

- Threatened, endangered, and sensitive wildlife species habitat information;
- Sensitive bird site inventories; and
- Wildlife species of concern and/or habitats of concern identified and mapped by ODFW

If the County chooses to update its Goal 5 program for wildlife habitat, it would be required to follow the standard procedures and requirements of OAR 660-023-0100 or 660-023-0030 for inventory work and 660-023-0040 and 660-023-0050 for developing a program to protect significant resource sites.

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The County must also coordinate with ODFW and should consult with appropriate federal agencies when adopting programs intended to protect species listed under the US Endangered Species Act.

The current comprehensive plan identifies the following fish and wildlife habitats:

- **Major Big Game Range:** That portion of the county which supports the majority of big game. In general, these lands are sparsely developed forest lands.
- **Peripheral Big Game Range:** Foothill areas of the county, generally located between commercial forest lands and productive agricultural lands.
- **Excluded Big Game Range:** Developed areas that are only occasionally used by big game.
- **Upland Game Birds (grouse, mountain quail, band-tailed pigeons):** Generally, corresponds with Major and Peripheral Big Game Range and includes riparian areas and mineral springs and other watering areas. See also: Sensitive Bird Habitat Overlay District (SBHO) in the Land and Water Development and Use Code.
- **Waterfowl:** Estuarine and coastal shoreland areas; water areas; riparian areas.
- **Furbearers and Hunted Non-Game Wildlife (aquatic species – beaver, muskrat, mink; terrestrial species – skunk, bobcat, coyote):** Aquatic furbearers: estuarine and coastal shoreland habitat; riparian areas; Terrestrial furbearers: areas considered Major and Peripheral Big Game Range.
- **None-game Wildlife (eagles, hawks, osprey, herons):** Refer to SBHO and map.
- **Snowy Plover:** Sparsely vegetated, active dune areas just inland from the high tide line; beach from Necanicum River north to Columbia River. See also: SBHO.
- **Fish Habitat:** All rivers and streams with a perennial flow; non-coastal shoreland lakes (including Big Creek Pond, Fishhawk Lake, Lost Lake 1, Lost Lake 2, Spruce Run Lake, Riverside Lake, Quartz Lake, Soapstone Lake, Carnahan Lake, and Cullaby Lake); riparian areas along rivers, streams, and lakes.

Specific standards designed to minimize impacts to Major and Peripheral Big Game Habitat were adopted into the county's zoning code and development standards.

Threatened and Endangered Species

The Federal Endangered Species Act (ESA) was passed in 1973. The ESA helps to stabilize populations of species at risk of extinction. A primary focus of the ESA is to conserve the habitats upon which threatened and endangered species depend. Additionally, land use planning in Clatsop County can be used to protect wildlife habitat and improve species populations. Local governments can be held liable under the ESA if permits issued by that local government result in killing or harming a listed species so that it cannot continue to survive or reproduce. This is known as a "take". In some instances, destruction of habitat can result in a take.

The State of Oregon and the federal government maintain separate lists of Threatened and Endangered species. Under ORS 496.171-496.192, the Fish and Wildlife Commission, through the Oregon Department of Fish and Wildlife (ODFW), maintains a list of native wildlife species in Oregon that have been determined to be either "threatened" or "endangered". Per information from ODFW

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released in July 2021, the following Threatened, Endangered, and Candidate Fish and Wildlife Species have been identified in Oregon:

TABLE 2: THREATENED, ENDAGERED, AND CANDIDATE FISH AND WILDLIFE SPECIES			
Common Name	Scientific Name	State Status*	Federal Status
FISH			
Bull Trout (range-wide)	<i>Salvelinus confluentus</i>		T
Columbia River Chum Salmon	<i>Oncorhynchus keta</i>		T
Green Sturgeon (Southern DPS)	<i>Acipenser medirostris</i>		T
Hutton Spring Tui Chub	<i>Siphateles bicolor ssp</i>	T	T
Lahontan Cutthroat Trout	<i>Oncorhynchus clarki henshawi</i>	T	T
Lost River Sucker	<i>Deltistes luxatus</i>	E	E
Lower Columbia River Chinook Salmon	<i>Oncorhynchus tshawytscha</i>		T
Lower Columbia River Coho Salmon	<i>Oncorhynchus kisutch</i>	E	T
Lower Columbia River Steelhead	<i>Oncorhynchus mykiss</i>		T
Middle Columbia River Steelhead	<i>Oncorhynchus mykiss</i>		T
Oregon Coast Coho Salmon	<i>Oncorhynchus kisutch</i>		T
Pacific Eulachon/Smelt (Southern DPS)	<i>Thaleichthys pacificus</i>		T
Shortnose Sucker	<i>Chasmistes brevirostris</i>	E	E
Snake River Chinook Salmon (Fall)	<i>Oncorhynchus tshawytscha</i>	T	T
Snake River Chinook Salmon (Spring/Summer)	<i>Oncorhynchus tshawytscha</i>	T	T
Snake River Sockeye Salmon	<i>Oncorhynchus nerka</i>		E
Snake River Steelhead	<i>Oncorhynchus mykiss</i>		T
Southern Oregon/Northern California Coast Coho Salmon	<i>Oncorhynchus kisutch</i>		T
Upper Columbia River Spring Chinook Salmon	<i>Oncorhynchus tshawytscha</i>		E
Upper Columbia River Steelhead	<i>Oncorhynchus mykiss</i>		T
Upper Willamette River Chinook Salmon	<i>Oncorhynchus tshawytscha</i>		T
Upper Willamette River Steelhead	<i>Oncorhynchus mykiss</i>		T
Warner Sucker	<i>Catostomus warnerensis</i>	T	T

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AMPHIBIANS AND REPTILES			
Green Sea Turtle	<i>Chelonia mydas</i>	E	T
Leatherback Sea Turtle	<i>Dermochelys coriacea</i>	E	E
Loggerhead Sea Turtle	<i>Caretta</i>	T	E
Olive Ridley Sea Turtle	<i>Lepidochelys olivacea</i>	T	T
Oregon Spotted Frog	<i>Rana pretiosa</i>		T
BIRDS			
California Brown Pelican	<i>Pelecanus occidentalis californicus</i>	E	
California Least Tern	<i>Sternula antillarum browni</i>	E	E
Marbled Murrelet	<i>Brachyramphus marmoratus</i>	E	T
Northern Spotted Owl	<i>Strix occidentalis caurina</i>	T	T
Short-tailed Albatross	<i>Phoebastria albatrus</i>	E	E
Streaked Horned Lark	<i>Eremophila alpestris strigata</i>		T
Western Snowy Plover	<i>Charadrius nivosus nivosus</i>	T	T (Pacific Coast population DPS)
Yellow-billed Cuckoo (Western DPS)	<i>Coccyzus americanus</i>		T
MAMMALS			
Blue Whale	<i>Balaenoptera musculus</i>	E	E
Canada Lynx	<i>Lynx canadensis</i>		T
Columbian White-tailed Deer (Columbia River DPS)	<i>Odocoileus virginianus leucurus</i>		T
Fin Whale	<i>Balaenoptera physalus</i>	E	E
Gray Whale	<i>Eschrichtius robustus</i>	E	
Humpback Whale	<i>Megaptera novaeangliae</i>	E	E
Killer Whale (Southern Resident DPS)	<i>Orcinus orca</i>		E
Kit Fox	<i>Vulpes macrotis</i>	T	
North Pacific Right Whale	<i>Eubalaena japonica</i>	E	E
Red Tree Vole (North Oregon Coast DPS)	<i>Arborimus longicaudus</i>		C
Sea Otter	<i>Enhydra lutris</i>	T	T
Sei Whale	<i>Balaenoptera borealis</i>	E	E

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Sperm Whale	<i>Physeter macrocephalus</i>	E	E
Washington Ground Squirrel	<i>Uroditellus washingtoni</i>	E	
Wolverine	<i>Gulo gulo</i>	T	

(T= Threatened, E= Endangered, C= Candidate, DPS= Distinct Population Segment)

* Listed under the Oregon Endangered Species Act (ORS 496.171 through 496.192); Revised July, 2021

Listings of threatened or endangered invertebrates is overseen by the U.S. Fish and Wildlife Service and the Oregon Biodiversity Information Center (ORBIC), which is based at Portland State University. The list of rare, threatened and endangered species is updated every two to three years, with the last update released in July 2019. This report has inventoried the following invertebrate species in Clatsop County:

TABLE 3: THREATENED OR ENDANGERED INVERTEBRATES				
SCIENTIFIC NAME	COMMON NAME	S_RANK	ODFW_STRAT	HP_LIST
<i>Danaus plexippus</i> <i>pop. 1</i>	Monarch - California overwintering population	S1S2B	Strategy species	1
<i>Margaritifera falcata</i>	Western pearlshell (mussel)	S3		2
<i>Bombus fervidus</i>	Yellow bumblebee	S3S4		3
<i>Anodonta oregonensis</i>	Oregon floater (mussel)	S3?		2
<i>Bombus suckleyi</i>	Suckley's cuckoo bumblebee	S1?		1
<i>Anodonta nuttalliana</i>	Winged floater (mussel)	S2?	Strategy species	3
<i>Speyeria cybele</i> <i>pugetensis</i>	Puget Sound fritillary	S3?	Strategy species	3
<i>Megomphix hemphilli</i>	Oregon megomphix (snail)	S3		4
<i>Fluminicola virens</i>	Olympia pebblesnail	S2		2
<i>Bombus caliginosus</i>	Obscure bumblebee	S2?		3
<i>Tanypteryx hageni</i>	Black petaltail	S3?	Strategy species	4
<i>Pristiloma johnsoni</i>	Broadwhorl tightcoil (snail)	S3		3
<i>Lycaena mariposa</i> <i>junia</i>	June's copper	S1?		2
<i>Anodonta californiensis</i>	California floater (mussel)	S2	Strategy species	3

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<i>Vorticifex neritoides</i>	Nerite ramshorn (snail)	SH		1
<i>Physella columbiana</i>	Rotund physa (snail)	SH		1
<i>Bembidion tigrinum</i>	Cryptic beach carabid beetle	S4		3
<i>Fluminicola fuscus</i>	Columbia pebblesnail	S1		2
<i>Speyeria zerene hippolyta</i>	Oregon silverspot (butterfly)	S1	Strategy species	1
<i>Polites sonora siris</i>	Sonora skipper (butterfly)	S3?		3
<i>Pristiloma pilsbryi</i>	Crowned tightcoil (snail)	S1		1
<i>Hemphillia glandulosa</i>	Warty jumping-slug	S1?		3

The most widely used NatureServe rank in the United States are the State Ranks, which describe the rarity of a species within each state's boundary. These State Ranks begin with the letter "S". Global, National, and State ranks all use a 1-5 ranking system, summarized below:

- 1 = Critically imperiled because of extreme rarity or because it is somehow especially vulnerable to extinction or extirpation, typically with 5 or fewer occurrences.
- 2 = Imperiled because of rarity or because other factors demonstrably make it very vulnerable to extinction (extirpation), typically with 6-20 occurrences.
- 3 = Rare, uncommon or threatened, but not immediately imperiled, typically with 21-100 occurrences.
- 4 = Not rare and apparently secure, but with cause for long-term concern, usually with more than 100 occurrences.
- 5 = Demonstrably widespread, abundant, and secure.
- H = Historical Occurrence, formerly part of the native biota with the implied expectation that it may be rediscovered.
- X = Presumed extirpated or extinct.
- U = Unknown rank.
- ? = Not yet ranked or assigned rank is uncertain.

The Native Plant Conservation Program, operated by the Oregon Department of Agriculture, oversees the conservation and management of Oregon's listed plant species. Statewide, there are 59 protected plants. In Clatsop County, the following plant species have been listed:

TABLE 4: PROTECTED PLANTS			
ENDANGERED		THREATENED	
Common Name	Scientific Name	Common Name	Scientific Name
Pink Sandverbena	<i>Abronia umbellata</i>	Nelson's checkermallow	<i>Sidalcea Nelsoniana</i>

*Source: Oregon Department of Agriculture, August 27, 2016

Under federal law, the U.S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration (NOAA) share responsibility for implementing the federal Endangered Species Act of 1973, with USFWS overseeing terrestrial and freshwater species and NOAA having responsibility for marine and anadromous species.

Clatsop Plains Elk Project

In April 2019, Governor Kate Brown designated the Clatsop Plains Elk Collaborative as an Oregon Solutions Project. The Governor designated Warrenton Mayor Henry Balensifer and Seaside Mayor Jay Barber as co-conveners of the project and Oregon Solutions formed a project team of 26

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members consisting of key stakeholders, private landowners, state agency staff, local community and government leaders, academics, Governor’s Regional Solutions staff, and area non-profit representatives to focus on the goals of reducing conflict between elk-human interactions, increasing safety, and promoting cohabitation between elk and people in the Clatsop Plains area.

A kick-off meeting with the entire project team was held on May 28, 2019. At that meeting, the team drafted the following purpose statement in order to form the scope of the project:

The community in and around the greater Clatsop Plains study area seeks to reduce elk-human related conflicts. We have expressed a sense of urgency and willingness to work collaboratively to identify management solutions and implementation strategies. The purpose of this collaborative is to find viable ways to improve public safety and reduce property damage through outreach and education and a community-wide approach to reducing urban elk interactions while maintaining healthy and viable herds as a valuable cultural and natural resource.

The project team organized its work through four different sub-committees:

- Elk Management
- Human Behavior Management
- Land Use
- Data

A steering committee oversaw the general work of the sub-committees and full project team.

The work of these four sub-committees culminated in a Declaration of Cooperation, which was signed by Clatsop County on September 1, 2021. By signing the Declaration, the County committed to undertaking the following actions:

- Pass a “no feeding” ordinance for unincorporated areas west of Highway 101
- Assist in the guidance and education of residents and tourists regarding elk safety, landscaping, and best practices for pets; support the development of content, printed materials, and community outreach.
- Conduct community outreach and education to assist residents when making elk fencing options
- Identify land to be maintained in an undeveloped state for the purpose of creating wildlife corridors, open space requirements for subdivisions, and other practices that will decrease pressure on elk habitat. Build necessary partnerships for support and implementation.
- Review subdivision ordinances, develop educational campaigns, and work with private property owners to build support for requiring minimum open space requirements and regulations that provide adequate elk habitat and forage within and between adjacent developments.
- Integrate land use issues regarding the Clatsop Plains Elk Collaborative into the Clatsop County Comprehensive Plan update process. Use the Clatsop Plains Elk Collaborative Declaration of

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Cooperation as consideration and guidance for zoning code discussions (open space requirements, locations, designs) and density transfer discussions.

- Develop and implement an informal process of coordinating with and notifying developers and private landowners of the presence of elk in areas they may be converting from a more natural state to residential or commercial use. An informal process might include:
 - Ensuring that developers and land owners are aware of wildlife buffers and other land use recommendations from the Clatsop Plains Elk Collaborative
 - Providing an additional disclaimer on over-the-counter building permits to advise applicants of the possible presence of elk
 - Providing mapping of wildlife areas in conjunction with notifications
 - Working with real estate agents to build support for notifying potential buyers of the presence of wildlife where they are buying a home or setting up a business
- Provide ODFW with copies of all public notices for conditional use permits, even in areas not officially designated as Big Game Habitat
- Assist in education and outreach, in coordination with Warrenton and Gearhart, to inform the public and local officials on the relationship between land use planning and wildlife interactions
- House and administer GIS data for the Clatsop Plains Elk Collaborative map
- Review the County's density transfer program and adjust as needed to disperse density transfers throughout appropriate areas of unincorporated Clatsop County
- Support requests for culling permits made by cities within the Clatsop Plains area that would be conducted on unincorporated land outside of city limits when the elk are understood to be biologically attached to the city making the request. This does not require a formal resolution.
- Consider passing a formal resolution for a culling permit from ODFW when requests are made by private entities for elk on unincorporated land that are not biologically attached to a city.

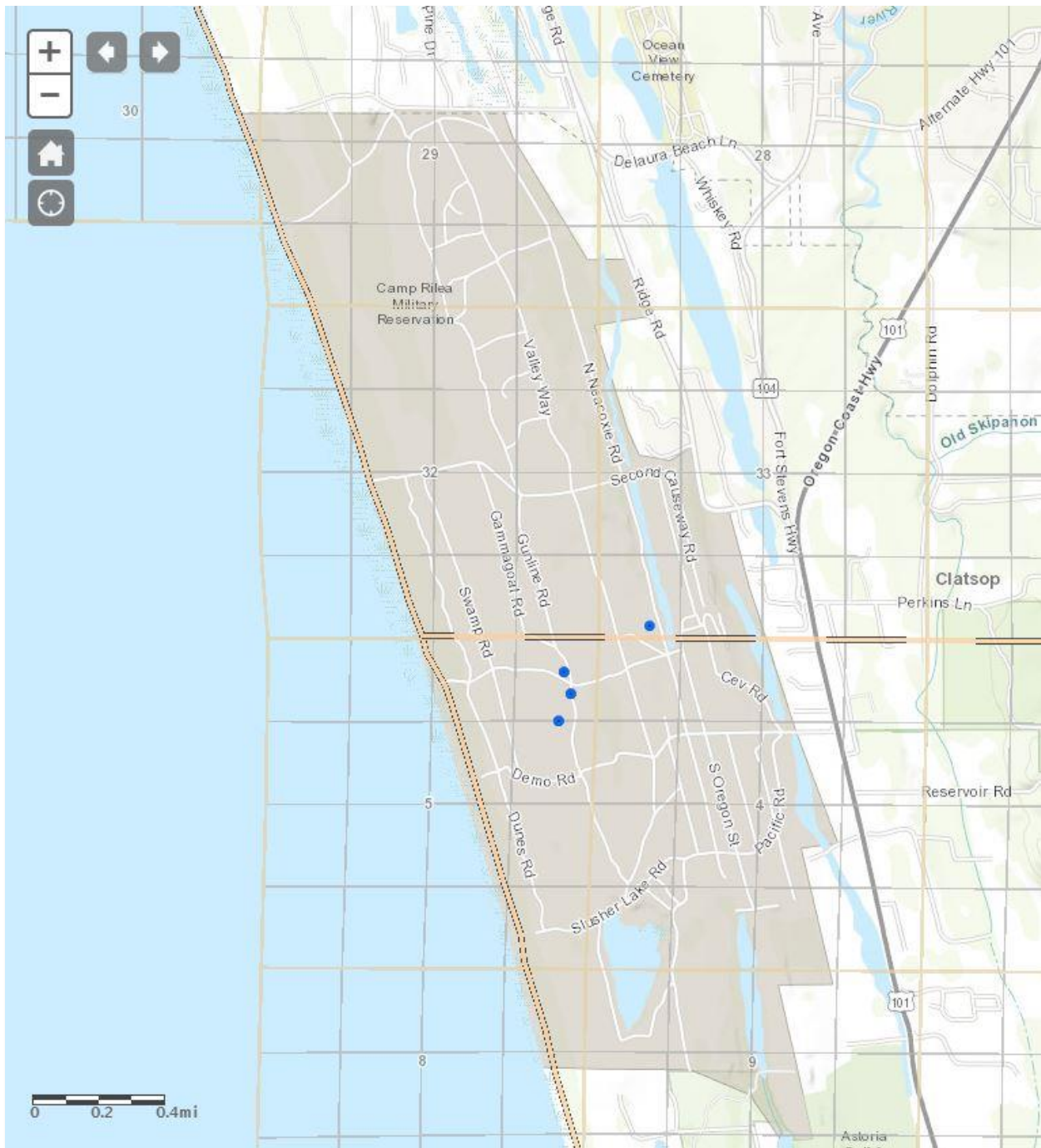
GROUNDWATER RESOURCES

OAR 660-023-0140 defines "Groundwater" as "any water, except capillary moisture, beneath the land surface or beneath the bed of any stream, lake, reservoir, or other body of surface water." While Statewide Planning Goal 5 specifically calls out groundwater resources as a required inventory, policies related to or affecting groundwater resources are found in several goals throughout the comprehensive plan, as well as in the individual community plans for each planning area. In addition to the inventoried wetlands and fish and wildlife habitats included in Goal 5, 15 distinct groundwater resources are also listed as inventoried groundwater resources on Table 1.

In Oregon, the Department of Environmental Quality (DEQ) has the primary responsibility for groundwater protection. DEQ, in coordination with the Oregon Health Authority's Drinking Water Program, the Oregon Water Resources Department, and the Oregon Department of Agriculture implement the majority of federal and state programs related to groundwater. Per information from

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the Oregon Water Resources Department there are four observation wells currently located at Camp Rilea.



Current observation wells at Camp Rilea. Source: Oregon Water Resources Department

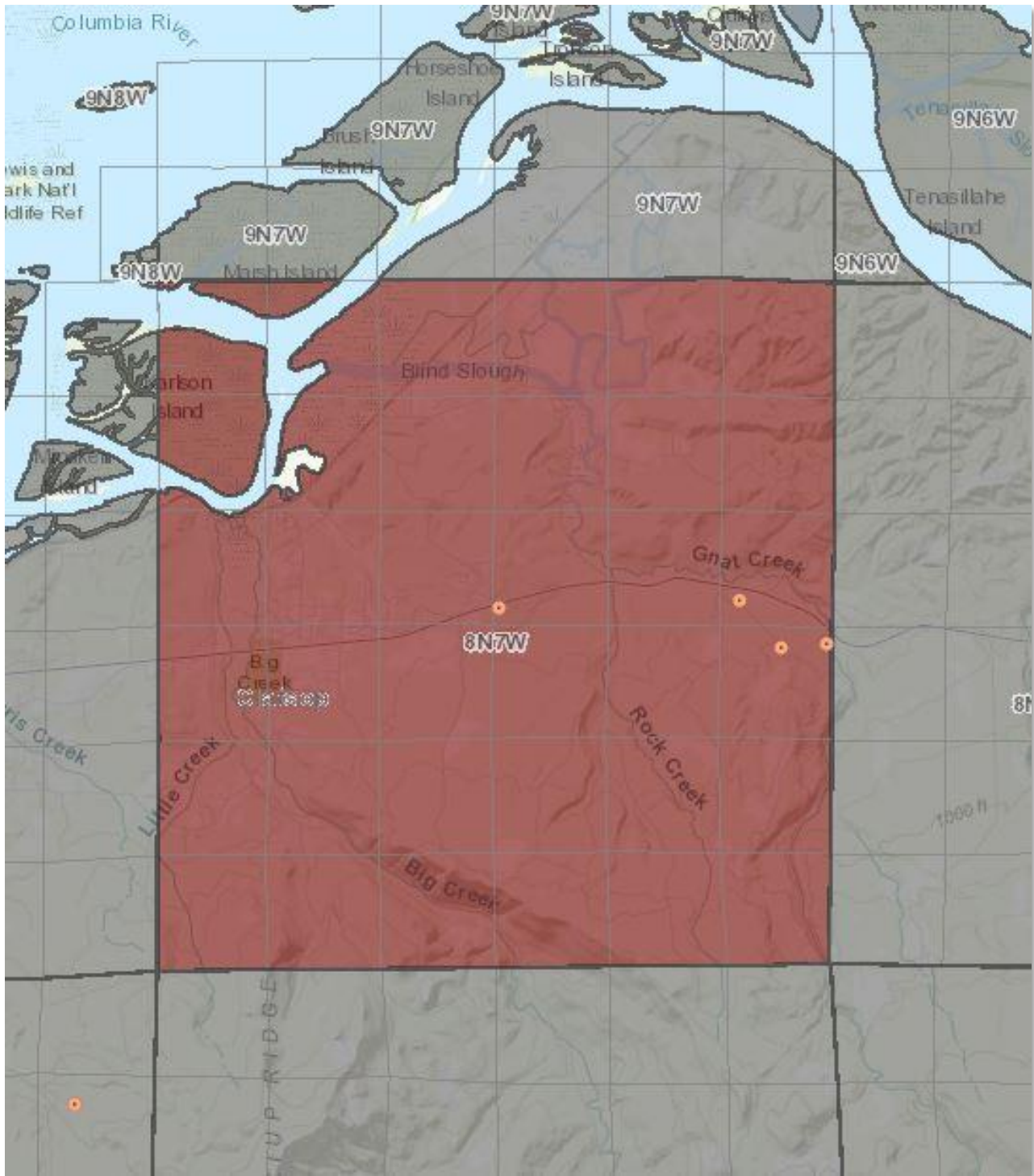
The Oregon Water Resources Department has identified a portion of the Clatsop Plains planning area where limited groundwater yield has been noted as a groundwater resource concern. The areas around Big Creek and Gnat Creek have been identified as an area of significant concern.

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Area of limited groundwater yield. Source: Oregon Water Resources Department

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Area of significant concern. Source: Oregon Water Resources Department

Groundwater and Drinking Water

While some drinking water districts obtain their supply from groundwater sources, surface water also plays a significant role as a drinking water resource. Clatsop County is developing a mapping layer on the GIS WebMaps tool to identify drinking water district watershed boundaries. **Table 5**, below is a

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list of 32 active public water systems in Clatsop County. These systems draw on both ground and surface water for the supply. Per information from the Oregon Health Authority (OHA), which inventories these systems, these active systems provide water to an estimated 40,693 people. Both groundwater and surface water systems are susceptible to contamination from chemicals, road runoff, and illegal dumping.

DRAFT

TABLE 5: ACTIVE DRINKING WATER SYSTEMS, CLATSOP COUNTY							
PWS ID	PWS Name	Regulating Agency	System Type	Owner Type	Connections	Population Served	Primary Source
OR4100802	ARCH CAPE WATER DISTRICT	State - Reg 1	C	Local Government	293	150	SW
OR4100055	ASTORIA, CITY OF	State - Reg 1	C	Local Government	4,076	9,802	SW
OR4100054	BURNSIDE WATER ASSOCIATION	County	C	Private	112	315	SWP
OR4194481	CAMP 18	County	NC	Private	5	69	GW
OR4195443	CAMP RILEA	County	NTNC	State Government	75	136	GW
OR4100164	CANNON BEACH, CITY OF	State - Reg 1	C	Local Government	1,781	1,710	GW
OR4100044	CANNON VIEW PARK INC	County	NC	Private	50	75	GW
OR4100804	ELDERBERRY NEHALEM WS	County	C	Private	60	140	GW
OR4100805	EVERGREEN ACRES	County	C	Private	47	100	GW
OR4100045	FALCON COVE BEACH WD	County (Tillamook)	C	Local Government	92	200	GW
OR4100059	FERNHILL COMMUNITY WTR SYSTEM	County	C	Private	91	300	SWP
OR4100124	FISHHAWK LAKE RESERVE AND COMMUNITY	State - Reg 1	C	Private	250	350	SW
OR4100318	GEARHART WATER DEPARTMENT	County	C	Local Government	1,400	1,465	SWP
OR4190416	GEORGIA PACIFIC CO LLC WAUNA	State - Reg 1	NTNC	Private	1	700	SW
OR4194157	HAMLET QUICK-STOP	State - Reg 1	NC	Private	1	30	SW
OR4190531	JEWELL SCHOOL DISTRICT #8	State - Reg 1	NTNC	Local Government	10	200	GU
OR4100060	JOHN DAY WATER DISTRICT	County	C	Private	101	350	SWP
OR4100061	KNAPPA WATER ASSOCIATION	County	C	Private	574	1,800	GW
OR4195297	ODF NORTHRUP CREEK HORSE CAMP HP	County	NC	State Government	1	55	GW
OR4190762	ODF SPRUCE RUN PARK HP	County	NC	State Government	1	40	GW
OR4191097	ODOT HD SUNSET SPRINGS RA	County	NC	State Government	3	500	GW
OR4100057	OLNEY-WALLUSKI WATER ASSN	County	C	Private	233	530	SWP
OR4190413	ONEYS RESTAURANT/LOUNGE	County	NC	Private	6	60	GW
OR4191007	OPRD BRADLEY STATE WAYSIDE	County	NC	State Government	2	383	GW
OR4100799	SEASIDE WATER DEPARTMENT	State - Reg 1	C	Local Government	3,500	6,400	SW
OR4100800	STANLEY ACRES WATER ASSN	County	C	Private	112	315	SWP
OR4100933	SUNSET LAKE RV PARK	County	C	Private	100	170	GW
OR4100932	WARRENTON, CITY OF	State - Reg 1	C	Local Government	3,539	9,100	SW
OR4100951	WAUNA WATER DISTRICT	County	C	Local Government	68	188	GW
OR4100195	WESTPORT HEIGHTS	County	C	Private	40	90	GW
OR4100950	WESTPORT WATER ASSOCIATION	County	C	Private	165	550	GWP
OR4100063	WICKIUP WATER DISTRICT	State - Reg 1	C	Private	636	1,590	SW
OR4100058	WILLOW DALE WATER DISTRICT	County	C	Local Government	125	300	SWP
OR4100062	YOUNGS RIVER LEWIS & CLARK WD	State - Reg 1	C	Local Government	1,004	2,530	SW
TOTAL					18,554	40,693	

Source: Oregon Health Authority, Drinking Water Data Online, 2021

System Classification:

C = Community Water System: A water system that has 15 or more service connections used by year-round residents, or that regularly supplies drinking water to 25 or more year-round residents. Examples are cities, towns, subdivisions, and mobile home parks.

NTNC = Non-Transient Non-Community Water System: A water system that supplies water to 25 or more of the same people at least six months per year in places other than their residences. Examples include schools, hospitals, and work places.

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NC = Transient Non-Community Water System: A water system that provides water to 25 or more persons in a place where people do not remain for long periods of time, such as a restaurant or campground.

NP = Non-EPA (State Regulated) Water System ("Non-Public"): A water system that provides water to small residential communities between 4 and 14 connections, or serves from 10 to 24 persons a day at least 60 days a year, or is licensed by the Health Division or delegate county health department but is not a Transient Water System.

W = Wholesale System: A water system that produces finished water and delivers all of that finished water to one or more public water systems.

Agency:

Who has primary responsibility to provide oversight and help to the water system

S = Oregon Health Authority

A = Department of Agriculture

C = Local county health department

Source Type/Primary Source:

GW = Groundwater (wells, springs).

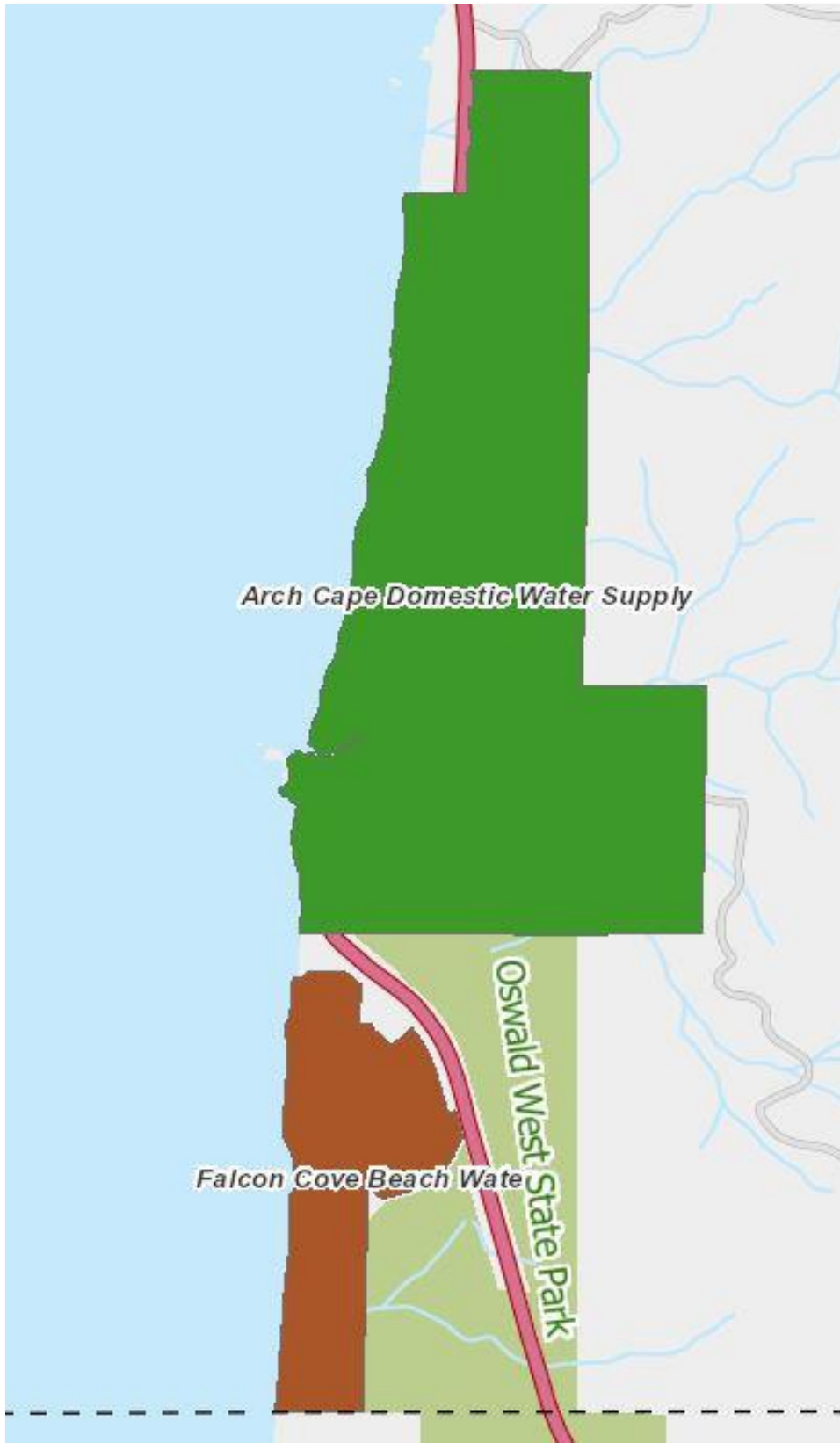
SW = Surface water (e.g., rivers, lakes, creeks).

GU = Groundwater under direct influence of surface water (GWUDI). GWUDI refers to groundwater sources located close enough to nearby surface water to receive direct surface water recharge.

GWP = Purchases water from another water system that uses ground water only.

SWP = Purchases water from another water system that uses surface water or surface water and ground water mixed.

GUP = Purchases water from another water system that uses GWUDI or GWUDI and ground water mixed.



Arch Cape and Falcon Cove Beach Water Districts
 Source – Clatsop County GIS

Surface Water Districts: Water is provided directly from runoff in rivers and creeks. There is a higher potential for surface water to come in contact with pollutants than naturally-filtered ground water. It is generally used by public or larger private/community water districts who have the ability to process and treat the water to meet water quality standards. These districts include the Arch Cape Water District, the Youngs River/Lewis and Clark Water District, and the City of Astoria Water District.

Ground Water Districts: Water is supplied from aquifers and wells. In Clatsop County, it is generally smaller districts and individual landowners who provide this type of water access. These districts include the Wauna Water District, Sunset Lake RV Park, and the Knappa Water Association. The Oregon Health Authority also oversees several smaller community water districts such as the one at Elderberry.

Individual and Small Group Systems: In addition to residents and businesses served by water districts, many households

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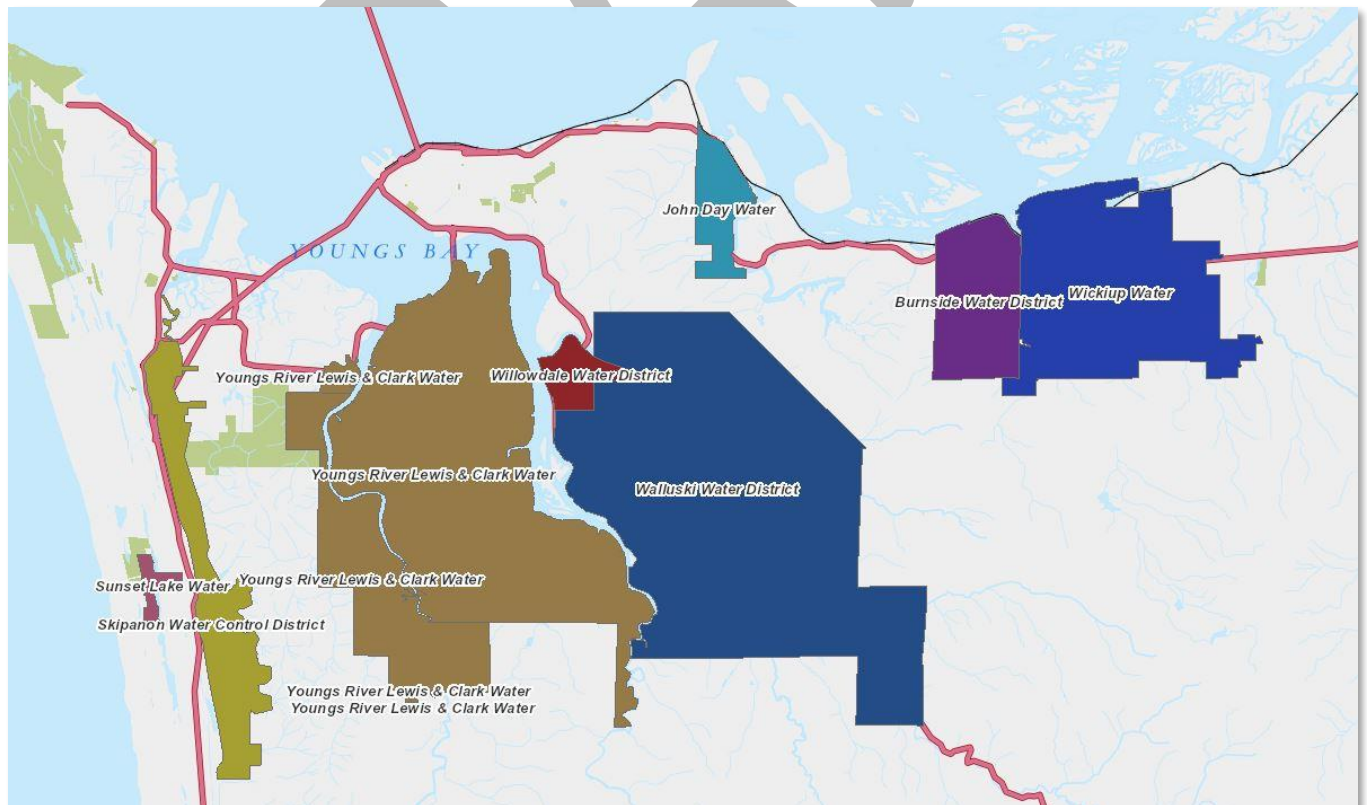
Wauna Water District: Source – Clatsop County GIS

and the quality of the Clatsop Plains Aquifer.

outside those districts are served by individual or small group water systems. These systems are vulnerable to drought, climate change, and contamination. These vulnerabilities may be accentuated by a lack of testing, impacts from activities on adjacent properties, and lack of expertise to maintain the systems.

During the citizen advisory committee meetings on ground water resources, many committee members addressed the issue of groundwater and surface water pollution and the cumulative impacts of existing and new development. Another common concern raised during these meetings related to the impacts of wildfire and climate change on groundwater resources and aquifer recharge areas. The Clatsop Plains CAC also noted the need to protect both the quantity

The Board of Clatsop County Commissioners recognized those concerns during the development of



North County Water Districts: Source – Clatsop County GIS

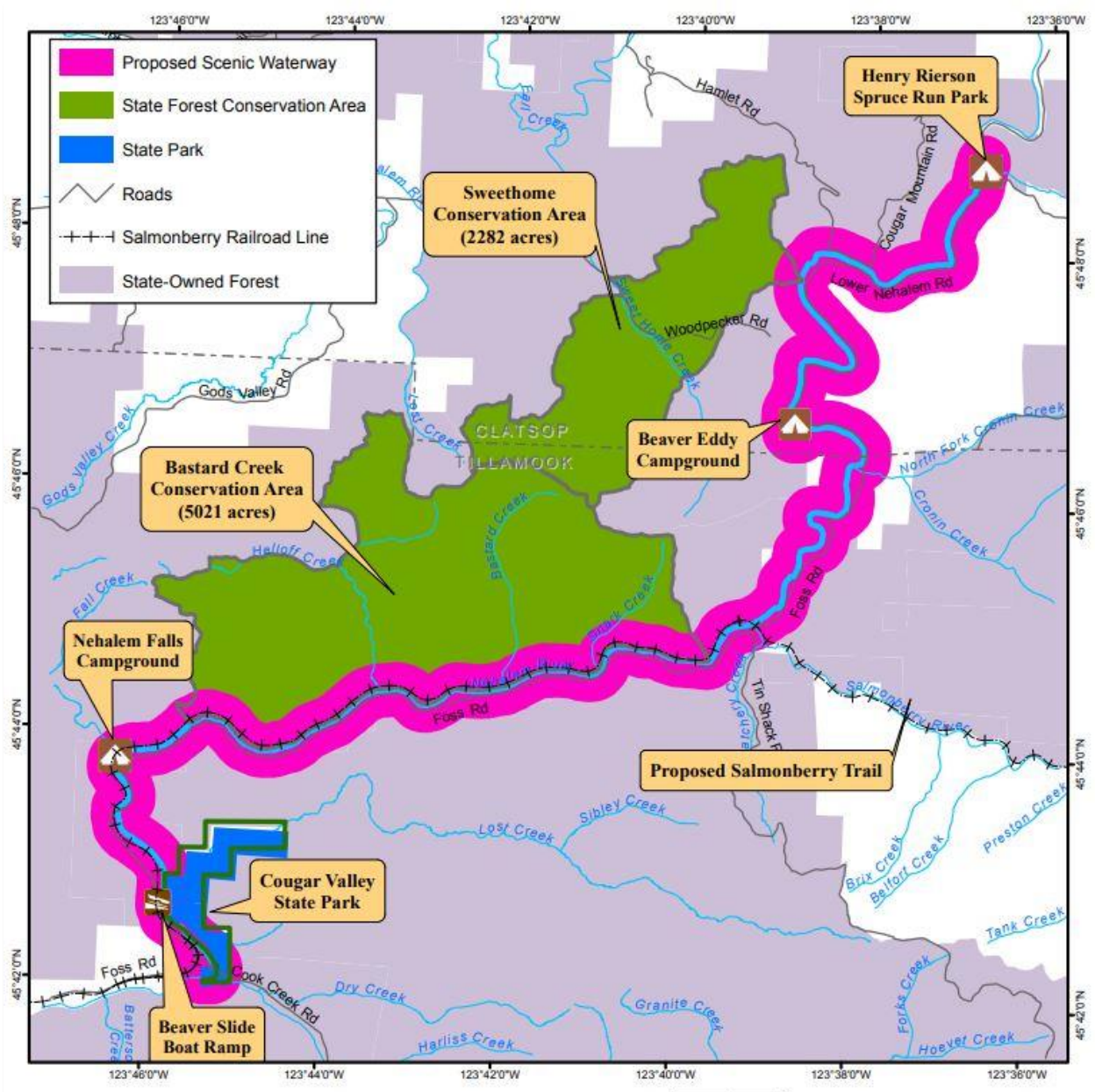
their

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initial 2020 Strategic Plan. The FY 2023-24 priorities update to this strategic plan also include the Tier 3 priority of continuing to engage with local watershed councils to identify how to support their work. It is estimated that resulting support plan will be completed in December 2024.

STATE SCENIC WATERWAYS

OAR 660-023-0130 requires local governments to amend acknowledged plans and land use regulations to address any Oregon Scenic Waterway (OSW) and associated corridor that is not addressed by the plan. A 17.5-mile section of the Nehalem River was designated as a State Scenic Waterway in June 2019. Approximately ¼ of this section is located in Clatsop County, while the rest is in Tillamook County.



Source: Oregon Forest Conservation Coalition

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Per OAR 660-023-0130(4), no later than the next time the County is subject to periodic review, the County must either adopt a Goal 5 program for this segment of the Nehalem River by conducting an Economic, Social, Environmental and Energy (ESEE) analysis to identify consequences that could result from a decision to allow, limit, or prohibit a conflicting use on or adjacent to this resource. Alternatively, the County may adopt a “safe harbor” approach, which would require the County to adopt implementing ordinances necessary to carry out the Nehalem River Scenic Waterway Management Plan that has been approved by the Oregon Parks and Recreation Commission. The management plan rules are set forth in OAR 736-040-0120.

FEDERAL WILD AND SCENIC RIVERS

Local governments are required to amend acknowledged comprehensive plans and land use regulations to address any federal Wild and Scenic River (WSR) and associated corridor established by the federal government that is not addressed by the acknowledged plan. While WSRs are required to be designated as significant Goal 5 resources, they are not subject to the full Goal 5 inventory process, economic-social-environmental-energy consequences analysis (ESEE), or development of implementing ordinances.

There currently are no designated or pending WSRs within Clatsop County.

OREGON RECREATIONAL TRAILS

Pursuant to OAR 660-023-0150, “recreation trail” means an Oregon Recreation Trail designated by rule adopted by the Oregon Parks and Recreation Commission (OPRC). Recreation trails are designated by OPRC in cooperation with local governments and private land owners. Local governments are not required to inventory recreation trails under OAR 660-023-0030. Instead, local governments are required to designate all recreation trails designated by OPRC as significant Goal 5 resources. As each jurisdiction’s comprehensive plan is updated, the local government must amend its plan to recognize any recreation trails designated by OPRC subsequent to acknowledgment or a previous periodic review.

Designated trails in Clatsop County include the Saddle Mountain Trail and the Oregon Coast Trail.

NATURAL AREAS

The Oregon Natural Areas Program was established by the 1979 Legislature in the Natural Heritage Act (ORS 273.561-.591 [SB 448]), to help protect natural areas in Oregon. The law was based on a tradition of natural area inventory and conservation. Updated, expanded and revised numerous times, more recent review of the now “Oregon Natural Heritage Act and Natural Heritage Program” affirmed that natural areas continue to provide important places for public education and baseline research and that it remains important for Oregon to maintain a natural areas program.

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For Goal 5 purposes, “natural areas” are those sites that are listed in the Oregon State Register of Natural Heritage Resources (OAR 660-023-0160). At the time of adoption of Goal 5 in 1979/1980, several Clatsop County sites were to be added to the Oregon Islands Wilderness. The new sites are mentioned, but not shown as listed in the goal. Also, other sites may have been included in the interim. The comprehensive plan update will verify that all the sites in the federal listing are included in the County’s Goal 5 list of resources. Sites currently listed in the Oregon State Register of Natural Heritage Resources, but not yet included in the County’s comprehensive plan, include:

- Blind Slough Swamp Preserve
- Knappa Slough Island
- Saddle Mountain
- Humbug Mountain

The county is home to a large number of natural areas that might be appropriate for future listing on the Natural Heritage Resource Register. It is important to note that listing is voluntary and areas can be delisted at the owner’s request. An example of potential candidate sites is Onion Peak, which is already included among the eight sites in Oregon listed as a Dedicated Natural Heritage Conservation Area.

WILDERNESS AREAS

Per OAR 660-023-0170, wilderness areas are designated by the federal government, under the National Wilderness Preservation System, signed into law by President Lyndon Johnson in 1964. Oregon was among the first states to gain wilderness area under the act.

In Clatsop County, one Wilderness Area is designated: The Oregon Islands Wilderness, managed by the US Fish and Wildlife Service, which runs the length of the Oregon Coast. In Clatsop County, this includes:

- Tillamook Head Rocks
- Bird Rocks
- Sea Lion Rocks
- Haystack Rock
- and Castle Rock

Unnamed Rocks located in T5N, R10W, Section 12, Jockey Cap, Tim Rock and Gull Rock were to be added at the time the Comprehensive Plan was being adopted.

Local governments are not required to inventory wilderness areas, but they are required to list all federally designated wilderness areas as significant Goal 5 resources.

MINERAL AND AGGREGATE RESOURCES

Clatsop County is home to significant natural resources. While natural resources are most often associated with the county’s forests, the Pacific Ocean, and the Columbia River, as well as all the streams, wetlands and

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wildlife habitat, Clatsop County currently is home to 13 active mines and quarries that also are Goal 5 resources. This is in addition to five active county rock pits, but does not include an unknown number of rock pits on forest lands used for roads covered by the Forest Practices Act. These quarries and mines produce aggregate, crushed rock, basalt and sand, materials that are used extensively in road building, road maintenance, and other construction activities.

As originally drafted and approved in 1980, Goal 5 is 626 pages in length. Despite the diversity of natural resources within Clatsop County, the majority of Goal 5 is dedicated to mineral and aggregate resources. This would appear to be indicative of the economic importance of mining activities at the time this goal was written. However, much of the material related to mineral and aggregate resources includes copies of staff reports and ordinances that rezone specific parcels for mining uses. The inventoried Goal 5 mineral and aggregate resources include:

- Clatsop County – Clifton
- Clatsop County – Big Creek
- Howard Johnson – US 101
- Bayview Transit Mix – US 101
- George Ordway
- Teevin Bros. Logging
- Daren Berg, Humbug Rock
- M. Nygaard Logging
- A. Riekkola
- Tagg
- Horecny

OAR 660-016-0030 states that when planning for and regulating the development of aggregate resources, local governments are required to complete the following three items:

1. Address the requirements of ORS 517.750 to 517.900 and OAR chapter 632, divisions 1 and 30.
2. Coordinate with the State Department of Geology and Mineral Industries (DOGAMI) to ensure that requirements for the reclamation of surface mines are incorporated into programs to achieve the Goal developed in accordance with OAR 660-016-0010.
3. Establish procedures designed to ensure that comprehensive plan provisions, land use regulations, and land use permits necessary to authorize mineral and aggregate development are coordinated with DOGAMI.

When this rule was instituted, the county had until January 1, 1993, to update its comprehensive plan and land use regulations to address these three items. Those items have been included in the acknowledged comprehensive plan and implementing ordinances.

Four state agencies regulate the development and operation of aggregate mining and processing projects in Oregon. The role that each play depends on the scale, design, and associated impacts.

The primary agencies and their specialty areas are:

CLATSOP COUNTY COMPREHENSIVE PLAN

- [Oregon Department of Environmental Quality](#) – air quality, stormwater runoff, and wastewater. (DEQ noise standards apply. However, if no DEQ permit is required, the local government addresses noise violations.)
- [Oregon Department of Geology and Mineral Industries](#) – site reclamation and mine safety standards.
- [Oregon Department of State Lands](#) – earth removal and fill permits for activities conducted in wetlands, waterways, and other state lands.
- [Oregon Water Resources Department](#) – water rights for consumptive use of water for processing.

In Clatsop County, mineral and aggregate sites are typically protected by being designed as “Conservation Other Resources” on the comprehensive plan map and being zoned QM – Quarry and Mining; or by being placed in the Quarry and Mining Overlay. During the work of the citizen advisory committees it was noted that many quarry and mining sites are either not zoned QM or have not been placed in the overlay.

Per OAR 660-023-0180(2), local governments are not required to amend acknowledged inventories or plans except in response to an application to amend the plan or during periodic review. Because the County is no longer subject to mandatory periodic review, and because no applications have been submitted or are currently under review to amend the acknowledged plan, the County is not required to amend its acknowledged inventories as part of this process. In order to ensure that the plan remains accurate and consistent with OAR it is recommended that the list of acknowledged mineral and aggregate resources be reviewed within five years of the adoption of this plan. Otherwise, the County will follow OAR 660-023-0180 and apply those criteria directly to any applications to amend the plan to list a mineral and aggregate site.

ENERGY SOURCES

OAR 660-023-0190 defines “energy source” as including naturally occurring locations, accumulations, or deposits of one or more of the following resources used for the generation of energy:

- Natural gas
- Surface water (i.e., dam sites)
- Geothermal
- Solar
- Wind

Energy sources applied for or approved through the Oregon Energy Facility Siting Council (EFSC) or the Federal Energy Regulatory Commission (FERC) shall also be deemed significant energy sources for purposes of Goal 5. Per information on the Oregon Department of Energy website, there are no EFSC or FERC facilities within Clatsop County at this time.

Additional discussion of energy sources may be found in Goal 13.

CULTURAL AREAS

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The State Historic Preservation Office (SHPO) houses a statewide GIS database of more than 30,000 known archaeological sites in Oregon. According to SHPO, 90 of these known archaeological sites are located within Clatsop County. In order to discourage looting or vandalism, the locations of these sites are not published. Per Oregon Revised Statute (ORS 390.235 and 358.905-961), an Oregon Archaeological Permit is needed to excavate or collect from an archaeological site on non-federal public or private lands. A permit is also needed to probe for an archaeological site on non-federal public lands. A permit is not required for pedestrian survey if no materials will be collected. Sections 6.700-6.7030, LAWDUC, include language related to the protection of archaeological areas. Standard conditions of development permit approval require property owners to notify SHPO if cairns, graves or other significant archaeological resources are uncovered.

Discussions during the citizen advisory committee meetings emphasized the need to more fully acknowledge the first peoples that populated Clatsop County and subsequent ethnic and racial minority groups, such as Chinese immigrants.

HISTORIC RESOURCES

While historic resources, which are often closely related to cultural areas, are not a required inventory under Goal 5, Clatsop County choose to conduct an inventory when the comprehensive plan was originally adopted. Clatsop County has a long and diverse history and the current inventory includes the following sites:

- Fort Clatsop National Monument
- Cannon at Cannon Beach
- Tillamook Rock Lighthouse
- Ecola State Park
- Lindgren House
- R. W. Morrison Houses (aka Tagg Place)
- Clatsop Plains Memorial Church
- Clatsop Plains Cemetery
- The Mill Site of the Falls Pulp Company
- The Shepherd and Morse Sawmill Site
- Westport Log Tunnel

In 2017, the Goal 5 rule for historic resources, OAR 660-023-0200, was amended. It now requires that new sites added to the National Register of Historic Places be automatically recognized as locally-significant sites. Baseline protections in the Goal 5 rule are automatically applied. Any additional protections proposed by a local jurisdiction would require approval through a public hearing process. Table 6 lists sites in unincorporated Clatsop County that have been listed on the National Register of Historic Places.

TABLE 6: NATIONAL REGISTER OF HISTORIC PLACES LISTED SITES – UNINCORORATED CLATSOP COUNTY			
REF ID	Property Name	Date Listed	Location

CLATSOP COUNTY COMPREHENSIVE PLAN

13001058	Astoria Marine Construction Company Historic District	1/8/2014	92134 Front Rd.
66000640	Fort Clatsop National Memorial	10/15/1966	4.5 mi. S of Astoria
89001385	ISABELLA Shipwreck Site and Remains	9/21/1989	Address Restricted
97000983	Bald Point Site (35CLT23)	9/10/1997	Address Restricted
97000984	Ecola Point Site (35CLT21)	9/10/1997	Address Restricted
97000982	Indian Creek Village Site (35CLT12)	9/10/1997	Address Restricted
71000678	Fort Stevens	9/22/1971	Fort Stevens State Park
84002959	Hlilusqahih Site (35CLT37)	4/26/1984	Address Restricted
81000480	Tillamook Rock Lighthouse	12/9/1981	SW of Seaside
84002960	Indian Point Site (35 CLT 34)	5/9/1984	Address Restricted
92000128	Goodwin--Wilkinson Farmhouse	3/9/1992	US 26/101 W of Cullaby Lake

Source: National Park Service; National Register of Historic Places

The citizen advisory committees identified a need to work more closely with local Native American tribes when identifying and protecting known historic resources. Local Native American tribes include both federally-recognized and unrecognized tribes. On June 23, 2021, the Board of Clatsop County Commissioners approved a resolution in support of tribal recognition for the Chinook Indian Nation. The citizen advisory committees also recognized the need to update terminology to reflect the diversity of native persons (i.e., change the term “Indian” to “Native American”). Representatives from the Chinook Indian Nation also identified areas within Goal 5 where references to and information about traditional activities of native persons could be incorporated.

The citizen advisory committees also encouraged the County to obtain public input and explore the possibility of becoming a Certified Local Government (CLG). Becoming a CLG would require the County to adopt a local historic preservation ordinance and create a historic preservation committee. However, local input would determine the extent of the regulations included in the ordinance, as there is not a “one-size-fits-all” guide to local preservation activities. Additionally, becoming a CLG would open up funding opportunities for the County with regard to historic preservation activities, including educational programs and restoration projects.

OPEN SPACE

Per OAR 660-023-0220, “open space” includes parks, forests, wildlife preserves, nature reservations or sanctuaries, and public or private golf courses. Local governments are encouraged, but not required to identify open space resources in acknowledged comprehensive plans. If local governments decide to establish or amend open space inventories, the Goal 5 inventory process outlined in OAR 660-023-0030 through 660-023-0050 applies. Local governments may also adopt a list of significant open space resource sites as part of an open space acquisition program. Such sites do not require the full Goal 5 inventory process unless land use regulations are adopted to protect sites prior to acquisition.

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Open space is inclusive of land used for agriculture or forest uses and any land area that would, if preserved and continued in its present use:

- a) Conserve and enhance natural or scenic resources;
- b) Protect air or streams or water supply;
- c) Promote conservation of soils, wetlands, beaches or tidal marshes;
- d) Conserve landscaped areas such as public or private golf courses, that reduce air pollution and enhance the value of abutting or neighboring property;
- e) Enhance the value to the public or abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space;
- f) Promote orderly urban development.

The following three categories of open space resources have been identified within Clatsop County, along with potentially-conflicting uses and methods for protection from conflicting uses:

- **General Open Space** (farm and forest land, estuarine areas, the Pacific Ocean and beaches):
 - Conflicting uses: intensive rural residential, commercial, and industrial development; filling and draining estuarine areas.
 - Protections: Farm and forest zones with large minimum lot sizes and limited land uses; locational criteria for residential, commercial and industrial uses; natural and conservation zoning for estuarine areas; the ocean and beaches are regulated by the State of Oregon.
- **Site-Specific Resources** (parks, wildlife refuges, natural areas, specific scenic sites, and fresh water wetlands)
 - Conflicting uses and protections: The Open Space element refers to other elements of Goal 5 and Goal 8 which specifically address these resources.
- **Open Spaces Provided in Conjunction with a Specific Development**
 - Conflicting uses: development, generally.
 - Protections: policies that encourage cluster development and the retention of open space in residential developments; subdivisions in the Clatsop Plains sub-area are required to have clustered lots in order to maintain open space values.

Specific open space resources are included in the inventory on Table 1.

SCENIC VIEWS AND SITES

Pursuant to OAR 660-023-0230, “scenic views and sites” are lands that are valued for their aesthetic appearance. Local governments are not required to amend acknowledged comprehensive plans in order to identify scenic views and sites. If local governments decide to provide or amend inventories of scenic resources, the requirements of OAR 660-023-0030 through 660-023-0050 apply (Goal 5 inventory process; ESEE analysis; development of implementing ordinances to protect the identified resource).

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The Clatsop Comprehensive Plan currently includes an inventory of 12 scenic views and sites. The Comprehensive Plan Citizen Advisory Committees have suggested the following additions to the Goal 5 inventory of scenic views and sites:

1. Clatsop Plains
2. Lee Wooden / Fishhawk Falls County Park
3. Jewell Meadows
4. Nehalem / Red Bluff Park
5. Elsie Cemetery
6. Twilight Eagle Sanctuary
7. Svensen Island
8. Bradley Hill
9. Knappa Docks
10. Remainder of U.S. Highway 101 corridor within Clatsop County
11. Ecola State Park
12. Oswald West State Park
13. Fort Stevens State Park
14. Arcadia State Recreation Area
15. Hug Point State Recreation Area

FUTURE CONDITIONS

Climate Change

In February 2020 the Oregon Climate Change Research Institute published a report entitled *Future Climate Projects Clatsop County*. This report was prepared for the Oregon Department of Land Conservation and Development in conjunction with grant assistance to Clatsop County to prepare an update to its Natural Hazard Mitigation Plan. The county-specific future climate projections were derived from 10-20 global climate models and two scenarios of future global greenhouse gas emissions – early 21st Century (2010-2039) and mid-21st century (2040-2069).

While the State has not yet mandated policies or actions that local governments must undertake to mitigate or adapt to climate change, it is probable that such requirements will be codified within the 20-year planning horizon. In 2021, the Oregon Department of Land Conservation and Development released its *Oregon Climate Change Adaptation Framework 2021*, which details actionable adaptation strategies and approaches based on six themes:

- Economy
- Natural World
- Built Environment and Infrastructure
- Public Health
- Cultural Heritage
- Social Relationships and Systems

Clatsop County should continue to monitor discussions at the state level and adapt policies and requirements to address specific climate change-related concerns and issues within the county.

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As part of this comprehensive plan update process, a sub-committee of the Countywide Citizen Advisory Committee utilized strategies from the *Regional Framework for Climate Adaptation Clatsop and Tillamook Counties* to develop recommended policies specific to Clatsop County.

FEMA Biological Opinion (BiOp)

The [National Flood Insurance Program](#) (NFIP) provides flood insurance for homeowners and property owners. The NFIP is administered by the Federal Emergency Management Agency (FEMA). FEMA sets standards for local governments participating in the NFIP, including requirements for local floodplain development ordinances. The Department of Land Conservation and Development (DLCD) is designated as Oregon's NFIP coordinating agency and assists local governments with implementation of the federal standards.

Because the NFIP has a direct effect on development that occurs in areas adjacent to local streams, rivers, and waterbodies, the NFIP is required to consider its effects on endangered species. Marine and anadromous species are protected by the Endangered Species Act (ESA) which is administered by the National Marine Fisheries Service (NMFS), a branch of the National Oceanic Atmospheric Administration (NOAA). This branch is also known as NOAA-Fisheries. The ESA provides for the conservation of threatened and endangered plants and animals and the habitats in which they are found. The ESA requires federal agencies to ensure that actions they authorize, fund, or carry out do not jeopardize the continued existence of any ESA listed species.

For several years, the NMFS and FEMA have been discussing measures that could be used to reduce negative impacts from the National Flood Insurance Program (NFIP) on salmon, steelhead and other species listed as threatened under the Endangered Species Act (ESA). In April 2016, NMFS delivered a jeopardy Biological Opinion (BiOp) to FEMA, stating that parts of the NFIP could have a negative impact on the habitat of endangered salmon species.

Local governments, including Clatsop County, that participate in the NFIP will be required to change their review process for floodplain development permits. FEMA will use its legal authorities under the National Flood Insurance Act to respond to the findings and recommendations in the BiOp. FEMA Region 10 will work with Clatsop County and other affected communities to determine best ways to implement the interim measures described in the Reasonable and Prudent Alternatives (RPA). FEMA headquarters will review the entire biological opinion to determine best ways to address the full range of recommendations in the RPA.

In October 2021, FEMA released a draft of the *Oregon Implementation Plan for NFIP-ESA Integration*. Ultimately, NFIP communities in the 31 Oregon counties with ESA listed salmonids will need to increase habitat protections. Development that degrades floodplain functions includes: clearing of native riparian vegetation; increases in impervious surface; displacement or reduction of flood storage via fill or structures; interruption of habitat forming process; and increases of pollutant loading in receiving water bodies. Any new protective measures included in the final implementation plan will have significant economic and development impacts for property owners within unincorporated Clatsop County.

CLATSOP COUNTY COMPREHENSIVE PLAN

Demand for Housing

In 2019, Clatsop County and the cities of Astoria, Warrenton, Gearhart, Seaside and Cannon Beach completed a housing study to identify opportunities and weaknesses associated with housing supply in Clatsop County. That report concluded that while the County has a surplus of potentially buildable lands, certain types of housing and housing products at specific price-points are either missing from the county's housing inventory, or are not provided in sufficient quantities.

In March 2020, the coronavirus pandemic resulted in changes worldwide that significantly altered housing markets, including in Clatsop County. Some people choose to leave more densely populated areas and relocate to more rural areas. Others benefited from remote work options, which no longer tied workers to a specific geographic location. As a result, the median selling price of a home in Clatsop County rose from \$322,500 in November 2018 to \$502,500 in September 2021 (Source: Realtor.com). While some of these home sales will be to households that become permanent Clatsop County residents, many will be vacation homes and some of those will be used for short-term rentals.

The increase in median housing prices, coupled with a lack of long-term rental units, will result in increased pressure to increase housing stock by constructing new residential units. While Goal 14 stresses that higher intensity uses and dense development be directed to urban areas, there is, and will continue to be, a movement to increase housing development on rural lands. Encroaching residential development has the potential to impact inventoried Goal 5 resources, including wildlife habitat, groundwater, and open spaces.

Transportation Congestion

As the demand for housing increases there is also a corresponding increase in the need to provide new roads to those homes. Again, while Goal 14 directs new housing development primarily to urban areas, partitioning and subdividing of rural lands continues to occur in unincorporated Clatsop County. The construction of new roads, or the expansion of existing roads, has the potential to eliminate or reduce wildlife habitat.

Tourism

Clatsop County has historically had a strong tourism base. Per information from Travel Oregon, in 2019 local recreationists and visitors spent \$785 million on outdoor recreation in Clatsop County. Many of those visitors are drawn by Goal 5 resources, including scenic views and sites, open spaces, and wildlife. As visitation increases there is the potential for conflicting uses and unintended consequences which may threaten inventoried Goal 5 resources.

EXHIBIT B

Planning Commission Cover Memo

December 12, 2023



Clatsop County – Land Use Planning

800 Exchange Street, Suite 100
Astoria, OR 97103
(503) 325-8611 | (503) 338-3606 (Fax) | comdev@clatsopcounty.gov

TO: Planning Commission Members

CC: Anthony Pope, County Counsel
Land Use Planning Staff

FROM: Gail Henrikson, AICP, CFM – Community Development Director

DATE: December 12, 2023

RE: **COMPREHENSIVE PLAN GOAL 5 UPDATE**

OVERVIEW

The Clatsop County Comprehensive Plan describes the long-term vision for unincorporated Clatsop County, looking ahead to set direction for the county’s growth over the next 20 years. It contains common goals that guide development within the County, including in the areas of land use, environment, transportation, economic development, housing and resource use. On June 28, 2023, the Board of Clatsop County Commissioners adopted Ordinance 23-06, which approved updates and amendments to Comprehensive Plan Goals 1-4, 6-14 and 19. Revisions to Goal 5 were placed on a separate schedule for review and approval.

[Statewide Planning Goal 5](#) is an extremely broad and complex goal. Almost all of the 15 required and recommended inventoried resources can be found within the county’s borders:

Required Inventories

- Riparian Corridors
- Wetlands
- Wildlife Habitat
- Groundwater Resources
- Oregon Scenic Waterways
- Federal Wild and Scenic Rivers
- Oregon Recreation Trails
- Natural Areas
- Wilderness Areas
- Mineral and Aggregate Resources
- Energy Sources
- Cultural Areas

Recommended Inventories

- Historic Resources
- Open Spaces
- Scenic Views and Sites

Statewide Planning Goal 5 relies on inventories that have been conducted by state or federal entities or, for some resource categories, requires local inventories to be developed.

Inventoried resources are assessed to identify those that are high value or “significant.”

Inventories and assessments are the basis for developing a local program to protect significant resource sites and plan for development and conflicting uses.

Protection of these diverse resources requires a variety of approaches. The role of land use planning in this protection involves a threefold approach:

- Collecting and maintaining data and other inventories of assets;
- Coordinating with local, regional, state and federal programs; and
- Administering local and state regulations that protect the sustainability and quality of the resources.

Goal 5 is implemented through Oregon Administrative Rules (OAR) [660-016](#) and [660-023](#). Each of the required inventories is discussed in further detail below.

RIPARIAN CORRIDORS

Per OAR 660-023-0090, “riparian corridors” are defined as Goal 5 resources that include the water areas, fish habitat, adjacent riparian areas, and wetlands with the riparian area boundaries. “Riparian areas” are defined as the areas adjacent to a river, lake or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem.

Clatsop County’s existing and acknowledged Goal 5 element does not contain an inventory of any riparian corridors. Clatsop County has, however, adopted a shoreland overlay that requires a 50-foot buffer from significant estuarine and coastal shorelands identified in Goals 16 and 17. The County has also adopted standards related to the protection of riparian vegetation in Section 6.5000, LAWDUC. Oregon Administrative Rule (OAR) 660-023-0250, adopted in 1996, requires local governments to amend acknowledged plans and land use regulations during periodic review. Because the County is no longer subject to mandatory periodic review requirements, an inventory for this resource has not been developed, and the rule otherwise does not impose a deadline on the county to conduct an inventory. No new riparian inventories are proposed as part of this comprehensive plan update and the County will continue to provide riparian protections to the waterways and water bodies identified in Goals 16 and 17.

WETLANDS

OAR 660-023-0100 requires local governments to notify the Oregon Department of State Lands when development permit applications or other land use permit applications are submitted that may affect wetlands. On lands outside of Urban Growth Boundaries (UGB) or in Urban Unincorporated Communities, local jurisdictions are required to determine the need for Department of State Lands (DSL) notification based on the Statewide Wetland Inventory (SWI). Counties are not required to amend their comprehensive plan to add or amend a list of locally-

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significant wetlands. If a county chooses to conduct a local wetland inventory and protect locally significant wetlands, the process steps described for areas inside UGBs apply.

In 1983, Duncan Thomas prepared a report entitled *Significant Shoreland and Wetland Habitats in the Clatsop Plains*. This report identified 58 significant wetlands, primarily within the Clatsop Plains planning area. That initial report and list was further reviewed and subsequently the nine sites shown on Table 1 were included as Goal 5 locally-significant wetlands. In 2020, Clatsop County contracted with the Columbia River Estuary Study Taskforce (CREST) to prepare an updated report – *Clatsop County Significant Wetlands; Wetland and Riparian Inventory in Unincorporated Clatsop County*. The County may utilize the information in the 2020 CREST report as a basis for future identification of locally-significant wetlands and development of appropriate local protection program elements. No changes are proposed to the wetlands inventory as part of this update.

WILDLIFE HABITAT

Per OAR 660-023-0110, “wildlife habitat” is defined as an area upon which wildlife depend in order to meet their requirements for food, water, shelter, and reproduction. Examples include wildlife migration corridors, big game winter range, and nesting and roosting sites. The county is also required to obtain current habitat inventory information from ODFW for the following:

- Threatened, endangered, and sensitive wildlife species habitat information;
- Sensitive bird site inventories; and
- Wildlife species of concern and/or habitats of concern identified and mapped by ODFW

The County is required to develop programs to protect wildlife habitat following the standard procedures and requirements of OAR 660-023-0040 and 660-023-0050 and to coordinate with appropriate state and federal agencies when adopting programs intended to protect threatened, endangered, or sensitive species habitat areas.

Two state agencies’ missions include monitoring and protection of fish and wildlife areas and habitats:

- The Oregon Department of Fish and Wildlife (ODFW) is covered in Chapter 635 of the Oregon Administrative Rules. Divisions under Chapter 635 are vast in scope and address topics that range from tax incentives, fishing seasons, hatchery management, harvest licensing and seasons, to enhancement programs, wildlife rehabilitation, conservation programs and wildlife management programs.
- The Oregon Department of Forestry (ODF) administers the Forest Practices Act (FPA), which sets standards for all commercial activities involving the establishment, management, or harvesting of trees on Oregon’s forestlands. Key elements of the act are aimed at protection of water resources. Regulations require landowners to leave forested buffers and other vegetation along streams, wetlands, and lakes to protect water quality and fish and wildlife habitat. Timber harvesting, road building, and chemical use are restricted near streams, rivers, lakes, and wetlands. Wildlife protections, including timing of operation, leaving nesting habitat for birds, bats and

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other mammals, and modifying harvest activities to protect sensitive areas used by species identified as sensitive, threatened, or endangered.

The current comprehensive plan lists the following fish and wildlife types as Goal 5 inventoried resources:

- **Major Big Game Range:** That portion of the county which supports the majority of big game. In general, these lands are sparsely developed forest lands.
- **Peripheral Big Game Range:** Foothill areas of the county, generally located between commercial forest lands and productive agricultural lands.
- **Excluded Big Game Range:** Developed areas that are only occasionally used by big game.
- **Upland Game Birds (grouse, mountain quail, band-tailed pigeons):** This resource generally corresponds with Major & Peripheral Big Game Range and includes riparian areas and mineral springs and other watering areas. See also: Sensitive Bird Habitat Overlay District (SBHO).
- **Waterfowl:** Estuarine and coastal shoreland areas; water areas; riparian areas.
- **Furbearers and Hunted Non-Game Wildlife (aquatic species – beaver, muskrat, mink; terrestrial species – skunk, bobcat, coyote):** Aquatic furbearers: estuarine and coastal shoreland habitat; riparian areas; Terrestrial furbearers: areas considered Major and Peripheral Big Game Range.
- **None-game Wildlife (eagles, hawks, osprey, herons):** Refer to SBHO and map.
- **Snowy Plover:** Sparsely vegetated, active dune areas just inland from the high tide line; beach from Necanicum River north to Columbia River. See also: SBHO.
- **Fish Habitat:** All rivers and streams with a perennial flow; non-coastal shoreland lakes (including Big Creek Pond, Fishhawk Lake, Lost Lake 1, Lost Lake 2, Spruce Run Lake, Riverside Lake, Quartz Lake, Soapstone Lake, Carnahan Lake, and Cullaby Lake); riparian areas along rivers, streams, and lakes.

No changes are proposed to the Fish and Wildlife Habitat inventory as part of these updates. Page references from the current comprehensive plan are proposed for deletion.

GROUNDWATER RESOURCES

OAR 660-023-0140 defines “Groundwater” as “any water, except capillary moisture, beneath the land surface or beneath the bed of any stream, lake, reservoir, or other body of surface water.” While Statewide Planning Goal 5 specifically calls out groundwater resources as a required inventory, policies related to or affecting groundwater resources are found in several goals throughout the comprehensive plan, as well as in the individual community plans for each planning area. In addition to the inventoried wetlands and fish and wildlife habitats included in Goal 5, 15 distinct groundwater resources are also listed as inventoried groundwater resources on Table 1, Goal 5.

In Oregon, the Department of Environmental Quality (DEQ) has the primary responsibility for groundwater protection. DEQ, in coordination with the Oregon Health Authority's Drinking Water Program, the Oregon Water Resources Department, and the Oregon Department of Agriculture implement the majority of federal and state programs related to groundwater.

The Oregon Water Resources Department has identified a portion of the Clatsop Plains planning area where limited groundwater yield has been noted as a groundwater resource concern. The areas around Big Creek and Gnat Creek have been identified as an area of significant concern.

OREGON SCENIC WATERWAYS

OAR 660-023-0130 requires local governments to amend acknowledged plans and land use regulations to address any Oregon Scenic Waterway (OSW) and associated corridor that is not addressed by the plan. A 17.5-mile section of the Nehalem River was designated as a State Scenic Waterway in June 2019. Approximately ¼ of this section is located in Clatsop County, while the rest is in Tillamook County.

Per OAR 660-023-0130(4), no later than the next time the County is subject to periodic review, the County must either adopt a Goal 5 program for this segment of the Nehalem River by conducting an Economic, Social, Environmental and Energy (ESEE) analysis to identify consequences that could result from a decision to allow, limit, or prohibit a conflicting use on or adjacent to this resource. Alternatively, the County may adopt a "safe harbor" approach, which would require the County to adopt implementing ordinances necessary to carry out the Nehalem River Scenic Waterway Management Plan that has been approved by the Oregon Parks and Recreation Commission. The management plan rules are set forth in OAR 736-040-0120.

This section was previously entitled "Wild and Scenic Waterways". The title has been changed to correspondence with nomenclature in OAR 660-023 and the designated waterway has been listed as required. The section was also relocated on Table 1, to correspond with the order of the inventories provided above.

FEDERAL WILD AND SCENIC RIVERS

Local governments are required to amend acknowledged comprehensive plans and land use regulations to address any federal Wild and Scenic River (WSR) and associated corridor established by the federal government that is not addressed by the acknowledged plan. While WSRs are required to be designated as significant Goal 5 resources, they are not subject to the full Goal 5 inventory process, economic-social-environmental-energy consequences analysis (ESEE), or development of implementing ordinances.

There currently are no designated or pending WSRs within Clatsop County.

OREGON RECREATION TRAILS

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Pursuant to OAR 660-023-0150, “recreation trail” means an Oregon Recreation Trail designated by rule adopted by the Oregon Parks and Recreation Commission (OPRC). Recreation trails are designated by OPRC in cooperation with local governments and private land owners. Local governments are not required to inventory recreation trails under OAR 660-023-0030. Instead, local governments are required to designate all recreation trails designated by OPRC as significant Goal 5 resources. As each jurisdiction’s comprehensive plan is updated, the local government must amend its plan to recognize any recreation trails designated by OPRC subsequent to acknowledgment or a previous periodic review.

Designated trails in Clatsop County include the Saddle Mountain Trail and the Oregon Coast Trail. These trails have been added to the inventory list as required by OAR 660-023-0150.

NATURAL AREAS

The Oregon Natural Areas Program was established by the 1979 Legislature in the Natural Heritage Act (ORS 273.561-.591 [SB 448]), to help protect natural areas in Oregon. The law was based on a tradition of natural area inventory and conservation. Updated, expanded and revised numerous times, more recent review of the now “Oregon Natural Heritage Act and Natural Heritage Program” affirmed that natural areas continue to provide important places for public education and baseline research and that it remains important for Oregon to maintain a natural areas program.

For Goal 5 purposes, “natural areas” are those sites that are listed in the Oregon State Register of Natural Heritage Resources. At the time of adoption of Goal 5 in 1979/1980, several Clatsop County sites were to be added to the Oregon Islands Wilderness. The new sites are mentioned, but not shown as listed in the goal. Also, other sites may have been included in the interim. The comprehensive plan update will verify that all the sites in the federal listing are included in the County’s Goal 5 list of resources. Sites currently listed in the Oregon State Register of Natural Heritage Resources include:

- Blind Slough Swamp Preserve
- Knappa Slough Island
- Saddle Mountain
- Humbug Mountain

The above sites have been added to the inventory table as required by OAR 660-023-0160.

It should be noted that the current comprehensive plan includes a listed of locally identified natural areas that are included in the inventory. Those sites have been relabeled “Natural Areas – Locally Identified” to distinguish them from the OAR-required inventory.

WILDERNESS AREAS

Per OAR 660-023-0170, wilderness areas are designated by the federal government, under the National Wilderness Preservation System, signed into law by President Lyndon Johnson in 1964. Oregon was among the first states to gain wilderness area under the act.

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In Clatsop County, one Wilderness Area is designated: The Oregon Islands Wilderness, managed by the US Fish and Wildlife Service, which runs the length of the Oregon Coast. In Clatsop County, this includes:

- Tillamook Head Rocks
- Bird Rocks
- Sea Lion Rocks
- Haystack Rock
- and Castle Rock

Local governments are not required to inventory wilderness areas, but they are required to list all federally designated wilderness areas as significant Goal 5 resources.

MINERAL AND AGGREGATE RESOURCES

Clatsop County is home to significant natural resources. While natural resources are most often associated with the county's forests, the Pacific Ocean, and the Columbia River, as well as all the streams, wetlands and wildlife habitat, Clatsop County currently is home to 13 active mines and quarries that also are Goal 5 resources. This is in addition to five active county rock pits, but does not include an unknown number of rock pits on forest lands used for roads covered by the Forest Practices Act. These quarries and mines produce aggregate, crushed rock, basalt and sand, materials that are used extensively in road building, road maintenance, and other construction activities.

Four state agencies regulate the development and operation of aggregate mining and processing projects in Oregon. The role that each play depends on the scale, design, and associated impacts.

The primary agencies and their specialty areas are:

- **Oregon Department of Environmental Quality** – air quality, stormwater runoff, and wastewater. (DEQ noise standards apply. However, if no DEQ permit is required, the local government addresses noise violations.)
- **Oregon Department of Geology and Mineral Industries** – site reclamation and mine safety standards.
- **Oregon Department of State Lands** – earth removal and fill permits for activities conducted in wetlands, waterways, and other state lands.
- **Oregon Water Resources Department** – water rights for consumptive use of water for processing.

Per OAR 660-023-0180(2), local governments are not required to amended acknowledged inventories or plans except in response to an application to amend the plan or during periodic review. Because the County is no longer subject to mandatory periodic review, and because no applications have been submitted or are currently under review to amend the acknowledged

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plan, the County is not required to amend its acknowledged inventories as part of this process. The inventoried Goal 5 mineral and aggregate resources include:

- Clatsop County – Clifton
- Clatsop County – Big Creek
- Howard Johnson – US 101
- Bayview Transit Mix – US 101
- George Ordway
- Teevin Bros. Logging
- Daren Berg, Humbug Rock
- M. Nygaard Logging
- A. Riekkola
- Tagg
- Horecny

ENERGY SOURCES

OAR 660-023-0190 defines an “energy source” as including naturally occurring locations, accumulations, or deposits of one or more of the following resources used for the generation of energy:

- Natural gas
- Surface water (i.e., dam sites)
- Geothermal
- Solar
- Wind

Energy sources applied for or approved through the Oregon Energy Facility Siting Council (EFSC) or the Federal Energy Regulatory Commission (FERC) shall also be deemed significant energy sources for purposes of Goal 5. Per information on the Oregon Department of Energy website, there are no EFSC or FERC facilities within Clatsop County at this time.

Additional discussion of energy sources may be found in Goal 13.

CULTURAL AREAS

The State Historic Preservation Office (SHPO) houses a statewide GIS database of more than 30,000 known archaeological sites in Oregon. According to SHPO, 90 of these known archaeological sites are located within Clatsop County. In order to discourage looting or vandalism, the locations of these sites are not published.

Per Oregon Revised Statute (ORS 390.235 and 358.905-961), an Oregon Archaeological Permit is needed to excavate or collect from an archaeological site on non-federal public or private lands. A permit is also needed to probe for an archaeological site on non-federal public lands. A permit is not required for pedestrian survey if no materials will be collected. Sections 6.700-6.7030, LAWDUC, include language related to the protection of archaeological areas. Standard

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conditions of development permit approval require property owners to notify SHPO if cairns, graves or other significant archaeological resources are uncovered.

HISTORIC RESOURCES

While historic resources, which are often closely related to cultural areas, are not a required inventory under Goal 5, Clatsop County choose to conduct an inventory when the comprehensive plan was originally adopted. Clatsop County has a long and diverse history and the current inventory includes the following sites:

- Fort Clatsop National Monument
- Cannon at Cannon Beach
- Tillamook Rock Lighthouse
- Ecola State Park
- Lindgren House
- R. W. Morrison Houses (aka Tagg Place)
- Clatsop Plains Memorial Church
- Clatsop Plains Cemetery
- The Mill Site of the Falls Pulp Company
- The Shepherd and Morse Sawmill Site
- Westport Log Tunnel

In 2017, the Goal 5 rule for historic resources, OAR 660-023-0200, was amended. It now requires that new sites added to the National Register of Historic Places be automatically recognized as locally-significant sites. Baseline protections in the Goal 5 rule are automatically applied. Any additional protections proposed by a local jurisdiction would require approval through a public hearing process. Table 6 in Goal 5 lists sites in unincorporated Clatsop County that have been listed on the National Register of Historic Places.

This inventory was previously named “Historic Areas, Sites, Structures and Objects.” The title has been changed for consistency with nomenclature used in Statewide Planning Goal 5. No changes are proposed to the inventory.

OPEN SPACES

Per OAR 660-023-0220, “open space” includes parks, forests, wildlife preserves, nature reservations or sanctuaries, and public or private golf courses. Local governments are encouraged, but not required to identify open space resources in acknowledged comprehensive plans. If local governments decide to establish or amend open space inventories, the Goal 5 inventory process outlined in OAR 660-023-0030 through 660-023-0050 applies. Local governments may also adopt a list of significant open space resource sites as part of an open space acquisition program. Such sites do not require the full Goal 5 inventory process unless land use regulations are adopted to protect sites prior to acquisition.

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Open space is inclusive of land used for agriculture or forest uses and any land area that would, if preserved and continued in its present use:

- a) Conserve and enhance natural or scenic resources;
- b) Protect air or streams or water supply;
- c) Promote conservation of soils, wetlands, beaches or tidal marshes;
- d) Conserve landscaped areas such as public or private golf courses, that reduce air pollution and enhance the value of abutting or neighboring property;
- e) Enhance the value to the public or abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space;
- f) Promote orderly urban development.

The following three categories of open space resources have been identified within Clatsop County, along with potentially-conflicting uses and methods for protection from conflicting uses:

- **General Open Space** (farm and forest land, estuarine areas, the Pacific Ocean and beaches):
 - Conflicting uses: intensive rural residential, commercial, and industrial development; filling and draining estuarine areas.
 - Protections: Farm and forest zones with large minimum lot sizes and limited land uses; locational criteria for residential, commercial and industrial uses; natural and conservation zoning for estuarine areas; the ocean and beaches are regulated by the State of Oregon.
- **Site-Specific Resources** (parks, wildlife refuges, natural areas, specific scenic sites, and fresh water wetlands)
 - Conflicting uses and protections: The Open Space element refers to other elements of Goal 5 and Goal 8 which specifically address these resources.
- **Open Spaces Provided in Conjunction with a Specific Development**
 - Conflicting uses: development, generally.
 - Protections: policies that encourage cluster development and the retention of open space in residential developments; subdivisions in the Clatsop Plains sub-area are required to have clustered lots in order to maintain open space values.

No changes are proposed to this inventory.

SCENIC VIEWS AND SITES

Pursuant to OAR 660-023-0230, “scenic views and sites” are lands that are valued for their aesthetic appearance. Local governments are not required to amend acknowledged comprehensive plans in order to identify scenic views and sites. If local governments decide to provide or amend inventories of scenic resources, the requirements of OAR 660-023-0030 through 660-023-0050 apply (Goal 5 inventory process; ESEE analysis; development of implementing ordinances to protect the identified resource).

The Clatsop Comprehensive Plan currently includes an inventory of 12 scenic views and sites:

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1. Box Canyon
2. Knappa Gorge at Big Creek
3. Gnat Creek Falls
4. Plympton Creek Falls
5. Fall Creek Falls
6. Youngs River Falls
7. Nehalem River from Cronin to Gorge Creek
8. Lewis and Clark Road above Thompson Falls
9. U.S. Highway 101 Scenic Corridor, Cannon Beach Junction to Silver Point
10. Westport - Scenic Conservancy, Highway Corridor
11. Highway 53 Scenic Conservancy, Highway Corridor
12. North Fork Nehalem River - Scenic Conservancy, River Corridor

This section was previously entitled "Outstanding Scenic Views and Sites." The title has been changed to be consistent with nomenclature used in OAR. No changes are proposed to the inventory.

RECOMMENDED ACTION:

The Planning Commission has several possible actions that it could take on this proposed ordinance:

- Recommend the Board approve the amendments as submitted
- Recommend the Board approve the amendments with further revisions
- Recommend the Board deny the amendments
- Continue the item to a date certain for further discussion and review
- Table the item indefinitely

Suggested Motion:

"I recommend the Board of Commissioners approve Ordinance 24-02 as presented."

Board of Commissioners Clatsop County

AGENDA ITEM SUMMARY

January 10, 2024

Agenda Title: Ordinance 24-04: Solid Waste Ordinance and Rules Amendment - Recycling

Category: Public Hearing

Presented By: Anthony Pope – County Counsel

Issue Before the Commission: Update to the Solid Waste Ordinance and Rules regarding the curbside recycling requirements.

Informational Summary: On February 23, 2022, the County Board of Commissioners voted on Ordinance No. 2021-06 establishing the requirement for Solid Waste Collectors to obtain a franchise from the County.

On July 13, 2022, the County Board of Commissioners passed the Solid Waste and Recycling Administrative Rules. These rules included the provision that every residence in unincorporated Clatsop County would receive curbside recycling.

After further review and discussions with the haulers, it was found that it would not immediately be economically feasible to offer curbside recycling to all residences in the unincorporated County. This is due to the low population density and distance between residences in the more rural areas of the County.

It is proposed that the County's Solid Waste Ordinance be altered to allow flexibility in the curbside recycling requirements.

County Staff will work with the Haulers to determine these designations with the goal of providing curbside recycling to as many citizens as feasible.

Requested Action: Continue the matter to the January 17, 2024, meeting for second reading and adoption.

Attachment List

- A. Proposed Ordinance
- B. Proposed Rules

IN THE BOARD OF COUNTY COMMISSIONERS
FOR CLATSOP COUNTY, OREGON

ORDINANCE) AN ORDINANCE AMENDING
NO. 2024-04) CLATSOP COUNTY CODE §7.04
) TO REQUIRE SOLID WASTE COLLECTORS
) TO OBTAIN A FRANCHISE

The Board of Commissioners of Clatsop County ordains as follows:

SECTION 1. SHORT TITLE

This ordinance shall be entitled and shall be known as the “Ordinance Adopting Clatsop County Code §7.04 to require solid waste collectors to obtain a franchise.”

SECTION 2. PURPOSE

The purpose of this ordinance is to adopt an ordinance regulation solid waste collection franchises through the unincorporated areas of Clatsop County.

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. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. EFFECTIVE DATE

This ordinance shall take effect on the 30th day following adoption by the Board of Commissioners as provided in Chapter III, Section 8© of the Home Rule Charter for the Government of Clatsop County.

SECTION 7. ADOPTION CLAUSE

The Board of Commissioners hereby amend the Clatsop County Code §7.04 as recorded in Exhibit A.

BOARD OF COUNTY COMMISSIONERS FOR
CLATSOP COUNTY, OREGON

First Reading:

Second Reading:

Effective Date:

By _____
Board Chair

By _____
Theresa Dursse, Recording Secretary

EXHIBIT A

Chapter 7.04 SOLID WASTE CONTROL

7.04.010 Policy.

To protect the health, safety and welfare of the people of the County, the Board has determined the necessity of providing a coordinated countywide program for the safe, economical and efficient collection, storage, transportation and disposal of wastes and solid wastes, and to ensure adequate standards of service for said collection, storage, transportation and disposal of wastes and solid wastes, and this chapter shall be liberally construed for the accomplishment of these purposes.

7.04.020 Definitions.

In addition to the definitions provided in ORS 459.005, and as used in this chapter, unless the context requires otherwise:

- A. "Collection vehicle" is any vehicle used to collect or transport waste or solid waste.
- B. "Franchise" means a sanitary service franchise issued by the Board.
- C. "Solid waste collection service" or "service" means service that provides for collection of solid waste or recyclables or both, as described in ORS 459 and 459A.
- D. "Service area" means the unincorporated portion(s) of Clatsop County in which a hauler is permitted to operate.

7.04.030 Administration—Responsibility.

The County Manager under the authority of the Board shall be responsible for the administration and enforcement of this chapter. The County Manager may delegate any or all of the duties.

7.04.040 Administration—Authority.

The County Manager shall have authority to certify to all official acts, and require the attendance of witnesses at public hearings before the Board; produce relevant documents at public hearings; provide testimony, and enter or authorize personnel to enter upon the business premises of any person regulated by this chapter at reasonable times to determine compliance with this chapter and the rules and regulations promulgated by the Board.

7.04.050 Rules and regulations—Promulgation.

The Board shall promulgate reasonable rules and regulations pertaining to the administration of this chapter and for the collection, storage, transportation and disposal of waste and solid waste, including but not limited to the following:

- A. Standards of service to be provided to the public;
- B. Collection, storage, transportation and disposal of wastes and solid wastes to prevent:
 - 1. Vector production and sustenance,

2. Conditions for transmission of diseases to people or animal,
 3. Air pollution by dust, fumes, gas, smoke, odors and particulate matter or any combination thereof,
 4. Fire hazards,
 5. Hazards to service or disposal workers or to the public;
- C. Collection of waste and solid wastes to prevent vector nuisances and air and water pollution through frequency and regularity of collection and by proper design, construction, operation and maintenance of collection equipment;
 - D. Storage of wastes and solid wastes at the point of origin to eliminate conditions conducive to the creation of vector nuisances and air and water pollution through proper container construction and design and through waste and solid waste handling practices including, but not limited to, Container Maintenance, as defined in the County's Solid Waste and Recycling Program Administrative Rules;
 - E. Construction, loading and operation of collection vehicles used in performing service that is consistent with industry standards and for the purposes of preventing the contents thereof from dropping, sifting, leaking or escaping onto public roads and highways;
 - F. Disposition at disposal sites, to the extent that no other regulatory or governmental body has jurisdiction over such matters and provided that they do not conflict with any other rules or regulations.

The Board delegates to the County Manager the authority to modify, update or change these administrative rules as needed.

7.04.055 Business recycling requirement.

All businesses within the County shall comply with waste prevention, recycling and composting requirements as set forth in the County's Solid Waste and Recycling Program Administrative Rules. For the purpose of this section, the term business shall mean any commercial or nonprofit entity, such as a store, office, manufacturing and industry facility, restaurant, warehouse, school, college, university, government, hospital and other similar entities doing business within the unincorporated county, but excludes businesses permitted in residences.

7.04.120 Franchise—Issuance.

Except as otherwise provided in this chapter, it is unlawful for any person to collect, store, transport or dispose of any waste or solid waste, or to offer or advertise to provide services to collect, store, transport or dispose of any waste or solid waste, in the unincorporated areas of the County for compensation unless first obtaining a franchise issued by the Board; or after issuance of a franchise, for the applicable franchisee to collect, store, transport or dispose of waste or solid waste in a service area not covered by the applicable franchise, except as otherwise provided by this chapter.

7.04.130 Exemptions.

Franchises shall not be required of:

- A. Cities that collect, store, transport or dispose of waste or solid waste;
- B. Federal or state agencies that collect, store, transport or dispose of waste or solid wastes or those who contract with such agencies to perform the service, but only insofar as the service is performed by or for the federal or state agency;
- C. Other persons, practices, processes, businesses or wastes exempted by a written resolution of the Board after receipt of a recommendation of the County Manager on the basis of findings made after public hearing that the same is not necessary to the implementation of the County or a regional solid waste management plan.
- D. Persons transporting waste or solid waste collected outside the unincorporated areas of the County.
- E. Any nonprofit or charitable individual or organization engaged in collection of recyclable materials for profit from customers within an urban growth boundary. The County Manager may require proof of nonprofit or charitable status in determining whether this exemption applies.
- F. Persons collecting and transporting sewage sludge, septic tank and cesspool pumping or other sludge.
- G. Persons collecting and transporting discarded or abandoned vehicles or parts thereof.
- H. Persons collecting or transporting dead animals.
- I. Persons collecting, storing, transporting, or disposing of waste or solid waste resulting from a disaster event pursuant to a contract with federal, state or local agencies issued during a state of emergency declared pursuant to Clatsop County Code Section 1.04.070.

7.04.140 Compensation defined.

As used in Sections 7.04.120, "compensation" includes the flow of consideration from the person owning or possessing the waste or solid waste to the person collecting, storing, transporting or disposing of the same or the flow of consideration from the person collecting, storing, transporting or disposing of waste or solid waste to the person owning or possessing the same.

7.04.150 Franchise—Application form.

Applications for franchises shall be on forms provided by the County Manager. The applications shall be filed with the County to determine whether the applicant meets the requirements specified in Section 7.04.170.

7.04.160 Franchise—Information required.

Applicants for franchises shall state:

- A. The types of service to be provided within a specified service area;

- B. The rates to be charged for this service;
- C. When the applicant already provides service to all or part of the area, a sworn and verified statement of all customers served within the area and a map showing service routes and boundaries.

7.04.170 Franchise—Requirements.

- A. The applicant must show to the satisfaction of the Board the following:
 - 1. Has available equipment, facilities and personnel sufficient to meet the standards of equipment and service established by this chapter and ORS Chapter 459, and regulations promulgated thereunder;
 - 2. Is registered with the State of Oregon Corporation Division Business Registry; and
 - 3. Has comprehensive general liability insurance, including but not limited to auto liability and workers compensation insurance, in the amounts of, and as established in the Solid Waste and Recycling Administrative Rules.
- B. In addition to the foregoing requirements, the applicant must:
 - 1. Submit with an application for a franchise a sworn and verified statement of all disposal sites used, operated or otherwise patronized by the applicant, and a sworn declaration that applicant will dispose of all solid wastes at disposal sites approved by the Board and the Board shall approve all reasonably requested changes to the list of approved disposal sites that may be needed throughout the term of any franchise;
 - 2. Submit with an application a corporate surety bond, in an amount established by the Board that is consistent with industry standards, guaranteeing full and faithful performance by the applicant of the duties and obligations of a franchise holder under the provisions of this chapter; and
 - 3. Defend and indemnify the County, its officers, commissioners, employees and agents and hold them harmless for any claim in any venue, including appeals, resulting from the actions or inactions of the franchise holder regulated by this chapter; provided however, that such obligation shall not apply to the extent such claim results from actions of the County.
- C. An applicant for a franchise who is not already serving the area defined in said franchise must show to the satisfaction of the Board that he meets all of the requirements of Sections 7.04.150 through 7.04.170, and that:
 - 1. The defined service area has not been certified to another; or
 - 2. The defined service area is not presently being served by the holder of a franchise; or
 - 3. The defined service area is not being adequately served, as determined by the Board after a public hearing and comment, by the holder of a franchise, and there is a substantial demand from customers within the area for a change of service to the area.

7.04.180 Franchise—Application review.

Applications for franchises shall be reviewed by the County Manager which shall make such investigation as it deems necessary and appropriate. Written notice shall be given by the County to any person who holds a franchise which includes any part of the area contained in the application of another.

7.04.190 Franchise—Investigation.

Upon the basis of the application, evidence submitted and results of any investigation by the County Manager, the County shall make a finding on the qualifications of the applicant under Section 7.04.170, and whether additional areas should be included or additional service and equipment be provided.

7.04.200 Franchise—Recommendation.

On the basis of its findings, the County Manager shall recommend to the Board whether or not the application should be granted, denied, or modified, and the Board shall issue an order granting, denying or amending the application. If the order of the Board is adverse to either the applicant or the holder of a franchise, it shall not become effective until 30 days after the date of said order. The franchise holder or applicant may request a public hearing before the Board upon the Board's order by filing a written request for hearing with the Board within 30 days after the date of said order. Upon the filing of said request of hearing, the Board shall set a time and place for a public hearing upon its order, which hearing shall be not more than 30 days from the date of filing of said request for hearing. The franchise holder or applicant may submit evidence to the Board relevant to the Board's order. The Board may, following the hearing, affirm or amend its prior order.

7.04.210 Franchise—Final order.

Subject to the provisions of Section 7.04.410, the determination of the Board after conclusion of said public hearing shall be final. If the Board makes a final order rejecting all or part of an application for a franchise, the applicant may not submit another application for the same or a portion of the same service area for a period of six months unless the Board finds that the public interest requires reconsideration within a shorter period of time.

7.04.212 Franchise—Term.

The franchises shall be for an initial term of five years. On each yearly anniversary of the effective date of the franchise, the franchise term shall be automatically extended for one (1) additional year, unless either the County or the franchise holder provides written notice of its intent not to extend, at least thirty (30) days prior to such yearly anniversary.

7.04.214 Franchise—Periodic review.

A. Periodic Review Schedule.

1. The County Manager shall conduct the initial periodic review of all franchises in each group commencing on the dates set forth below, and shall conduct similar periodic

reviews of all such franchises commencing March 15th on a schedule deemed appropriate by the County Manager.

2. The periodic reviews shall be completed not later than December 31st of the year in which the review is commenced.
- B. Purpose of Periodic Review. Periodic review shall be conducted for the purpose of determining whether the franchises and the holders of such franchises are in compliance with the provisions of this chapter and all applicable rules, regulations and laws. Each franchise holder shall demonstrate compliance with all such requirements.
- C. Information Submittals. The County Manager shall prepare a summary of information required to be submitted by each franchise holder, and may specify the forms for such submittals to assure that information necessary to determine compliance is available to the County Manager.
- D. Effect of Noncompliance. If in the course of its review of franchises, the County Manager determine that the franchise or franchise holder being reviewed is not in compliance with the provisions of this chapter or applicable rules, regulations and laws then the County Manager shall advise the franchise holder in writing of such violation in the manner set forth in Section 7.04.290 and direct that the compliance be achieved within a date certain determined by the County Manager. If the franchise holder fails to achieve compliance within the date specified, the County Manager shall report to the Board with a recommendation on whether the franchise should be suspended, modified or revoked.
- E. Suspension, Modification and Revocation. The County Manager and board may initiate proceedings for suspension, modification or revocation under Sections 7.04.290 through 7.04.310, inclusive, at any time, whether or not a periodic review is being conducted.

7.04.270 Responsibility of franchise holder.

- A. The holder of a franchise:
1. Shall provide required service and facilities consistent with the standards established by the County in the Solid Waste and Recycling Administrative Rules;
 2. Shall not discontinue service to the service area or any substantial portion thereof without giving not less than 90 days' written notice of the proposed discontinuance of service to the County and to customers and receiving the approval of the County prior to discontinuing said service;
 3. May contract with another person to provide service within the service area after giving 30 days' written notice to and obtaining the approval of the County. The County shall approve the contract unless it finds that the quality or extent of service would be jeopardized;
 4. May refuse collection service to any customer as provided for within the County's Solid Waste and Recycling Administrative Rules, or for other reasons as may be established by the Board; provided, however, in no event shall the holder of any franchise terminate said service without first notifying the customer in writing of the

holder's intention to terminate service not less than seven calendar days prior to the date of termination of service.

7.04.280 Franchise—Transfer.

A franchise holder may transfer a franchise or a portion of the service area only after written notice to and approval by the Board.

- A. The Board shall approve the transfer if it finds that the transferee meets all applicable requirements of this chapter.
- B. The Board shall approve or disapprove any application for transfer of franchise within 60 days after receipt of notice by the Board unless the Board finds that there is a substantial question of public health or safety involved and requires additional time for investigation and decision.

7.04.290 Franchise suspension, modification or revocation—Notice.

The County shall, upon reasonable cause, make investigations to determine if there is sufficient reason and cause to suspend, modify or revoke a franchise as provided in Section 7.04.300. If, in the opinion of the County, there is sufficient evidence to constitute a violation of this chapter or ORS Chapter 459 or the rules and regulations promulgated thereunder, the County shall notify the holder of the franchise in writing of the alleged violation and what steps must be taken to cure the violation. If the holder of the franchise is unable to or refuses to cure the violation and follow the requirements of the County set forth in said notice, the County may recommend to the Board that the service franchise be suspended, modified or revoked.

7.04.300 Franchise suspension, modification or revocation—Findings.

The Board may suspend, modify or revoke a franchise upon finding that the holder thereof has:

- A. Willfully violated this chapter or ORS Chapter 459 or the rules and regulations promulgated thereunder; or
- B. Materially misrepresented statements in the application for a franchise; or
- C. Willfully refused to provide adequate service in the defined service area after written notification and a reasonable opportunity to do so.

7.04.310 Franchise suspension, modification or revocation—Compliance order.

In lieu of immediate suspension, modification, or revocation of a franchise, the Board may order compliance and make suspension, modification or revocation contingent upon compliance with the order within a time stated in said order.

7.04.320 Rates—Determination.

The Board shall approve and establish existing rates filed by all applicants under Sections 7.04.150 and 7.04.160 who meet the requirements of Section 7.04.170, unless it finds that such rates are demonstrably unreasonable and are substantially higher than those charged generally in the county

under similar service requirements and for the same or similar quality of service. In determining whether such rates are unreasonable under this section and Section 7.04.330, the Board shall consider the length of haul, type of waste or solid waste collected, stored, or transported, the number, type and location of customers served, or such other factors as may, in the opinion of the Board, justifiably affect the rates charged.

7.04.330 Rates—Consideration.

Increases or decreases in the rates approved under Section 7.04.320 shall not be made by the Board unless the Board finds that the increase or decrease is based upon an increase or decrease in the cost of doing business or an increased cost of additional, better or more comprehensive service. In determination of a proposed rate change, the Board shall give due consideration to:

A. The investment in facilities and equipment, the services of management, local wage scales, the concentration of customers in the area served, methods of collection and transportation, the length of haul to disposal facilities, and the cost of disposal, reasonable return of the owners of the business and the future service demands of the area which must be anticipated in equipment facilities and personnel;

B. The Board may require an investigation of any proposed rate increase or decrease. For purposes of making its investigation, the County Manager is authorized to hold public hearings and to take and receive testimony relevant to the considerations to be made by the board in allowing or denying rate increases or decreases under this chapter. Upon completion of its investigation, the County Manager shall make report of the hearing and recommendation to the board regarding the proposed rate increases or decreases;

C. In considering rate increases or decreases, the Board must find that the rates will be just, fair, and provide a reasonable and sufficient rate of return for the franchise holder to provide proper service to the public. The Board may consider the rates charged by other persons performing the same or similar service in the same or other areas.

7.04.340 Rates—Preferences prohibited.

A. No franchise holder subject to rate regulation under this chapter shall give any rate preference to any person, locality or type of waste or solid waste, collected, stored, transported or disposed.

B. Nothing in this section is intended to prevent:

1. The reasonable establishment of uniform classes of rates based upon length of haul, type of waste or solid waste collected, stored, transported or disposed of or the number, type and location of customers served, or upon other factors so long as such rates are reasonably based upon costs of the particular service and are approved by the Board in the same manner as other rates;
2. Any person from volunteering service at reduced costs for a charitable, community, civic or benevolent purpose.

7.04.342 Responsibility for payment of charges.

The provisions of solid waste collection service to residential tenants is declared to be a benefit and service to the owners of such property, as well as the tenants. Any person who receives service shall be responsible for payment for such service. The landlord of any premises shall be

responsible for payment for service provided to that premises if the tenant fails to pay for the service.

7.04.344 Recycling.

- A. All holders of franchises shall offer to provide either on-route collection or a drop off depot for source separated recyclable material from all customers consistent with the service standards established within the County's Solid Waste and Recycling Administrative Rules. This service shall include, but not be limited to, each of the materials required to be collected by Oregon Administrative Rules, together with any other materials which may be designated by the Department of Environmental Quality and as agreed on between the applicant and County to cover materials that provide for a maximum diversion from landfill and are recyclable based on available end-markets.
- B. Each holder of a franchise shall provide notices to its customers that comply with all applicable requirements of the County's Solid Waste and Recycling Administrative Rules as well as all applicable Oregon Administrative Rules.

7.04.350 Franchise fees—Amount.

The Board shall collect, in the manner and at times hereinafter provided, from the holder of any franchise, an annual fee equal to five percent of the gross receipts from the area defined in said franchise.

7.04.360 Franchise fees—Collection.

The annual fee shall be computed and collected at least on a quarterly basis, the quarterly periods to consist of the periods ending March 31st, June 30th, September 30th and December 31st. The fee shall be paid by the franchise holder not later than the last day of the month immediately following the end of the quarter.

7.04.370 Franchise fees—Records maintenance.

Every franchise holder shall maintain complete and accurate records as defined within the County's Solid Waste and Recycling Administrative Rules disclosing the gross receipts for services rendered for compensation pursuant to this chapter. All applicable books and records shall be open at reasonable times and places for review by authorized personnel of the County.

7.04.380 Franchise fees—Receipts misrepresentation unlawful.

Misrepresentation of gross receipts by an applicant or franchise holder as disclosed by review, shall constitute cause for denial or revocation of franchise, pursuant to Sections 7.04.290 through 7.04.310.

7.04.400 Conformity with law.

This chapter, all amendments made thereto, and all rules and regulations adopted by the Board pursuant thereto shall be in no way a substitute for, nor in any way eliminate the necessity of conforming with all valid federal and state statutes or laws or any rules or regulations adopted

pursuant thereto, nor any ordinance enacted by the County or rule or regulation adopted pursuant to such ordinance. The provisions of this shall be construed to be an addition to the requirements imposed by all such statutes, laws, ordinances, rules or regulations.

7.04.410 Review of board action.

All decisions of the Board under this chapter shall be reviewable by the Circuit Court of the state of Oregon for the County under the provisions of ORS 34.010—34.100 which shall be the sole and exclusive remedy for reviewing any and all actions of the Board under this chapter.

