



# CLATSOP COUNTY

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

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Wednesday, March 08, 2023

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### BOARD OF COMMISSIONERS:

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

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Join the meeting from your computer, tablet or smartphone ([Zoom link](#))

You can also dial in using your phone.  
1-253-215-8782

Meeting ID: 503 325 1000  
Passcode: 384761

### Public Testimony

You must register in advance if you want to provide testimony virtually on public hearings or speak at the designated time. There are three ways to do this: On our website at [public comment](#), emailing [commissioners@co.clatsop.or.us](mailto:commissioners@co.clatsop.or.us) or by calling 503-325-1000. Once registered, we will notify you when it is your opportunity to speak for a two-minute comment. You also may submit written comments which will be provided to the Board and submitted into the record.

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### 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.*

Discuss Formal Agenda

### TOPICS:

- [1.](#) Legislative Update {30 min} {Page 3}
- [2.](#) LAWDUC Amendments-Parking Standards Update {15 min} {Page 24}

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### REGULAR MEETING: 6:00 PM

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

**FLAG SALUTE**

**ROLL CALL**

**AGENDA APPROVAL**

**RECOGNITION**

## **PROCLAMATION**

- [3.](#) American Red Cross Month Proclamation {Page 52}

**BUSINESS FROM THE PUBLIC** – *Individuals wishing to provide oral communication at the designated time must register in advance by calling 503-325-1000 or email commissioners@co.clatsop.or.us by 3 p.m. on the day of the meeting.*

## **CONSENT CALENDAR**

- [4.](#) Approve the 2022-23 Budget and Appropriation Adjustment {Page 55}
- [5.](#) Declaration of Surplus Property {Page 58}
- [6.](#) IGA Amendment #12 with Oregon Health Authority (OHA) for the Biennium July 1, 2021 through June 30, 2023 {Page 60}
- [7.](#) Agreement with IZO Inc (IZO) for the Biennium July 1, 2021 through June 30, 2023 {Page 98}
- [8.](#) Board of Commissioners Meeting Minutes 2-8-23 {Page 125}

## **COMMISSIONER'S LIAISON REPORTS**

## **COUNTY MANAGER'S REPORT**

## **BUSINESS AGENDA**

- [9.](#) Project Turnkey 2.0 {Page 130}

## **PUBLIC HEARINGS**

- [10.](#) Ordinance 23-04: LAWDUC Amendments Child Care Facilities {Page 132}
- [11.](#) Rural Accessory Dwelling Unit Regulations Amendments {Page 194}
- [12.](#) Ordinance 23-05 Ending Moratorium on Short Term Rental Licenses – Second Reading {Page 222}

## **GOOD OF THE ORDER**

## **ADJOURNMENT**

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

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Agenda packets also available online at [www.co.clatsop.or.us](http://www.co.clatsop.or.us)

**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

March 8, 2023

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**Topic:** Legislative Update

**Presented By:** PAC/West Lobby Group Team:  
Ryan Tribbett (President), Phillip Scheuers (VP / Account Manager), and  
Whitley Sullivan (Director of Rural Development and Housing / Account  
Manager)

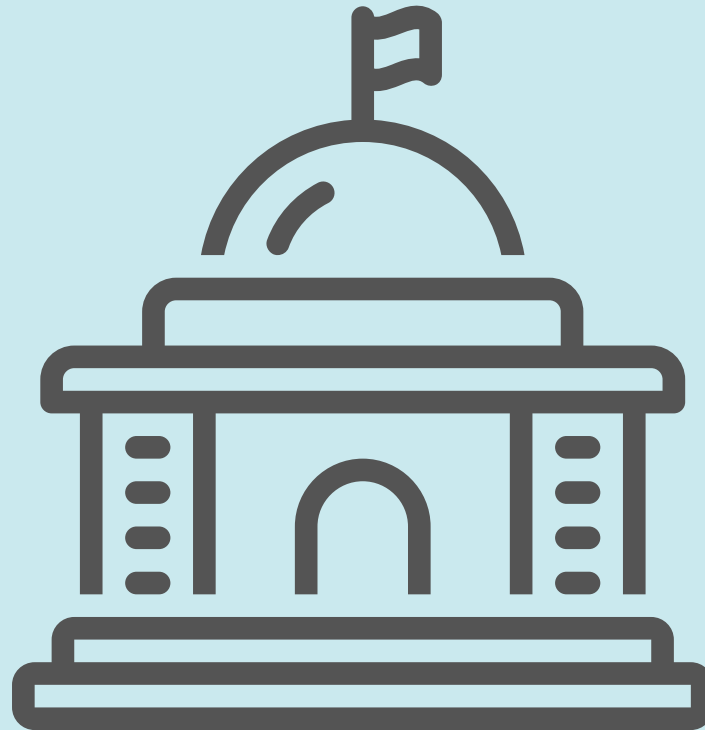
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**Informational Summary:** PAC/West's legislative update will consist of:

- March 2023 [Oregon Economic and Revenue Forecast](#) Highlights
- Legislative Session Highlights
- Clatsop County Priorities

### Attachment List

- A. March 2023 Legislative Update (County priorities)
- B. 2023 Legislative Session Work Plan



# LEGISLATIVE UPDATE

March 2023



# Top Interim Priority

Support **sustainable funding solutions** to address the projected **impacts of the Western Oregon State Forest Habitat Conservation Plan (HCP)** on local governments, offsetting the financial loss.

## COUNTY EFFORTS

### Letters from County Officials

- To National Marine Fisheries Service & Oregon Dept. of Fish & Wildlife (5/26/22)
- To Oregon Dept. of Forestry (11/28/22)
- To Oregon Board of Forestry (2/14/23)

### Testimony

[SB 795](#) - Conveyance of certain state forest lands to counties

- [Public hearing](#) on 2/27 at 8 A.M.
  - A [letter of support](#) was submitted as written testimony on behalf of the undersigned members of the Board
  - Comm. Thompson provide in-person testimony

[SB 90](#) - Task force to develop recommendations on state forest management

- Commissioner Wev intends to testify when a public hearing is scheduled.

[HB 5020](#) - General fund appropriations to Oregon Department of Forestry

- Informational meetings on [2/28](#) and [3/1](#) at 1 P.M.
- [Public hearing](#) on 3/2 at 1 P.M.

### Other Related Bills/Legislative Concepts

[HB 3025](#) - Imposes severance tax

- Under review



### [HB 5020](#)

- Joint Committee on Ways and Means Subcommittee on Natural Resources
- Coordinating questions for members to ask Dept. of Forestry on the record during budget discussions (informational meetings)

### [Rick Metsger](#) (Pac/West)

- Vice President of Legislative & Public Affairs
- Pac/West's lead on Forestry

# Top Interim Priority

Support amendment to the 70/30 **Transient Lodging Tax** split between "tourism promotion" and "discretionary" use.

Increase the discretionary allocation to allow local governments to respond to the local impacts of tourism, including law enforcement, housing, and other infrastructure needs as determined by the local governing body.

## COUNTY EFFORTS

### Fiscal Impact of Tourism Analysis

- ECONW met with County staff on Sept. 22 to begin this work.
- County staff are currently reviewing a draft memo of ECONW's findings.
- A finalized memo will be provided to the Board in March.

### Related Bills/Legislative Concepts

LC (# pending) - Increases percentage of TLT revenue allocated for discretionary use

- Developed by the County and Pac/West



- Pending ECONW report (for next steps)
- Potential hearing on topic in Ways and Means if report lands well with Co-Chairs of the subcommittee.

# Secondary Interim Priority

Support **expansion of building code to provide for resident safety in recreational vehicles** used for temporary or permanent housing, as well as the safety of residents in the surrounding neighborhood.

## COUNTY EFFORTS

County staff and Pac/West are working to identify bills related to energy efficiency standards (and other relevant bills) that may provide the opportunity to address these safety concerns.

### Related Bills/Legislative Concepts

LC 1841 - Abandoned Recreational Vehicle Disposal Revolving Account

[HB 2634](#) - Defines "recreational vehicle park" for the purposes of residential tenancy law.

- [Public hearing held](#) on 2/9



### Context:

- RVs aren't technically allowed as primary residences.
  - Many natural disaster relief funds won't reimburse for this reason.
- With the housing crisis, there is no political will to enforce and very difficult to enforce.
- No State building codes for RVs, only national standards.

### [SB 1013](#) (introduced on 2/22)

- Requires counties to allow certain rural homeowners to site one recreational vehicle on their property.
- Opportunity to add safety provisions

### Possible Solutions:

- DLCD/BCD partnership for inspections on RV properties
- Updates on local codes within city limits
- Grant program for updating efficiency standards for RVs and/or low or no-interest loans for replacement/repairs
- Work through County building codes, adopting a nuisance enforcement program (costly)

# Secondary Interim Priority

Support **adequate funding for rural social services infrastructure** that is sufficient to site, staff and support quality local programs and services, such as sober housing, crisis intervention and secure crisis beds.

## COUNTY EFFORTS

### Child Care

[SB 535](#) - Option for child care workers to attribute tax refund to credit in ORSP

- Developed by Vice-Chair Bangs in partnership with Sen. Weber and other child care stakeholders

### Crisis Intervention

[HB 2757](#) - Funding for coordinated crisis services system, including 9-8-8 hotline

- Under review (concerns about additional telecom tax)

### Housing & Homelessness

County and Pac/West drafted language for allocating funds to rural counties to address local housing needs and are reviewing related bills that could this concept in an amendment

### Veteran Services

[HB 2147](#) - County ensuring interment of unclaimed human remains of veterans

- Continued conversations with County and bill sponsor Rep. Goodwin

### [HB 5019](#)

- Homeless & Housing Financial Package (details TBD)

### [HB 3138](#)

- \$30 million for housing for communities under 50,000 residents

### [SB 332](#)

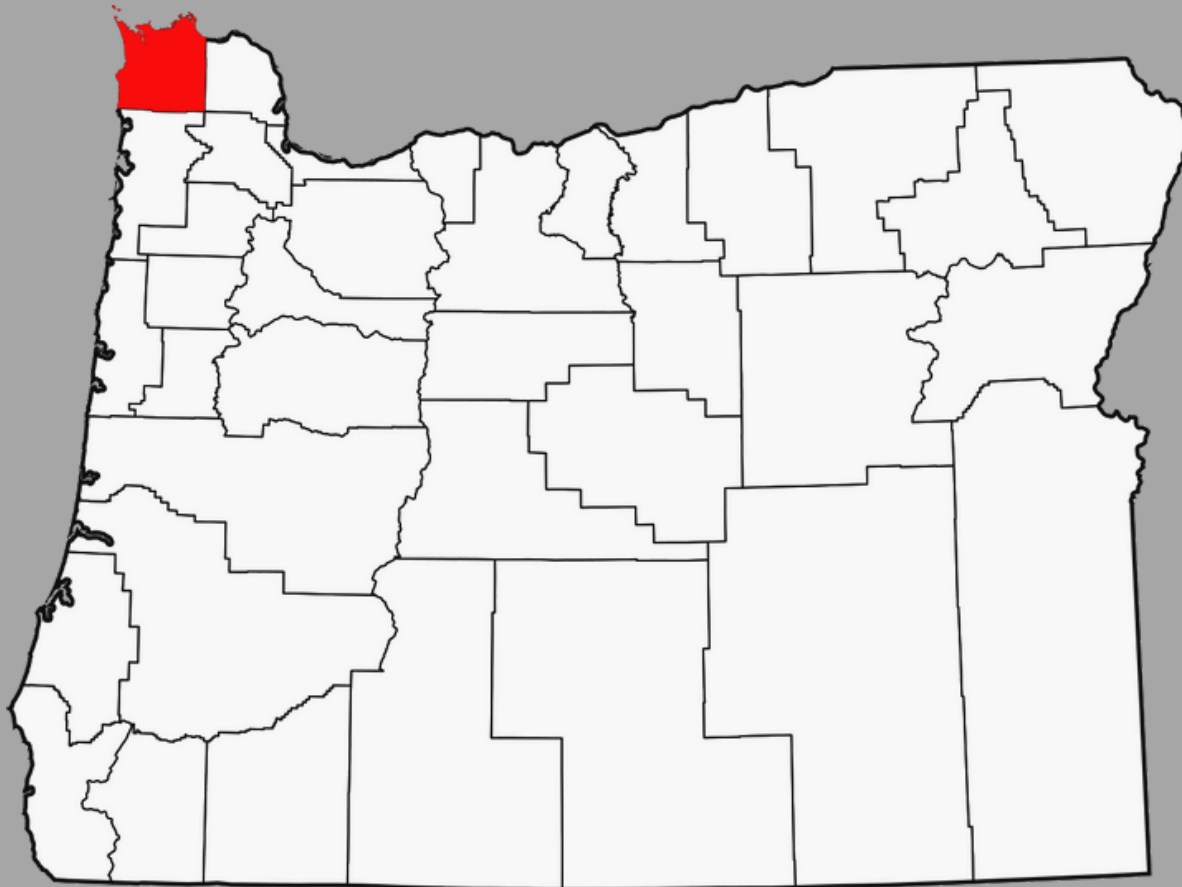
- Requires Oregon Health Authority to study access to behavioral health treatment in rural and medically underserved areas of the State

### [SB 390](#)

- Requires Oregon Health Authority to study availability of mental health treatment in rural areas of Oregon

# CLATSOP COUNTY'S **2023 LEGISLATIVE SESSION WORK PLAN**

*JANUARY 2023 - JUNE 2023*



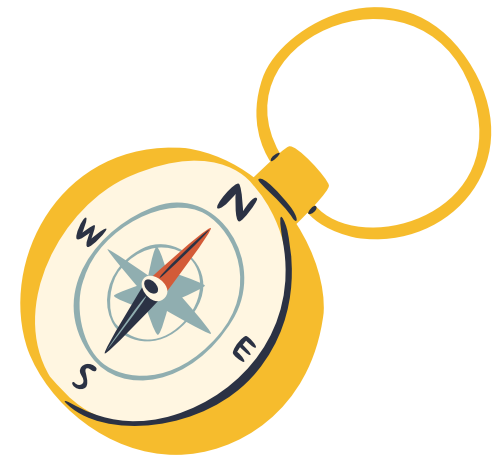
# Overview

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This work plan serves as a **guiding document** for Clatsop County's current efforts with Pac/West Lobby Group, as they advocate for the needs and priorities of the County during the Oregon Legislature's **2023 Session**.

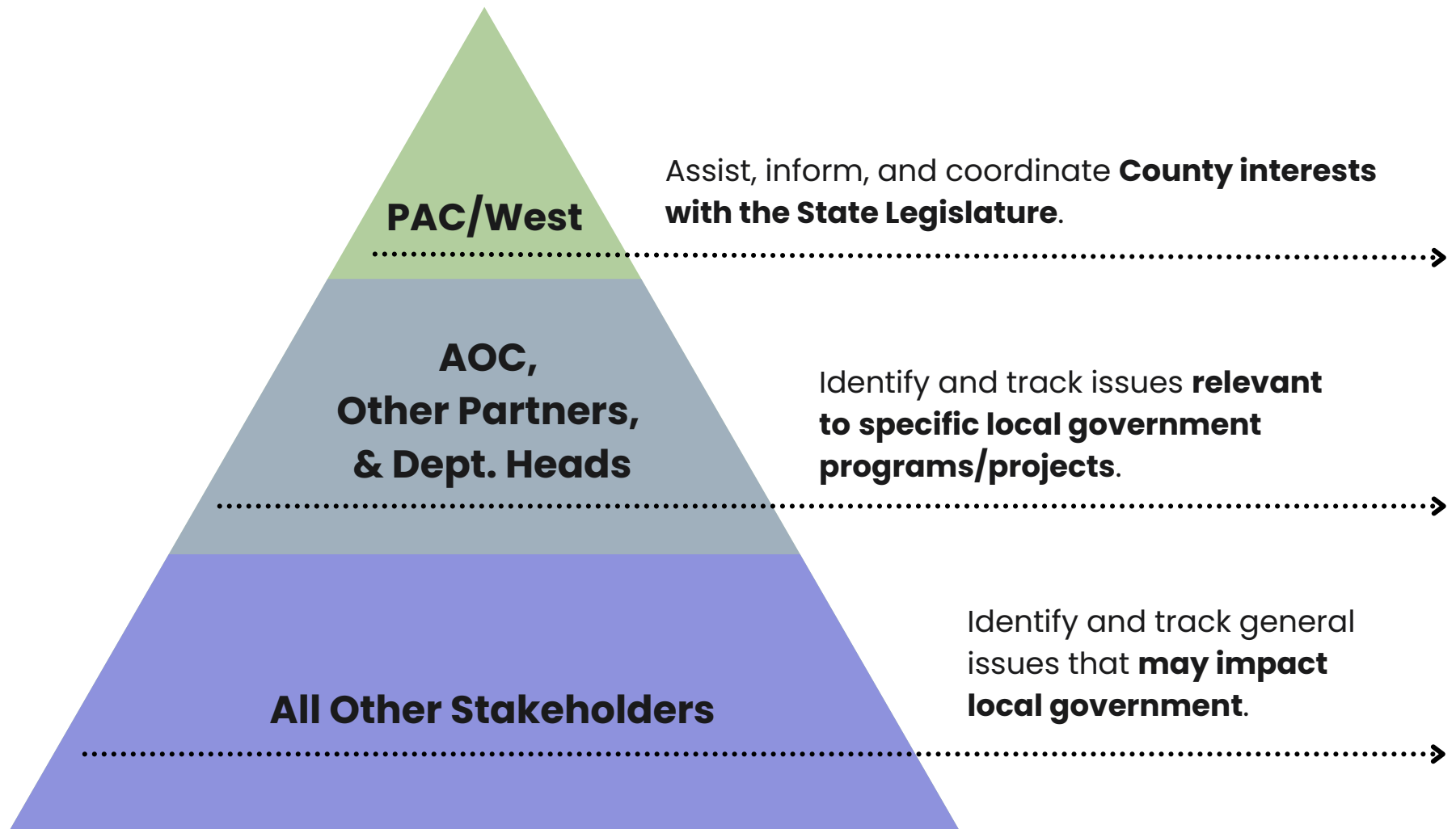
It is a **living document** that will continue to evolve as needed.

- 03 Policy Tracking Roles
- 04 Oregon Legislature's 2023 Session Calendar
- 07 Legislative Updates
- 09 Legislative Guide
  - Overarching Goals*
  - General Priorities*
  - Top Priorities*
  - Secondary Priorities*
  - Ongoing Priorities (by Focus Area)*
- 15 FY 22-23 Strategic Plan Priorities



# Clatsop County's Policy Tracking Roles

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# OR Legislature's 2023 Session Calendar

<b>Organizational Days</b>	Members swearing in; organization; and first reading of pre-session filed bills
<b>Training Days</b>	Member and staff trainings
<b>Legislative Counsel Deadlines</b>	Deadlines for bills to be requested, returned by LC, and introduced. After these deadlines, subsequent drafts and intros count against per legislator limits. See SR 13.15(2); HR 12.35
<b>State Holiday</b>	Holiday
<b>Important Session Dates</b>	Deadlines do not apply to Rules, Revenue, or Joint Committees. Joint Transportation and Joint Gambling Regulation adhere to the second chamber deadline only.
<b>Floor Sessions</b>	Senate and House floor sessions will be announced by the Senate President or House Speaker. Daily floor sessions begin on Monday, March 6th, 2023.

JANUARY						
S	M	T	W	T	F	S
1	2 New Years Day Obs.	3	4	5	6	7
8	9 Org. Days - Swearing in	10 Trainings	11 Trainings	12 Trainings	13 LC Draft Request Deadline	14
15	16 MLK Day	17 Session Begins	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

FEBRUARY						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17 LC returns drafts	18
19	20 President's Day	21 Measure Intro Deadline	22 Revenue Forecast	23	24	25
26	27	28				



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MARCH						
S	M	T	W	T	F	S
			1	2	3	4
5	6 Begin Daily Floor	7	8	9	10	11
12	13	14	15	16	17 Post Work Session	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

APRIL						
S	M	T	W	T	F	S
						1
2	3	4 1st Chamber WS Deadline	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23/30	24	25	26	27	28	29

**\*\*Click on the calendar to see a larger view.\*\***

# OR Legislature's 2023 Session Calendar

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MAY						
S	M	T	W	T	F	S
	1	2	3	4	5 Post work session	6
7	8	9	10	11	12	13
14	15	16	17 Revenue Forecast	18	19 2nd Chamber WS	20
21	22	23	24	25	26	27
28	29 Mem. Day	30	31			

JUNE						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15 Target Sine Die	16	17
18	19 Juneteenth Holiday	20	21	22	23	24
25 Constitutional Sine Die	26	27	28	29	30	

**\*\*Click on the calendar to see a larger view.\*\***

# Legislative Updates

## BOARD WORK SESSIONS (PAC/WEST PRESENTATION)

January 11, 2023 @ 5 p.m.

- General Election (November 8th)
- Revenue Forecast (November 16th)
- Legislative Days (December 5th–9th)
- Review of legislative timeline for 2023 Session
- Update on County's 2023 legislative priorities

March 8, 2023 @ 5 p.m.

- Revenue Forecast (February 22nd)
- Update on Legislative Session & County Priorities

May 24, 2023 @ 5 p.m.

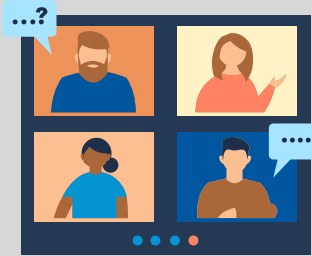
- Revenue Forecast (May 17th)
- Update on Legislative Session & County Priorities

July 19, 2023 @ 10 a.m.

- Update on End of Legislative Session & County Priorities



## MONTHLY CHECK-INS



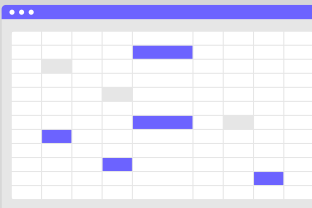
Each month (January–June 2023) **PAC/West meets with staff from the County Manager's Office** to discuss progress made toward interim priorities, new developments, and next steps.

## LEGISLATIVE UPDATES



In coordination with PAC/West's presentations to the Board and as needed, **County Commissioners and department heads will receive legislative update reports.** These reports will highlight the County and PAC/West's current progress and activities related to each legislative priority.

## 2023 SESSION TRACKER



The 2023 Session Tracker is a Google spreadsheet that will house **information on all 2023 legislative concepts and bills that are of interest to the County.** As new information becomes available, County staff will work with Pac/West to update the live spreadsheet, allowing Commissioners, County Manager's Office staff, and department heads to **track legislative items in real time.**

# Legislative Guide

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## OVERARCHING GOALS

- **Support and defend** existing local authority.
- Support maintaining and, in certain circumstances, **enhancing funding of programs** which rely on State revenue sources.
- Support **collaborative efforts** and the application of **best practices** and **evidence-based programs**.
- Support legislation that **balances economic interests and growth** with a healthy and **sustainable environment**.
- **Oppose** unfunded mandates.

## GENERAL PRIORITIES

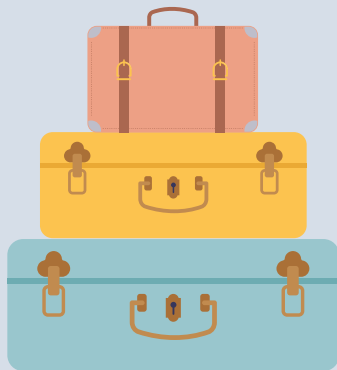
- Inform the Board of Commissioners, other elected officials, and staff of **pending legislation** and **provide analysis** and recommendations.
- Provide information to legislators regarding **issues that may impact the County**.
- Serve as an **active participant** with other local governments, the AOC, and regional agencies, on legislative/regulatory issues that are **important to the County** and the region.

# TOP PRIORITIES

## Transient Lodging Tax

Support amendment to the 70/30 **Transient Lodging Tax** split between "tourism promotion" and "discretionary" use.

**Increase the discretionary allocation** to allow local governments to respond to the local impacts of tourism, including law enforcement, housing, and other infrastructure needs as determined by the local governing body.



## Habitat Conservation Plan

Support **sustainable funding solutions** to address the projected **impacts of the Western Oregon State Forest Habitat Conservation Plan (HCP)** on local governments, offsetting the financial loss.



## SECONDARY PRIORITIES

### Recreational Vehicles (Resident Safety)

Support **expansion of building code to provide for resident safety in recreational vehicles** used for temporary or permanent housing, as well as the safety of residents in the surrounding neighborhood.



### Rural Social Services Infrastructure

Support **adequate funding for rural social services infrastructure** that is sufficient to site, staff and support quality local programs and services, such as sober housing, crisis intervention and secure crisis beds.



# ONGOING PRIORITIES BY FOCUS AREA

## Governance

- **Adequate and sustainable funding** for **parole and probation services** provided by the County on behalf of the State.

## Infrastructure

- Support programs with the goal of **ending chronic homelessness** among veterans, persons with disabilities, people with behavioral health diagnosis, families with children, and youth, such as Housing First, Supportive Housing, and Emergency Housing.
- Identify and secure funding that supports the **creation and maintenance of affordable housing**, including supportive, transitional, workforce and others.
- Support Accessory Dwelling Units (**ADUs**) in **rural residential areas**.
- Support funding for **Emergency Communication Systems**.
- Support **alternate/evacuation routes and trails** for the North Coast.
- Support funding solutions for **safe roads and bridges**.
- Support funding that allows residents to choose **alternate forms of transportation**, such as bicycle paths and enhanced public transit.
- Support funding solutions that **expand transit options for tourist traffic**.



## Economic Development

- Support **agri-business and advanced wood products manufacturing**, such as cross laminated timber (CLT).
- Support funding and programs that **promote and encourage small farms**.
- Support increased funding and incentives for **local preservation** and promotion of **historic sites and structures**.

## Environmental Quality

- Support funding of **environmental studies** to provide valid and reliable baseline information related to **water supply and quality, air quality** and other topics as informed by the County Comprehensive Plan.
- Support funding for **wildfire prevention and mitigation**.
- Support funding for **wetland delineation and mitigation**.
- Support funding/programs that **address fisheries**.
- Support funding /programs to **replace failing septic systems**.

## Social Services

- Identify programs, services and funding to support quality, affordable and **adequate/accessible child care options**.
- Support funding for equitable **evidence-based prevention programs** that target behaviors to improve health and reduce health disparities.
- **Maintain current levels of authority and accountability** for all health and human services programs (such as Local Public Health Authority).
- Support stable funding to **maintain community-based services** for individuals with intellectual and development disabilities.
- Support multi-agency partnership and goals established to **reduce veteran homelessness** and **increase veteran services**.

# FY 22–23 Strategic Plan Priorities

## GOVERNANCE

### TIER 1

- County-wide Communications & Engagement Plan (Internal/External)
- County Operations Sustainability Plan

### TIER 3

- Equity Plan for Access to Services

## INFRASTRUCTURE

### TIER 1

- Consolidated Emergency Communications
- Tide Gates & Levees

### TIER 2

- Carrying Capacity Analysis

## ECONOMIC DEVELOPMENT

### TIER 1

- Economic Development Strategies

### TIER 2

- Increase Workforce Housing Inventory

### TIER 3

- Economic Development Training for County Commissioners

## ENVIRONMENTAL QUALITY

### TIER 1

- Water Quality & Needs Assessments

### TIER 2

- Proper Dumping of Septage
- County Wetland Bank Creation

### TIER 3

- Subduction Event Preparation

## SOCIAL SERVICES

### TIER 1

- Child Care
- Homelessness Initiatives & Actions
- Crisis Stabilization Center

# Board of Commissioners Clatsop County

## WORK SESSION AGENDA ITEM SUMMARY

March 8, 2023

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**Topic:** LAWDUC Amendments, Parking Standards Update  
**Presented By:** Jason Pollack, Planner  
Gail Henrikson, Community Development Director

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### Informational Summary:

#### PROJECT OVERVIEW

The County's parking standards were last updated in 2010. The purpose of updating the parking standard is to ensure requirements are consistent with peer jurisdictions, industry standards, and projects within unincorporated Clatsop County.

In drafting the proposed code updates, staff reviewed the Institute of Transportation Engineers (ITE) Parking Generation Manual, 5<sup>th</sup> Edition, 2019, the current County parking requirements, and parking standards of neighboring jurisdictions, including adjacent counties and cities. The ITE Parking Generation Manual provides average parking rates for a wide variety of uses based upon building floor area, seating, employees, peak hours of operation and other criteria. The information is based on parking generation studies submitted voluntarily to ITE by public agencies, developers, consulting firms, student chapters, and associations.

#### Proposed parking updates include:

- Reducing the burden of parking on proposed projects
- Aligning the parking requirements with projects typically found in rural Clatsop County
- New definitions to clarify the type of development and use
- Utilizing new language or terms adopted by Oregon Revised Statutes (ORS)
- Establishing parking standards for new types of uses, such as drive-thru coffee kiosks

#### PLANNING COMMISSION

On February 14, 2023 the Parking Standards Update was taken to a Planning Commission Work Session for discussion.

The following was discussed:

- Placing Animal Hospital/Vet Clinic with other medical uses.
- Clarification about the county's requirement for paved parking.  
At this time the code states, that a durable/dustless surface shall be used or be graveled, per Section 3.0100(5)(A). Clatsop County does not require a paved parking lot.
- The desire to reduce parking requirements to support development.

**SUMMARY OF PROPOSED AMENDMENTS**

- \*\*\* Indicates that non-revised language was not included. Used for document brevity.
- **Double-underlined** text indicates new language proposed to be added
- **~~Strikethrough~~** text indicates text that is proposed for deletion

**Attachment List:**

- A. Parking Standards Updates (clean format)
- B. Parking Standards (strikethrough format)
- C. New Definitions

# EXHIBIT A

## *Parking Standards Amendments (Strikethrough/Underline Format)*

**Section 3.0060. Minimum Off-Street Parking Space Requirements.**

Any uses described herein may provide up to 30% of the required number of parking spaces, except ADA-required spaces, as compact spaces, measuring no less than ~~seven~~ 7 feet wide by ~~eighteen~~ 15 feet long. Compact spaces shall be clearly marked accordingly. The minimum off-street parking space requirements are as follows:

**(1) Residential type of development and number of parking spaces.**

KSF: 1,000 Square Feet

GHFA: Gross Habitable Floor Area

GLA: Gross Leasable Area

Accessory Dwelling Unit	<u>0</u> <del>(1)</del> spaces per dwelling unit.
Single Family Dwelling	<del>(2)</del> per dwelling unit
<u>Affordable Housing</u>	<u>1 space per dwelling unit.</u>
<del>Mobile Manufactured</del> Home Park	1 per mobile home site, plus 1 per site for guest parking at a convenient location.
Multi-Family Dwelling	<u>1 space per dwelling unit.</u> <del>(3 per 2)</del> dwelling units
<del>Sorority, fraternity or dorm</del>	<del>(1 per 2) occupants</del>
<del>Residential hotel, rooming or boarding house or club</del>	<del>(2 per 3) guest rooms</del>
Hotel or motel	<del>(1.25) per guest room or suite plus 10 per ksf<sup>1</sup> restaurant/lounge, plus 30 per ksf meeting/banquet room (&lt;50 ksf per guest room) or 20 per ksf meeting/banquet room (&gt;50 ksf per guest room).</del>
Planned Development	<del>As requested for each proposal. In addition to the requirements for dwelling units, (1 per 2) units for guest parking at a convenient location</del>
<del>Mobile home park</del>	<del>(1) per mobile home site, plus (1 per site) for guest parking at a convenient location</del>
<del>Planned development</del>	<del>In addition to the requirements for dwelling units, (1 per 2) units for guest parking at a convenient location</del>
Single Family Dwelling	2 per dwelling unit.
<u>Transient Lodging</u>	<u>1 space per guest room, plus 1 space per 2 employees.</u>

**(2) Commercial type of development and number of parking spaces.**

KSF: 1,000 Square Feet

GHFA: Gross Habitable Floor Area

GLA: Gross Leasable Area

<u>Auto, Boat, Trailer, RV sales</u>	<u>2.7 spaces per ksf GHFA interior sales area, 1.5 spaces per service bay.</u>
<u>Automobile Service Station</u>	<u>2 spaces per service bay.</u>
<u>Convenience Store, with Gas Pumps</u>	<u>8 spaces per ksf GHFA</u>
General Retail or Personal Service	3 spaces per ksf GHFA <del>3.5 per ksf GFA<sup>2</sup></del>
<del>Retail or Discount Grocery, Discount Superstores or Clubs (freestanding)</del>	<del>6-0</del> <u>5 spaces per ksf GHFA</u>

<sup>1</sup> KSF: 1,000 Square Feet ~~KSF: 1000 Square Feet~~<sup>2</sup> ~~GFA: Gross Floor Area~~ GFA: Ground Gross Floor Area

<u>Health/Fitness Club</u>	4.5 spaces per ksf GHFA
Home Improvement Superstores	5.0 spaces per ksf GHFA
<del>Other Heavy/Hard Goods (Furniture, appliances, Building Materials, Etc.)</del>	3.0 per ksf GFA
Shopping Centers	4.0 per ksf GLA <sup>3</sup> up to 400 ksf; 4.0 to 4.5 per ksf GLA sliding scale between 400 and 600 ksf; 4.5 per ksf GLA over 600 ksf
Auto, boat or trailer sales, or nursery	2.7 per ksf GFA interior sales area, plus 1.5 per ksf GFA interior or storage/display area, plus 2 per service bay
Coin-operated Laundries	1 per 2 washing and drying machines
Barber shop or beauty parlor	(1 per 100) sq.ft. floor area
<b>Food &amp; Beverage</b>	
Fine Dining	21.5 per ksf GFA
Casual Restaurant (w/Bar)	0.45 spaces per seat, plus 1 space per employee on largest shift. 22.5 per ksf GFA
Family Restaurant (w/out Bar)	16.0 per ksf GFA
Fast Food	15.0 per ksf GFA
<u>Coffee Kiosk</u>	2 spaces. Drive-thru coffee kiosks are not intended for onsite consumption of products. Two spaces would allow for an ADA accessible space and space for the employee or manager.
Fast Food, with Drive-Thru	0.34 spaces per seat
Fast Food, without Drive-Thru	0.5 spaces per seat
<u>Fine Dining</u>	0.5 spaces per seat, plus 1 space per employee on largest shift
Winery	15 spaces per ksf GHFA in tasting room.
<b>Entertainment</b>	
<u>Event Center, Racetrack, Recreation Complex, Stadium, Theater, or similar use</u>	0.4 spaces per seat
<del>Theater, gymnasium, racetrack, stadium or similar use</del>	.4 per seat
Amusement park	(1 per 1,000) sq.ft. floor area plus (1 per 2) employees
<b>Professional/Medical</b>	
<u>Animal Hospital/Veterinary Clinic</u>	3 spaces per ksf for GHFA
General Business Offices	3.6 per ksf for GFA ≥ 250 ksf
Bank Branch w/ Drive In	5.5 per ksf GFA
Data Processing/ Telemarketing	6.0 per ksf GFA
Medical or dental offices	4.5 per ksf GFA
Clinic (medical offices w/ outpatient treatment; no overnight stays)	4 spaces per ksf GHFA 5.5 per ksf GFA
<u>General Office</u>	3 spaces per ksf for GHFA 3.6 per ksf for GFA < 250 ksf
<u>Financial Institution</u> Bank Branch w/ Drive In	3.5 spaces per ksf GHFA 5.5 per ksf GFA
Medical or Dental Office Medical or dental offices	3.5 spaces per ksf GHFA 4.5 per ksf GFA
Clinic (medical offices w/ outpatient treatment; no overnight stays)	5.5 per ksf GFA

<sup>3</sup> GLA: Gross Leasable Area



- (3) **Institutional, public and quasi-public type of development and number of parking spaces.**  
 KSF: 1,000 Square Feet  
 GHFA: Gross Habitable Floor Area  
 GLA: Gross Leasable Area

<u>Child Care Center</u>	<u>Exempt from off-street parking requirements</u>
<u>Congregate Care Facility</u>	<u>0.3 spaces per dwelling unit</u>
<u>Child care center or kindergarten</u>	<u>.35 per person (licensed capacity)</u>
<u>Elementary, Middle, and High Schools and Secondary Schools</u>	<u>0.35 spaces per student</u>
<u>College and University</u>	<u>Determined by parking study specific to subject institution.</u>
<u>Church, chapel, mortuary, auditorium</u>	<u>.6 per seat</u>
<u>Elderly Housing, Independent Living</u>	<u>.6 per dwelling unit</u>
<u>Elderly Housing, Assisted Living</u>	<u>.4 per dwelling unit</u>
<u>Family Child Care Home</u>	<u>0 additional spaces beyond 2 spaces required for single-family dwelling</u>
<u>Golf Course</u>	<u>8 per hole</u>
<u>Hospital</u>	<u>3 spaces per 1,000 ksf GHFA</u>
<u>Elderly Housing, Independent Living</u>	<u>.6 per dwelling unit</u>
<u>Institutions of Higher Education</u>	<u>Determined by parking study specific to subject institution.</u>
<u>Religious Institution or Assembly</u>	<u>0.5 spaces per seat</u>
<u>Marina</u>	<u>0.5 space per berth</u>
<u>Nursing or convalescent Home</u>	<u>1 space per room 3 beds</u>
<u>Hospital</u>	<u>.4 per employee, plus 1 per 3 beds, plus 1 per 5 average daily outpatient treatments, plus 1 per 4 medical staff, plus 1 per student/faculty/staff</u>
<u>Senior Housing, Assisted Living</u>	<u>0.4 spaces per dwelling unit</u>
<u>Golf course</u>	<u>(8) per hole</u>

- (4) **Industrial type of development and number of parking spaces.**  
 KSF: 1,000 Square Feet  
 GHFA: Gross Habitable Floor Area  
 GLA: Gross Leasable Area

<u>Heavy Industrial</u>	<u>1 space per ksf GHFA</u>
<u>Industrial / Storage / Wholesale Utility</u>	<u>2 per ksf GFA</u>
<u>Manufacturing / Light Industrial (single-use)</u>	<u>1.5 per ksf</u>
<u>Industrial Park (multitenant or mix of service, warehouse)</u>	<u>1.2 spaces per ksf GHFA 2 per ksf</u>
<u>Light Industrial</u>	<u>1 space per ksf GHFA 1.5 per ksf</u>
<u>Warehouse</u>	<u>.7 per ksf GFA</u>
<u>Mini Warehouse Storage</u>	<u>0.25 spaces per ksf GHFA</u>
<u>Specialty Trade Contractor or General Contractor</u>	<u>1.75 spaces per ksf of gross leasable floor area.</u>
<u>Trucking Terminal Air, rail or trucking freight terminal</u>	<u>1 space per employee on largest shift</u>
<u>Utility</u>	<u>2 spaces per ksf GHFA</u>
<u>Warehouse</u>	<u>0.5 spaces per ksf GHFA .7 per ksf GFA</u>

- (5) Requirements for building or development not specifically listed herein shall be determined by the Community Development Director based upon the requirements of comparable uses listed.
- (6) Any uses described herein may provide up to 30% of the required number of parking spaces, except ADA-required spaces, as compact spaces, measuring no less than 7 feet ~~5 inches~~ wide by 15 feet long. Compact spaces shall be clearly marked accordingly.
- (7) The number of minimum required parking spaces may be reduced by up to 10% if:
  - (A) The proposal is located within a ¼ mile of an existing or planned transit route, and;
  - (B) Transit-related amenities such as transit stops, pull-outs, shelters, park-and-ride lots, transit-oriented development, and transit service on an adjacent street are present or will be provided by the applicant, or,
  - (C) Site has dedicated parking spaces for motorcycles.

#### **Section 3.0070. Off-Street Parking Restrictions.**

- (1) Parking spaces in a public street, including an alley, shall not be eligible as fulfilling any part of the parking requirements.
- (2) Required parking facilities may be located on an adjacent parcel of land or separated only by an alley, provided the adjacent parcel is maintained in the same ownership as the use it is required to serve.
- (3) Except for industrial uses, required parking shall not be located in a required front or side yard setback area abutting a public street, unless there is a ~~five(5)~~ 5 foot-wide sidewalk in accordance with County standards, and a ~~five(5)~~ 5 foot-wide landscaped buffer separating the parking from on street traffic.
- (4) Required parking facilities of two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that it can be shown by the owners or operators that the need for the facilities does not materially overlap (e.g. uses primarily of a daytime vs. nighttime nature) and provided that such right of joint use is evidenced by a deed, lease, contract, or similar written instrument establishing such joint use.
- (5) Required parking shall be available for parking of operable passenger vehicles of residents, customers and employees only, and shall not be used for the storage or display of vehicles or materials.

#### **Section 3.0080. Off-Street Parking Plan.**

A plan indicating how the off-street parking and loading requirement is to be fulfilled, shall accompany the application for a development permit. The plan shall show all those elements necessary to indicate that these requirements are being fulfilled and shall include but not be limited to:

- (1) Delineation of individual parking spaces.
- (2) Circulation area necessary to serve spaces.
- (3) Access to streets, alleys, and properties to be served.
- (4) Curb cuts.
- (5) Dimensions, continuity and substance of screening.
- (6) Grading, drainage, surfacing and subgrading details.
- (7) Delineations of all structures or other obstacles to parking and circulation on the site.
- (8) Specifications as to signs and bumper guards.
- (9) Pedestrian access ways.

#### **Section 3.0090. Off-Street Parking Construction.**

Required parking spaces shall be improved and available for use at the time of final building inspection.

#### **Section 3.0100. Design Requirements for Off-Street Parking.**

Parking spaces shall be a minimum of 9 feet by 19 feet in size. Driveways and turnarounds providing access to parking areas shall conform to the following provisions:

- (1) Except for a single or two family dwelling, groups of more than three parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles may enter the street in a forward manner.
- (2) Except for a single or two family dwelling, more than three parking spaces shall be served by a driveway designed and constructed to facilitate the flow of traffic on and off the site, with due regard to pedestrian and vehicle safety, and shall be clearly and permanently marked and defined. In no case shall two-way and one way driveways be less than eighteen (18) feet and twelve (12) feet in width respectively.
- (3) Driveways, aisles, turnaround areas and ramps shall have a minimum vertical clearance of twelve (12) feet for their entire length and width but such clearance may be reduced in parking structures.
- (4) Service drives and accessways to public streets shall have minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and straight line joining said lines through points twenty (20) feet from their intersection (see diagram). No obstruction including plantings, fences, walls, or temporary or permanent structures, exceeding 2.5 feet in height that has a cross section over one (1) foot shall be located in a clear vision area, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight feet above the grade.
- (5) The following off-street parking development and maintenance shall apply in all cases, except single and two family dwellings:
  - (A) Parking areas, aisles and turnarounds for standing and maneuvering of vehicles shall have durable and dustless surfaces or be graveled to a two inch depth and maintained adequately for all weather use.
  - (B) Parking areas, aisles and turnarounds shall have provisions made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-ways, and abutting private property.
  - (C) Spaces shall be permanently and clearly marked.
  - (D) Wheel stops and bumper guards shall be provided where appropriate for spaces abutting a property line or building, and no vehicle shall overhang a public right-of-way and other property line.
  - (E) Where parking abuts a public right-of-way, a wall or screen planting shall be provided sufficient to screen the parking facilities but without causing encroachment into vision clearance areas. Except in residential areas, where a parking facility or driveway is serving other than a one or two family dwelling and is located adjacent to residential, agricultural or institutional uses, a site obscuring fence, wall or evergreen hedge shall be provided on the property line. Such screening shall be maintained in good condition and protected from being damaged by vehicles using the parking area.
  - (F) Artificial lighting which may be provided shall be deflected so as not to shine directly into adjoining dwellings or other types of living units and so as not to create hazard to the public use of a street.
  - (G) In parking lots three acres and larger intended for use by the general public, the walkway shall be raised or separated from parking, parking aisles and travel lanes by a raised curb, concrete bumpers, bollards, landscaping or other physical barrier. If a raised walkway is used, curb ramps shall be provided in accordance with the Americans With Disabilities Act Accessibility Guidelines.
  - (H) Parking lots for commercial and office uses that have designated employee parking and more than 20 parking spaces shall provide at least 10% of the employee parking spaces (with a minimum of one space) as preferential long-term carpool and vanpool parking spaces. Preferential carpool and vanpool parking spaces shall be closer to the entrances of the building than other parking spaces, with the exception of ADA accessible parking spaces.

### **Section 3.0110. Bicycle Parking Requirements**

In rural communities, new multi-family residential developments of four or more units, retail, office and institutional developments shall provide at least one bicycle parking space for every ten required off-street parking spaces. Transit transfer and park and ride lots, wherever located shall also provide at least one bicycle parking space for every ten off-street parking spaces.

- (1) Bicycle parking facilities shall be placed in a convenient location near the main entrance of the site's principal use. Where possible, bicycle-parking facilities shall be placed under cover. Bicycle parking areas shall not interfere with parking aisles, landscape areas, or pedestrian ways. For security and convenience purposes, bicycle-parking facilities shall be located in areas visible to the adjacent sidewalks and/or vehicle parking areas within the site.
- (2) Community Development Director may reduce the number of required bicycle parking spaces on a case- by-case basis if the applicant can demonstrate that the proposed use by its nature would be reasonably anticipated to generate a lesser need for bicycle parking.

### **Section 3.00120. Loading Facilities.**

- (1) The minimum area required for commercial and industrial loading spaces is as follows:
  - (A) 250 sq.ft. for buildings of (5,000 to 20,000) sq.ft. of gross floor area.
  - (B) 500 sq.ft. for buildings of (20,000 to 50,000) sq.ft. of gross floor area.
  - (C) 750 sq.ft. for buildings in excess of (50,000) sq.ft. of gross floor area.
- (2) The required loading area shall not be less than ten feet in width by twenty-five feet in length and shall have an unobstructed height of fourteen feet.
- (3) If possible, required loading areas shall be screened from public view, from public streets and adjacent properties.
- (4) Required loading facilities shall be installed prior to final building inspection and shall be permanently maintained as a condition of use.
- (5) A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of a school having a capacity greater than twenty-five students.

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# EXHIBIT B

## *Parking Standards Amendments (Clean Format)*

### **Section 3.0060. Minimum Off-Street Parking Space Requirements.**

Any uses described herein may provide up to 30% of the required number of parking spaces, except ADA-required spaces, as compact spaces, measuring no less than 7 feet wide by 15 feet long. Compact spaces shall be clearly marked accordingly. The minimum off-street parking space requirements are as follows:

(1) **Residential type of development and number of parking spaces.**

KSF: 1,000 Square Feet

GHFA: Gross Habitable Floor Area

GLA: Gross Leasable Area

Accessory Dwelling Unit	0 spaces per dwelling unit
Affordable Housing	1 space per dwelling unit
Manufactured Home Park	1 per mobile home site, plus 1 per site for guest parking at a convenient location
Multi-Family Dwelling	1 space per dwelling unit
Planned Development	As requested for each proposal
Single Family Dwelling	2 per dwelling unit
Transient Lodging	1 space per guest room, plus 1 space per 2 employees

(2) **Commercial type of development and number of parking spaces.**

KSF: 1,000 Square Feet

GHFA: Gross Habitable Floor Area

GLA: Gross Leasable Area

Auto, Boat, Trailer, RV sales	2.7 spaces per ksf GHFA interior sales area, 1.5 spaces per service bay.
Automobile Service Station	2 spaces per service bay.
Convenience Store, with Gas Pumps	8 spaces per ksf GHFA
General Retail or Personal Service	3 spaces per ksf GHFA
Retail or Discount Grocery	5 spaces per ksf GHFA
Health/Fitness Club	4.5 spaces per ksf GHFA
Home Improvement Stores	5 spaces per ksf GHFA
<b>Food &amp; Beverage</b>	
Casual Restaurant	0.45 spaces per seat, plus 1 space per employee on largest shift

Coffee Kiosk	2 spaces, Drive-thru coffee kiosks are not intended for onsite consumption of products. Two spaces would allow for an ADA accessible space and space for the employee or manager.
Fast Food, with Drive-Thru	0.34 spaces per seat
Fast Food, without Drive-Thru	0.5 spaces per seat
Fine Dining	0.5 spaces per seat, plus 1 space per employee on largest shift
Winery	15 spaces per ksf GHFA in tasting room.
<b>Entertainment</b>	
Event Center, Racetrack, Recreation Complex, Stadium, Theater, or similar use	0.4 spaces per seat
<b>Professional/Medical</b>	
Animal Hospital/Veterinary Clinic	3 spaces per ksf for GHFA
Clinic	4 spaces per ksf GHFA
General Office	3 spaces per ksf for GHFA
Financial Institution	3.5 spaces per ksf GHFA
Medical or Dental Office	3.5 spaces per ksf GHFA

(3) **Institutional, public and quasi-public type of development and number of parking spaces.**

KSF: 1,000 Square Feet

GHFA: Gross Habitable Floor Area

GLA: Gross Leasable Area

Child Care Center	Exempt from off-street parking requirements
Congregate Care Facility	0.3 spaces per dwelling unit
Elementary, Middle, and High Schools	0.35 spaces per student
Family Child Care Home	0 additional spaces beyond 2 spaces required for single-family dwelling
Golf Course	8 per hole
Hospital	3 spaces per 1,000 ksf GHFA
Institutions of Higher Education	Determined by parking study specific to subject institution.
Religious Institution or Assembly	0.5 spaces per seat
Marina	0.5 space per berth
Nursing Home	1 space per 3 beds
Senior Housing, Assisted Living	0.4 spaces per dwelling unit

(4) **Industrial type of development and number of parking spaces.**

KSF: 1,000 Square Feet

GHFA: Gross Habitable Floor Area  
GLA: Gross Leasable Area

Heavy Industrial	1 space per ksf GHFA
Industrial Park	1.2 spaces per ksf GHFA
Light Industrial	1 space per ksf GHFA
Mini Storage	0.25 spaces per ksf GHFA
Specialty Trade Contractor or General Contractor	1.75 spaces per ksf of gross leasable floor area
Trucking Terminal	1 space per employee on largest shift
Utility	2 spaces per ksf GHFA
Warehouse	0.5 spaces per ksf GHFA

- (5) Requirements for building or development not specifically listed herein shall be determined by the Community Development Director based upon the requirements of comparable uses listed.
- (6) Any uses described herein may provide up to 30% of the required number of parking spaces, except ADA-required spaces, as compact spaces, measuring no less than 7 feet wide by 15 feet long. Compact spaces shall be clearly marked accordingly.
- (7) The number of minimum required parking spaces may be reduced by up to 10% if:
  - (A) The proposal is located within a ¼ mile of an existing or planned transit route, and;
  - (B) Transit-related amenities such as transit stops, pull-outs, shelters, park-and-ride lots, transit-oriented development, and transit service on an adjacent street are present or will be provided by the applicant, or,
  - (C) Site has dedicated parking spaces for motorcycles.

**Section 3.0070. Off-Street Parking Restrictions.**

- (1) Parking spaces in a public street, including an alley, shall not be eligible as fulfilling any part of the parking requirements.
- (2) Required parking facilities may be located on an adjacent parcel of land or separated only by an alley, provided the adjacent parcel is maintained in the same ownership as the use it is required to serve.
- (3) Except for industrial uses, required parking shall not be located in a required front or side yard setback area abutting a public street, unless there is a 5 foot-wide sidewalk in accordance with County standards, and a 5 foot-wide landscaped buffer separating the parking from on street traffic.
- (4) Required parking facilities of two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that it can be shown by the owners or operators that the need for the facilities does not materially overlap (e.g. uses primarily of a daytime vs. nighttime nature) and provided that such right of joint use is evidenced by a deed, lease, contract, or similar written instrument establishing such joint use.



- (5) Required parking shall be available for parking of operable passenger vehicles of residents, customers and employees only, and shall not be used for the storage or display of vehicles or materials.

### **Section 3.0080. Off-Street Parking Plan.**

A plan indicating how the off-street parking and loading requirement is to be fulfilled, shall accompany the application for a development permit. The plan shall show all those elements necessary to indicate that these requirements are being fulfilled and shall include but not be limited to:

- (1) Delineation of individual parking spaces.
- (2) Circulation area necessary to serve spaces.
- (3) Access to streets, alleys, and properties to be served.
- (4) Curb cuts.
- (5) Dimensions, continuity and substance of screening.
- (6) Grading, drainage, surfacing and subgrading details.
- (7) Delineations of all structures or other obstacles to parking and circulation on the site.
- (8) Specifications as to signs and bumper guards.
- (9) Pedestrian access ways.

### **Section 3.0090. Off-Street Parking Construction.**

Required parking spaces shall be improved and available for use at the time of final building inspection.

### **Section 3.0100. Design Requirements for Off-Street Parking.**

Parking spaces shall be a minimum of 9 feet by 19 feet in size. Driveways and turnarounds providing access to parking areas shall conform to the following provisions:

- (1) Except for a single or two family dwelling, groups of more than three parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles may enter the street in a forward manner.
- (2) Except for a single or two family dwelling, more than three parking spaces shall be served by a driveway designed and constructed to facilitate the flow of traffic on and off the site, with due regard to pedestrian and vehicle safety, and shall be clearly and permanently marked and defined. In no case shall two-way and one way driveways be less than eighteen (18) feet and twelve (12) feet in width respectively.
- (3) Driveways, aisles, turnaround areas and ramps shall have a minimum vertical clearance of twelve (12) feet for their entire length and width but such clearance may be reduced in parking structures.
- (4) Service drives and accessways to public streets shall have minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and straight line joining said lines through points twenty (20) feet from their intersection (see diagram). No obstruction including plantings, fences, walls, or temporary or permanent structures, exceeding 2.5 feet in height that has a cross section over one (1) foot shall be located in a clear vision area,

except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight feet above the grade.

- (5) The following off-street parking development and maintenance shall apply in all cases, except single and two family dwellings:
- (A) Parking areas, aisles and turnarounds for standing and maneuvering of vehicles shall have durable and dustless surfaces or be graveled to a two inch depth and maintained adequately for all weather use.
  - (B) Parking areas, aisles and turnarounds shall have provisions made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-ways, and abutting private property.
  - (C) Spaces shall be permanently and clearly marked.
  - (D) Wheel stops and bumper guards shall be provided where appropriate for spaces abutting a property line or building, and no vehicle shall overhang a public right-of- way and other property line.
  - (E) Where parking abuts a public right-of-way, a wall or screen planting shall be provided sufficient to screen the parking facilities but without causing encroachment into vision clearance areas. Except in residential areas, where a parking facility or driveway is serving other than a one or two family dwelling and is located adjacent to residential, agricultural or institutional uses, a site obscuring fence, wall or evergreen hedge shall be provided on the property line. Such screening shall be maintained in good condition and protected from being damaged by vehicles using the parking area.
  - (F) Artificial lighting which may be provided shall be deflected so as not to shine directly into adjoining dwellings or other types of living units and so as not to create hazard to the public use of a street.
  - (G) In parking lots three acres and larger intended for use by the general public, the walkway shall be raised or separated from parking, parking aisles and travel lanes by a raised curb, concrete bumpers, bollards, landscaping or other physical barrier. If a raised walkway is used, curb ramps shall be provided in accordance with the Americans With Disabilities Act Accessibility Guidelines.
  - (H) Parking lots for commercial and office uses that have designated employee parking and more than 20 parking spaces shall provide at least 10% of the employee parking spaces (with a minimum of one space) as preferential long-term carpool and vanpool parking spaces. Preferential carpool and vanpool parking spaces shall be closer to the entrances of the building than other parking spaces, with the exception of ADA accessible parking spaces.

### **Section 3.0110. Bicycle Parking Requirements**

In rural communities, new multi-family residential developments of four or more units, retail, office and institutional developments shall provide at least one bicycle parking space for every ten required off-street parking spaces. Transit transfer and park and ride lots, wherever located shall also provide at least one bicycle parking space for every ten off-street parking spaces.

- (1) Bicycle parking facilities shall be placed in a convenient location near the main entrance of the site's principal use. Where possible, bicycle-parking facilities shall be placed under cover. Bicycle parking areas shall not interfere with parking aisles, landscape areas, or pedestrian ways. For security and convenience purposes, bicycle-parking facilities shall be located in areas visible to the adjacent sidewalks and/or vehicle parking areas within the site.
- (2) Community Development Director may reduce the number of required bicycle parking spaces on a case- by-case basis if the applicant can demonstrate that the proposed use by its nature would be reasonably anticipated to generate a lesser need for bicycle parking.

**Section 3.00120. Loading Facilities.**

- (1) The minimum area required for commercial and industrial loading spaces is as follows:
  - (A) 250 sq.ft. for buildings of (5,000 to 20,000) sq.ft. of gross floor area.
  - (B) 500 sq.ft. for buildings of (20,000 to 50,000) sq.ft. of gross floor area.
  - (C) 750 sq.ft. for buildings in excess of (50,000) sq.ft. of gross floor area.
- (2) The required loading area shall not be less than ten feet in width by twenty-five feet in length and shall have an unobstructed height of fourteen feet.
- (3) If possible, required loading areas shall be screened from public view, from public streets and adjacent properties.
- (4) Required loading facilities shall be installed prior to final building inspection and shall be permanently maintained as a condition of use.
- (5) A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of a school having a capacity greater than twenty-five students.

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# EXHIBIT C

## *New Definitions*

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ACCESSORY BUILDING - A detached structure, the use of which is customarily incidental and subordinate to that of the main building or to the main use of the land and which is located on the same tract with the main building or use. In the farm and forest zones, the landowner files a restrictive covenant in the deed records of the county, stating that the accessory structure will not be used as a residence or rental unit. Accessory structure includes, but is not limited to: [Ord. 18-02]

AFFORDABLE HOUSING -- "Affordable housing" means housing that is affordable to households with incomes equal to or less than 80 percent of the median family income for the county in which the housing is built.

AGITATION DREDGING -- Dredging by displacement of sediments out of a shoaled area using currents generated by a ship's propeller or large pump. Also referred to as propwash dredging and sandwave skimming, depending on the gear and techniques used.

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ALTERATION, STRUCTURAL -- Any change or repair which would tend to prolong the life of the supporting members of a building or structure, such as alteration or bearing walls, foundation, columns, beams, or girders. In addition, any change in the external dimensions of the building shall be considered a structural alteration.

ANIMAL HOSPITAL/VETERINARY CLINIC -- A building or facility that specializes in the medical care and treatment of animals, including overnight boarding.

APPEAL -- A request for review of a decision concerning matters addressed by the Comprehensive Plan and Ordinance.

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ARCHAEOLOGICAL RESOURCES -- Districts, sites, building, structures, and artifacts with material evidence of prehistoric human life and culture.

AUTO, BOAT, TRAILER, RV SALES -- Includes the sale or leasing of new or used cars, boats, trailers, and/or recreational vehicles (RVs); however, service, vehicle accessories, and parts sales may also be available. Some dealerships also include leasing option and a mix of vehicle types.

AUTOMOBILE RACETRACK -- A facility that contains a racetrack, spectator seating, and parking, and may include a restaurant or refreshment areas.

AUTOMOBILE SERVICE STATION -- Any premises used for supplying gasoline, oil, minor accessories and services, excluding body and fender repair, for automobiles at retail direct to the customer.

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COASTAL SHORELANDS -- Those areas immediately adjacent to the ocean, estuaries, associated wetland and coastal lakes. The extent of shorelands shall include at least:

- 1) Areas subject to ocean flooding and lands within 100 feet of the ocean shore or within 50 feet of an estuary or coastal lake;
- 4) Adjacent areas of geologic instability where the geologic instability is related or will impact a coastal water body;
- 5) Natural or man-made riparian resources, especially vegetation necessary to stabilize the shoreline and to maintain water quality and temperature necessary for the maintenance of fish habitat and spawning areas;
- 6) Areas of significant shoreland and wetland biological habitats whose habitat quality is primarily derived from or related to the association with coastal water areas;
- 7) Areas necessary for water-dependent and water-related uses including areas of recreational importance which utilize coastal water or riparian resources; areas appropriate for navigation and port facilities, dredged material disposal and mitigation sites, and areas having characteristics suitable for aquaculture;
- 8) Areas of exceptional aesthetic or scenic quality, where the quality is primarily derived from or related to the association with coastal water areas.
- 9) Coastal headlands.
- 10) Dikes and their associated inland toe drains; and
- 11) Locations of archaeological or historical importance associated with the estuary.

COFFEE KIOSK -- Single-tenant coffee and donut restaurants with drive-through windows. Freshly brewed coffee and a variety of coffee-related accessories are the primary retail products sold at these sites. They may also sell other refreshment items, such as donuts, bagels, muffins, cakes, sandwiches, wraps, salads, and other hot and cold beverages.

COMMERCIAL DAIRY FARM: A commercial dairy farm is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross annual income required by this Article/Chapter from the sale of fluid milk. [Ord. 18-02]

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CLEAR-VISION AREAS -- A triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. (See 3.9530)

CLINIC -- Medical offices with outpatient treatment and no overnight stays. Urgent care is another term commonly used to describe this type of facility.

CLUSTER DEVELOPMENT -- A development technique wherein house sites or structures are grouped together around accessways or cul-de-sacs, with the remainder of the tract left in open space or common open space. Clustering can be carried out in the context of a major or minor partition, subdivision, planned development or through the replatting of existing lots. No commercial or industrial uses are permitted in a cluster development.

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CONDOMINIUM -- Ownership in common with others of a parcel of land and certain parts of a building, together with individual ownership in fee of a particular unit in such building or of an individual detached unit

CONGREGATE CARE FACILITY -- An independent living development that provides centralized amenities such as dining, housekeeping, communal transportation, and organized

social/recreational activities. Each individual dwelling unit often has a kitchenette, rather than a full kitchen. Limited medical services, such as nursing and dental may be provided.

CONTESTED CASE -- A proceeding in which the legal rights, duties, or privileges of specific parties under general rules or policies provided under ORS 215.010 to 215.422, or an ordinance, rule of regulation adopted pursuant thereto, are required to be determined only after a hearing at which specific parties are entitled to appear and be heard.

CONTIGUOUS – Tax lots or parcels that have a common boundary. Contiguous lots or parcels include those that are under common ownership and separated by a public road. [Ord. 18-02]

CONVENIENCE MARKET -- These markets sell convenience foods, newspapers, magazines, and often beer and wine; they do not have gasoline pumps.

CONVENIENCE STORE, WITH GAS PUMPS -- Gasoline/service stations with convenience markets where there is significant business related to the sale of convenience items and the fueling of motor vehicles. Some commonly sold convenience items include freshly brewed coffee, daily-made donuts, bakery items, hot and cold beverages, breakfast items, dairy items, fresh fruits, soups, light meals, ready-to-go and freshly made sandwiches and wraps, and ready-to-go salads. Stores typically have automated teller machines (ATMs), and public restrooms.

COOKING FACILITIES – Are defined as stoves, ovens or other equipment designed to prepare hot meals including a 220-volt outlet and any non-electrical fuel sources, but does not include a single hot plate, microwave or toaster.

\*\*\*

FILL -- The placement by man of sand, sediment or other material to create new uplands or raise the elevation of the land.

FINANCIAL INSTITUTION -- A business establishment in which money is kept for savings or commercial purposes, or is invested, supplied for loans, or exchanged. This term shall include credit unions and similar establishments which typically include automatic teller machines (ATMs) and drive-through facilities.

FLATS -- Intertidal and all subtidal areas with low slopes and current velocities, and usually consisting of relatively fine sediments.

\*\*\*

HANDICAPPED HOUSING FACILITY -- A residential home for five (5) or fewer handicapped persons and for staff who need not be related to each other or to any other home resident. As used herein, a handicapped person is an individual who has a physical or mental impairment which for the individual constitutes or results in a functional limitation to one or more major life activities (these are self-care, ambulation, communication, transportation, education, socialization, employment and the ability to acquire and maintain adequate, safe and decent shelter).

HEALTH/FITNESS CLUB -- A privately-owned facility that primarily focuses on individual fitness or training. It typically provides exercise classes, fitness equipment, gymnasium, weight room, spa, and locker rooms. May also include ancillary facilities, such as a swimming pool, whirlpool,

sauna, limited retail, and tennis, racquetball or handball courts or a small restaurant or snack bar.

HEALTH HARDSHIP -- Circumstances where the temporary placement of a manufactured dwelling or recreational vehicle to accommodate a seriously ill person or their attendant is justified by the absence of a reasonable alternative and subject to the standards in 3.0190.

\*\*\*

HISTORICAL RESOURCE -- Those districts, sites, buildings, structures, and artifacts which have a relationship to events or conditions of the human past.

HOSPITAL -- A hospital is any institution where medical or surgical care and overnight accommodations are provided to non-ambulatory and ambulatory patients.

HOME OCCUPATION -- Any occupation or profession carried on by a member of the family residing on the premises, if the occupation or profession:

- 1) will be operated by a resident of the property on which the business is located and the resident files an annual report verifying that the home occupation complies with the conditions originally imposed;
- 2) will employ no more than five full or part-time persons;
- 3) will be operated in: (A) the dwelling; or (B) other buildings normally associated with uses permitted in the zone in which the property is located; and
- 4) will not interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located;
- 5) will comply with all conditions imposed pursuant to Sections 2.4000 through 2.4050 and all standards as set forth in 3.8000 through 3.8050. The existence of home occupations shall not be used for justification for a zone change.

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HOTEL -- A building or portion thereof of more than five (5) sleeping rooms designated or used for occupancy of individuals who are lodged with or without meals, and in which no provision is made for cooking in any individual room or suite.

INDUSTRIAL -- Any activity involving the manufacturing or treatment of any commodity including the assembly, packaging, canning, bottling, or processing of any item. To change any commodity in composition for size, shape, texture, or appearance, is deemed to be an industrial process.

INDUSTRIAL, HEAVY -- Manufacturing, assembly, processing raw materials, repairing, research, storage, wholesaling and distribution, retailing of permitted uses, and closely related heavy industrial uses, in which all operations, other than transportation, may be performed within enclosed buildings or in open storage areas subject to performance standards imposed by all applicable governmental agencies.

INDUSTRIAL, LIGHT -- An industrial facility devoted to a single use with an emphasis on activities other than manufacturing and typically has minimal office space. Typical light industrial activities include printing, material testing, and assembly of data processing equipment.



INDUSTRIAL PARK -- Characterized by a mix of manufacturing, service, and warehouse facilities with a wide variation in the proportion of each type of use from one location to another. Many industrial parks contain highly-diversified facilities and multiple tenants.

IN-KIND -- With respect to mitigation, any actions that duplicate the full array of wetland and aquatic area characteristics that are lost or impaired by a development action.

INSTITUTIONS OF HIGHER EDUCATION -- Public or private vocational and trade schools, academies, colleges, and universities.

INTERTIDAL -- Between extreme low water and the landward limit of aquatic vegetation, or where vegetation is absent, mean higher high water.

\*\*\*

MANUFACTURED HOME -- (used in connection with flood hazard regulations only) A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It includes recreational vehicles or travel trailers that are placed on a site for more than 180 consecutive days.

MANUFACTURING -- An area where the primary activity is the conversion of raw materials or parts into finished products. Size and type of activity may vary substantially from one facility to another. In addition to the production of goods, manufacturing generally includes supporting offices, warehouse, research, and associated functions.

MARINA -- Facilities which provide moorage, launching, storage, supplies and a variety of services for recreational, commercial and fishing vessels. They are differentiated from docks and moorages by their larger scale, the provision of significant land side services and/or the use of a solid breakwater (rock, bulkheading, etc.).

\*\*\*

MINING/MINERAL EXTRACTION -- The removal for economic use of minerals, petroleum resources, sands, gravels or other naturally occurring materials from the shorelands or submerged lands.

MINI-STORAGE -- An enclosed storage area containing individual rented or owned compartments or stalls that is designed and used for renting or leasing individual storage space to occupants who have exclusive access to the storage space to store or remove personal property.

MINOR NAVIGATIONAL IMPROVEMENT -- Alterations necessary to provide water access to existing or permitted uses including dredging for access channels and for maintaining existing navigation but excluding fill and in-water navigational structures other than floating breakwaters or similar permeable wave barriers.

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MOTEL -- A building or group of buildings on the same lot, containing guest units with separate entrances and consisting of individual sleeping quarters detached or in connected rows, with or without cooking facilities, for rental to transients.

MULTIPURPOSE RECREATIONAL FACILITY -- Two or more of the following land uses combined at one site: miniature golf, batting cages, video arcade, bumper boats, go-carts, thrill rides and/or a golf driving range. Refreshment areas and/or gift shop may also be provided.

NAVIGATION AIDS -- Beacons, buoys, range markers and other objects providing directional assistance.

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NURSERY, HORTICULTURAL -- A place where trees, shrubs, vines, etc. are propagated for transplanting or for use as stocks for grafting and where such flora can be sold.

NURSING HOME -- A facility whose primary function is to provide care for persons who are unable to care for themselves. Examples of such facilities include rest homes, chronic care, and convalescent homes. Skilled nurses and nursing aides are present 24 hours a day at these sites. Residents often require treatment from a registered healthcare professional for on-going medical issues. A nursing home resident is not capable of operating a vehicle.

OCCUPATION -- refers to any service, trade or business which has employees, manufactures a product or provides service to the public.

\*\*\*

OCEAN YARD -- a yard measured horizontally and at a right angle from the Statutory Vegetation Line established and described by ORS 390.770 to the nearest point of a building, as building is defined in Section 3.0150. An ocean yard may be a front yard, rear yard, or a side yard.

OFFICE, GENERAL -- A location where affairs of businesses, commercial or industrial organizations, or professional persons or firms are conducted. An office building or buildings may contain a mixture of tenants including professional services, insurance companies, investment brokers, and tenant services.

OFFICE, MEDICAL OR DENTAL -- A medical-dental office building is a facility that provides diagnoses and outpatient care on a routine basis but is unable to provide prolonged in-house medical and surgical care.

OFF-SITE -- With respect to mitigation, an area separated from the impact area by a significant distance and that offers little or no opportunity for reestablishing lost values and functions to organisms which originally benefited from the lost habitat.

\*\*\*

PERSON -- Any natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other person or combination acting as a unit.

PERSONAL SERVICES -- An establishment which provides for the care of a person or a person's apparel, and may include, but not be limited to, beauty/barbershop, nail salon, tanning salon, laundry, dry cleaning (retail store), garment service, and shoe repair.

PERSONAL STORAGE STRUCTURE -- See Accessory Structure. [Ord. 18-02]

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PILING/DOLPHIN INSTALLATION -- The driving of wood, concrete or steel piling into the bottom in aquatic areas to support piers or docks, structures, moored floating structures, vessels or log rafts or for other purposes. A dolphin is a group of piling held together by steel cable and used for mooring vessels, log rafts or floating structures.

PLANNED DEVELOPMENT -- Any combination of residential land uses. These developments might also contain supporting services such as limited retail and recreational facilities.

PLAT -- A final subdivision plat, replat or partition plat.

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RECORD -- To submit instrumentation to, and have such instrumentation accepted by, the Office of the County Clerk for the purpose of placing an instrumentation, or copies thereof, in official plat evidence.

RECREATION COMPLEX -- An outdoor facility that is used for non-professional sports. It may consist of multiple sports fields. May include stadium seating, a fitness trail, activity shelter, aquatic center, picnic grounds, basketball and tennis courts, playground, and driving ranges.

RECREATION, HIGH INTENSITY -- Uses involving specially built facilities, or occurring in such density or form that is requires or results in a modification of the area or resource. Campgrounds, golf courses, public beaches, and marinas are examples of facilities for high intensity recreation.

\*\*\*

RELATIVE -- A spouse, child, stepchild, parent, stepparent, grandchild, grandparent, step grandparent, sibling, stepsibling, aunt, uncle, niece, nephew or first cousin of the farm operator or the farm operator's spouse. [Ord. 18-02]

RELIGIOUS INSTITUTION OR ASSEMBLY -- A building or other development used for a faith-based organization such as a church, mosque, temple or synagogue; together with its accessory uses and buildings, including but not limited to child care centers, offices, schools and living quarters for caretakers or religious leaders.

REMEDIAL DUNE GRADING - Grading that is undertaken on an active dune in order to protect existing improvements from the effects of wind-borne sand. The grading is intended to remedy the effect of sand inundation that has already occurred.

\*\*\*

RESOURCE ZONES -- The following zones shall be considered resource zones: EFU, AF, F-80, OPR, RM, LW, AN, AC-1, AC-2, NU, QM, NS, CS, NAC-1, NAC-2, EAC.

RESTAURANT, CASUAL -- Sit-down, full-service eating establishments. Generally, these restaurants serve lunch and dinner; they may also be open for breakfast and are sometimes open 24 hours a day. These restaurants typically do not accept reservations. Some facilities may also contain a lounge or bar area for serving food and alcoholic drinks.

RESTAURANT, FAST FOOD, WITH DRIVE-THRU -- A restaurant characterized by a drive-through and carry-out clientele, long hours of service (some are open for breakfast, all are open for lunch and dinner, some are open late at night or 24 hours a day) and high turnover rates for eat-in customers. These limited-service eating establishments do not provide table service. A patron generally orders from a menu board and pays before receiving the meal.

RESTAURANT, FAST FOOD, WITHOUT DRIVE-THRU -- A restaurant characterized by a carry-out clientele, and high turnover rates for eat-in customers. These limited-service eating establishments do not provide table service. A patron generally orders from a menu board and pays before receiving the meal.

RESTAURANT, FINE DINING -- Full-service restaurant characterized by duration of stay of at least one hour. These types of restaurants generally do not serve breakfast; some do not serve lunch; all serve dinner. A patron commonly waits to be seated, is served by wait staff, orders from a menu and pays after the meal. Some fine dining restaurant have a lounge or bar facilities for serving alcoholic beverages, but they are ancillary to the restaurant.

RESTORATION -- Revitalizing, returning or replacing attributes and amenities such as natural biological productivity and aesthetic or cultural resources which have been diminished or lost by past alterations, activities or catastrophic events. For the purpose of Oregon Statewide Planning Goal 16, estuarine restoration means to revitalize or reestablish functional characteristics and processes of the estuary diminished or lost by past alterations, activities, or catastrophic events. A restored area must be a shallow subtidal or an intertidal or tidal marsh area after alteration work is performed, and may not have been a functioning part of the estuarine system when alteration work began.

Active restoration involves the use of specific remedial actions such as removing dikes or fills, installing water treatment facilities, or rebuilding or removing deteriorated urban waterfront areas or returning diked areas to tidal influence.

Passive restoration is the use of natural processes, sequences, and timing which occurs after the removal or reduction of adverse stresses without other specific positive remedial action.

RESTORATION AS MITIGATION -- For the purposes of Statewide Planning Goal 16 estuarine restoration means to revitalize or reestablish functional characteristics and processes of the estuary diminished or lost by past alterations, activities, or catastrophic events. A restored area must be a shallow subtidal or an intertidal or tidal marsh area after alteration work is performed, and may not have been a functioning part of the estuarine system when alteration work began.

RETAIL, DISCOUNT SUPERSTORE OR CLUB -- A discount club is a discount store or warehouse where shoppers pay a membership fee in order to take advantage of discount prices on a wide variety of items such as food, clothing, tires, and appliances; many items are sold in large quantities or bulk. Some sites may include on-site fueling pumps.

RETAIL, GROCERY -- Retail store selling a complete assortment of food, food preparation and wrapping materials, and household cleaning items.

RETAIL, HOME IMPROVEMENT SUPERSTORES -- A free-standing facility that specializes in the sale of home improvement merchandise. Examples of items sold in these stores include

lumber, tools, paint, lighting, wallpaper and paneling, kitchen and bathroom fixtures, lawn equipment, and plant and garden accessories.

RETAIL SALES – In-person sales of items for a customer’s personal use but does not include the sale of a seasonal use manufactured on the premises in Residential Agriculture (i.e. RA-1, RA-2, RA-5, RA-10) or resource zone (i.e. EFU, AF, F-80).

\*\*\*

SAND DUNES -- The accumulation of sand in ridges or mounds, usually by natural means, landward of the beach.

SCHOOL, ELEMENTARY -- Typically serves students attending kindergarten through the fifth or sixth grade.

SCHOOL, HIGH -- A public or private high school serves students who have completed middle school, typically serves ninth grade through twelfth grade.

SCHOOL, MIDDLE -- A middle school serves students who have completed elementary school and have not yet entered high school.

SEASONAL FARMWORKER HOUSING -- Housing limited to occupancy by seasonal farmworkers and their immediate families which is occupied no more than nine months a year. For purposes of this definition, “nine months” means 273 days within any calendar year.

SEASONAL USE – A use carried on for only a part of the year during a designated season, such as the spring, summer, the fall or the winter months.

SENIOR HOUSING, ASSISTED LIVING -- An assisted living complex is a residential setting that provides either routine general protective oversight or assistance with activities necessary for independent living to mentally or physically limited persons. It commonly has separate living quarters for residents. Its centralized services typically include dining, housekeeping, social and physical activities, medication administration, and communal transportation. Alzheimer’s and ALS care are commonly offered by these facilities, though the living quarters for these patients may be located separately from the other residents. Assisted care commonly bridges the gap between independent living and nursing homes. Staff may be available at an assisted care facility 24 hours a day, but skilled medical care—which is limited in nature—is not required.

SENSITIVE USE -- A conflicting use or structure considered sensitive to dust, odor, vibration, and/or noise, including an office, business, residence, school, park, church or hospital. Industrial, agricultural and forestry activities are not sensitive uses unless the activity includes an accessory residential use.

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SOLID WASTE TRANSFER STATION -- This use would involve the transfer of solid waste materials from route collection trucks to larger capacity semi-trailers for transport to a solid waste disposal site. The transfer activities would be conducted entirely within an enclosed structure. The use may involve a service area for the repair and maintenance of trucks and an outside parking area for trucks.

SPECIALTY TRADE CONTRACTOR -- A business primarily involved in providing contract repairs and services to meet industrial or residential needs. Includes businesses may include: plumbing, heating and cooling, machine repair, electrical and mechanical repair, industrial supply, roofing, locksmith, weed and pest control, and cleaning.

STABILIZATION -- The process of controlling soil or sand activity (i.e. stilling the movement of sand and eroding soil) by natural vegetative growth, planting of grasses and shrubs, or mechanical means (e.g. wire net, fencing).

STADIUM/EVENT CENTER -- A large indoor/outdoor facility in which spectator events are held. These events may include professional or amateur sports or non-sporting events such as concerts, shows, or religious services.

START OF CONSTRUCTION --

- 1) For a structure other than a mobile home "start of construction" means the first placement of permanent construction on a site, such as the pouring of slabs or footings or any work beyond the state of excavation. Permanent construction does not include land preparation, such as clearing, grading or filling; nor does it include the installation of streets and/or walkways; nor does it include the excavation for a basement; footing, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation.
- 2) For mobile homes not within a mobile home park/subdivision "start of construction" means the placing of the mobile home on the property.
- 3) For mobile homes within mobile home park/subdivision "start of construction" means the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and the installation of utilities) is completed.

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TEMPORARY STRUCTURE OR USE -- A non-permanent structure, use or activity involving minimal capital investment that does not result in the permanent alteration of the site and is removed from the site within one year. [Ord. 18-02]

THEATER -- A structure that is used for dramatic, motion pictures, or other performances for admission to which entrance money is collected.

TIDAL MARSH -- Tidal wetlands vegetated with emergent vascular plants lying between extreme low tide and landward limit of aquatic vegetation.

\*\*\*

TRACT OF LAND -- One or more contiguous lots or parcels under the same ownership, as defined in ORS 215.010(2). [Ord. 18-02]

TRANSIENT LODGING -- Any hotel, motel, inn, lodge, or resort intended to be used for transient persons or tourists for overnight lodging, or longer. Transient lodging includes customary accessory uses that are subordinate to the primary use including gift shops.

restaurants or swimming pools. Transient lodging does not include spaces used for parking recreational vehicles, bed and breakfast establishments or tents or short-term rental units.

TRANSMISSION LINES – Lines designated to move bulk energy products from where they are produced, generated or stored in bulk to distribution lines that carry the energy products to consumers.

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UTILITIES NECESSARY FOR PUBLIC SERVICE -- Unless otherwise specified in this Article/Chapter, any facility owned or operated by a public, private or cooperative company for the transmission, distribution or processing of its products or for the disposal of cooling water, waste or by-products, and including, major trunk pipelines, water towers , sewage lagoons, cell towers, electrical transmission facilities (except transmission towers over 200' in height) including substations not associated with a commercial power generating facilities and other similar facilities. [Ord. 18-02]

UTILITY -- A free-standing building that can house office space, a storage area, and equipment that supports a local electrical, communication, water supply or control, or sewage treatment utility.

VARIANCE -- A grant of relief to a person from the quantifiable standards of this ordinance in a manner that would otherwise be prohibited by this ordinance. "Variance" does not include grants of relief from standards regulating uses, minimum lot size or density.

\*\*\*

VEHICLE – Any device in, upon or by which any person or property is or may be transported or drawn and includes vehicles that are propelled or powered by any means.

VETERINARY CLINIC -- Any building or portion thereof designed or used for the care, observation or treatment of animals.

WAREHOUSE -- A structure or part of a structure, for storing goods, wares, and merchandise, whether for the owner or for others, and whether it is a public or private warehouse.

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# Board of Commissioners Clatsop County

## AGENDA ITEM SUMMARY

March 9, 2022

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**Agenda Title:** AMERICAN RED CROSS MONTH Proclamation  
**Category:** Business Agenda  
**Presented By:** Justin Gibbs, Emergency Manager

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**Issue Before the Commission:** Proclaiming March to be American Red Cross Month

**Informational Summary:** In times of crisis, people in Clatsop County come together to care for one another. This humanitarian spirit is part of the foundation of our community and is exemplified by American Red Cross Cascades Region volunteers and donors.

In 1881, Clara Barton founded the American Red Cross, turning her steadfast dedication for helping others into a bold mission of preventing and alleviating people's suffering. Today, we honor the kindness and generosity of Red Cross volunteers here in Clatsop County and Cascades Region, who join the millions of people across the United States who volunteer, give blood, donate financially or learn vital life-preserving skills through the Red Cross.

In the **Cascades Region**, serving Oregon and SW Washington, the contributions of more than **2,500** local Red Cross volunteers give hope to the most vulnerable in their darkest hours. The Red Cross does so by providing more than **1,600** emergency overnight shelter stays, along with food and comfort for families devastated by more than **680** local disasters, like home fires. Through the generosity of those donating more than **182,000** units of essential blood for accident and burn victims, heart surgery and organ transplant patients, and those receiving treatment for leukemia, cancer or sickle cell disease. Or by supporting service members and veterans an average of **eight times a day**, along with their families and caregivers through the unique challenges of military life. And by helping to save the lives of others with first aid, CPR and other skills; or delivering international humanitarian aid.

In Clatsop County, the Red Cross works with local agencies and faith-based organizations to support more than thirty (30) emergency



shelters by providing shelter training, coordinating resources and integrating into local mass care planning efforts.

The work of the Red Cross to prevent and alleviate human suffering is vital to strengthening community resilience before, during and after a disaster. The month of March is dedicated to all those who continue to advance the noble legacy of American Red Cross founder Clara Barton, who lived by her words, "You must never think of anything except the need, and how to meet it."

**Fiscal Impact:** None.

**Requested Action:**

Approve Resolution and Order proclaiming March to be American Red Cross 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 MARCH TO BE** ) **RESOLUTION AND ORDER**  
**AMERICAN RED CROSS MONTH** )

**WHEREAS**, we hereby proclaim, more than 140 years ago, the American Red Cross was established as a humanitarian organization, to provide services to those in need regardless of race, religion, gender, sexual orientation or citizenship status.

**WHEREAS**, today, the American Red Cross is one of the largest humanitarian organizations in the world, and delivers its mission every day to prevent and alleviate human suffering in the face of emergencies; and

**WHEREAS**, March is Red Cross month, a special time to recognize and thank the Red Cross volunteers, donors, employees and partners who give of their time and resources to help members of the community. The Red Cross depends on these local heroes to deliver help and hope during a disaster; and

**WHEREAS**, nationally, the Red Cross shelters, feeds and provides emotional support to victims of disasters, supplies about 40 percent of the nation's blood, teaches skills that save lives, supports veterans and service members, and provides international humanitarian aid; and

**WHEREAS**, in the Cascades Region serving Oregon and SW Washington, the contributions of more than 2,500 local Red Cross volunteers serve to support more than 1,600 emergency overnight shelter stays for families impacted by more than 680 local disasters and house fires.

**WHEREAS**, the work of the Red Cross to prevent and alleviate human suffering is vital to strengthening Clatsop County's resilience and local capability to shelter victims following a disaster;

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

**“American Red Cross Month”**

in Clatsop County and invites all community members to celebrate the significant contributions and humanitarian mission of the American Red Cross.

DATED this 9th day of March, 2023.

BOARD OF COUNTY COMMISSIONERS  
FOR CLATSOP COUNTY, OREGON

Mark Kujala, Chair

# Board of Commissioners Clatsop County

## AGENDA ITEM SUMMARY

March 8, 2023

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**Issue/ Agenda Title:** Approve the 2022-23 Budget and Appropriation Adjustment

**Category:** Consent Calendar

**Presented By:** Monica Steele, Assistant County Manager

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**Issues Before the Commission:** Reverse a budget adjustment approved on September 14, 2022 in the amount of \$151,000.

**Informational Summary:** In September of 2022, the Budget & Finance Department brought an R&O before the Board to approve a budget adjustment that would allow for use of carryover ARPA funding for the Westport Sewer Plant.

It has now been determined that the work will not occur until fiscal year 2023-24; so rather than a budget adjustment this fiscal year, we will budget for it accordingly in FY23-24.

**Fiscal Impact:** This action will reduce the fiscal impact by \$151,000.

**Recommended Action:**

Approve the budget adjustment to reverse the September 2022 budget adjustment and authorize the Chair to sign.

**Attachment List**

- A. Resolution and Order
- B. Schedule "A" Appropriation adjustments

IN THE BOARD OF COUNTY COMMISSIONERS  
FOR CLATSOP COUNTY, OREGON

In the matter of the adjustment of the fiscal	)	
year 2022-23 budget and appropriations by	)	RESOLUTION AND ORDER
authorizing reversal of a previously approved	)	
budget adjustment.	)	

It appearing to the Board that there is a need to make an adjustment in the fiscal year 2022-23 budget by authorizing reversal of a previously approved budget adjustment; and

Where as the need for said reversal is more particularly described in the Schedule of Revenue and Appropriation Adjustment 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 8<sup>th</sup> Day of March, 2023.

BOARD OF COUNTY COMMISSIONERS  
FOR CLATSOP COUNTY, OREGON

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

Schedule A

2022-2023 Budget Adjustments

**I. ADJUSTMENT INVOLVING REVERSAL OF A PREVIOUSLY APPROVED BUDGET ADJUSTMENT**

<b><u>ORGANIZATION UNIT/FUND</u></b>	<b><u>INCREASE</u></b>	<b><u>DECREASE</u></b>
Westport Sewer Equipment - Beginning Balance 386/5846/81-0050		\$151,000
Westport Sewer Equipment - Contractual Services 386/5846/82-2471		\$151,000

Comment: On September 14, 2022 the Board approved expenditure of carryover ARPA funding for cleaning the Westport Sewer Plant along with a peracetic acid treatment. Since this work is not going to be performed until FY23-24, we are requesting approval to reverse the prior budget adjustment. We will then budget accordingly for this project in FY23-24.

# Board of Commissioners Clatsop County

## AGENDA ITEM SUMMARY

March 8, 2023

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**Agenda Title:** Declaration of Surplus Property  
**Category:** Consent Calendar  
**Presented By:** T.J. Hecox, Fleet Manager

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**Issue Before the Commission:** Declaration of a 1994 Cat IT 12 Wheel Loader as Surplus.

**Informational Summary:** The 1994 Cat IT 12 Wheel Loader is being replaced by a new 914 14A Wheel Loader. Being 28 years old, the existing loader has met its useful service life. The Public Works Department will receive a trade in value of \$15,000 from Peterson Cat to be used against the purchase of the new loader. The purchase of the new loader was authorized at the November 9, 2022 Board meeting.

**Fiscal Impact:** This trade in was accounted for in the Roads Equipment Replacement Fund.

**Requested Action:**

Approve the Declaration of Surplus Property for the 1994 Cat IT 12 Wheel Loader and authorize the County Manager to sign it.

**Attachment List**

- A. Declaration of Surplus Property.



# Clatsop County

Public Works

1100 Olney Ave.  
Astoria, OR 97103  
Ph: (503) 325-8631 \ Fax: (503) 325-9312  
www.co.clatsop.or.us

## Declaration of Surplus Property

March 8, 2023

RE: Declaration of Surplus Property – #222 1994 Cat IT 12 Wheel Loader

Clatsop County Public Works Department owns a 1994 Cat IT 12 Wheel Loader, (Serial/Vin # 01KF01089). The blue book value, if it were in fair condition, is approximately \$15,000. The loader has met use useful life and is proposed to be traded in for a new loader. Therefore, I hereby declare the 1994 Cat IT 12 Wheel Loader to be surplus property.

\_\_\_\_\_  
Signature

Don Bohn, County Manger

\_\_\_\_\_  
Date

# Board of Commissioners Clatsop County

## AGENDA ITEM SUMMARY

March 8, 2023

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**Agenda Title:** Intergovernmental Agreement #169504 Amendment #12 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, 2021 through June 30, 2023.

**Category:** Consent Calendar

**Presented By:** Jiancheng Huang, CCDPH Director

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**Issue Before the Commission:** Request of Authorization for County Manager to approve amendment #12 under Intergovernmental Agreement #169504 between Oregon Health Authority (OHA) and Clatsop County Department of Public Health and approve the 2022-23 budget and appropriation adjustment as required by ORS 294.338 for a total of \$35,520 (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 \$224,791.86 covers those Program Elements administered by the Local Public Health Department.

Amendment #12 awards funds for the following Program Elements:

- 1) PE12-01 Public Health Emergency Preparedness and Response (PHEP) = \$4,926.00
- 2) PE27-04 PDOP Naloxone Project (SOR) = \$138,000.00
- 3) PE50 Safe Drinking Water (SDW) Program (Vendors) = \$6,787.86
- 4) PE62 Overdose Prevention-Counties = \$75,078.00



At the time the Clatsop County Public Health budget was prepared for FY22/23, the State of Oregon, acting by and through its Oregon Health Authority, had not released this Amended Agreement which awards for the second fiscal year (July 1, 2022 through June 30, 2023) of the Biennium. As such, these Program Elements were awarded more than the CCDPH budgeted amount by a total of \$35,520.00 which is summarized in Schedule "A".

**Requested Action:**

Approve the budget adjustment for \$35,520.00 to remain in compliance with Oregon budget law per ORS 294.338 and authorize the Chair to sign Amendment 12 of IGA 169504 between OHA and Clatsop County Department of Public Health.

**Attachment List**

- A. Copy of Intergovernmental Agreement 169504-12 for a total of \$224,791.86
- B. Resolution and Order
- C. Schedule "A" Appropriation adjustments

Agreement #169504



**TWELFTH AMENDMENT TO OREGON HEALTH AUTHORITY  
2021-2023 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](mailto:dhs-oha.publicationrequest@state.or.us) or call 503-378-3486 (voice) or 503-378-3523 (TTY) to arrange for the alternative format.

This Twelfth Amendment to Oregon Health Authority 2021-2023 Intergovernmental Agreement for the Financing of Public Health Services, effective July 1, 2021, (as amended and restated 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.

**RECITALS**

WHEREAS, OHA and LPHA wish to modify the set of Program Element Descriptions set forth in Exhibit B of the Agreement

WHEREAS, OHA and LPHA wish to modify the Fiscal Year 2023 (FY23) 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 for FY22;

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 December 1, 2022, 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 B Program Element #10 “Sexually Transmitted Diseases (STD) Client Services,” PE43 “Immunization Services,” and PE51 “Public Health Modernization,” are hereby replaced in their entirety by Attachment A attached hereto and incorporated herein by this reference.
  - b. Section 1 of Exhibit C of the Agreement, entitled “Financial Assistance Award” for FY23 is hereby superseded and replaced in its entirety by Attachment B, entitled “Financial Assistance Award (FY23)”, attached hereto and incorporated herein by this reference. Attachment C must be read in conjunction with Section 3 of Exhibit B.
  - c. Exhibit J of the Agreement entitled “Information required by 2 CFR Subtitle B with guidance at 2 CFR Part 200” for FY23, is amended to add to the federal award information datasheet as set forth in Attachment C, 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**

Signature: \_\_\_\_\_

Name: /for/ Nadia A. Davidson

Title: Director of Finance

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

**CLATSOP COUNTY LOCAL PUBLIC HEALTH AUTHORITY**

By: \_\_\_\_\_

Name: Don Bohn

Title: County Manager

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

**DEPARTMENT OF JUSTICE – APPROVED FOR LEGAL SUFFICIENCY**

*Agreement form group-approved by Wendy Johnson, Senior Assistant Attorney General, Tax and Finance Section, General Counsel Division, Oregon Department of Justice by email on September 19, 2022, copy of email approval in Agreement file.*

**REVIEWED BY:**

**OHA PUBLIC HEALTH ADMINISTRATION**

By: \_\_\_\_\_

Name: Lynn Marie Brady (or designee)

Title: LPHA Fiscal and Contracts Analyst

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

**Attachment A**  
**Program Element Description(s)**

**Program Element #10: Sexually Transmitted Diseases (STD) Client Services**

**OHA Program Responsible for Program Element:**

Public Health Division/Center for Public Health Practice/HIV, STD and TB Section

1. **Description.** Funds provided under this Agreement for this Program Element may only be used in accordance with, and subject to, the requirements and limitations set forth below, to deliver Sexually Transmitted Diseases (STD) Client Services. ORS 433.006 and OAR 333-019-0000 assign responsibility to LPHAs for sexually transmitted disease (STD) investigations and implementation of STD control measures within an LPHA's service area. STD client services may include, but are not limited to, Case finding, Partner Services (i.e., contact tracing), clinical and laboratory services, and education and outreach activities. The funds provided for STD client services under the Agreement for this Program Element may only be used as supplemental funds to support LPHA's STD investigations and control efforts and are not intended to be the sole funding for LPHA's STD client services program.

STDs are a significant health problem in Oregon, with over 22,000 new Cases reported every year. STDs pose a threat to immediate and long-term health and well-being. In addition to increasing a person's risk for acquiring and transmitting HIV infection, STDs can lead to severe reproductive health complications, including poor pregnancy outcomes. Protecting the population from communicable disease by reducing rates of gonorrhea and early syphilis is a public health priority and is included in Healthier Together Oregon, the State Health Improvement Plan.

This Program Element, and all changes to this Program Element are effective the first day of the month noted in the Issue Date section of Exhibit C of the Financial Assistance Award unless otherwise noted in Comments and Footnotes of Exhibit C of the Financial Assistance Award.

2. **Definitions Specific to Sexually Transmitted Diseases (STD) Client Services.**

- a. **Case:** An individual who has been diagnosed by a health care provider, as defined in OAR 333-017-0000, as having a reportable disease, infection, or condition, as described in OAR 333-018-0015, or whose illness meets defining criteria published in OHA's Investigative Guidelines.
- b. **Case Investigation:** A process that includes identifying Cases, conducting a Case interview, collecting and reporting Core Variables, and providing Partner Services.
- c. **Contact:** Sexual partner of STD Case.
- d. **Core Variables:** Variables required by OHA and the CDC cooperative agreement PS19-1901 Strengthening STD Prevention and Control for Health Departments (STD PCHD) that are essential for counting and/or investigating reported Cases accurately and for describing trends in reported Cases in key populations at the local and state level.
- e. **Disease Intervention Specialist:** Job title used to identify staff person(s) trained to deliver HIV/STD Partner Services.
- f. **In-Kind Resources:** Tangible goods or supplies having a monetary value that is determined by OHA. Examples of such In-Kind Resources include goods such as condoms, lubricant packages, pamphlets, and antibiotics for treating STDs. If the LPHA receives In-Kind Resources under this Agreement in the form of medications for treating STDs, LPHA must use those medications to treat individuals for STDs as outlined in Section 4.a.(4) of this Program Element. In the event of a non-STD related emergency, with notification to the OHA STD program, the LPHA may use these medications to address the emergent situation. If the LPHA

self-certifies as a 340B STD clinic site and receives reimbursement for 340B medications from OHA, they shall ensure these medications are used in accordance with the Health Resources and Services Administration (HRSA) Office of Pharmacy Affairs regulations regarding “340B Drug Pricing Program.”

- g. **Investigative Guidelines:** OHA reportable disease guidelines, which are incorporated herein by this reference.
  - h. **Partner Services:** Partner Services refers to a continuum of clinical evaluation, counseling, diagnostic testing, and treatment designed to increase the number of persons diagnosed with HIV, syphilis, gonorrhea, and chlamydia brought to treatment and reduce transmission among sexual networks. Partner Services includes conducting Case interviews to identify sex and needle-sharing partners, offering to conduct partner notification, providing STD/HIV testing (or referrals) to all contacts, and referring Cases and Contacts to HIV PrEP and additional medical/social services, including treatment.
  - i. **Priority Gonorrhea Cases:** Gonorrhea Cases requiring Case Investigation, defined as Cases among pregnant or pregnancy-capable individuals, Cases among individuals co-infected with HIV; and rectal gonorrhea Cases.
  - j. **Priority Syphilis Cases:** Syphilis Cases requiring Case Investigation, defined as Cases staged as primary, secondary, and early non-primary non-secondary syphilis and Cases of any syphilis stage among pregnant or pregnancy-capable individuals.
  - k. **Reportable STDs:** A Reportable STD refers to diagnosed or suspected Cases of Chancroid, Chlamydia, Gonorrhea, and Syphilis, as further described in Division 18 of OAR Chapter 333, and HIV, as further described in ORS Chapter 433.
  - l. **STD Outbreak:** The occurrence of an increase in Cases of previously targeted priority disease type in excess of what would normally be expected in a defined community, geographical area or season, and, by mutual agreement of the LPHA and OHA, exceeds the expected routine capacity of the LPHA to address.
  - m. **Technical Assistance:** Services of OHA HIV/STD Prevention staff to support the LPHA’s delivery of STD Client Services, which include providing training and support during STD Case Investigations and STD Outbreak response.
3. **Alignment with Modernization Foundational Programs and Foundational Capabilities.** The activities and services that the LPHA has agreed to deliver under this Program Element align with Foundational Programs and Foundational Capabilities and the public health accountability metrics (if applicable), as follows (see [Oregon’s Public Health Modernization Manual](http://www.oregon.gov/oha/PH/ABOUT/TASKFORCE/Documents/public_health_modernization_manual.pdf), ([http://www.oregon.gov/oha/PH/ABOUT/TASKFORCE/Documents/public\\_health\\_modernization\\_manual.pdf](http://www.oregon.gov/oha/PH/ABOUT/TASKFORCE/Documents/public_health_modernization_manual.pdf)):
- a. **Foundational Programs and Foundational Capabilities** (As specified in Public Health Modernization Manual)

Program Components	Foundational Program				Foundational Capabilities						
	CD Control	Prevention and health promotion	Environmental health	Access to clinical preventive services	Leadership and organizational competencies	Health equity and cultural responsiveness	Community Partnership Development	Assessment and Epidemiology	Policy & Planning	Communications	Emergency Preparedness and Response

Program Components	Foundational Program					Foundational Capabilities						
				Population Health	Direct services							
<i>Asterisk (*) = Primary foundational program that aligns with each component</i> <i>X = Other applicable foundational programs</i>						<i>X = Foundational capabilities that align with each component</i>						
<b>Epidemiological investigations that report, monitor and control Sexually Transmitted Diseases and HIV.</b>	*						X		X			
<b>STD client services (screening, testing, treatment, prevention).</b>	*				X		X		X			
<b>Condom and lubricant distribution.</b>	*						X	X				

- b. The work in this Program Element helps Oregon’s governmental public health system achieve the following Public Health Accountability Metric:

Gonorrhea rates

- c. The work in this Program Element helps Oregon’s governmental public health system achieve the following Public Health Modernization Process Measure:

- (1) Percent of gonorrhea Cases that had at least one contact that received treatment; and
- (2) Percent of gonorrhea Case reports with complete “priority” fields. As used herein, priority fields are defined as: race, ethnicity, gender of patient’s sex partners, HIV status or date of most recent HIV test, and pregnancy status for females of childbearing age (15-44).

4. **Procedural and Operational Requirements.** By accepting and using the Financial Assistance awarded under this Agreement and for this Program Element, LPHA agrees to conduct activities in accordance with the following requirements:

- a. **Under Sexually Transmitted Disease (PE10-01), LPHA agrees to conduct the following activities, which are not dollar amount funded items:**

- (1) Acknowledge and agree that the LPHA bears the primary responsibility, as described in Divisions 17, 18, and 19, of Oregon Administrative Rules (OAR) Chapter 333, for identifying potential STD Outbreaks within LPHA’s service area, for preventing the incidence of STDs within LPHA’s service area, and for reporting in a timely manner the incidence of Reportable STDs within LPHA’s service area (as described below in Section 6, Reporting Requirements). LPHA must fulfill the following minimum Case Investigation expectations described below:

- (a) HIV: Case Investigation should be completed for each HIV Case assigned to the LPHA by the OHA HIV Surveillance Program.
  - (b) Syphilis: At minimum, Case Investigations must be completed for all Priority Syphilis Cases as defined below. Other syphilis Cases must be investigated if there is staffing capacity or there are no Priority Syphilis Cases. OHA may require LPHA to investigate other syphilis Cases if necessitated by local epidemiology, an STD Outbreak response, or other considerations. LPHA may also independently require Case Investigation for other syphilis Cases. Priority Syphilis Cases include:
    - i. All primary, secondary, and early non-primary non-secondary syphilis Cases regardless of sex/gender or age.
    - ii. All Cases among pregnant or pregnancy-capable individuals regardless of stage. Pregnant individuals that don't meet the Case definition may require treatment verification. Refer to the OHA Syphilis Investigative Guidelines.
  - (c) Gonorrhea: At minimum, Case Investigations must be completed for all Priority Gonorrhea Cases as defined below. Other gonorrhea Cases must be investigated if there is staffing capacity or there are no Priority Gonorrhea Cases. OHA may require LPHA to investigate other gonorrhea Cases if necessitated by local epidemiology, an STD Outbreak response, or other considerations. LPHA may also independently require Case Investigation for other gonorrhea Cases. Priority Gonorrhea Cases include:
    - i. All rectal gonorrhea Cases.
    - ii. All Cases among pregnant or pregnancy-capable individuals.
    - iii. All Cases among individuals co-infected with HIV.
  - (d) Chlamydia: Case Investigation for chlamydia Cases is not expected and may be pursued at the discretion of the LPHA.
- (2) Provide or refer client for STD Client Services in response to an individual seeking such services from LPHA. Clinical STD Client Services consist of screening individuals for Reportable STDs and treating Cases and their Contacts.
  - (3) Provide STD Client Services including Case finding, treatment (not applicable for HIV) and prevention activities, to the extent that local resources permit, related to HIV, syphilis, gonorrhea, and chlamydia in accordance with:
    - (a) Oregon Administrative Rules (OAR), Chapter 333, Divisions 17, 18, and 19;
    - (b) "OHA Investigative Guidelines for Notifiable Diseases" which can be found at: <http://bit.ly/OR-IG>;
    - (c) Oregon Revised Statutes (ORS), Chapters 431 & 433; and
    - (d) Current "Centers for Disease Control and Prevention Sexually Transmitted Infections Treatment Guidelines," which can be found at: <https://www.cdc.gov/std/treatment/>.

- (4) OHA may provide, pursuant to this Agreement, In-Kind Resources or Technical Assistance to assist LPHA in delivering STD Client Services. If LPHA receives In-Kind Resources under this Agreement in the form of medications for treating STDs, LPHA may use those medications to treat Cases or Contacts, subject to the following requirements:
- (a) The medications must be provided at no cost to the individuals receiving treatment.
  - (b) LPHA must perform a monthly medication inventory and maintain a medication log of all medications supplied to LPHA under this Agreement. Specifically, LPHA must log-in and log-out each dose dispensed.
  - (c) LPHA must log and document appropriate disposal of medications supplied to LPHA under this Agreement which have expired and thereby, prevent their use.
  - (d) If the LPHA self certifies as a 340B STD clinic site and receives reimbursement for 340B medications from OHA, they must only use “340B medications” to treat individuals for STDs in accordance with the Health Resources and Services Administration (HRSA) Office of Pharmacy Affairs regulations regarding the 340B Drug Pricing Program.
  - (e) If LPHA Subcontracts with another person to provide STD Client Services required under this Program Element, the In-Kind Resources in the form of medications received by LPHA from OHA must be provided, free of charge, to the Subcontractor for the purposes set out in this section and the Subcontractor must comply with all requirements related to such medications unless OHA informs LPHA in writing that the medications cannot be provided to the Subcontractor. The LPHA must document the medications provided to a Subcontractor under this section.
  - (f) If LPHA receives In-Kind Resources under this Agreement in the form of condoms and lubricant, LPHA must distribute those supplies at no cost to individuals infected with an STD and to other individuals who are at risk for STDs. LPHA may not, under any circumstances, sell condoms supplied to LPHA under this Agreement. LPHA shall store condoms in a cool, dry place to prevent damage and shall check expiration date of condoms at least once annually.
- (5) OHA will, pending the availability of funds, provide the following items to the LPHA in-kind: STD medications, gift card incentives, condoms, lubricant, rapid HIV test kits, rapid syphilis test kits, and coverage of certain lab fees through the Oregon State Public Health Laboratory.

**b. Under Sexually Transmitted Disease (PE10-02), LPHA agrees to conduct the following activities if funding has been approved:**

- (1) Train and maintain at least one staff to act as a Disease Intervention Specialist (DIS), as described in its local staffing plan, which has been approved by OHA. OHA shall make available CDC-training to LPHAs needing to train staff as a DIS.
- (2) Use funds for this PE10-02 in accordance with its local program budget, which has been approved by OHA. Modification to the local program budget may only be made with OHA approval.



- (3) Allowable budget expenses are:
- (a) Personnel costs including fringe for at least one staff acting as a DIS. Personnel costs for additional staff beyond a DIS are allowable (e.g. program manager, epidemiologist, public health nurse) provided the additional staff are supporting the role and function of a DIS and HIV/STD Case Investigations. Additional staff shall not exceed the FTE dedicated to the DIS position.
  - (b) Travel (including mileage, lodging, per diem). Client transportation (e.g. taxi vouchers, gas cards) are an allowable expense provided the purpose is to facilitate STD testing, treatment, and other Case Investigation activities.
  - (c) Supplies and equipment needed to carry out the work of a DIS. Equipment is defined as costing \$5,000 or greater and having a useful life of at least one year.
  - (d) Other allowable expenses including postage, software and other licenses (e.g. Accurant), printing costs for educational/outreach materials, and other expenses approved by the STD Program on a case-by-case basis.
- (4) Unallowable expenses include but are not limited to:
- (a) Medications and screening/testing costs.
  - (b) Harm reduction supplies including syringes.
  - (c) Cash or gift card incentives (outside of taxi vouchers or gas cards as outlined in Section 4.b.(3)(b)).
  - (d) Advertising or marketing.
  - (e) Purchase or maintenance of vehicles.

## 5. General Revenue and Expense Reporting.

LPHAs receiving funding under this Financial Assistance Award must complete an “Oregon Health Authority Public Health Division Expenditure and Revenue Report” located in Exhibit C of the Agreement. These reports must be submitted to OHA each quarter on the following schedule:

<b>Fiscal Quarter</b>	<b>Due Date</b>
First: July 1 – September 30	October 30
Second: October 1 – December 31	January 30
Third: January 1 – March 31	April 30
Fourth: April 1 – June 30	August 20

**6. Reporting Requirements.**

- a. LPHA must review laboratory and health care provider Case reports by the end of the calendar week in which initial laboratory or physician report is made in accordance with the standards established pursuant to OAR 333-018-0020. All Cases shall be reported to the OHA HIV/ STD/TB (HST) Program via Orpheus.
- b. LPHA must collect and report the Core Variables as outlined in Attachment 1. Required Core Variables are subject to change. Core Variables below that are not required for chlamydia Cases and non-Priority Gonorrhea/Syphilis Cases may be collected at the discretion of the LPHA based on local policy and capacity.

**7. Performance Measures.**

- a. LPHA must operate its program in a manner designed to achieve the following STD performance goals:
  - (1) Treatment with CDC-recommended gonorrhea regimen documented within 14 days of LPHA notification.
  - (2) Pregnancy status documented within 14 days of LPHA notification in 100% of all female syphilis Cases under age 45.
  - (3) Treatment of early syphilis with penicillin G benzathine (Bicillin) documented within 14 days of LPHA notification.
  - (4) Congenital syphilis electronic report form should be completed within 45 days of birth.
  - (5) Contacts should be tested/treated within 30 days before or after the index patient's testing date.
- b. LPHA must operate the STD Client Services program in a manner designed to make progress toward achieving the following Oregon public health modernization process measures:
  - (1) Percent of gonorrhea Cases that had at least one Contact that received treatment.
  - (2) Percent of gonorrhea Case reports with complete priority fields. Priority fields include race, ethnicity, sex of sex partner, pregnancy status, and HIV status/date of last HIV test

**Attachment 1**  
**Required Core Variables**

<b>STD Core Variables</b>	<b>Chlamydia and Gonorrhea Cases—All</b>	<b>Priority Gonorrhea Cases:</b>	<b>Syphilis Cases—All</b>	<b>Priority Syphilis Cases</b>
<b>Age*</b>	✓	✓	✓	✓
<b>Sex*</b>	✓	✓	✓	✓
<b>County*</b>	✓	✓	✓	✓
<b>Specimen collection date*</b>	✓	✓	✓	✓
<b>Diagnosing facility type</b>	✓	✓	✓	✓
<b>Anatomic site of infection*</b>	✓	✓		
<b>Race/ethnicity</b>		✓		✓
<b>Gender identity</b>		✓		✓
<b>Sexual orientation</b>		✓		✓
<b>Sex of sex partners</b>		✓		✓
<b>Pregnancy status</b>		✓	✓	✓
<b>HIV status</b>		✓		✓
<b>Treatment/Date of treatment</b>		✓	✓	✓
<b>Clinical signs/symptoms</b>				✓
<b>Substance use</b>				✓
<b>Incarceration history</b>				✓
* Included on lab report				

<b>HIV Core Variables</b>	<b>Orpheus Tab</b>	<b>Reported via ELR</b>	<b>Entered by OHA</b>	<b>Entered by LPHA</b>
<b>Stage</b>	Home layout-Stage		✓	
<b>Status</b>	Home layout-Status		✓	
<b>DOB/Age*</b>	Home layout-Age	✓	✓	✓
<b>Sex*</b>	Home layout-SOGI	✓	✓	✓
<b>Gender identity</b>	Home layout-SOGI		✓	✓
<b>Sexual orientation</b>	Home layout-SOGI		✓	✓
<b>Race/ethnicity</b>	Home layout-REALD		✓	✓
<b>Pregnancy status</b>	Home layout-Pregnant		✓	✓
<b>Housing at Dx</b>	Home layout-Housing at Dx		✓	✓
<b>Address*</b>	Home layout	✓	✓	✓
<b>Phone/email</b>	Home layout		✓	✓
<b>Diagnosing facility/Provider*</b>	Home layout-Provider	✓	✓	✓
<b>HARS ID HIV Diagnosis AIDS Diagnosis</b>	Home layout		✓	
<b>Specimen collection date*</b>	Labs tab	✓	✓	✓
<b>Clinical signs/symptoms</b>	Clinical tab		✓	✓
<b>Treatment/Date of treatment</b>	Treatment tab		✓	✓
<b>HIV risk history</b> At minimum: sex of partners trans partners sex for drugs/\$ substance use last neg HIV test PrEP use history STD tested	Risks tab		✓	✓
<b>Contacts</b>	Contacts tab			✓
<b>Outbreak Info</b>	Epilinks tab		✓	
* Included on lab report				

**Program Element #43: Immunization Services****OHA Program Responsible for Program Element:**

Public Health Division/Center for Public Health Practice, Immunization Section

1. **Description.** Funds provided under this Agreement for this Program Element may only be used in accordance with, and subject to, the requirements and limitations set forth below, to deliver Immunization Services.

Routine immunization services are provided in the community to prevent and mitigate vaccine-preventable diseases for all people by reaching and maintaining high lifetime immunization rates. Immunization services funded under this Agreement include population-based services including public education, enforcement of school immunization requirements, and technical assistance for healthcare providers that provide vaccines to their client populations; as well as vaccine administration to underserved populations that lack access to vaccination with an emphasis on ensuring equity in service delivery.

This Program Element, and all changes to this Program Element are effective the first day of the month noted in Issue Date of Exhibit C Financial Assistance Award unless otherwise noted in Exhibit C of the Financial Assistance Award.

2. **Definitions Specific to Immunization Services.**

- a. **ALERT IIS:** OHA's statewide immunization information system.
- b. **Billable Doses:** Vaccine doses given to individuals who opt to pay out of pocket or are insured for vaccines.
- c. **Case Management:** An individualized plan for securing, coordinating, and monitoring disease-appropriate treatment interventions.
- d. **Centers for Disease Control and Prevention or CDC:** Federal Centers for Disease Control and Prevention.
- e. **Electronic Health Record (EHR) or Electronic Medical Record (EMR):** a digital version of a patient's paper medical chart.
- f. **Exclusion Orders:** Legal notification to a parent or guardian of their child's noncompliance with the School/Facility Immunization Law.
- g. **Forecasting:** Determining vaccines due for an individual, based on immunization history and age.
- h. **HBsAg Screening:** Testing to determine presence of Hepatitis B surface antigen, indicating the individual carries the disease.
- i. **IQIP, Immunization Quality Improvement for Providers:** A continuous quality improvement process developed by CDC to improve clinic immunization rates and practices.
- j. **IRIS System:** An electronic system developed and maintained by OHA used by LPHAs to issue exclusion orders and report school- and child care site-specific data.
- k. **Oregon Vaccine Stewardship Statute:** State law requiring all State-Supplied Vaccine/IG providers to:
  - (1) Submit all vaccine administration data, including dose level eligibility codes, to ALERT IIS;
  - (2) Use ALERT IIS ordering and inventory modules; and
  - (3) Verify that at least two employees have current training and certification in vaccine storage, handling and administration, unless exempt under statute.

- l. **Orpheus:** An electronic communicable disease database and surveillance system intended for local and state public health epidemiologists and disease investigators to manage communicable disease reporting.
  - m. **Public Provider Agreement and Profile:** Signed agreement a between OHA and LPHA that receives State-Supplied Vaccine/Immune Globulin (IG). Agreement includes clinic demographic details, program requirements and the number of patients vaccinated.
  - n. **Section 317:** Section under the federal Public Health Services Act providing federal funding that provides no cost vaccines to individuals who meet eligibility requirements based on insurance status, age, risk factors, and disease exposure.
  - o. **Service Area:** Geographic areas in Oregon served by immunization providers.
  - p. **State-Supplied Vaccine/IG:** Vaccine or Immune Globulin provided by OHA procured with federal and state funds.
  - q. **Surveillance:** The routine collection, analysis and dissemination of data that describe the occurrence and distribution of disease, events or conditions.
  - r. **Vaccine Adverse Events Reporting System or VAERS:** Federal system for reporting adverse events following vaccine administration.
  - s. **Vaccine Eligibility:** An individual's eligibility for State Supplied Vaccine/IG based on insurance coverage for immunization.
  - t. **Vaccines for Children (VFC) Program:** A Federal entitlement program providing no-cost vaccines to children 0 through 18 years who are:
    - (1) American Indian/Alaskan Native; or,
    - (2) Uninsured; or,
    - (3) Medicaid-enrolled; or,
    - (4) Underinsured and are served in Federally Qualified Health Centers (FQHC) or Rural Health Centers (RHC); or,
    - (5) Underinsured and served by LPHAs.
  - u. **Vaccine Site Visit:** An on-site visit conducted at least every two years to ensure compliance with state and federal immunization requirements.
  - v. **Vaccine Information Statement or VIS:** Federally-required patient handouts produced by CDC with information about the risks and benefits of each vaccine.
3. **Alignment with Modernization Foundational Programs and Foundational Capabilities.** The activities and services that the LPHA has agreed to deliver under this Program Element align with Foundational Programs and Foundational Capabilities and the public health accountability metrics (if applicable), as follows (see [Oregon's Public Health Modernization Manual](http://www.oregon.gov/oha/PH/ABOUT/TASKFORCE/Documents/public_health_modernization_manual.pdf), ([http://www.oregon.gov/oha/PH/ABOUT/TASKFORCE/Documents/public\\_health\\_modernization\\_manual.pdf](http://www.oregon.gov/oha/PH/ABOUT/TASKFORCE/Documents/public_health_modernization_manual.pdf)):

**a. Foundational Programs and Capabilities** (As specified in Public Health Modernization Manual)

Program Components	Foundational Program					Foundational Capabilities						
	CD Control	Prevention and health promotion	Environmental health	Population Health	Access to clinical preventive services Direct services	Leadership and organizational competencies	Health equity and cultural responsiveness	Community Partnership Development	Assessment and Epidemiology	Policy & Planning	Communications	Emergency Preparedness and Response
Asterisk (*) = Primary foundational program that aligns with each component						X = Foundational capabilities that align with each component						
X = Other applicable foundational programs												
Vaccines for Children Program Enrollment					*		X					X
Oregon Vaccine Stewardship Statute					*	X						
Vaccine Management					*							X
Billable Vaccine/IG					*		X					
Vaccine Administration					*							X
Immunization Rates, Outreach and Education				*								
Tracking and Recall				*					X			
Surveillance of Vaccine-Preventable Diseases	*								X			
Adverse Events Following Immunizations					*							
Perinatal Hepatitis B Prevention, Screening and Documentation	*								X			
School/Facility Immunization Law				*					X			

**b. The work in this Program Element helps Oregon's governmental public health system achieve the following Public Health Accountability Metric:**

Two-year-old vaccination rates.

**c. The work in this Program Element helps Oregon's governmental public health system achieve the following Public Health Modernization Process Measure:**

IQIP program.

**4. Procedural and Operational Requirements.** By accepting and using the Financial Assistance awarded under this Agreement and for this Program Element, LPHA agrees to conduct activities in accordance with the following requirements:

- a. State-Supplied Vaccine Provider OR Vaccines for Children Program Enrollment.** LPHA must maintain enrollment as an active State-Supplied Vaccine provider or VFC Provider to assure access to clinical immunization services in the jurisdiction.

If LPHA contracts out for clinical services, LPHA must ensure that Subcontractor maintains enrollment as an active VFC Provider or Vaccine Access Provider. All subcontracts must include assurance of vaccine access to persons who are unable to receive needed vaccines in a timely manner.

- b. Oregon Vaccine Stewardship Statute.** LPHA must comply with all sections of the Oregon Vaccine Stewardship Statute.

**c. Vaccine Management.**

- (1) LPHA must conduct a monthly, physical inventory of all vaccine storage units and must reconcile their inventory in ALERT IIS. Inventory files must be kept for a minimum of three years.
- (2) LPHA must submit vaccine orders according to the tier assigned by the OHA's Immunization Program.

**d. Billable Vaccine/IG.**

- (1) OHA will bill LPHA quarterly for Billable Doses of vaccine.
- (2) OHA will bill the published price in effect at the time the vaccine dose is administered.
- (3) LPHA may not charge or bill a patient more for the vaccine than the published price.
- (4) Payment is due 30 days after the invoice date.

**e. Vaccine Administration.**

- (1) Vaccines must be administered as directed in the most current, signed version of OHA's Model Immunization Protocols.
- (2) In connection with the administration of a vaccine, LPHA must:
  - (a) Confirm that a recipient, parent, or legal representative has read, or has had read to them, the VIS and has had their questions answered prior to the administration of the vaccine.
  - (b) Make the VIS available in other languages or formats when needed (e.g., when English is not a patient's primary language or for those needing the VIS in braille.)
  - (c) Provide to the recipient, parent or legal representative, documentation of vaccines received at visit. LPHA may provide a new immunization record or update the recipient's existing handheld record.
  - (d) Screen for contraindications and precautions prior to administering vaccine and document that screening has occurred.
  - (e) Document administration of an immunization using a vaccine administration record or electronic equivalent, including all federally-required charting elements. (Note- ALERT IIS does not record all federally-required elements and cannot be used as a replacement for this requirement.)



- (f) If LPHA documents vaccine administration electronically, LPHA must demonstrate the ability to override a VIS date in their EHR system to record the actual publication date.
- (g) Comply with state and federal statutory and regulatory retention schedules, available for review at <https://sos.oregon.gov/archives/Documents/recordsmgmt/sched/schedule-health-public.pdf>, or OHA's office located at 800 NE Oregon St, Suite 370, Portland, OR 97232.
- (h) Comply with Vaccine Billing Standards. See Attachment 1 to this Program Element, incorporated herein by this reference.

**f. Immunization Rates, Outreach and Education.**

- a. OHA will provide annually to LPHA their IQIP rates and other population-based county rates.
- b. Using a template provided by OHA and agreed upon by the Oregon Coalition of Local Health Officials (CLHO), LPHA will complete an annual outreach workplan by selecting from OHA-suggested activities or creating their own.
- (2) LPHA must, during the state fiscal year, design and implement two educational or outreach activities in their Service Area (either singly or in collaboration with other community and service provider organizations) designed to increase access to clinical immunization services.
- (3) Activities should be designed to serve communities with limited access to immunization services or groups placed at increased risk of severe disease outcomes.

**g. Tracking and Recall.**

- (1) LPHA must Forecast immunizations due for clients requiring Immunization Services using the ALERT IIS electronic Forecasting system or equivalent system compliant with the Clinical Decision Support for Immunization standards published by the CDC.
- (2) LPHA must cooperate with OHA to recall a client if a dose administered by LPHA to such client is found by LPHA or OHA to have been mishandled and/or administered incorrectly, thus rendering such dose invalid.

**h. Surveillance of Vaccine-Preventable Diseases.** LPHA must conduct Surveillance within its Service Area in accordance with the Communicable Disease Administrative Rules, the Investigation Guidelines for Notifiable Diseases, the Public Health Laboratory User's Manual, and the Model Standing Orders for Vaccine, available for review at:

<http://public.health.oregon.gov/DiseasesConditions/CommunicableDisease>  
<http://public.health.oregon.gov/LaboratoryServiceshttp://public.health.oregon.gov/PreventionWellness/VaccinesImmunization/ImmunizationProviderResources/Pages/provresources.aspx>

**i. Adverse Events Following Immunizations.**

LPHA must complete and electronically file a VAERS form if:

- (1) An adverse event following immunization administration occurs, as listed in "Reportable Events Following Immunization", available for review at <http://vaers.hhs.gov/professionals/index#Guidance1>
- (2) An event occurs that the package insert lists as a contraindication to additional vaccine doses.
- (3) OHA requests a follow-up report to an earlier reported adverse event; or
- (4) Any other event LPHA believes to be related directly or indirectly to the receipt of any vaccine administered by LPHA or others occurs within 30 days of vaccine administration and results in either the death of the person or the need for the person to visit a licensed health care provider or hospital.

**j. Perinatal Hepatitis B Prevention, Screening and Documentation**

- (1) LPHA must provide Case Management services to all confirmed or suspect HBsAg-positive mother-infant pairs identified by LPHA or OHA in LPHA's Service Area.
- (2) Case Management will be performed in accordance with the Perinatal Hepatitis B Prevention Program Guidelines posted on the OHA website at <https://public.health.oregon.gov/DiseasesConditions/CommunicableDisease/ReportingCommunicableDisease/ReportingGuidelines/Documents/hepbperi.pdf> and must include, at a minimum:
  - (a) Screen for HBsAg status or refer to a health care provider for screening of HBsAg status, all pregnant women receiving prenatal care from public prenatal programs.
  - (b) Work with birthing hospitals within LPHA's Service Area when maternal screening and documentation of hepatitis B serostatus in the Electronic Birth Registration System drops below 95%.
  - (c) Work with birthing hospitals within LPHA's Service Area when administration of the birth dose of hepatitis B vaccine drops below 80% as reported in the Electronic Birth Registration System.
  - (d) Ensure that laboratories and health care providers promptly report HBsAg-positive pregnant women to LPHA.
  - (e) Provide Case Management services to HBsAg-positive mother-infant pairs to track administration of hepatitis B immune globulin, hepatitis B vaccine doses and post-vaccination serology.
  - (f) Provide HBsAg-positive mothers with initial education and referral of all susceptible contacts for hepatitis B vaccination.

**k. School/Facility Immunization Law**

- (1) LPHA must comply with the Oregon School Immunization Law, Oregon Revised Statutes 433.235 - 433.284, available for review at [https://www.oregonlegislature.gov/bills\\_laws/ors/ors433.html](https://www.oregonlegislature.gov/bills_laws/ors/ors433.html) and Oregon Administrative Rules 333-050-0140, available for review at [https://secure.sos.state.or.us/oard/displayDivisionRules.action%3bJSESSIONID\\_OARD=2rAGjMwAFKyKGiwIdp\\_03oUv7xa16kjlhXdVWS78XLgPdYNa0jj7%21479495115?selecteDivision=1265](https://secure.sos.state.or.us/oard/displayDivisionRules.action%3bJSESSIONID_OARD=2rAGjMwAFKyKGiwIdp_03oUv7xa16kjlhXdVWS78XLgPdYNa0jj7%21479495115?selecteDivision=1265)
- (2) LPHA must take orders for and deliver Certificate of Immunization Status (CIS) forms to schools and children's facilities located in their jurisdiction. Bulk orders of CIS forms will be provided to the LPHA by the state.
- (3) LPHA must cover the cost of mailing/shipping all Exclusion Orders to parents and to schools, school-facility packets which are materials for completing the annual school/facility exclusion process as required by the Oregon School Immunization Law, Oregon Revised Statutes 433.235 - 433.284 and the administrative rules promulgated pursuant thereto, which can be found at [https://secure.sos.state.or.us/oard/displayDivisionRules.action%3bJSESSIONID\\_OARD=2rAGjMwAFKyKGiwIdp\\_03oUv7xa16kjlhXdVWS78XLgPdYNa0jj7%21479495115?selecteDivision=1265](https://secure.sos.state.or.us/oard/displayDivisionRules.action%3bJSESSIONID_OARD=2rAGjMwAFKyKGiwIdp_03oUv7xa16kjlhXdVWS78XLgPdYNa0jj7%21479495115?selecteDivision=1265).
- (4) LPHA may use electronic mail as an alternative or an addition to mailing/shipping if the LPHA has complete electronic contact information for all schools and children's facilities and can confirm receipt of materials
- (5) LPHA must complete an annual Immunization Status Report that contains the immunization levels for attendees of: certified childcare facilities; preschools; Head Start facilities; and all schools within LPHA's Service Area. LPHA must submit this report to OHA no later than 23 days after the third Wednesday of February of each year in which LPHA receives funding for Immunization Services under this Agreement. Completion of Primary and Follow Up Tab data entry for all sites in the LPHA Service Area fulfills this requirement.

**l. Affordable Care Act Grants/Prevention and Public Health Project Grants**

If one-time only funding becomes available, LPHA may opt in by submitting an application outlining activities and timelines. The application is subject to approval by the OHA Immunization Program.

- 5. General Revenue and Expense Reporting.** LPHA must complete an "Oregon Health Authority Public Health Division Expenditure and Revenue Report" located in Exhibit C of the Agreement. These reports must be submitted to OHA each quarter on the following schedule:

<b>Fiscal Quarter</b>	<b>Due Date</b>
First: July 1 – September 30	October 30
Second: October 1 – December 31	January 30
Third: January 1 – March 31	April 30
Fourth: April 1 – June 30	August 20

**6. Reporting Requirements.**

- a. LPHA will submit an annual outreach workplan using a template provided by OHA and approved by CLHO.
- b. LPHA must submit vaccine orders according to the ordering tier assigned by OHA.
- c. If LPHA is submitting vaccine administration data electronically to ALERT IIS, LPHA must electronically flag clients who are deceased or have moved out of the Service Area or the LPHA jurisdiction.
- d. LPHA must complete and submit an Immunization Status Report as required in Section 4.1.(4) of this Program Element.
- e. LPHA must submit a written corrective action plan to address any compliance issues identified at the triennial review site visit.

**7. Performance Measures.**

- a. If LPHA provides Case Management to 5 births or more to HBsAg-positive mothers annually, LPHA must ensure that 90% of babies receive post-vaccination serology by 15 months of age. If LPHA's post-vaccination serology rate is lower than 90%, LPHA must increase the percentage of babies receiving post-vaccination serology by at least one percentage point.
- b. LPHA must achieve VFC vaccine accounting excellence in all LPHA-operated clinics in the most recent quarter. Clinics achieve vaccine accounting excellence by:
  - (1) Accounting for 95% of all vaccine inventory in ALERT IIS.
  - (2) Reporting fewer than 5% of accounted for doses as expired, spoiled or wasted during the quarter.
  - (3) Recording the receipt of vaccine inventory in ALERT IIS.
- c. LPHA must complete data entry into the IRIS system of 95% of Primary Review Summary follow-up reports (Sections E-H) from schools and children's facilities within 21 days of the annual exclusion day and of exclusion orders 14 days prior to the exclusion day (excluding exclusion orders generated through a system other than IRIS). LPHA must follow the noncompliance steps outlined in OAR 333-050-0095 with any school or facility that does not submit a Primary Review Summary report.

## Attachment 1

**OREGON'S IMMUNIZATION BILLING STANDARDS****Standards for providing and billing for immunization services in Oregon's Local Public Health Authorities (LPHAs)****Purpose: To standardize and assist in improving immunization billing practice**Guiding Principles

A modern LPHA understands their actual costs of doing business and dedicates resources to assuring continued financially viable operations. As such:

1. LPHAs should continually assess immunization coverage in their respective communities, assure that vaccine is accessible to all across the lifespan, and bill appropriately for services provided by the LPHA.
2. LPHAs who serve insured individuals should work to develop and continuously improve immunization billing capacity that covers the cost of providing services to those clients (e.g., develop agreements or contracts with health plans, set up procedures to screen clients appropriately, and bill vaccine administration fees that reflect the actual cost of services).
3. Public and private health plans should reimburse LPHAs for the covered services of their members, with vaccine serum and administration fees reimbursed at 100% of actual costs.
4. Each LPHA is uniquely positioned to assess the appropriate implementation of these standards. For example, Federally Qualified Health Centers (FQHCs) and Rural Health Clinics (RHCs) are obligated to follow a certain set of rules that may differ from these standards.
5. LPHAs that contract out some or all clinical immunization services should consider including these standards in their contracts as expectations of the contracted service provider.

Standards require that an LPHA that provides immunization services:

- ☐ Identify staff responsible for billing and contracting activities, dedicating at least a portion of one or more full-time equivalent (FTEs) positions to meet agency billing needs
- ☐ Determine vaccine administration fees based on the actual cost of service and document how fees were determined. For a fee calculator, see <https://www.oregon.gov/oha/PH/PREVENTIONWELLNESS/VACCINES/IMMUNIZATION/IMMUNIZATIONPROVIDERRESOURCES/VFC/Documents/BillVacAdminCostFull.xlsm>.

- ☐ Charge the actual costs for vaccine administration fees for all clients and discount the fee(s) as needed by contract, rule, or internal policy approved by OIP
- ☐ Develop immunization billing policies and procedures that address:
  - Strategies to manage clients who require vaccines by state law, are not eligible for VFC or 317 and are unable to meet the cost of immunizations provided (out of network or unaffordable cost sharing)
  - The purchasing of privately owned vaccine and how fees are set for vaccine charges to the client
  - The appropriate charge for vaccine purchased from OIP, by including a statement that says, "We will not charge more than the OIP-published price for billable vaccine."
  - Billing processes based on payor type (Medicaid/CCOs, private insurance, etc.), patient age, and vaccine eligibility
- ☐ With certain limited exceptions as published in vaccine eligibility charts, use no federally funded vaccine on insured clients, including adult Medicaid and all Medicare clients
- ☐ Identify and develop contracts or other appropriate agreements with relevant payors – including Coordinated Care Organizations (CCOs) to assure access to immunization services for insured members of the community
- ☐ Bill private and public health plans directly for immunization services, when feasible, rather than collecting fees from the client and having them submit for reimbursement
- ☐ Conduct regular quality assurance measures to ensure costs related to LPHA's immunization services are being covered
- ☐ Work to assure access to immunizations for Medicare-eligible members of the community and, if access is poor, provide Medicare Part B and/or Part D vaccines, as needed, and bill appropriately to cover the cost

**Program Element #51: Public Health Modernization****OHA Program Responsible for Program Element:**

Public Health Division/Office of the State Public Health Director/Policy and Partnerships Unit

1. **Description.** Funds provided under this Agreement for this Program Element may only be used in accordance with, and subject to, the requirements and limitations set forth below, to deliver Public Health Modernization.

**Section 1: LPHA Leadership, Governance and Implementation**

- (1) **Establish leadership and governance to plan for full implementation of public health modernization.** Demonstrate strategies to build and sustain infrastructure for public health Foundational Capabilities with a focus on health equity and cultural responsiveness throughout and within each Foundational Capability. This may include developing business models for the effective and efficient delivery of public health services, developing and/or enhancing community partnerships to build a sustainable public health system, and implementing workforce diversity and leadership development initiatives.
- (2) **Implement strategies to improve local infrastructure for communicable disease control, emergency preparedness and response, environmental health, and health equity and cultural responsiveness.** In partnership with communities, implement local strategies to prevent and control communicable disease, strengthen emergency preparedness and response planning, protect communities from environmental health threats, and reduce health inequities.

**Section 2: Regional Public Health Service Delivery**

- a. **Demonstrate regional approaches for providing public health services.** This may include establishing and maintaining a Regional Partnership of local public health authorities (LPHAs) and other stakeholders, utilizing regional staffing models, or implementing regional projects.
- b. **Implement regional strategies to improve Regional Infrastructure for communicable disease control, emergency preparedness and response, environmental health, and health equity and cultural responsiveness.** Implement regional strategies to prevent and control communicable disease, strengthen emergency preparedness and response planning, protect communities from environmental health threats, and reduce health inequities.

**Section 3: COVID-19 Public Health Workforce**

**Establish, expand, train and sustain the public health workforce gained during the COVID-19 pandemic.** Demonstrate strategies to ensure long-term improvements for health equity and cultural responsiveness, public health and community prevention, preparedness, response and recovery, including workforce diversity recruitment, retention and workforce development.

**Section 4: Public Health Infrastructure: Workforce**

- a. **Recruit and hire new public health staff,** with a focus on seeking applicants from communities and populations served to provide additional capacity and expertise in the foundational capabilities and programs identified by the LPHA as critical workforce needs
- b. **Support, sustain and retain public health staff** through systems changes and supports, as well as workforce development and training.

This Program Element, and all changes to this Program Element are effective the first day of the month noted in Issue Date section of Exhibit C Financial Assistance Award unless otherwise noted in Comments and Footnotes of Exhibit C of the Financial Assistance Award.

## 2. Definitions Specific to Public Health Modernization

- a. Foundational Capabilities. The knowledge, skills and abilities needed to successfully implement Foundational Programs.
- b. Foundational Programs. The public health system's core work for communicable disease control, prevention and health promotion, environmental health, and assuring access to clinical preventive services.
- c. Public Health Accountability Outcome Metrics. A set of data used to monitor statewide progress toward population health goals.
- d. Public Health Accountability Process Measures. A set of data used to monitor local progress toward implementing public health strategies that are necessary for meeting Public Health Accountability Outcome Metrics.
- e. Public Health Modernization Manual (PHMM). A document that provides detailed definitions for each Foundational Capability and program for governmental public health, as identified in ORS 431.131-431.145. The Public Health Modernization Manual is available at: [http://www.oregon.gov/oha/PH/ABOUT/TASKFORCE/Documents/public\\_health\\_modernization\\_manual.pdf](http://www.oregon.gov/oha/PH/ABOUT/TASKFORCE/Documents/public_health_modernization_manual.pdf).
- f. Regional Partnership. A group of two or more LPHAs and at least one other organization that is not an LPHA that is convened for the purpose of implementing strategies for communicable disease control and reducing health disparities.
- g. Regional Infrastructure. The formal relationships established between LPHAs and other organizations to implement strategies under this funding.

- 3. **Alignment with Modernization Foundational Programs and Foundational Capabilities.** The activities and services that the LPHA has agreed to deliver under this Program Element align with Foundational Programs and Foundational Capabilities and the Public Health Accountability Metrics (if applicable), as follows (see [Oregon's Public Health Modernization Manual](http://www.oregon.gov/oha/PH/ABOUT/TASKFORCE/Documents/public_health_modernization_manual.pdf), ([http://www.oregon.gov/oha/PH/ABOUT/TASKFORCE/Documents/public\\_health\\_modernization\\_manual.pdf](http://www.oregon.gov/oha/PH/ABOUT/TASKFORCE/Documents/public_health_modernization_manual.pdf)):



**a. Foundational Programs and Capabilities** (As specified in the Public Health Modernization Manual)

Program Components	Foundational Program					Foundational Capabilities						
	CD Control	Prevention and health promotion	Environmental health	Population Health	Access to clinical preventive services Direct services	Leadership and organizational competencies	Health equity and cultural responsiveness	Community Partnership Development	Assessment and Epidemiology	Policy & Planning	Communications	Emergency Preparedness and Response
Asterisk (*) = Primary Foundational Program that aligns with each component  X = Other applicable Foundational Programs						X = Foundational Capabilities that align with each component						
Use Leadership and Governance to plan for full implementation of public health modernization (Section 1)	*		X			X	X	X	X	X	X	X
Implement strategies for local communicable disease control, emergency preparedness and response, environmental health, and health equity and cultural responsiveness (Section 1)	*		X				X	X	X		X	X
Demonstrate regional approaches for providing public health services (Section 2)	*		X			X	X	X	X	X	X	X
Implement regional communicable disease control, emergency preparedness and response, environmental health, and health equity and cultural responsiveness (Section 2)	*		X				X	X	X		X	X
Establish, expand, train and sustain the public health workforce gained during the COVID-19 pandemic. (Section 3)	*					X	X	X	X			X

**b. Public Health Accountability Outcome Metrics:**

The 2019-2021 Public Health Accountability Metrics adopted by the Public Health Advisory Board for communicable disease control and environmental health are:

- Two-year old immunization rates
- Gonorrhea rates
- Active transportation
- Drinking water health-based standards

LPHA is not required to select these metrics as areas of focus for funds made available through this Program Element. LPHA is not precluded from using funds to address other high priority communicable disease and environmental health risks based on local epidemiology, priorities and need.

**c. Public Health Accountability Process Measures:**

The 2019-21 Public Health Accountability Process Measures adopted by the Public Health Advisory Board for communicable disease control and environmental health are listed below. LPHA must select a high priority communicable disease risk based on local epidemiology and need. The following process measures may not be relevant to all LPHAs.

- Percent of Vaccines for Children clinics that participate in the Assessment, Feedback, Incentives and eXchange (AFIX) program
- Percent of gonorrhea cases that had at least one contact that received treatment
- Percent of gonorrhea case reports with complete “priority” fields
- Local public health authority participation in leadership or planning initiatives related to active transportation, parks and recreation, or land use
- Percent of water systems surveys completed
- Percent of water quality alert responses
- Percent of priority non-compliers resolved

**4. Procedural and Operational Requirements.** By accepting and using the Financial Assistance awarded under this Agreement and for this Program Element, LPHA agrees to conduct activities in accordance with the following requirements:

**Requirements that apply to Section 1 and Section 2 funding:**

- a. Implement activities in accordance with this Program Element.
- b. Engage in activities as described in its Section 1 and/or Section 2 work plan, once approved by OHA and incorporated herein with this reference. See Attachment 1 for work plan requirements for Section 1.
- c. Use funds for this Program Element in accordance with its Section 1 and/or Section 2 Program Budget, once approved by OHA and incorporated herein with this reference. Modification to the Section 1 and/or Section 2 Program Budget of 10% or more within any individual budget category may only be made with OHA approval.
- d. Implement and use a performance management system to monitor achievement of Section 1 and/or Section 2 work plan objectives, strategies, activities, deliverables and outcomes.
- e. Participate in learning collaboratives and capacity building for achieving each public health authority’s and the public health system’s goals for achieving health equity.

- f. Ensure LPHA administrator, LPHA staff, and/or other partner participation in shared learning opportunities or communities of practice focused on governance and public health system-wide planning and change initiatives, in the manner prescribed by OHA. This includes sharing work products and deliverables with OHA and other LPHAs and may include public posting.
- g. Participate in evaluation of public health modernization implementation in the manner prescribed by OHA.

#### **Requirements that apply to Section 1: LPHA Leadership, Governance and Implementation**

Implement strategies for Leadership and Governance, Health Equity and Cultural Responsiveness, Communicable Disease Control, Emergency Preparedness and Environmental Health as described in Attachment 1 of this Program Element.

#### **Requirements that apply to Section 2: Regional Public Health Service Delivery**

- (1) Implement strategies for public health service delivery using regional approaches, which may be through Regional Partnerships, utilizing regional staffing models, or implementing regional projects.
- (2) Use regional strategies to improve Regional Infrastructure for communicable disease control, emergency preparedness and response, environmental health, and health equity and cultural responsiveness.

#### **Requirements that apply to Section 3: COVID-19 Public Health Workforce**

- a. Implement activities in accordance with this Program Element.
- b. Use funds for this Program Element in accordance with its Section 3 Program Budget, once approved by OHA and incorporated herein with this reference. Modification to Budget of 10% or more within any individual budget category may only be made with OHA approval.
- c. Use funds to establish, expand, train and sustain the public health workforce gained during the COVID-19 pandemic. This includes workforce that directly supports COVID-19 response activities and those supporting strategies and interventions for public health and community priorities beyond COVID-19.
- d. Demonstrate strategies to ensure long-term improvements for public health and community prevention, preparedness, response and recovery.
- e. Demonstrate strategies for eliminating health inequities, which may include workforce diversity recruitment, retention and development of innovative community partnerships.

#### **Requirements that apply to Section 4: Public Health Infrastructure: Workforce**

- a. Implement at least one of the following activities:
  - (1) Implement strategies and activities to recruit, hire and retain a diverse public health workforce that reflects the communities served by the LPHA.
  - (2) Recruit and hire and/or retain new public health staff to increase workforce capacity in foundational capabilities and programs, including but not limited to epidemiology, communicable disease, community partnership and development, policy and planning, communications, and basic public health infrastructure (fiscal, human resources, contracts, etc.). LPHA will determine its specific staffing needs.
  - (3) Support and retain public health staff through systems development and improvements.
  - (4) Support and retain public health staff through workforce training and development.
  - (5) Transition COVID-19 staffing positions to broader public health infrastructure positions.

- (6) Recruit and hire new public health staff, with a focus on seeking applicants from communities and populations served to provide additional capacity and expertise in the foundational capabilities and programs identified by the LPHA as critical workforce needs.
- (7) Perform other related activities as approved by OHA in section b., below.

b. LPHA must request in writing prior approval for other related activities. No such activities may be implemented without written approval of OHA.

5. **General Budget and Expense Reporting.** LPHAs funded under Section 1, Section 2 and/or Section 3 must complete an “Oregon Health Authority Public Health Division Expenditure and Revenue Report” located in Exhibit C of the Agreement. These reports must be submitted to OHA each quarter on the following schedule:

Fiscal Quarter	Due Date
First: July 1 – September 30	October 30
Second: October 1 – December 31	January 30
Third: January 1 – March 31	April 30
Fourth: April 1 – June 30	August 20

6. **Reporting Requirements.**

- a. Have on file with OHA an approved Section 1 and/or Section 2 Work Plan and Budget using the format prescribed by OHA no later than 60 days after OHA notifies LPHA of anticipated funding allocation for the biennium.
- b. Have on file with OHA an approved Section 3 Budget using the format prescribed by OHA no later than 60 days after OHA notifies LPHA of anticipated funding allocation for the biennium.
- c. Submit Section 1 and Section 2 Work Plan progress reports using the timeline and format prescribed by OHA.
- d. Submit updated Section 1, 2 and 3 Budgets upon request using the format prescribed by OHA.
- e. Submit to OHA approved Section 1 and 2 work plan deliverables in the timeframe specified.
- f. Submit Section 4 data or information to OHA for evaluation purposes or as required by the Centers for Disease Control and Prevention. OHA will notify LPHA of the requirements. OHA will not require additional reporting beyond what is required by the Centers for Disease Control and Prevention.

7. **Performance Measures.**

If LPHA, including LPHAs funded as Fiscal Agents for Regional Public Health Service Delivery, complete and submit to OHA fewer than 75% of the planned deliverables in its approved Section 1 and/or Section 2 work plan for the funding period, LPHA or Fiscal Agent shall not be eligible to receive funding under this Program Element during the next funding period. The deliverables will be mutually agreed upon as part of the work plan approval process.

## Appendix A

The table below lists the goals and requirements that LPHAs will work toward with 2021-23 funding. Efforts toward the following goals and requirements will be demonstrated in the LPHA and/or regional work plan.

Programmatic goals and work plan requirements
<p>Goal 1: Protect communities from acute and communicable diseases through prevention initiatives that address health inequities.</p> <ul style="list-style-type: none"> <li>• LPHA will demonstrate strategies toward local or regional improvements of communicable disease prevention and response infrastructure.</li> <li>• LPHA will demonstrate strategies toward local or regional reductions in inequities across populations.</li> </ul> <p>Goal 2: Strengthen and expand communicable disease and environmental health emergency preparedness, and the public health system and communities' ability to respond.</p> <ul style="list-style-type: none"> <li>• LPHA will demonstrate strategies toward developing, maintaining and/or updating a local or regional all-hazards preparedness plan with community partners. (deliverable)</li> </ul> <p>Goal 3: Protect communities from environmental health threats from climate change through public health interventions that support equitable climate adaptation.</p> <ul style="list-style-type: none"> <li>• LPHA will demonstrate strategies toward developing a local or regional climate adaptation plan or incorporate into community health assessment and plan. (deliverable)</li> </ul> <p>Goal 4: Plan for full implementation of public health modernization and submission of local modernization plans by 2025.</p> <ul style="list-style-type: none"> <li>• LPHA will demonstrate strategies to build and sustain infrastructure for public health Foundational Capabilities.</li> </ul>
LPHA Requirements for increasing Capacity for Foundational Capabilities
<p>Leadership and Organizational Competencies</p> <ul style="list-style-type: none"> <li>• LPHA will participate in public health modernization learning collaboratives.</li> <li>• LPHA will demonstrate workforce or leadership initiatives necessary for local and/or regional public health infrastructure.</li> </ul> <p>Health Equity and Cultural Responsiveness</p> <ul style="list-style-type: none"> <li>• LPHA will develop, update and/or continue to implement local or regional health equity plan. (deliverable)</li> </ul> <p>Assessment and Epidemiology</p> <ul style="list-style-type: none"> <li>• LPHA will demonstrate strategies for public health data collection, analysis, reporting and dissemination that are necessary for 2021-23 goals and deliverables. This includes strategies to collect and report data that reveals health inequities in the distribution of disease, disease risks and social conditions that influence health.</li> </ul> <p>Community Partnership Development</p> <ul style="list-style-type: none"> <li>• LPHA will demonstrate strategies for sustaining or expanding partnerships with community organizations to ensure connections with BIPOC communities or other groups experiencing health inequities.</li> <li>• LPHA will demonstrate co-creation of culturally and linguistically responsive public health interventions with community partners.</li> <li>• LPHA will demonstrate involvement of community-based organizations in public health emergency planning or other priorities identified by communities.</li> <li>• LPHA will demonstrate sustained partnerships for infection prevention and control in congregate settings which may include LTCFs, prisons, shelters or childcare facilities.</li> </ul> <p>Communications</p> <ul style="list-style-type: none"> <li>• LPHA will demonstrate the ability to provide routine public health education through a variety of communication platforms, with consideration of linguistic and culturally responsive and functional needs of the community.</li> <li>• LPHA will demonstrate the ability to provide timely and accurate risk communication for areas of public health significance.</li> </ul>

**Attachment B**  
**Financial Assistance Award (FY23)**

State of Oregon Oregon Health Authority Public Health Division		
<b>1) Grantee</b>	<b>2) Issue Date</b>	<b>This Action</b>
Name: Clatsop County	Thursday, December 1, 2022	Amendment
Street: 820 Exchange, Suite 100		FY 2023
City: Astoria	<b>3) Award Period</b>	
State: OR Zip: 97103-4609	From July 1, 2022 through June 30, 2023	

**4) OHA Public Health Funds Approved**

Number	Program	Previous Award Balance	Increase / Decrease	Current Award Balance
PE01-01	State Support for Public Health	\$46,839.00	\$0.00	\$46,839.00
PE01-09	COVID-19 Active Monitoring - ELC	\$430,535.54	\$0.00	\$430,535.54
PE01-10	OIP - CARES	\$259,409.22	\$0.00	\$259,409.22
PE10-02	Sexually Transmitted Disease (STD)	\$74,232.00	\$0.00	\$74,232.00
PE12-01	Public Health Emergency Preparedness and Response (PHEP)	\$73,888.00	\$4,926.00	\$78,814.00
PE13-01	Tobacco Prevention and Education Program (TPEP)	\$401,303.00	\$0.00	\$401,303.00
PE27-04	PDOP Naloxone Project (SOR)	\$46,156.00	\$138,000.00	\$184,156.00
PE36	Alcohol & Drug Prevention Education Program (ADPEP)	\$145,864.60	\$0.00	\$145,864.60
PE40-01	WIC NSA: July - September	\$41,033.00	\$0.00	\$41,033.00
PE40-02	WIC NSA: October - June	\$123,098.00	\$0.00	\$123,098.00
PE40-05	Farmer's Market	\$2,118.00	\$0.00	\$2,118.00
PE42-03	MCAH Perinatal General Funds & Title XIX	\$2,092.00	\$0.00	\$2,092.00
PE42-04	MCAH Babies First! General Funds	\$6,686.00	\$0.00	\$6,686.00
PE42-06	MCAH General Funds & Title XIX	\$3,925.00	\$0.00	\$3,925.00

**4) OHA Public Health Funds Approved**

Number	Program	Previous Award Balance	Increase / Decrease	Current Award Balance
PE42-11	MCAH Title V	\$21,226.00	\$0.00	\$21,226.00
PE43-01	Public Health Practice (PHP) - Immunization Services	\$12,297.00	\$0.00	\$12,297.00
PE46-05	RH Community Participation & Assurance of Access	\$17,075.67	\$0.00	\$17,075.67
PE50	Safe Drinking Water (SDW) Program (Vendors)	\$18,014.00	\$6,787.86	\$24,801.86
PE51-01	LPHA Leadership, Governance and Program Implementation	\$287,164.87	\$0.00	\$287,164.87
PE51-03	ARPA WF Funding	\$115,340.88	\$0.00	\$115,340.88
PE62	Overdose Prevention-Counties	\$55,808.00	\$75,078.00	\$130,886.00
		\$2,184,105.78	\$224,791.86	\$2,408,897.64

**5) Foot Notes:**

PE01-01	9/1/2022: Funds are available 07/01/2022 - 06/30/2023. Not eligible for Carryover
PE01-09	9/1/2022: Funds are available 07/01/2022 - 06/30/2023
PE01-10	9/2022: Awarded funds can be spent on allowable costs for the period of 7/1/2022 - 6/30/2024. Any unspent funds as of 6/30/23 will be rolled over into the FY24 award. Please see provided budget guidance for more details on roll over information.
PE40-01	5/2022: Underspent SFY2023 Q1 funding award needs to be spent by 9/30/2022. No unspent funds carryover to Q2-4 period.
PE40-05	5/2022: Submit final quarterly Revenue and Expense Report to State LPHA by 1/31/2023.
PE42-11	5/2022: Indirect rate maximum is 10%
PE51-01	9/2022: Funds available for 7/1/22-6/30/23. Not eligible for carryover.
PE51-03	10/2022: unspent funds from FY23 can be carried over to FY24 – Funds must be spent by 6/30/2024.

<b>6) Comments:</b>	
PE01-09	9/2022: rollover unspent funds from FY22 to FY23;
PE01-10	9/2022: rollover unspent funds from FY22 to FY23;
PE12-01	12/2022: SFY23 Unspent SFY22 funds \$4,926 must be spent by 6/30/2023. A revised program budget is due 1/31/2023
PE13-01	10/2022: Amendment to add FY22 Carry over funds of \$69,154 & BM108 funds of \$129,873
PE27-04	12/2022: Awarding additional FY23 funds available 10/1/22-6/30/23 only. 5/2022: FY23 funds available 7/1/22-9/29/22 only.
PE36	9/2022: move funds between PCA's. carryover from fy22
PE40-01	5/2022: SFY23 award; require spend on \$8207 Nutrition Ed, \$1034 on BF Promotion
PE40-02	5/2022: SFY23 Q2-4 award: spend \$24620 on Nutrition Ed, \$3102 on BF Promotion
PE40-05	5/2022:SFY2023 WIC FDNP mini grant, to be paid in equal installment on 7/1 and 10/1 of 2022.
PE42-04	5/2022: SFY23 award is for the period of 7/1/2022 to 6/30/2023.
PE46-05	07/2022: SFY23 Title X Initial Award
PE50	12/2022: realign funding for Q1 rollover catch up payment 12/2022: Rollover unspent FY22 funds to FY23 award 10/2022: realign funding sources;
PE51-01	9/2022: move unspent funds from FY22 to FY23;
PE51-03	9/2022: rollover unspent funds from FY22
PE62	12/2022: FY23 additional funds of \$75,078 available 10/1/22 - 6/30/23. 7/2022: Prior comment null and void. \$47,466 available July 1-August 31, 2022. Includes \$30,782 carryover from FY22. \$8,342 available September 1- 30, 2022 only. No funds eligible for carry forward. 5/2022: FY23 funds available 7/1/22 - 8/31/22 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 D****Information required by CFR Subtitle B with guidance at 2 CFR Part 200 (FY23)**

<b>PE12-01 Public Health Emergency Preparedness and Response (PHEP)</b>		
Federal Award Identification Number:	NU90TP922036	NU90TP922036
Federal Award Date:	06/16/22	06/16/22
Budget Performance Period:	07/01/2022-06/30/2023	07/01/2022-06/30/2023
Awarding Agency:	CDC	CDC
CFDA Number:	93.069	93.069
CFDA Name:	Public Health Emergency Preparedness	Public Health Emergency Preparedness (PHEP)
Total Federal Award:	8,439,412	8,439,412
Project Description:	Public Health Emergency Preparedness (PHEP)	Public Health Emergency Preparedness (PHEP)
Awarding Official:	Ms. Sylvia Reeves	Ms. Sylvia Reeves
Indirect Cost Rate:	17.64%	17.64
Research and Development (T/F):	FALSE	FALSE
HIPPA	No	No
PCA:	53478	53485
Index:	50407	50407

Agency	UEI	Amount	Amount	Grand Total:
Clatsop	F1HMUWL4TKL5	\$73,888.00	\$4,926.00	\$78,814.00

<b>PE27-04 PDOP Naloxone Project (SOR)</b>		
Federal Award Identification Number:	H79TI083316	H79TI085732
Federal Award Date:	08/09/21	09/23/22
Budget Performance Period:	09/30/2021-09/29/2022	9/30/22 - 9/29/23
Awarding Agency:	SAMHSA	SAMHSA
CFDA Number:	93.788	93.788
CFDA Name:	Opioid STR	Opioid STR
Total Federal Award:	15,301,349	\$15,474,271
Project Description:	Oregon SOR 2020 Grant	Oregon SOR 3 grant
Awarding Official:	Laurasona Leigh	Tiffany Clayton
Indirect Cost Rate:	17.64%	3.13%
Research and Development (T/F):	FALSE	FALSE
HIPPA	No	No
PCA:	82334	82446
Index:	87850	87850

Agency	UEI	Amount	Amount	Grand Total:
Clatsop	F1HMUWL4TKL5	\$46,156.00	\$138,000.00	\$184,156.00

# OHA - 2021-2023 INTERGOVERNMENTAL AGREEMENT - FOR THE FINANCING OF PUBLIC HEALTH SERVICES

## PE40-02 WIC NSA: October - June

Federal Award Identification Number:	217OROR7W1003	217OROR7W1003	217OROR7W1003
Federal Award Date:	04/06/22	04/06/22	04/06/22
Budget Performance Period:	10/01/2022-09/30/2023	10/01/2022-09/30/2023	10/01/2022-09/30/2023
Awarding Agency:	FNS USDA	FNS USDA	FNS USDA
CFDA Number:	10.557	10.557	10.557
CFDA Name:	WIC NSA grant	WIC NSA grant	WIC NSA grant
Total Federal Award:	30,000,000	30,000,000	30,000,000
Project Description:	Supplemental Nutrition Program WIC Admin	Supplemental Nutrition Program WIC Nutrition Ed	Supplemental Nutrition Program WIC BF Promotion
Awarding Official:	USDA Western Region	USDA Western Region	USDA Western Region
Indirect Cost Rate:	17.64%	17.64%	17.64%
Research and Development (T/F):	FALSE	FALSE	FALSE
HIPPA	No	No	No
PCA:	52223	52225	52224
Index:	50331	50331	50331

Agency	UEI	Amount	Amount	Amount	Grand Total:
Clatsop	F1HMUWL4TKL5	\$95,376.00	\$24,620.00	\$3,102.00	\$123,098.00

## PE50 Safe Drinking Water (SDW) Program (Vendors)

Federal Award Identification	State Funds	State Funds	00031222	98009021	98009022	TBD
Federal Award Date:			12/10/21	09/29/21	09/21/22	
Budget Performance Period:			10/01/2021-09/30/2022	10/01/2021-09/30/2024	10/01/2022-09/30/2025	10/01/2022-09/30/2023
Awarding Agency:			EPA	EPA	EPA	EPA
CFDA Number:			66.432	66.468	66.468	66.432
CFDA Name:			State Public Water System Supervision	Capitalization Grants for Drinking Water State Revolving Funds	Capitalization Grants for Drinking Water State Revolving Funds	State Public Water System Supervision
Total Federal Award:			2,454,666	17,368,800	11064000	TBD
Project Description:			OHA State Public Water System Supervision (PWSS)	Oregon FFY 2021 DWSRF Capitalization Grant	Oregon FFY 2022 DWSRF Capitalization Grant	OHA State Public Water System Supervision (PWSS)
Awarding Official:			Neverley Wake	Richard Green	Megan Browning	TBD
Indirect Cost Rate:			17.64%	17.64%	18.06%	18.06%
Research and Development (T/F):	FALSE	FALSE	FALSE	FALSE	FALSE	FALSE
HIPPA	No	No	No	No	No	No
PCA:	51283	51058	51320	51865	51835	51322
Index:	50204	50204	50204	50204	50204	50204

Agency	UEI	Amount	Amount	Amount	Amount	Amount	Amount	Grand Total:
Clatsop	F1HMUWL4TKL5	\$7,441.35	\$2,479.79	\$1,860.08	\$2,310.41	\$5,129.95	\$5,580.28	\$24,801.86

**PE62 Overdose Prevention-Counties**

Federal Award Identification:	H79TI083316	H79TI085732	NU17CE925018
Federal Award Date:	08/09/21	09/23/22	08/10/22
Budget Performance Period:	9/30/2021-	9/30/22 - 9/29/23	9/1/22-8/31/23
Awarding Agency:	SAMHSA	SAMHSA	CDC
CFDA Number:	93.788	93.788	93.136
CFDA Name:	Opioid STR	Opioid STR	Injury Prevention and Control Research and State and Community Based Programs
Total Federal Award:	15,301,349	\$15,474,271	5,729,305
Project Description:	Oregon SOR 2020 Grant	Oregon SOR 3 grant	Oregon Overdose Data To Action (OD2A)
Awarding Official:	Laurasona Leigh	Tiffany Clayton	Janelle Valladares
Indirect Cost Rate:	17.64%	3.13%	17.64%
Research and Development (T/F):	FALSE	FALSE	FALSE
HIPPA:	No	No	No
PCA:	82334	82446	52261
Index:	87850	87850	50339

Agency	UEI	Amount	Amount	Amount	Grand Total:
Clatsop	F1HMUWL4TKL5	\$47,466.00	\$75,078.00	\$8,342.00	\$130,886.00

IN THE BOARD OF COUNTY COMMISSIONERS  
FOR CLATSOP COUNTY, OREGON

In the matter of the adjustment of the fiscal	)	
year 2022-23 budget and appropriations by	)	RESOLUTION AND ORDER
authorizing expenditure of unanticipated	)	
grant revenue from the Oregon Health Authority)	)	
for Contract 169504 Amendment #12, per ORS	)	
294.338	)	

It appearing to the Board that there is a need to make adjustments in the fiscal year 2022-23 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 8th Day of March 2023.

BOARD OF COUNTY COMMISSIONERS  
FOR CLATSOP COUNTY, OREGON

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Mark Kujala, Chair

Schedule A  
2022-23 Budget Adjustments

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**I. ADJUSTMENTS INVOLVING EXPENDITURE OF UNANTICIPATED GRANT REVENUE**

<b><u>ORGANIZATION UNIT/FUND</u></b>		<b><u>INCREASE</u></b>	<b><u>DECREASE</u></b>
Public Health Emergency Preparedness and Response (PE12-01)			
B/T Preparedness PE12-01 Revenue	007/4170/81-7322	\$ 1,360.00	
PHEP Emerg Prep Expense	007/4170/82-2487	\$ 1,360.00	
Safe Drinking Water (PE50)			
Drinking Water Revenue	007/4175/81-7283	\$ 6,790.00	
EH Spec II Expense	007/4175/82-1195	\$ 6,790.00	
Overdose Prevention (PE62)			
Prescription Drug OD Prev. Grant Rev	007/4168/81-5203	\$ 27,370.00	
Prescription Drug OD Prev. Expense	007/4168/82-1872	\$ 9,120.00	
Contractual Services Expense	007/4168/82-2471	\$ 18,250.00	

Comment: OHA IGA 169504 Amendment 12 is a total of \$35,520.00 and is outlined in the Agenda Item Summary. We are requesting the above referenced as budget appropriation adjustments for FY22/23.

# Board of Commissioners Clatsop County

## AGENDA ITEM SUMMARY

March 8, 2023

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**Agenda Title:** Agreement between IZO Inc (IZO) and the Local Public Health Authority for Clatsop County (LPHA), Clatsop County Department of Public Health (CCDPH), for the Biennium July 1, 2021 through June 30, 2023.

**Category:** Consent Calendar

**Presented By:** Jiancheng Huang, CCDPH Director

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**Issue Before the Commission:** Request of Authorization for County Manager to approve the Agreement between IZO Inc (IZO) and Clatsop County Department of Public Health for a (not to exceed) total of \$44,000.00.

**Informational Summary:** In September 2022, Oregon counties were notified of an allocation of Measure 108 tobacco tax revenues to address commercial tobacco use inequities and develop or enhance community-based partnerships. Clatsop, Columbia and Tillamook public health departments' Tobacco Prevention and Education Programs (TPEP) are collaborating to use a portion of the funding on unified messaging for a regional communications campaign to advance tobacco use prevention efforts, especially vaping, and increase access to certified cessation services.

The anticipated impacts of this unified campaign are increased access to information on tobacco prevention and cessation resources for the region's Latinx populations and reduced health disparities related to tobacco/nicotine use. The coordinated effort will provide a culturally specific and linguistically appropriate youth prevention campaign on vaping and tobacco/nicotine. The bi-cultural and bi-lingual media production organization, IZO Inc, will develop the media campaign in Spanish and English.

Clatsop County is the acting "fiscal agent" for the IZO contract with Columbia and Tillamook counties contributing funding.

**Fiscal Impact:** The 2022 – 2023 FY impact would be a maximum expenditure of \$44,000.00. This contract is valid from date of execution through June 30, 2023.

See IZO Statement of Work (attached).

Columbia County Public Health will contribute \$15,000.00 toward this campaign while Tillamook County Community Health Centers will contribute \$10,000.00 (refer to IGA C6-2023 – attached). CCDPH will provide the balance (from Measure 108 revenue) for the campaign as the acting “fiscal agent”.

**Requested Action:**

Authorize the County Manager to sign the Agreement along with any amendments between IZO Inc and Clatsop County Department of Public Health.

**Attachment List**

- A. Copy of Agreement for a total of \$44,000.00
- B. IZO Statement of Work
- C. TPEP Regional IGA C6-2023



**CLATSOP COUNTY, OREGON**

800 Exchange Street, Suite 410

Astoria, Oregon 97103

*An Equal Opportunity Employer*

Contract No. C8254

**PERSONAL/PROFESSIONAL SERVICES AGREEMENT**

This AGREEMENT is by and between Clatsop County ("County") and IZO Inc. ("Contractor"). Whereas County has need of the services which Contractor has agreed to provide; NOW THEREFORE, in consideration of the sum not to exceed \$44,000.00 to be paid to Contractor by County, Contractor agrees to perform between date of execution and June 30, 2023, inclusive, the following specific personal and/or professional services:

See attached Statement of Work.

Payment Terms: Progress payments

- 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 the contract;
  - 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 \$600,000 for property damage and minimum of \$700,000 per person for bodily injury and no less than \$1,400,000 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:

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\_\_\_\_\_ (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.

Upon termination of this agreement, Contractor shall be entitled to receive full payment for all services satisfactorily rendered up to the date of termination.

**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.

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

**FOR COUNTY:**

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
County Manager

\_\_\_\_\_  
Title

**FOR CONTRACTOR:**

*Anthony Veliz* *February 8, 2023*  
\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
President

\_\_\_\_\_  
Title

\_\_\_\_\_  
255 N. Arney Rd. Suite 230

\_\_\_\_\_  
Address

\_\_\_\_\_  
Woodburn, OR 97071

\_\_\_\_\_  
City State Zip



# North Coast PH group 2022

## Statement of Work

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## Summary

Izo proposes to develop a culturally specific and linguistically appropriate communication campaign about Youth prevention on vaping and tobacco/nicotine. Izo has extensive experience reaching communities across the state of Oregon. Our campaign work to include educating communities and informing them about the resources and services available to them. Izo has the community relationships and networks to educate youth living in Clatsop, Columbia, and Tillamook counties, especially our most vulnerable communities.

## Goal

Create awareness on the harmful effects of vaping and the usage of tobacco/nicotine.

## Phased Campaign Approach

### Phase 1

Definition/Planning Phase

### Phase 2

Design and production.

### Phase 3

Strategy Implementation

# Phase 1

## Definition/Planning Phase

- Review programs goals, messaging, key activities. Discuss goals as a team and with stakeholders and write these goals and how messages will help reach those goals. Write out as part of the communications and marketing plan.
  - At this stage of the project goals are planned out. Review Attachment B “Information for Communities”.
- Message planning. Define what needs to be said and how.
  - Review messages and goals, define the format to best deliver messages based on audience needs.
  - Does the message require a visual? Would a video allow you to convey the message more personally?
  - Are there audiences who may not read their native language very well?
  - Would an audio message be the preferred form of communication? Planning frequency across the communication strategy allows you to ensure your messages will be heard and retained by your target audience.



# Phase 1

## Definition/Planning Phase

- Audience
  - Who are we talking to? Take into account language, geographic locations, demographics, behaviors, audience insights. Define what each audience actually needs. The needs of each audience group will define how to best communicate and this may differ depending on the audience group.
- Measurement and refinement.
  - Define how to measure how messages are resonating and if needed be able to refine messages, format, or channels quickly when adjustments are needed from learnings or audience insights.
- Share strategy framework and content ecosystem.
  - Strategy framework to include a strategic plan for distribution of the materials described in this General Requirements Section with an emphasis on culturally sensitive and responsive outreach.

## Phase 2

### Design and production.

- Produce creative in the formats outlined in the strategy framework. Throughout the design and production process Clatsop, Columbia, and Tillamook are invited to participate in the design of materials. Izo to provide information and updates throughout the process.

## Phase 3

### **Execute the strategy.**

- Strategies include advertising on media such as radio, social media and other appropriate communication channels. Connect with community based organizations (PODER) and supporting them in activities that will help get the message across and achieve the awareness goals. Connect with media, reporters, and other media outlets and pitch the PSA's for distribution among their listeners. Izo's relationships with many organizations throughout Oregon through the Oregon Latinx Leadership Network (PODER) can be leveraged to help create awareness within micro communities throughout Oregon.

## Service Costs

Task	Deliverable	Cost
<b>Research &amp; Discovery</b> Meet with subject matter experts to learn about past and more recent efforts and campaigns in the region. Review resources on what works, challenges and gain insights.	<b>Deliverable:</b> Document outlining findings.	\$3,000
<b>Strategic Planning</b> <ul style="list-style-type: none"> <li>• Messaging Campaign timeline.</li> <li>• 1 message is for youth, 1 message for caregiver, 1 message for general community</li> <li>• Marketing Plan &amp; Creative Direction</li> </ul>	<b>Deliverable:</b> Document outlining communication plan and activities. Schedule outlining project plan and communication plan.	\$5,000
<b>Social Media Strategy</b> <ul style="list-style-type: none"> <li>• Media planning, media strategy, ad buying and placement. Campaign management, ad optimization, analytics, and monthly reporting.</li> <li>• Monitor and respond to social media messages/comments/shares/ads in Spanish.</li> </ul>	<b>Deliverable:</b> Document with Social media strategy with direction for Spanish & English language content.	\$4,000

## Service Costs

Task	Deliverable	Cost
<p><b>Radio PSA</b> Design and Develop one (PSA) Radio recording in Spanish. (One round of revisions and edits included, additional rounds may be requested).</p> <p><i>*Additional rounds of edits are billed at \$500 per additional round.</i></p>	<p><b>Deliverable:</b> 1 Radio in spanish between 15 seconds or 30 seconds</p>	<p>\$1,500</p>
<p><b>Video PSA(Spanish)</b> Design and Develop one (PSA) video recording in Spanish. (One round of revisions and edits included, additional rounds may be requested).</p> <p><i>*Additional rounds of edits are billed at \$500 per additional round.</i></p>	<p><b>Deliverable:</b> 1 Video in spanish (30 second)</p>	<p>\$4,000</p>
<p><b>Video PSA (English):</b></p> <ul style="list-style-type: none"><li>• Translate/transcreate video script</li><li>• Record voice over</li><li>• *If appropriate, add captions to the video.</li><li>• Create needed versions for all communication channels.</li></ul> <p><i>*Cost for recording an entirely separate English language PSA. \$3,000</i></p>	<p><b>Deliverable:</b> Video ready files along with srt files and packaged video files in appropriate formats.</p>	<p>\$1,000</p>

## Service Costs

Task	Deliverable	Cost
<b>Brand style guide for campaign:</b> Develop a culturally specific and linguistically appropriate brand style guide for Campaign.	<b>Deliverable:</b> PDF Document color pallet/imagery /graphics tone and style of all the creative for the campaign	\$2,500
<b>Social Media:</b> Design and develop graphics and written messaging designed explicitly for social media that communicate the information of the Campaign. <ul style="list-style-type: none"> <li>- 9 social media sets</li> <li>- Languages included Spanish &amp; English. (One round of revisions included)</li> <li>- PODER social media Services</li> </ul>	<b>Deliverable:</b> 18 social media Sets (Spanish & English) One set includes artwork and copy.	\$8,000

## Service Costs

Task	Deliverable	Cost
Admin. Project Management	Deliverable: Present/update Clatsop, Columbia, and Tillamook counties as needed. Manage project from beginning to end.	\$10,000
Transcreation of all Spanish copy	Deliverable: All spanish deliverables will be transcreated to English so client can review.	\$2,500
Final Report	Deliverable: Report of ads placed/media buys, social media analytics, and reach.	\$1,500
		Estimate: \$43 ,000

<b>Paid Media</b>	
Media planning, media strategy, ad buying and placement. Campaign management, ad optimization, analytics, and monthly reporting.	<b>Project based (range of \$1k - 10k in services)</b>
> <b>Ad Buy (optional):</b> YouTube	(Recommended ad buy \$750-\$1,500 per month)
> <b>Ad Buy (optional):</b> Television	(Recommended ad buy \$1,500-\$2,500 per month)
> <b>Ad Buy (optional):</b> Radio	(Recommended ad buy \$750-\$2,000 per month) *Depends on radio stations selected and locations.
> <b>Ad Buy (optional):</b> Print	(Recommended ad buy \$400-\$900 per month)
> <b>Ad Buy (optional):</b> Social Media	(Recommended ad buy \$900-\$2,500 per month)



> <b>Ad Buy (optional):</b> Public Transportation/Signs (OOH)	(Recommended ad buy \$1,000-\$5,000 per month)
> <b>Ad Buy (optional):</b> Billboards	(Recommended ad buy \$750-\$5,000 per month) *based on billboard location.
> <b>Ad Buy (optional):</b> Digital - (Google Display Ads)	(Recommended ad buy \$750-\$2,500 per month)

# Thank you

For any questions, contact:

Anthony Veliz | [aveliz@izomarketing.com](mailto:aveliz@izomarketing.com)

Damian Espinoza | [damian@izomarketing.com](mailto:damian@izomarketing.com)

**C6-2023**

**INTERGOVERNMENTAL AGREEMENT  
by and between  
Clatsop County, Tillamook County and Columbia County  
for Tobacco Prevention and Education Program (TPEP) Services**

This Agreement is made by and between Clatsop County, a political subdivision of the State of Oregon, Tillamook County, a political subdivision of the State of Oregon and Columbia County, a political subdivision of the State of Oregon (collectively, the "Parties").

WHEREAS, Parties are authorized under the provisions of ORS 190.003 to 190.030, and ORS 203.035, to enter into intergovernmental agreements for the performance of any and all functions that they have authority to perform; and

WHEREAS, The Parties have each received funding from Ballot Measure 108 tobacco tax revenues ("TPEP Revenue") to address commercial tobacco use inequities and develop or enhance community partnerships, including with community-based organizations that received new public health funding through Oregon Health Authority (OHA); and

WHEREAS, such funds must be spent by June 30, 2023; and

WHEREAS, The Parties acknowledge the following:

- Youth vaping rates in Oregon and in the North Coast region are steadily increasing as youth continue to access e-cigarettes, and Latino/a/x youth are often more likely to be susceptible to vaping;
- E-cigarettes continue to be a health concern due to the risks of addiction, cognitive and emotional impacts, and lung damage, which can be especially detrimental in youth and adolescents. Targeted advertising by the e-cigarette industry puts youth at higher risk for initiating use;
- Oregon's North Coast region is unique in its rurality and differs from other rural areas throughout the state;
- The Parties are collectively committed to health equity and the inclusion of bilingual materials and effective messaging for Latino/a/x community members;
- By collaborating on unified messaging for a regional communications campaign to advance efforts in reducing tobacco use, especially vaping, and increase access to certified cessation services, the Parties expect to have a larger impact than by developing messaging separately;
- The anticipated impacts of this unified campaign are increased access to information on tobacco prevention and cessation resources for the region's

Latinx populations and reduced health disparities related to tobacco/nicotine use; and

WHEREAS, The Parties desire to collaborate on a coordinated effort to provide a culturally specific and linguistically appropriate communication campaign about youth prevention on vaping and tobacco/nicotine.

NOW THEREFORE, Parties hereby agree, as follows:

1. Program. The purpose of this IGA is to form a collaborative Tobacco Prevention and Education Program (hereafter "TPEP") team comprised of Tillamook, Clatsop, and Columbia County Public Health representatives (the Parties) to address shared regional concerns, ideas, and plans pertaining to tobacco use including but not limited to messaging/marketing/communication, prevention education campaigns, and shared strategies. For the fiscal year 2023, the Parties will carry out a Tobacco Prevention Education Campaign (hereafter the "Campaign") for youth vaping prevention and cessation. The Campaign will be carried out in part by Clatsop County through a contractor selected by Clatsop County with input from the Parties with izo (hereafter known as "Contractor").
2. Parties agree to the following:
  - 2.1 Commit to attending and participating in bi-weekly meetings with other County TPEP representatives pertaining to the Campaign and other collaborative TPEP projects.
  - 2.2 Commit to attending and participating in bi-weekly meetings with Contractor pertaining to the Campaign for youth vaping prevention as defined in the "Scope of Work" for Contractor, attached as Exhibit A.
  - 2.3 Contribute funds toward the Campaign payable to Clatsop County Public Health in two equal payments as set forth in Sections 4.1 and 5.2, herein.
  - 2.4 Review quarterly budget and progress reports provided by Clatsop County to ensure timely implementation of the Campaign.
  - 2.5 Provide and review reports on media placement analytics.
  - 2.6 Submit timely required written project updates and reports to Oregon Health Authority.
3. Clatsop County agrees to:
  - 3.1 Coordinate contract negotiations and execution, payments, and Contractor compliance.
  - 3.2 Provide reports on project progress and expenditures to the Parties of this Agreement.

3.3 Contribute \$18,000 toward the development of the Campaign, \$10,000 of which will be contributed to the shared cost of Campaign development, and \$8,000 toward county-specific media placement purchasing through Contractor.

3.4 Submit timely required written project updates and reports to Oregon Health Authority every six months or as requested by Clatsop County's OHA liaison.

4. Columbia County Agrees to:

4.1 Contribute \$15,000 toward the Campaign payable to Clatsop County Public Health in two payments of \$7,500 each; one due on March 1, 2023 and the second payment due June 30, 2023 consistent with invoices provided by Clatsop County. \$10,000 of this will be contributed to the shared cost of Campaign development, and \$5,000 this contribution will be used for county-specific media placement purchasing through izo.

4.2 Create and distribute ongoing meeting invitations for bi-weekly check-ins between county TPEP representatives.

4.3 Submit timely required written project updates and reports to Oregon Health Authority every six months or as requested by Columbia County's OHA liaison.

5. Tillamook County agrees to:

5.1 Create and distribute meeting invitations, agendas, and notes for bi-weekly meetings with Contractor for the first six months of this Agreement.

5.2 Contribute \$10,000 toward the Campaign payable to Clatsop County Public Health in two payments of \$5,000 each; one due on March 1, 2023 and the second payment due June 30, 2023 consistent with invoices provided by Clatsop County. This funding will be contributed to the shared cost of Campaign development.

5.3 Submit timely required written project updates and reports to Oregon Health Authority every six months or as requested by Tillamook County's OHA liaison.

6. Personnel. No employees will be transferred pursuant to this Agreement. Clatsop County is hereby engaged under this Agreement as an independent contractor.

7. Term. This Agreement shall be effective when signed by the parties and shall expire on June 30, 2023, unless sooner terminated as provided herein.

8. Termination. Either party may terminate this Agreement for convenience upon 30-days' advance written notice to the other party. Funds due to Clatsop County for payment to Contractor prior to the termination date shall continue to be due and payable.

9. Indemnity/Hold Harmless. Each Party agrees to indemnify and hold harmless the other Parties, from and against all third-party claims, suits, actions, damages,

costs, losses and expenses in any manner resulting from, arising out of, or connected to the indemnifying Party's performance, or failure to perform, its obligations under this Agreement or any other negligent or willful act or omission by such Party. This obligation is subject to the limits and provisions of the Oregon Tort Claims Act, ORS 30.260 to 30.300, and as to the County, Article XI, Section 10 of the Oregon Constitution.

- 10. Insurance.** Each Party shall maintain comprehensive general liability and property damage insurance or self-insurance in amounts up to the limits of the Oregon Tort Claims Act as to any and all work performed pursuant to this Agreement.
- 11. Method and Place of Giving Notice.** Unless otherwise expressly stated herein all notices, bills, and payments shall be made in writing and may be given by personal delivery or by mail to the following person at the addresses so indicated:

**FOR CLATSOP COUNTY:**

Scott Huddleston  
820 Exchange Street, Suite 100  
Astoria, Oregon 97103

**FOR COLUMBIA COUNTY:**

Suzanne Beaupre  
230 Strand Street  
St. Helens, Oregon 97051

**FOR TILLAMOOK COUNTY:**

Irene Fitzgerald  
PO Box 489  
Tillamook, Oregon 97141

And when so addressed shall be deemed given upon deposit into the United States Mail, postage prepaid. In all other instances, notices, bills, and payments shall be deemed given at the time of actual delivery. Changes may be made in the names and addresses of the person to whom notices, bills, and payments are to be given by giving notice pursuant to this paragraph.

- 12. Mediation.** In the event that a dispute arises between the Parties, out of or relating to this Agreement, the Parties agree to submit to such dispute or a mediator agreed to by the Parties as soon as practicable after the dispute arises and preferably before commencement of litigation of any permitted arbitration.
- 13. Severability.** If any term or provision of this Agreement shall be declared invalid or unenforceable, the remainder of this Agreement, including the application of any term or provision to persons or circumstances other than those as to which the application is declared invalid or unenforceable, shall not be affected.
- 14. Attorney Fees.** If suit or action is instituted arising out of this Agreement, each party shall be responsible for its own attorney fees.

- 15. Governing Law; Venue.** This Agreement and the rights and obligations of the parties hereunder shall be governed by and construed under the laws of the State of Oregon (without regard to conflicts of law principles). Venue shall lie exclusively in the Circuit Court of the State of Oregon for Columbia County in St. Helens, Oregon.
- 16. Merger.** This Agreement represents the entire agreement between the parties for the services provided herein. No modification of this Agreement shall be effective unless and until it is made in writing and signed by both Parties.
- 17. Counterparts.** This Agreement may be executed in several counterparts, all of which when taken together shall constitute an agreement binding on all parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.

IN WITNESS WHEREOF, the Parties have caused this instrument to be executed in two counterparts.

DATED this 15 day of January, 2023.

CLATSOP COUNTY

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: \_\_\_\_\_  
County Manager

By: [Signature]  
Casey Garrett, Chair

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

Date: January 15, 2023

Approved as to form

Approved as to form

By: \_\_\_\_\_  
Clatsop County Counsel

By: [Signature]  
Columbia County Counsel

Dated this 18th day of January, 2023.

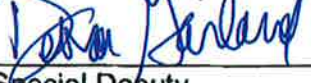
THE BOARD OF COMMISSIONERS  
FOR TILLAMOOK COUNTY, OREGON

  
Erin Skaar, Chair

  
Mary Faith Bell, Vice-Chair

  
David Yamamoto, Commissioner

ATTEST: Tassi O'Neil,  
County Clerk

By:   
Special Deputy

Aye    Nay    Abstain/Absent

    \_\_\_\_\_    1 \_\_\_\_\_

    \_\_\_\_\_    1 \_\_\_\_\_

    \_\_\_\_\_    1 \_\_\_\_\_

APPROVED AS TO FORM:

  
William K. Sargent,  
County Counsel



**Clatsop County  
Board of Commissioners  
Minutes  
Wednesday, February 08, 2023**

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**REGULAR MEETING: 6:00 PM**

**FLAG SALUTE**

**ROLL CALL**

**PRESENT**

Commissioner Lianne Thompson  
Commissioner Pam Wev  
Commissioner John Toyooka  
Vice Chair Courtney Bangs  
Chair Mark Kujala

**AGENDA APPROVAL**

Chair Kujala stated that Item 7(a): Request to be Included in the Emergency Declaration Due to Homelessness would be added to the Business Agenda.

*Motion made by Commissioner Toyooka, Seconded by Commissioner Thompson to approve the agenda as amended.*  
*Voting Yea: Commissioner Thompson, Commissioner Wev, Commissioner Toyooka, Vice Chair Bangs, Chair Kujala*

**PROCLAMATION**

3. Black History Month Proclamation {Page 28}

Amanda Rapinchuk, Management Policy Analyst, presented an informational summary on Black History Month.

*Motion: "Approve Resolution and Order proclaiming February 2023 to be Black History Month and authorize the Chair to read, then sign the proclamation."*

*Motion made by Commissioner Thompson, Seconded by Vice Chair Bangs.*  
*Voting Yea: Commissioner Thompson, Commissioner Wev, Commissioner Toyooka, Vice Chair Bangs, Chair Kujala*

Chair Kujala read the resolution proclaiming February 2023 as Black History Month.

**BUSINESS FROM THE PUBLIC**

No Business from the Public.

**CONSENT CALENDAR**

*Motion made by Vice Chair Bangs, Seconded by Commissioner Toyooka to approve the Consent Calendar.*

1 *Voting Yea: Commissioner Thompson, Commissioner Wev, Commissioner Toyooka,*  
2 *Vice Chair Bangs, Chair Kujala*  
3

4 4. Board of Commissioners Minutes 1-11-23 {Page 30}

5 5. Agreement between North Coast Health, LLC (NCH) and the Local Public Health  
6 Authority for Clatsop County (LPHA), Clatsop County Department of Public  
7 Health (CCDPH), for the Biennium July 1, 2021 through June 30, 2023. {Page  
8 35}

## 9 **COMMISSIONER'S LIAISON REPORTS**

10 Commissioner Toyooka reported that when he was in the Marine Corps, people did not  
11 want to be called Asian Americans or Black Americans because they were Americans.  
12 The Marines were a brotherhood that would not be subdivided. He still rejected the  
13 terms Asian American and Black American because they were American.

14 Commissioner Wev reported that the Parks and Recreation Committee had considered  
15 a proposal from a Seaside resident to develop a bicycle motocross (BMX) track on the  
16 old racetrack property within Cullaby Lake Park. The proposal was declined for several  
17 reasons. She also attended a presentation by Pat Corcoran on tsunami preparedness,  
18 which was very helpful and well attended. People had a lot of questions about the  
19 Community Emergency Response Team (CERT). She planned to make some of the  
20 information in the presentation available to the public. She reported that the County had  
21 been invited by a representative of the Westport Ferry in Wahkiakum County to  
22 participate in the ferry's anniversary celebration.

23 Vice Chair Bangs reported that she attended a Council of Forest Trust Land Counties  
24 (CFTLC) executive session about new legislation being proposed in the senate. She  
25 voted cautiously because the three bills impacting the forest trust lands were not well  
26 developed yet. She also reported that the Oregon Department of Forestry (ODF) had  
27 given her the Counties new IP numbers, which were a huge departure from the  
28 projected numbers that ODF reported to the Board of Forestry. The earlier number for  
29 the State was 225 million board feet. The new number for the State is 155 million board  
30 feet. Until now, the Board of Forestry had been making decisions based on the numbers  
31 they had been receiving from ODF. Many people knew those numbers would not reflect  
32 what was being portrayed. She asked that taxing districts and community members to  
33 get involved because the County would receive a 35 percent reduction in timber  
34 revenues. The next Board of Forestry meeting would be in March and she hoped that  
35 the board would start the modeling process over. She reported that Kallie Linder had  
36 been elected as the new Fair Board chair. The Fair Board's last meeting had a robust  
37 agenda and the meeting went well. She had provided the Fair Board with an update on  
38 the fairground bill being considered by the legislature.

39 Commissioner Thompson reported that she attended the Fair Board meeting in Salem,  
40 where she saw a film about the Golden Siskiyou County Fair. She also reported that  
41 she attended Association of Oregon Counties (AOC) meetings. She reported that there  
42 were several potential habitat conservation plans being considered, but she did not  
43 know which one would do the best job of balancing the needs, benefits, and costs. She

1 was trying to get involved with fire defense boards and public safety so that the  
2 Commission could keep up with what is happening from a firefighter, law enforcement,  
3 and emergency management point of view. She also reported that the District 7  
4 commissioners would be meeting to talk about short-term rentals (STRs). She would be  
5 speaking with Ayreann Colombo to get an economic analysis showing the cost of  
6 various STR policy scenarios. She also asked the AOC to look at all of the public  
7 services in Oregon and find out what is needed and what the costs are.

8 Chair Kujala reported that he attended a Northwest Oregon Housing Authority (NOHA)  
9 meeting, where updates were made to the Housing Choice Voucher Administrative Plan  
10 and approval was given to solicit comments for the 2024 Annual Public Housing Agency  
11 Plan. The residents of the Broadleaf Arbor would be moving in soon and progress was  
12 being made on the construction of the Trillium House. NOHA's goal is to have 90  
13 percent occupancy in all of their properties by June.

#### 14 **COUNTY MANAGER'S REPORT**

15 Assistant County Manager Steele reported that the ribbon cutting at the jail was on  
16 Friday at 1:00 pm.

#### 17 **BUSINESS AGENDA**

##### 18 6. Dissolution of Skipanon Water Control District per ORS 198.345(2) {Page 43}

19 County Counsel Pope presented the Staff report of the dissolution of the  
20 Skipanon Water Control District as required by the State.

21 Commissioner Wev said she wished the County had the time and resources to  
22 address the special districts that are struggling. She noted that this dissolution  
23 was initiated by the members of the district.

24 Commissioner Thompson stated that special districts perform essential public  
25 services, so she believed the legislature should look into the issues the districts  
26 are having.

27 Commissioner Toyooka added that as the County grows, the localized services  
28 become more centralized. He believed more of the special districts would be  
29 dissolved voluntarily.

30 Commissioner Wev agreed that services change over time as places urbanize.

31 *Motion: "To initiate dissolution proceedings for the Skipanon Water Control*  
32 *District as required under ORS 198.345."*

33 *Motion made by Vice Chair Bangs, Seconded by Commissioner Toyooka.*

34 *Voting Yea: Commissioner Thompson, Commissioner Wev, Commissioner*  
35 *Toyooka, Vice Chair Bangs, Chair Kujala*

36 Chair Kujala read the resolution into the record.

##### 37 7. Appointment to Clatsop Forestry and Wood Products Economic Development 38 Committee (CFEDC) {Page 45}

39 Assistant County Manager Steele presented the Staff report on the appointments  
40 to the CFEDC.

Vice Chair Bangs said she appreciated the efforts of outgoing committee member Dan Stark.

*Motion: "Approve the appointment of Aaron Groth to the Clatsop Forestry and Wood Products Economic Development Committee."*

*Motion made by Vice Chair Bangs, Seconded by Commissioner Thompson.  
Voting Yea: Commissioner Thompson, Commissioner Wev, Commissioner Toyooka, Vice Chair Bangs, Chair Kujala*

#### 7a. Emergency Declaration due to Homelessness

Emergency Management Director Gibbs presented the Staff report on the request to be included in the State's Emergency Declaration due to Homelessness.

Chair Kujala appreciated Staff's diligence navigating through the process. He thanked Staff for getting the resolution to the Commission so quickly.

Commissioner Toyooka said he believed Staff's efforts had helped redefine the governor's position to include all of Oregon.

Commissioner Thompson stated that 11 counties, primarily urban counties, were originally included in the governor's declaration, which the entire state noticed. She hoped that the lesson was learned.

Vice Chair Bangs said she felt this resolution represented an effort to attain equity for rural counties in Oregon. She appreciated Staff's efforts.

*"Motion: "Approve the Resolution and Order requesting to be included in the Emergency Declaration due to Homelessness."*

*Motion made by Vice Chair Bangs, Seconded by Commissioner Thompson.  
Voting Yea: Commissioner Thompson, Commissioner Wev, Commissioner Toyooka, Vice Chair Bangs, Chair Kujala*

Chair Kujala read the resolution into the record.

### **PUBLIC HEARING**

#### 6. Ordinance 23-02: LAWDUC Legislative Amendments {Page 48}

Community Development Director Henrikson presented the Staff report on the LAWDUC legislative amendments.

Commissioner Toyooka asked how the County could push back on the LAWDUC restrictions that had negative impacts. Director Henrikson responded that Commissioners should remain active in the AOC and reach out to the Pac West lobbying firm. County Counsel Pope added that the County had limited options and had to follow the law.

Commissioner Wev said over the last few years, the legislature's changes to land use laws had raised densities and had become more amenable to the creation of housing. Zoning laws protect life and safety.

County Counsel Pope conducted the first reading of the ordinance.

1 Chair Kujala opened the public hearing and confirmed that Commissioners had  
2 no conflicts of interest to declare. He called for public comments. There were  
3 none. He continued the hearing to February 22, 2023.

4 **GOOD OF THE ORDER**

5 There was nothing for the good of the order.

6 **ADJOURNMENT**

7 There being no further business, the meeting was adjourned at 7:08 pm.

8  
9 Approved by,

10  
11  
12 \_\_\_\_\_  
13 Mark Kujala, Chair

# Board of Commissioners Clatsop County

## AGENDA ITEM SUMMARY

March 8, 2023

---

**Agenda Title:** Project Turnkey 2.0  
**Category:** Business Agenda  
**Presented By:** David Dieffenbach, Capital Improvement Projects Manager

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**Issue Before the Commission:** Project Turnkey 2.0, Contract Notification

**Informational Summary:** Project Turnkey 2.0 is the program funded by the State to purchase existing motels to be used to alleviate the houseless issues in the State. At your February board meeting the Resolution and Order was approved to accept the funding from the Oregon Community Foundation to purchase the Columbia Inn. The funding total is \$2,806,042, this includes the purchase cost of \$2.3M and approximately \$500,000 for renovations. Prior to completion of the funding agreement, county staff identified needed renovations and cost to allow the building to be used for housing the homeless; these renovations and cost were approved by the Oregon Community Foundation.

In an effort to expedite the remodel process with Project Turnkey 2.0 staff will be bringing before your Board contracts for the installation of new fire alarm and sprinkler systems per code requirements for Project Turnkey. The process to have fire alarm and fire sprinklers installed, takes time to allow the contractors to prepare plans and then to obtain permits from the City of Astoria, we need to start this process as soon as possible. The timing of project funding, receiving quotes, and drafting contracts did not allow staff time to complete the contracts for the board packet. Staff will provide the contracts for your review prior to the Board meeting.

Additional contracts may be brought to your Board at later dates. Planned renovations include.

- ADA upgrades to up to four restrooms
- Attic Insulation
- Fire Alarm
- Fire Sprinkler
- Restroom exhaust fans
- Remove carpet and install vinyl plank flooring

- Remodel office area
- Screen/security fencing
- Asbestos abatement
- Security Camera system

The building codes for motels which are short term housing as compared to housing for unsheltered residences are much different. The planned renovations will allow year-round use instead of being restricted to 90 days per year, and allow the stays over 30 days.

**Fiscal Impact:** Funding is secured from the Oregon Community Foundation.

**Requested Action:**

Approve contracts with \_\_\_\_\_ in the amount of \$\_\_\_\_\_ and \_\_\_\_\_ in the amount of \$\_\_\_\_\_ for the renovations of the Columbia Inn.

**Attachment List**

- A. Separate materials

# Board of Commissioners Clatsop County

## AGENDA ITEM SUMMARY

March 8, 2023

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**Agenda Title:** Ordinance 23-04: LAWDUC Amendments Child Care Facilities  
**Category:** Public Hearing  
**Presented By:** Gail Henrikson, Community Development Director

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**Issue Before the Commission:** Approval of amendments to the *Land and Water Development and Use Code* (LAWDUC), to add development standards for family child care home and child care centers and to add family child care homes and child care centers as permitted or conditional uses to 24 zoning districts

**Informational Summary:** In May 2020, Clatsop County also entered into a Memorandum of Understanding with the Oregon Department of Land Conservation and Development (DLCD) to perform an audit of Clatsop County's zoning codes and development standards related to child care centers and facilities. The purpose of the audit was to ensure that the County's codes aligned with Oregon Revised Statutes (ORS).

On November 8, 2022, County planning staff received a memo from Laura Buhl at DLCD detailing a list of recommended changes that should be made to the County's *Land and Water Development and Use Code* (LAWDUC) that would lower development barriers and further enable the establishment of childcare facilities within the County. The DLCD memo is attached as **Exhibit C**.

The DLCD memo containing the recommended amendments was provided at the December 13, 2022, regular Planning Commission meeting. A first draft of amendments to the County's *Land and Water Development and Use Code* (LAWDUC) was discussed by the Planning Commission during a work session held on January 10, 2023. On February 14, 2023, the Planning Commission voted unanimously, 7-0, to recommend the Board of Commissioners adopt the amendments as presented. Written comment in opposition to the proposed amendments was submitted by Joanne Cornelius (**Exhibit E**). Charles Dice also spoke via Zoom at the Planning Commission meeting in opposition to the proposed amendments. Mr. Dice's comments related to child care centers which he viewed as more of a business enterprise, which should not be allowed in residential neighborhoods.



**Fiscal Impact:** None anticipated

**Requested Action:**

Conduct the first reading of Ordinance 23-04, open the public hearing and take testimony, and continue the matter to March 22, 2023.

**Attachment List**

- A. Ordinance 23-04
- B. Cover Memo Dated March 8, 2023
- C. DLCD Memo
- D. County Counsel Email
- E. Planning Commission Written Public Comment

# EXHIBIT A

*Ordinance 23-04*

**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 family child care homes and  
child care centers.**

**ORDINANCE NO. 23-04**

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

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

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**RECITALS**

WHEREAS, in 2018 the Center for American Progress released a study finding that 60% of Oregonians live in a child care desert, defined as a census tract with more than three children for each available child care opening; and

WHEREAS, between 1999-2020, the Oregon Child Care Research Partnership (OCCRP) documented that the number of registered family child care homes has declined by approximately 32,000 spaces statewide; and

WHEREAS, Oregon State estimated in 2021 that in Clatsop County only 7% of children aged 0-2 years had access to a child care opening and only 28% of children aged 3-5 years had access; and

WHEREAS, on February 21, 2022, *The Astorian* public statistics documenting that Clatsop County has lost more than 1,000 child care spaces and 12 certified child care centers since 2017; and

WHEREAS, lack of or limited access to child care may have significant impact on Clatsop County's economy; and

WHEREAS, Clatsop County, partnership with Columbia Memorial and Providence Seaside hospitals has committed to providing \$620,000 to retain and expand child care options; and

WHEREAS, the Department of Land Conservation and Development entered into a Memorandum of Understanding with Clatsop County to conduct a code audit to ensure that County's codes are consistent with Oregon Revised Statutes related to child care facilities; and

WHEREAS, the findings and recommendations of DLCD's code audit were provide to Clatsop County in November 2022; and

WHEREAS, in May 2020, the Department of Land Conservation and Development (DLCD) entered into a Memorandum of Understanding with Clatsop County to conduct a code audit to ensure that Clatsop County's codes were consistent with Oregon Revised Statutes related to child care; and

WHEREAS, the DLCD provided a written summary of its findings and recommendations to Clatsop County in November 2022; and

WHEREAS, the Planning Commission conducted a public hearing and provided a recommendation to the Board of Commissioners on February 14, 2022; 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 30<sup>th</sup> 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 \_\_\_\_\_, 2023

THE BOARD OF COUNTY COMMISSIONERS  
FOR CLATSOP COUNTY, OREGON

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

Date \_\_\_\_\_

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

First Reading: March 8, 2023  
Second Reading: March 22, 2023  
Effective Date: April 21, 2023

# EXHIBIT 1

Ordinance 23-04

1<sup>st</sup> Public Hearing: March 8, 2023

Ag: March 22, 2023

Agenda Item #10.

# LAWDUC Amendments

## Family Child Care Homes and Child Care Centers

\*\*\* Indicates that non-revised language was not included. Used for document brevity.

Underlined text indicates new language proposed to be added

~~Strikethrough~~ text indicates existing material that is to be deleted

All changes are highlighted in yellow

# LAWDUC Amendments

## Family Child Care Homes and Child Care Centers

### SECTION 1.0500. DEFINITIONS

As used in this Ordinance, the following words and phrases shall have the following meanings:

\*\*\*

CHANNELIZATION -- Diversion of flow from shallow areas into the main channel by dredging, pile dikes or other means to the degree that circulation is markedly decreased and sedimentation increased in the shallow areas.

CHILD CARE CENTER means a child care facility that is certified by the Oregon Department of Education Office of Child Care as a child care center

CLEAR-VISION AREAS -- A triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. (See 3.9530)

\*\*\*

FAMILY -- An individual or two or more persons related by blood, marriage, adoption or legal guardianship, living together as one housekeeping units using one kitchen, and providing meals or lodging to not more than two additional persons, excluding servants; or a group of not more than five (5) unrelated persons, excluding servants, living together as one housekeeping unit using one kitchen. Every additional group of five (5) or less persons living in such housekeeping unit shall be considered as a separate family.

FAMILY CHILD CARE HOME means a home that is registered or certified by the Oregon Department of Education Office of Child Care to provide child care in the provider's home to not more than 16 children, including children of the provider, regardless of full-time or part-time status. A family child care home is a residential use.

FARM OPERATOR -- A person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing. [Ord. 18-02]

\*\*\*

PUBLIC OR SEMI-PUBLIC USE -- A structure or use, owned or operated by a state, county, city, school district or other public or private agency or concern for the benefit of the public generally including schools, fire stations, libraries, community building, museums, child care centers, fairgrounds, and churches but does not include specific uses or structures which are defined separately in this section.

\*\*\*



## **SECTION 4.0600. ARCH CAPE RURAL COMMUNITY RESIDENTIAL ZONE (AC-RCR)**

\*\*\*

### **Section 4.0620. Development and Use Permitted**

The following uses and their accessory uses are permitted under a Type I permit procedure subject to applicable development standards.

- 1) One family dwelling.
- 2) Accessory Dwelling Unit (ADU) per section 1.0500.
- 3) Guest House per section 1.0500.
- 4) Accessory buildings per section 1.0500 are permitted only as follows:
  - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
  - (B) Accessory buildings in this zone shall be subordinate in size to the primary dwelling.
- 5) Signs only as follows, subject to the provisions of Section 3.0130:
  - (A) Temporary signs.
  - (B) Nameplates.
- 6) Handicapped housing facility as defined in Section 1.0500.
- 7) Home occupation, Limited.
- 8) Low intensity recreation.
- 9) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- 10) Health hardship pursuant to Section 3.0180, no public notice required.
- 11) Temporary uses including use of a Recreational Vehicle during construction phase, subject to the provisions of Section 2.8200.
- 12) Short term rental subject to the standards in Chapter 5.24, Clatsop County Code. [Ord. 22-01]
- 13) Land transportation facilities as specified in Section 4.0300 with the exception of new public or private road development, See Section 4.0630(12).
- 14) **Family Child Care Home.**

### **Section 4.0630. Conditional Development and Use.**

The following uses and their accessory uses are permitted under a Type II permit procedure subject to applicable development standards. Combined square footage of commercial uses, including their accessory uses occur in building or buildings that do not exceed the following area standards:

- 1) Two family dwelling (duplex).
- 2) Accessory uses may be permitted prior to the issuance of a development permit for the primary use, subject to an approval by the Community Development Director provided that:
  - (A) The applicant submits a letter to the Director explaining the unique or unusual circumstances and nature of the intended use; and
  - (B) Provided the property owner obtains the primary use development permit within one-year (1) from the date the accessory use development permit is issued; and

- (C) A statement that the accessory use, during the one-year period prior to establishing the primary use is not intended for the storage of, or the establishment of a Recreational Vehicle use:
  - (D) May be subject to other conditions of approval deemed necessary to protect the primary purpose and intent of the zone, and to provide for public health, safety and welfare.
  - 3) Public or private elementary, middle, or high school.
  - 4) Home occupation.
  - 5) Churches or similar places of worship.
  - 6) Golf Course, driving range, country club, tennis club, and similar recreation uses provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
  - 7) Park, playground, ball fields, or community center.
  - 8) ~~Child care center Day nursery or day care center, provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.~~
  - 9) Buildings and uses of a public works, public service, or public utility nature, but not including equipment storage, repair yards, warehouses, or related activities.
  - 10) Bed and Breakfast establishment subject to the standards in Sections 3.8030 - 3.8050.
  - 11) Temporary real estate office in a legally recorded subdivision.
  - 12) Any new public or private road development or road extension.
- \*\*\*

#### **SECTION 4.0700. MILES CROSSING, JEFFERS GARDENS AND WESTPORT RURAL COMMUNITY RESIDENTIAL ZONE (RCR)**

\*\*\*

##### **Section 4.0720. Development and Use Permitted (RCR)**

The following uses and their accessory uses are permitted under a Type I permit procedure subject to applicable development standards. Combined square footage of commercial uses, including their accessory uses occur in building or buildings that do not exceed the following standards:

- 1) One family dwelling.
- 2) Accessory Dwelling Unit (ADU) per Section 1.0500.
- 3) Guesthouse per Section 1.0500.
- 4) Accessory buildings per Section 1.0500 are permitted only as follows:
  - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
- 5) Signs only as follows:
  - (A) Temporary signs, subject to the provisions of Section 3.0130
  - (B) Nameplates subject to the provisions of Section 3.0130.
- 6) Handicapped housing facility as defined in Section 1.0500.
- 7) Home occupation, Limited.
- 8) Low intensity recreation.
- 9) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- 10) Farm use.

- 11) Roadside stand for farm products grown on the premises, subject to provisions of Sections 3.9520 and 3.9540.
- 12) Health hardship pursuant to Section 3.0190, no public notice required.
- 13) Temporary uses including use of a Recreational Vehicle during construction phase, subject to the provisions of Section 2.8200.
- 14) Land transportation facilities as specified in Section 4.0300.
- 15) Family child care home.

#### **Section 4.0730. Conditional Development and Use**

The following uses and their accessory uses are permitted under a Type II permit procedure subject to applicable development standards. Combined square footage of commercial uses, including their accessory uses occur in building or buildings that do not exceed the following area standards:

- 1) Two family dwelling (duplex).
- 2) Accessory uses may be permitted prior to the issuance of a development permit for the primary use, subject to an approval by the Community Development Director provided that:
  - (A) The applicant submits a letter to the Director explaining the unique or unusual circumstances and nature of the intended use; and
  - (B) Provided the property owner obtains the primary use development permit within one-year (1) from the date the accessory use development permit is issued; and
  - (C) A statement that the accessory use, during the one-year period prior to establishing the primary use is not intended for the storage of, or the establishment of a Recreational Vehicle use; and
  - (D) May be subject to other conditions of approval deemed necessary to protect the primary purpose and intent of the zone, and to provide for public health, safety and welfare.
- 3) Public or private elementary, middle, or high school.
- 4) Home occupation.
- 5) Boat ramps subject to Sections 5.4100-5.4170 for areas identified as Coastal Shorelands in the Comprehensive Plan.
- 6) Churches or similar places of worship.
- 7) Golf Course, driving range, country club, tennis club, and similar recreation uses and provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
- 8) Park, playground, ball fields, or community center.
- 9) ~~Child care center, Day nursery or day care center, not part of a primary residential use and provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.~~
- 10) Buildings and uses of a public works, public service, or public utility nature, but not including equipment storage, repair yards, warehouses, or related activities.
- 11) Bed and Breakfast establishment subject to the standards in Sections 3.8030-3.8050.
- 12) Temporary real estate office in a legally recorded subdivision.
- 13) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-12 above, subject to the

provisions of Section 2.6000, provided building or buildings for each commercial use does not exceed 4,000 square feet of floor area.

- 14) Land transportation facilities as specified in Section 4.0300.
- 15) Short term rental subject to the standards in Chapter 5.12, Clatsop County Code. [Ord. 22-05]

\*\*\*

## **SECTION 4.1000. KNAPPA AND SVENSEN RURAL COMMUNITY RESIDENTIAL ZONE (KS-RCR).**

\*\*\*

### **Section 4.1020. Development and Use Permitted**

The following uses and their accessory uses are permitted under a Type I permit procedure subject to applicable development standards.

- 1) One family dwelling.
- 2) Accessory Dwelling Unit (ADU) per Section 1.0500.
- 3) Guesthouse per Section 1.0500.
- 4) Accessory buildings per Section 1.0500 are permitted only as follows:
  - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
- 5) Signs only as follows:
  - (A) Temporary signs subject to the provisions of Section 3.0130.
  - (B) Nameplates subject to the provisions of Section 3.0130.
- 6) Handicapped housing facility as defined in Section 1.0500.
- 7) Home occupation, Limited.
- 8) Low intensity recreation.
- 9) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- 10) Farm use.
- 11) Roadside stand for farm products grown on the premises, subject to provisions of Section 3.9520- 3.9540.
- 12) Health hardship pursuant to Section 3.0190, no public notice required.
- 13) Temporary uses including use of a Recreational Vehicle during construction phase, subject to the provisions of Section 2.8200.
- 14) Land transportation facilities as specified in Section 4.0300.
- 15) **Family child care home.**

### **Section 4.1030. Conditional Development and Use**

The following uses and their accessory uses are permitted under a Type II permit procedure subject to applicable development standards.

- 1) Two family dwelling (duplex).
- 2) Accessory uses may be permitted prior to the issuance of a development permit for the primary use, subject to an approval by the Community Development Director provided that:
  - (A) The applicant submits a letter to the Director explaining the unique or unusual circumstances and nature of the intended use; and

- (B) Provided the property owner obtains the primary use development permit within one-year (1) from the date the accessory use development permit is issued; and
  - (C) A statement that the accessory use, during the one-year period prior to establishing the primary use is not intended for the storage of, or the establishment of a Recreational Vehicle use; and
  - (D) May be subject to other conditions of approval deemed necessary to protect the primary purpose and intent of the zone, and to provide for public health, safety and welfare.
- 3) Public or private elementary, middle, or high school.
  - 4) Home occupation.
  - 5) Boat ramps subject to Sections 5.4100-5.4170 for areas identified as Coastal Shorelands in the Comprehensive Plan.
  - 6) Churches or similar places of worship.
  - 7) Golf Course, driving range, country club, tennis club, and similar recreation uses, and provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
  - 8) Park, playground, ball fields, or community center.
  - 9) ~~Child care center, Day nursery or day care center, not part of a primary residential use, and provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.~~
  - 10) Buildings and uses of a public works, public service, or public utility nature, but not including equipment storage, repair yards, warehouses, or related activities.
  - 11) Bed and Breakfast establishment subject to the standards Sections 3.8030 - 3.8050.
  - 12) Temporary real estate office in a legally recorded subdivision.
  - 13) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-12 above, subject to the provisions of Section 2.6000.

\*\*\*

## **SECTION 4.1100. RURAL SERVICE AREA-SINGLE FAMILY RESIDENTIAL ZONE (RSA-SFR)**

\*\*\*

### **Section 4.1120. Development and Use Permitted (RSA-SFR)**

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable standards.

- 1) One family dwelling per lot.
- 2) Guesthouse per Section 1.0500.
- 3) Accessory buildings are permitted only as follows:
  - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
- 4) Limited home occupation.
- 5) Utilities in conjunction with a permitted use.
- 6) Low intensity recreation.

- 7) Public or private neighborhood park or playground.
- 8) Signs subject to the provisions of Section 3.0130.
- 9) Temporary uses subject to the provisions of Section 2.8200.
- 10) Handicapped housing facility.
- 11) Land transportation facilities as specified in Section 4.0300.
- 12) Family child care home.

#### **Section 4.1130. Conditional Development and Use**

The following developments and their accessory development may be permitted under a Type II procedure and Sections 2.4000 to 2.4050 subject to applicable criteria and development standards and site plan review.

- 13) Public/semi-public uses.
- 24) Utilities necessary for public service.
- 35) Temporary real estate office in a legally recorded subdivision.
- 46) Two family dwelling (duplex).
- 57) Bed and breakfast establishment subject to the standards in Sections 3.8030-3.8050.
- 68) Boat ramps subject to Section 5.4100-5.4170 for areas identified as Coastal Shorelands in the Comprehensive Plan.
- 7) Child care center.

\*\*\*

#### **SECTION 4.1200 RURAL COMMUNITY MULTI-FAMILY RESIDENTIAL ZONE (RC-MFR)**

\*\*\*

##### **Section 4.1220. Development and Use Permitted (RC-MFR)**

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

- 1) One family dwelling.
- 2) Accessory Dwelling Unit (ADU) per Section 1.0500.
- 3) Guesthouse per Section 1.0500.
- 4) Accessory buildings are permitted only as follows:
  - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
- 5) Two family dwelling (duplex).
- 6) Accessory buildings are permitted only as follows:
  - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
- 67) Mobile home subject to the provisions in Section 3.4100.
- 78) Limited home occupation.
- 89) Utilities, maximum utilization of existing easements and rights-of-way shall be made.

- 940) Low intensity recreation.
- 1044) Public or private neighborhood park or playground.
- 1142) Signs only as follows:
  - (A) Temporary signs, subject to provisions of Section 3.0130.
  - (B) Nameplates subject to the provisions of Section 3.0130.
- 1243) Temporary uses subject to the provisions of Section 2.8200.
- 1344) Cluster developments subject to the provisions of Section 3.3000.
- 1445) Handicapped housing facility.
- 1546) Communication facilities subject to the standards in Section 3.9400.
- 1647) Land transportation facilities as specified in Section 4.0300.
- 1748) **Family child care home.**

#### **Section 4.1230. Conditional Development and Use**

The following developments and their accessory developments may be permitted under a Type II procedure and Sections 2.4000 to 2.4050 subject to applicable criteria and development standards and site plan review.

- 1) Multi-family dwelling.
- 2) Mobile home park or Manufactured home park (permitted under a Type III procedure) subject to provisions in Section 3.4000.
- 3) Boarding or rooming house or other group housing.
- 4) Public/semi-public use.
- 5) Temporary real estate office in a legally recorded subdivision.
- 6) Home occupations.
- 7) Boat ramps subject to Sections 5.4100-5.4170 for areas identified as Coastal Shorelands in the Comprehensive Plan.
- 8) Bed and Breakfast establishment subject to the standards in Sections 3.8030-3.8050.
- 9) Accessory uses may be permitted prior to the issuance of a development permit for the primary use, subject to an approval by the Community Development Director provided that:
  - (A) The applicant submits a letter to the Director explaining the unique or unusual circumstances and nature of the intended use; and
  - (B) Provided the property owner obtains the primary use development permit within one-year (1) from the date the accessory use development permit is issued; and
  - (C) A statement that the accessory use, during the one-year period prior to establishing the primary use is not intended for the storage of, or the establishment of a Recreational Vehicle use; and
  - (D) May be subject to other conditions of approval deemed necessary to protect the primary purpose and intent of the zone, and to provide for public health, safety and welfare.

#### **10) Child care center.**

\*\*\*

#### **SECTION 4.1300. RURAL SERVICE AREA - MULTI-FAMILY RESIDENTIAL ZONE (RSA-MFR)**

\*\*\*



#### **Section 4.1320. Development and Use Permitted (RSA-MFR)**

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

- 1) One family dwelling or two family dwelling (duplex) per lot.
- 2) Guesthouse per Section 1.0500.
- 3) Accessory buildings are permitted only as follows:
  - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
- 4) Mobile home subject to the provisions in Section 3.4100.
- 5) Limited home occupation.
- 6) Minor utilities.
- 7) Low intensity recreation.
- 8) Public or private neighborhood park or playground.
- 9) Signs subject to the provisions of Section 3.0130.
- 10) Temporary uses subject to the provisions of Section 2.8200.
- 11) Handicapped housing facility.
- 12) Communication facilities subject to the standards in Section 3.9400.
- 13) Land transportation facilities as specified in Section 4.0300.
- 14) Family child care home.

#### **Section 4.1330. Conditional Development and Use**

The following developments and their accessory developments may be permitted under a Type II procedure and Sections 2.4000 to 2.4050 subject to applicable criteria and development standards and site plan review.

- 1) Multi-family dwelling.
- 2) Mobile home park (permitted under a Type III procedure) subject to provisions in Section 3.4000.
- 3) Boarding or rooming house or other group housing.
- 4) Public/semi-public use.
- 5) Utilities necessary for public service.
- 6) Temporary real estate office in a legally recorded subdivision.
- 7) Home occupations.
- 8) Boat ramps subject to Sections 5.4100-5.4170 for areas identified as Coastal Shorelands in the Comprehensive Plan.
- 9) Bed and breakfast establishment subject to the standards in Sections 3.8030-3.8050.

#### **10) Child care center.**

\*\*\*

#### **SECTION 4.1400. RURAL COMMUNITY COMMERCIAL ZONE (RCC)**

\*\*\*

#### **Section 4.1420. Development and Use Permitted**

The following uses and their accessory uses are permitted under a Type I permit procedure



subject to applicable development standards.

- 1) Splitting and sale of firewood.
- 2) Roadside stand, which shall be less than 120 sq. ft. in size, subject to provisions in Sections 3.9520-3.9540.
- 3) Low intensity recreation.
- 4) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- 5) Handicapped housing facility.
- 6) Land transportation facilities as specified in Section 4.0300.
- 7) Family child care home.
- 8) Child care center.

\*\*\*

#### **Section 4.1450. Development and Use Standards**

The following standards are applicable to all permitted conditional Type II uses in this zone.

\*\*\*

- 6) Building size:
  - (A) The maximum building size for new commercial uses shall not exceed the floor area standards listed in Section 4.1430 unless:
    - 1) The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625);
    - 2) The use is limited to a size of building or buildings that is intended to serve the rural community, surrounding rural area of the travel needs of people passing through the area; and
    - 3) The total floor area of building or buildings does not exceed 12,000 square feet unless an exception to goal 14 has been acknowledged pursuant to ORS 197.625.

\*\*\*

#### **SECTION 4.1500. RURAL COMMUNITY LIGHT INDUSTRIAL ZONE (RCI).**

\*\*\*

#### **Section 4.1520. Development and Use Permitted**

The following uses and their accessory uses are permitted under a Type I permit procedure subject to applicable development standards.

- 1) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- 2) Splitting and sale of firewood.
- 3) Roadside stand, which shall be less than 120 sq. ft. in size, subject to provisions 3.9520-3.9540.
- 4) Land transportation facilities as specified in Section 4.0300.
- 5) Child care center.

\*\*\*

#### **Section 4.1550. Development and Use Standards**

The following standards are applicable to permitted and conditional Type II and Type III developments in this zone.

- 1) Plan review and approval:

No building permit or other permit for construction or alteration of any building structure or use in this zone shall be issued until plans have been reviewed and approved by the Community Development Director in order to evaluate the conformity with the performance standards of this zone and the Comprehensive Plan and the compatibility of vehicular access, signs, lighting, building placement and designs, landscaping, adjoining uses and location of water and sewage facilities.

2) Standards:

- (A) Air quality: The air quality standards set by the Department of Environmental Quality shall be the guiding standards in this zone, except that open burning is prohibited in any case.
- (B) Noise: As permitted under all laws and regulations.
- (C) Storage: Materials and or equipment shall be enclosed within a structure or concealed behind sight-obscuring screening.
- (D) Fencing: Allowed inside a boundary planting screen and where it is necessary to protect property or to protect the public from a dangerous condition. The proposed fence locations and design will be subject to Community Development Director review and approval.
- (E) Buffer: Where the RCI zone adjoins a zone other than RCI, there shall be a buffer area of depth adequate to provide for a dense evergreen landscape buffer which attains a minimum height of 8-10 feet, or such other screening measures as may be prescribed by the Community Development Director in the event differences in elevation or other circumstances should defeat the purpose of this requirement. In no case shall the buffer area have less width than the required 50-foot setback of this zone.
- (F) Vibration: No vibration other than that caused by highway vehicles, trains and aircraft shall be permitted which is discernible without instruments at the property line of the use concerned.
- (G) Heat and glare: Except for exterior lighting, operations producing heat or glare shall be constructed entirely within an enclosed building.
- (H) Lighting: Exterior lighting shall be directed away from adjacent property with cutoff lighting required, when adjacent to a residential zone.

**The following standards are applicable to all permitted and conditional uses in this zone.**

**13) Density provisions:**

- (A) The minimum lot width shall be 75 feet.

**24) Setback requirements:**

- (A) The front setback shall be 25 feet,
- (B) Side and rear yard setbacks when abutting a residence shall be 10 feet.
- (C) Setbacks are not required where side or rear property lines abut a railroad right-of-way or other commercial or industrial use
- (D) Setback for all development when abutting a resource zone shall be 50 feet

**35) Building height:**

- (A) The maximum building height shall be 45 feet, except within 100 feet of a zone other than RCI, in which case the maximum building height shall be the same height as the adjacent zone.

**46) Building size:**

- (A) The maximum building size for new commercial uses shall not exceed 4,000 square foot limit unless:
  - 1) The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625);
  - 2) The use is limited pursuant to Section 4.1530 and 4.1540 to a size of building or buildings that is intended to serve the rural community, surrounding rural area of the travel needs of people passing through the area; and
  - 3) The total floor area of building or buildings does not exceed 12,000 square feet.
- (B) The maximum building size for light industrial uses shall not exceed 40,000 square feet of floor area unless authorized pursuant to ORS 197.
- (C) Expansion of commercial building or buildings, existing on September 10, 2003 where the total floor area for the commercial use exceeds 4,000 square feet provided the commercial use, intended to occupy more than 4,000 square feet of floor area, is intended to serve the surrounding rural area, or the traveling needs of people passing through the area.
- (D) Expansion of industrial building or buildings, existing on September 10, 2003 where the total floor area for the industrial use exceeds 40,000 square feet or is intended to occupy more than 40,000 square feet of floor area, providing the size is necessary for the intended use and can demonstrate the use will not exceed the carrying capacity of the land to provide adequate water and absorb waste unless pursuant to ORS.
- 57) Off-street parking requirements: Off-street parking shall be subject to Section 3.0050.
- 68) An accessory structure separated from the main building may be located in the required rear or side yard, except in the required street side of a corner lot, provided that it is not less than five (5) feet to a property line.
- 79) All standards as set forth in the Clatsop County Land and Water Development and Use Code, as amended.
- 840) All new developments and cumulative or incremental expansion of an existing footprint greater than twenty-five percent shall indicate on the building permit how storm water is to be drained from the property or retained on site. The County Engineer may require the installation of culverts, dry wells, retention facilities, or other mitigation measures where development may create adverse storm drainage impacts on surrounding properties, adjacent streams or wetlands, and particularly on low lands or on slopes twenty-five percent or greater.
- 944) In areas where the parcel or lot has the potential to be further partitioned or subdivided, the Community Development Director shall, where practicable, require that roads be designated and located so as to facilitate the future division of land in a manner that accommodates smaller lot sizes and the extension of street and utilities and may require a potential development plat showing the location of potential lots and the rights-of-way improvements, to include those identified in the County Transportation System Plan (TSP).

## **SECTION 4.1600. RURAL COMMUNITY COMMERCIAL AND LIGHT INDUSTRIAL ZONE (RCC-LI)**

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### **Section 4.1620. Permitted and Conditional Uses Development and Use Permitted**

The following uses and their accessory uses are permitted under a Type I permit procedure subject to applicable development standards.

- 1) Splitting and sale of firewood.
- 2) Roadside stand, which shall be less than 120 sq. ft. in size, subject to provisions in Sections 3.9520-3.9540.
- 3) Low intensity recreation.
- 4) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- 5) Handicapped housing facility.
- 6) Land transportation facilities as specified in Section 4.0300.
- 7) **Child care center.**

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### **Section 4.1660. Development and Use Standards**

The following standards are applicable to all **permitted Type II and Type II-A** uses in this zone.

- 1) Plan review and approval:
  - (A) No building permit or other permit for construction or alteration of any building structure or use in this zone shall be issued until plans have been reviewed and approved by the Community Development Director in order to evaluate the conformity with the performance standards of this zone and the Comprehensive Plan and the compatibility of vehicular access, signs, lighting, building placement and designs, landscaping, adjoining uses and location of water and sewage facilities or waste water treatment.
- 2) Standards:
  - (A) Air quality: The air quality standards set by the Department of Environmental Quality shall be the guiding standards in this zone, except that open burning is prohibited in any case.
  - (B) Noise: As permitted under all laws and regulations.
  - (C) Storage: Materials and or equipment shall be enclosed within a structure or concealed behind sight-obscuring screening.
  - (D) Fencing: Allowed inside a boundary planting screen and where it is necessary to protect property or to protect the public from a dangerous condition. The proposed fence locations and design will be subject to Community Development Director review and approval.
  - (E) Buffer: Where the RCC-LI zone adjoins a zone other than RCC-LI, there shall be a buffer area of depth adequate to provide for a dense evergreen landscape buffer which attains a minimum height of 8-10 feet, or such other screening measures as may be prescribed by the Community Development Director in the event differences in elevation or other circumstances should defeat the purpose of this requirement. In no case shall the buffer area have less width than the required 50-foot setback of this zone.

- (F) Vibration: No vibration other than that caused by highway vehicles, trains and aircraft shall be permitted which is discernible without instruments at the property line of the use concerned.
- (G) Heat and glare: Except for exterior lighting, operations producing heat or glare shall be constructed entirely within an enclosed building.
- (H) Lighting: Exterior lighting shall be directed away from adjacent property with cutoff lighting required, when adjacent to a residential zone.

**The following standards are applicable to all permitted and conditional uses in this zone.**

**13) Density Provisions:**

- (A) The minimum lot width shall be 75 feet.
- (B) Other permitted development standards as required to meet State sanitation requirements and local setback and ordinance requirements.
- (C) Lot width/depth dimension shall not exceed a 1:3 ratio.

**24) Setback requirements:**

- (A) Front yard setbacks: twenty-five feet (25).
- (B) Side and rear yard when abutting a residence or residential zone: ten feet (10).
- (C) For lots of record created prior to September 30, 1980 that are less than minimum lot size required side yards shall be five feet (5).
- (D) The setbacks for all structures shall be thirty-five feet (35) from the line of non-aquatic vegetation.
- (E) All structures shall be a minimum of fifty-feet (50) from adjacent resource zones.

**35) Building height:**

- (A) The maximum building height for commercial uses shall be thirty-five feet (35).
- (B) The maximum building height for light industrial uses shall be forty-five feet (45), except when within 100 feet of a residential zone, the height shall be thirty-five feet (35).

**46) Building size:**

- (A) The maximum building size for new commercial uses shall not exceed the floor area standards listed in Section 4.1630 unless:
  - 1) The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625);
  - 2) The use is limited pursuant to Section 2.4040 to a size of building or buildings that is intended to serve the rural community, surrounding rural area of the travel needs of people passing through the area; and
  - 3) The total floor area of building or buildings does not exceed 12,000 square feet.
- (B) The maximum building size for light industrial uses shall not exceed 40,000 square feet of floor area unless authorized pursuant to 197.713 or 197.719.

**57) Off-street parking requirements:** Off-street parking shall be subject to Section 3.0050.

**68) An accessory structure separated from the main building may be located in the required rear or side yard, except in the required street side of a corner lot, provided that it is not less than ten feet (10) to a property line.**

**79) All new developments and cumulative or incremental expansion of an existing footprint greater than twenty-five percent shall indicate on the building permit how storm water is**

to be drained from the property or retained on site. The County Engineer may require the installation of culverts, dry wells, retention facilities, or other mitigation measures where development may create adverse storm drainage impacts on surrounding properties, adjacent streams or wetlands, and particularly on low lands or on slopes twenty-five percent or greater.

**840)** Developments adjacent to or across the street from residential zones shall be contained within an enclosed building or screened from the residential district with a sight obscuring fence or vegetation.

**944)** In areas where the parcel or lot has the potential to be further partitioned or subdivided, the Community Development Director shall, where practicable, require that roads be designated and located so as to facilitate the future division of land in a manner that accommodates smaller lot sizes and the extension of street and utilities and may require a potential development plat showing the location of potential lots, and the rights-of-way improvements, to include those identified in the County Transportation System Plan (TSP).

**1042)** All standards as set forth in the Clatsop County Land and Water Development and Use Code, as amended.

#### **SECTION 4.1700. LIGHT INDUSTRIAL ZONE (LI)**

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##### **Section 4.1720. Development and Use Permitted**

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

- 1) Property line adjustment subject to provisions Section 2.9000 – 2.9080 and the following:
  - (A) Provided the existing parcel is not reduced below the minimum lot size; and
  - (B) Provided the lot line adjustment is within the same zone.
- 2) Partition subject to provisions of Section 2.9000 – 2.9080, and provided the existing parcel and new parcel(s) meet the minimum lot size and dimensions.
- 3) Splitting and sale of firewood.
- 4) Land transportation facilities as specified in Section 4.0300.
- 5) Child care center.

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##### **Section 4.1740. Development and Use Standards**

The following standards are applicable to ~~permitted and conditional~~ Type II developments in this zone:

- 1) ~~All standards as set forth in the Clatsop County Land and Water Development and Use Code, as amended.~~
- 12)** Plan review and approval:
  - (A) No building permit or other permit for construction or alteration of any building structure or use in the LI zone shall be issued until plans have been reviewed and approved by the Community Development Director in order to evaluate the conformity with the performance standards of this zone and the Comprehensive Plan and the compatibility of vehicular access, signs, lighting, building placement and designs, landscaping, adjoining uses and location of water and sewage facilities.



**23) Standards:**

- (A) Air quality: The air quality standards set by the Department of Environmental Quality shall be the guiding standards in this zone, except that open burning is prohibited in any case.
- (B) Noise: As permitted under all laws and regulations.
- (C) Storage: Materials shall be enclosed within a structure or concealed behind sight-obscuring screening.
- (D) Fencing: Will be allowed inside a boundary planting screen and where it is necessary to protect property of the use concerned or to protect the public from a dangerous condition. The proposed fence locations and design will be subject to Community Development Director review and approval.
- (E) Buffer: Where the LI zone adjoins a zone other than LI or MI, there shall be a buffer area of depth adequate to provide for a dense evergreen landscape buffer which attains a minimum height of 8-10 feet, or such other screening measures as may be prescribed by the Community Development Director in the event differences in elevation or other circumstances should defeat the purpose of this requirement. In no case shall the buffer area have less width than the required 50-foot setback of this zone.
- (F) Vibration: No vibration other than that caused by highway vehicles, trains and aircraft shall be permitted which is discernible without instruments at the property line of the use concerned.
- (G) Heat and glare: Except for exterior lighting, operations producing heat or glare shall be constructed entirely within an enclosed building.
- (H) Lighting: Exterior lighting shall be directed away from adjacent property.

**The following standards are applicable to all permitted and conditional uses in this zone.**

**14) Density provisions:**

- (A) The minimum lot area shall be 10,000 square feet.
- (B) The minimum lot width shall be 75 feet.

**25) Setback requirements:**

- (A) The front, side and rear yard setbacks shall be 10 feet except when abutting or across the street from a zone other than LI or MI, it shall be 50 feet.  
(Grandfathered) Lots of record created prior to September 30, 1980 that are less than minimum lot size shall have a 5 foot side yard setback.
- (A) Setbacks are not required where side or rear property lines abut a railroad right- of-way.
- (B) All structures shall be a minimum of 50 feet from any adjacent resource zones.

**36) Building height:**

- (A) The maximum building height shall be 45 feet, except within 100 feet of a zone other than LI or MI, in which case the maximum building height shall be the same height as the abutting district.

**47) Off-street parking requirements: Off-street parking shall be subject Section 3.0050.**

**58) An accessory structure separated from the main building may be located in the required rear and side yard except in the required street side of a corner lot provided that it is not closer than five (5) feet to a property line.**

**69) Building size:**

- (A) The maximum building size for all industrial uses shall not exceed 30,000 square feet of floor area, per use unless authorized pursuant to ORS 197.719 or 197.719.
- (B) Expansion of commercial building or buildings, existing on September 10, 2003 where the total floor area for the commercial use exceeds 3,000 square feet of floor area or is intended to exceed 3,000 square feet of floor area, provided:
  - 1) The total floor area of building or buildings does not exceed 10,000 square feet of floor area;
  - 2) The area is necessary for the intended use; and
  - 3) Can demonstrate that the use will not exceed the carrying capacity of the land to provide adequate water and absorb waste.
- (C) Unless authorized pursuant to ORS 197.713 or 197.719 expansion of industrial building or buildings, existing on September 10, 2003 where the total floor area for the industrial use exceeds 30,000 square feet of floor area or is intended to exceed 30,000 square feet of floor area may be permitted, provided the area is necessary for the intended use and can demonstrate that the use will not exceed the carrying capacity of the land to provide adequate water and absorb waste.

**7) All standards as set forth in the Clatsop County Land and Water Development and Use Code, as amended.**

#### **SECTION 4.2200. COASTAL BEACH RESIDENTIAL ZONE (CBR)**

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##### **Section 4.2220. Development and Use Permitted**

The following uses and their accessory uses are permitted under a permit procedure subject to the applicable development standards.

- 1) One family dwelling.
- 2) Guesthouse per Section 1.0500.
- 3) Accessory buildings are permitted only as follows:
  - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
- 45) Limited home occupation.**
- 56) Public or private neighborhood park or playground.**
- 67) Utilities, maximum utilization of existing easements and rights-of-way shall be made.**
- 78) No sign except for:**
  - (A) Temporary signs subject to the provisions of Section 3.0130.
  - (B) Nameplates subject to the provisions of Section 3.0130.
- 89) Handicapped housing facility.**
- 910) Cluster development subject to the provisions of Sections 3.3000-3.3050.**
- 1044) Low intensity recreation.**
- 1142) Land transportation facilities as specified in Section 4.0300.**
- 12) Family child care home.**

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#### **SECTION 4.2300. COASTAL RESIDENTIAL ZONE (CR)**

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#### **Section 4.2320. Development and Use Permitted (CR)**

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

- 1) One family dwelling per lot.
- 2) Guesthouse per Section 1.0500.
- 3) Accessory buildings are permitted only as follows:
  - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
- 4) Limited home occupation.
- 5) Low intensity recreation.
- 6) Public or private neighborhood park or playground.
- 7) Cluster development subject to the provisions of Section 3.3000.
- 8) Signs subject to provisions of Clatsop County Section 3.0130.
- 9) Handicapped housing facility.
- 10) Accessory uses as follows:
  - (A) In conjunction with, or following the permitting or lawful establishment of the primary use on the same lot or parcel to include, but not limited to detached garages, storage buildings, or other non-agricultural farm uses.
- 11) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- 12) Land transportation facilities as specified in Section 4.0300.
- 13) **Family child care home.**

#### **Section 4.2330. Conditional Development and Use**

The following developments and their accessory development may be permitted under a Type II procedure and Sections 2.4000 to 2.4050 subject to applicable criteria and development standards and site plan review.

- 1) Campground, primitive.
- 2) Bed & breakfast establishment subject to the standards in Sections 3.8030-3.8050.
- 3) RV Park subject to Sections 3.5000-3.5020 except in the Clatsop Plains Planning Area.
- 4) Accessory uses may be permitted prior to the issuance of a development permit for the primary use, subject to an approval by the Community Development Director provided that:
  - (A) The applicant submits a letter to the Director explaining the unique or unusual circumstances and nature of the intended use; and
  - (B) Provided the property owner obtains the primary use development permit within one-year (1) from the date the accessory use development permit is issued; and
  - (C) A statement that the accessory use, during the one-year period prior to establishing the primary use is not intended for the storage of, or the establishment of a Recreational Vehicle use; and
  - (D) May be subject to other conditions of approval deemed necessary to protect the primary purpose and intent of the zone, and to provide for public health, safety and welfare.

- 5) Boat ramps subject to Section 5.4100-5.4170 for areas identified as Coastal Shorelands in the Comprehensive Plan.

**6) Child care center.**

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**SECTION 4.2400. SINGLE FAMILY RESIDENTIAL-1 ZONE (SFR-1)**

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**Section 4.2420. Development and Use Permitted (SFR-1)**

The following uses and their accessory uses are permitted under a Type I permit procedure subject to applicable development standards.

- 1) One family dwelling.
- 2) Guesthouse per Section 1.0500.
- 3) Accessory buildings are permitted only as follows:
  - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
- 4) Limited home occupation.
- 5) Public or private neighborhood park or playground.
- 6) No signs except for:
  - (A) Temporary signs subject to the provisions of Section 3.0130.
  - (B) Name plates subject to the provisions of Section 3.0130.
- 7) Handicapped housing facility.
- 8) Low intensity recreation.
- 9) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- 10) Land transportation facilities as specified in Section 4.0300.

**11) Family child care home.**

**Section 4.2430. Conditional Development and Use**

- 1) Bed & breakfast establishment subject to the standards in Sections 3.8030-3.8050.
- 2) Boat ramps subject to Sections 5.4100-5.4170 for areas identified as Coastal Shorelands in the Comprehensive Plan.
- 3) Accessory uses may be permitted prior to the issuance of a development permit for the primary use, subject to an approval by the Community Development Director provided that:
  - (A) The applicant submits a letter to the Director explaining the unique or unusual circumstances and nature of the intended use; and
  - (B) Provided the property owner obtains the primary use development permit within one-year (1) from the date the accessory use development permit is issued; and
  - (C) A statement that the accessory use, during the one-year period prior to establishing the primary use is not intended for the storage of, or the establishment of a Recreational vehicle use; and
  - (D) May be subject to other conditions of approval deemed necessary to protect the primary purpose and intent of the zone, and to provide for public health, safety and welfare.

**4) Child care center.**

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## **SECTION 4.2500. RESIDENTIAL-AGRICULTURE-1 ZONE (RA-1)**

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### **Section 4.2520. Development and Use Permitted (RA-1)**

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

- 1) One family dwelling.
- 2) Guesthouse per Section 1.0500.
- 3) Accessory buildings per are permitted only as follows:
  - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
- 4) Limited home occupations.
- 5) Farm use.
- 6) Roadside stand for farm products grown on the premises.
- 7) Forestry.
- 8) Low intensity recreation.
- 9) Public or private neighborhood park or playground.
- 10) Horticultural nursery.
- 11) Temporary uses subject to the provisions of Section 2.8200.
- 12) Handicapped housing facility.
- 13) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- 14) Health hardship dwelling subject to the standards in Section 3.0190.
- 15) Communication facilities subject to the standards in Section 3.9400.
- 16) Land transportation facilities as specified in Section 4.0300.
- 17) **Family child care home.**

### **Section 4.2530. Conditional Development and Use**

The following developments and their accessory developments may be permitted under a Type II procedure and Sections 2.4000 to 2.4050 subject to applicable criteria and development standards and site plan review.

- 1) Public/semi-public development.
- 2) Extraction, processing, and stockpiling of rock, sand, mineral and other subsurface materials.
- 3) Dog kennel.
- 4) Airport.
- 5) Public or private recreation such as riding stable, fishing or boating docks or ramps, gun club, golf course, or resort type establishment in association with recreation.
- 6) Campground, primitive.
- 7) Home occupation subject to standards in Section 3.8000.
- 8) Veterinary clinic.
- 9) Golf course subject to Section 5.3000.
- 10) Golf driving range.

- 11) Boat ramps subject to Section 5.4100-5.4170 for areas identified as Coastal Shorelands in the Comprehensive Plan.
- 12) Accessory uses may be permitted prior to the issuance of a development permit for the primary use, subject to an approval by the Community Development Director provided that:
  - (A) The applicant submits a letter to the Director explaining the unique or unusual circumstances and nature of the intended use; and
  - (B) Provided the property owner obtains the primary use development permit within one-year (1) from the date the accessory use development permit is issued; and
  - (C) A statement that the accessory use, during the one-year period prior to establishing the primary use is not intended for the storage of, or the establishment of a Recreational Vehicle use; and
  - (D) May be subject to other conditions of approval deemed necessary to protect the primary purpose and intent of the zone, and to provide for public health, safety and welfare.
- 13) **Child care center.**
- 14) Bed and breakfast establishment subject to the standards in Sections 3.8030-3.8050.
- 15) Farm stand structure. [Ord. 18-02]
- 16) Agri-tourism. [Ord. 18-02]
- 17) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-14 above, subject to the provisions of section 2.6000, provided no commercial use is allowed.

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## **SECTION 4.2600. RESIDENTIAL-AGRICULTURE-2 ZONE (RA-2)**

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### **Section 4.2620. Development and Use Permitted (RA-2)**

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

- 1) One family dwelling.
- 2) Guesthouse per Section 1.0500.
- 3) Accessory buildings are permitted only as follows:
  - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
- 4) One mobile home per lot subject to standards in Section 3.4100.
- 5) Limited home occupation.
- 6) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- 7) Farm use.
- 8) Roadside stand for farm products grown on the premises.
- 9) Forestry.
- 10) Low intensity recreation.
- 11) Public or private neighborhood park or playground.

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1<sup>st</sup> Public Hearing: March 8, 2023

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- 12) Horticultural nursery.
- 13) Temporary uses subject to the provisions of Section 2.8200.
- 14) Handicapped housing facility.
- 15) Health hardship dwelling, subject to the standards in Section 3.0190.
- 16) Communication facilities subject to the standards in Section 3.9400.
- 17) Land transportation facilities as specified in Section 4.0300.
- 18) **Family child care home.**

#### **Section 4.2630. Conditional Development and Use**

The following developments and their accessory developments may be permitted under a Type II procedure and Sections 2.4000 to 2.4050 subject to applicable criteria and development standards and site plan review.

- 1) Public/semi-public development.
- 2) Extraction, processing, and stockpiling of rock, sand, mineral and other subsurface materials.
- 3) Dog kennel.
- 4) Airport.
- 5) Public or private recreation such as riding stable, fishing or boating docks or ramps, gun club, golf course, or resort type establishment in association with recreation.
- 6) Home occupation subject to Section 3.8000.
- 7) Veterinary clinic.
- 8) Golf course subject to Section 5.3000 of this Ordinance.
- 9) Golf driving range.
- 10) Campground, primitive.
- 11) Boat ramps subject to Sections 5.4100-5.4170 for areas identified as Coastal Shorelands in the Comprehensive Plan.
- 12) Bed and breakfast establishment subject to the standards in Sections 3.8030- 3.8050.
- 13) Accessory uses may be permitted prior to the issuance of a development permit for the primary use, subject to an approval by the Community Development Director provided that:
  - (A) The applicant submits a letter to the Director explaining the unique or unusual circumstances and nature of the intended use; and
  - (B) Provided the property owner obtains the primary use development permit within one-year (1) from the date the accessory use development permit is issued; and
  - (C) A statement that the accessory use, during the one-year period prior to establishing the primary use is not intended for the storage of, or the establishment of a Recreational Vehicle use; and
  - (D) May be subject to other conditions of approval deemed necessary to protect the primary purpose and intent of the zone, and to provide for public health, safety and welfare.
- 14) Farm stand structure [Ord. 18-02]
- 15) Agri-tourism [Ord. 18-02]
- 16) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-14 above, subject to the provisions of section 2.6000, provided no commercial use is allowed.

**17) Child care center.**

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**SECTION 4.2700. RESIDENTIAL-AGRICULTURE-5 ZONE (RA-5)**

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**Section 4.2720. Development and Use Permitted (RA-5)**

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

- 1) One family dwelling per lot.
- 2) Guesthouse per Section 1.0500.
- 3) Accessory buildings are permitted only as follows:
  - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
- 4) One mobile home per lot subject to standards in Section 3.4100.
- 5) Limited home occupation.
- 6) Minor utilities.
- 7) Farm use.
- 8) Roadside stand for farm products grown on the premises.
- 9) Forestry.
- 10) Low intensity recreation.
- 11) Public or private neighborhood park or playground.
- 12) Horticultural nursery.
- 13) Two family dwelling (duplex) subject to Section 4.2770, (1)(A).
- 14) Temporary uses subject to the provisions of Section 2.8200.
- 15) Handicapped housing facility.
- 16) Health hardship dwelling, subject to the standards in Section 3.0190.
- 17) Communication facilities subject to the standards in Section 3.9400.
- 18) Land transportation facilities as specified in Section 4.0300.

**19) Family child care home.**

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**Section 4.2740. Conditional Development and Use**

The following developments and their accessory developments may be permitted under a Type II procedure and Sections 2.4000 to 2.4050 subject to applicable criteria and development standards and site plan review.

- 1) Public/semi-public development.
- 2) Utilities necessary for public service.
- 3) Extraction, processing, and stockpiling of rock, sand, mineral and other subsurface materials.
- 4) Dog kennel.
- 5) Airport.
- 6) Public or private recreation such as riding stable, fishing or boating docks or ramps, gun

- club, golf course, resort type establishment in association with recreation.
- 7) Home occupation subject to Section 3.8000.
- 8) Veterinary clinic.
- 9) Golf course subject to Section 5.4800 of this Ordinance.
- 10) Golf driving range.
- 11) R.V. Park subject to Section 3.5000-3.5020 except in the Clatsop Plains Planning Area.
- 12) Campground, primitive.
- 13) Boat ramps subject to Section 5.4100-5.4170 for areas identified as Coastal Shorelands in the Comprehensive Plan.
- 14) Cluster development subject to the provisions of Sections 3.3000-3.3050.
- 15) Bed and breakfast establishment subject to the standards in Sections 3.8030-3.8050.
- 16) Farm stand structure. [Ord. 18-02]
- 17) Commercial activity in conjunction with farm use. [Ord. 18-02]
- 18) Agri-tourism. [Ord. 18-02]
- 19) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-15 above, subject to the provisions of section 2.6000, provided no commercial use is allowed.
- 20) Child care center.**

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#### **SECTION 4.2800. RESIDENTIAL-AGRICULTURE-10 ZONE (RA-10)**

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##### **Section 4.2820. Development and Use Permitted**

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

- 1) One family dwelling per lot.
- 2) Guesthouse per Section 1.0500.
- 3) Accessory buildings per Section 1.0500 are permitted only as follows:
  - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
- 4) One mobile home per lot subject to standards in Section 3.4100.
- 5) Limited home occupation.
- 6) Minor utilities.
- 7) Farm use.
- 8) Roadside stand for farm products grown on the premises.
- 9) Forestry.
- 10) Low intensity recreation.
- 11) Public or private neighborhood park or playground.
- 12) Horticultural nursery.
- 13) Two family dwelling (duplex) per Section 4.2770(1)(A).
- 14) Temporary uses per Section 2.8200.
- 15) Handicapped housing facility.
- 16) Health hardship dwelling, subject to the standards in Section 3.0190.



- 17) Communication facilities subject to the standards in Section 3.9400.
- 18) Land transportation facilities as specified in Section 4.0300.
- 19) Family child care home.

\*\*\*

#### **Section 4.2840. Conditional Development and Use**

The following developments and their accessory developments may be permitted under a Type II procedure and Sections 2.4000 to 2.4050 subject to applicable criteria and development standards and site plan review.

- 1) Public/semi-public development.
- 2) Utilities necessary for public service.
- 3) Extraction, processing, and stockpiling of rock, sand, mineral and other subsurface materials.
- 4) Dog kennel.
- 5) Airport.
- 6) Public or private recreation such as riding stable, fishing or boating docks or ramps, gun club, golf course, resort type establishment in association with recreation.
- 7) Home occupation per Section 3.8000.
- 8) Veterinary clinic.
- 9) Golf course per Section 5.4800 of this Ordinance.
- 10) Golf driving range.
- 11) R.V. Park subject to Sections 3.5000-3.5020 except in the Clatsop Plains Planning Area.
- 12) Campground, primitive.
- 13) Boat ramps subject to Sections 5.4100-5.4170 for areas identified as Coastal Shorelands in the Comprehensive Plan.
- 14) Cluster development subject to the provisions of Sections 3.3000-3.3050.
- 15) Bed and breakfast establishment per Section 3.8030-3.8050.
- 16) Farm stand structure. [Ord. 18-02]
- 17) Commercial activity in conjunction with farm use. [Ord. 18-02]
- 18) Agri-tourism. [Ord. 18-02]
- 19) Child care center.

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#### **SECTION 4.2900. NEIGHBORHOOD COMMERCIAL ZONE (NC)**

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#### **Section 4.2920. Development and Use Permitted**

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

- 1) Handicapped housing facility.
- 2) Bed & breakfast establishment subject to the standards in Section 3.8030-3.8050.
- 3) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- 4) Land transportation facilities as specified in Section 4.0300.
- 5) Short term rental subject to the standards in Chapter 5.12, Clatsop County Code. [Ord. 22-05]



- 6) Family child care home.
- 7) Child care center.

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## **SECTION 4.3000. GENERAL COMMERCIAL ZONE (GC)**

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### **Section 4.3030. Development and Use Permitted**

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

- 1) Bed & breakfast establishment subject to the standards in Sections 3.8030-3.8050.
- 2) Splitting and sale of firewood.
- 3) Public or private neighborhood park or playground.
- 4) Golf driving range.
- 5) Low intensity recreation.
- 6) Boat ramps subject to Sections 5.4100-5.4170 for areas identified as Coastal Shorelands in the Comprehensive Plan.
- 7) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- 8) Land transportation facilities as specified in Section 4.0300.
- 9) Family child care home.
- 10) Child care center.

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### **Section 4.3060. Development and Conditional Development and Use Standards (GC)**

The following standards are applicable for all permitted and conditional development and use.

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- 8) Building size:
  - (A) The maximum building size for new commercial uses shall not exceed the floor area standards listed in Section ~~3.348~~ 4.3040 unless:
    - 1) The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625);
    - 2) The use is limited to a size of building or buildings intended to serve the surrounding rural area of the travel needs of people passing through the area; and
    - 3) The total floor area of building or buildings does not exceed 10,000 square feet.

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## **SECTION 4.3100. TOURIST COMMERCIAL ZONE (TC)**

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### **Section 4.3130. Development and Use Permitted**

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

- 1) Residential developments in association with a development that is permitted or

- conditional such as a dwelling for the owner or operator of a commercial development.
- 2) Handicapped housing facility.
  - 3) Bed & breakfast establishment subject to the standards in Sections 3.8030-3.8050.
  - 4) Public or private neighborhood park or playground.
  - 5) Golf driving range.
  - 6) Low intensity recreation.
  - 7) Boat ramps subject to Section 5.4100-5.4170 for areas identified as Coastal Shorelands in the Comprehensive Plan.
  - 8) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
  - 9) Land transportation facilities as specified in Section 4.0300.
  - 10) Family child care home.
  - 11) Child care center.

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#### **SECTION 4.3200. MILITARY RESERVE ZONE (MR)**

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##### **Section 4.3220. Development and Use Permitted**

The following development and their accessory developments are permitted under a Type I procedure subject to applicable development standards:

- 1) Military reserve and activities directly related such as:
  - (A) Training of military personnel.
  - (B) Movement of military personnel.
- 2) Dwelling units for military personnel stationed on the military reserve.
- 3) One caretaker's residence for every one hundred acres of land in the military reserve.
- 4) Storage facilities for military equipment and supplies.
- 5) Minor utilities.
- 6) Low intensity recreation.
- 7) Family child care home.
- 8) Child care center.

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## **SECTION 4.3300. EXCLUSIVE FARM USE ZONE (EFU)**

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### **Section 4.3320. Development and Use Permitted [Ord. 18-02]**

The following developments and their accessory uses are permitted under a Type I procedure subject to applicable development standards.

- 1) Farm use.
- 2) Propagation or harvesting of a forest product.
- 3) Agricultural buildings customarily provided in conjunction with farm use.
- 4) Creation of, restoration of, or enhancement of wetlands.
- 5) Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead.
- 6) Operations for the exploration for minerals as defined by ORS 517.750.
- 7) Climbing and passing lanes within the right of way existing as of July 1, 1987.
- 8) Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.
- 9) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.
- 10) Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.
- 11) Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with a district as defined in ORS 540.505.
- 12) Fire service facilities providing rural fire protection services.
- 13) Onsite filming and activities accessory to onsite filming for 45 days or less subject to standards in ORS 215.306.
- 14) Firearms training facility in existence on September 9, 1995.
- 15) An outdoor mass gathering of more than 3,000 persons that is expected to continue for more than 24 hours but less than 120 hours in any three-month period, as provided in ORS 433.735.
- 16) A winery subject to Section 3.9150.
- 17) Churches, and cemeteries in conjunction with churches, subject to Section 3.9080(1). This use is not permitted on high value farmland except that existing churches on high value farmland may be expanded subject to Section 3.9080(3).
- 18) **Family child care home.**

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## **SECTION 4.3400. AGRICULTURE-FORESTRY ZONE (AF)**

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### **Section 4.3430. Development and Use Permitted**

The following developments and uses and their accessory developments and uses are permitted under a Type I procedure subject to applicable development standards.

- 1) Temporary portable facility for the primary processing of forest products. "Forest products" means timber grown upon a tract where the primary processing facility is located.
- 2) Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities. Auxiliary means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.
- 3) Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.
- 4) Farm use.
- 5) Local distribution lines (e.g. electric, telephone, natural gas) and accessory equipment (e.g. electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups.
- 6) Uses to conserve soil, air and water quality and to provide for fish and wildlife resources.
- 7) Uninhabitable structures accessory to fish and wildlife enhancement.
- 8) Towers and fire stations for forest fire protection.
- 9) Temporary forest labor camps.
- 10) Alteration, restoration or replacement of a lawfully established dwelling pursuant to Section 3.9140 for farm uses and Section 3.9190(4) for forestry uses. [Ord. 18-02]
- 11) Caretaker residences for public parks and fish hatcheries.
- 12) Private hunting and fishing operations without any lodging accommodations.
- 13) Widening of roads within existing rights-of-way in conformance with the Transportation Element of the Comprehensive Plan including public road and highway projects as follows:
  - (A) Climbing and passing lanes within the right-of-way existing as of July 1, 1987;
  - (B) Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right-of-way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result;
  - (C) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;
  - (D) Minor betterment of existing public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, within right-of way existing as of July 1, 1987, and contiguous public-owned property

utilized to support the operation and maintenance of public roads and highways.

- 14) Exploration for mineral and aggregate resources as defined in ORS Chapter 517.
- 15) Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation. Auxiliary means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded. A forest operation is any commercial activity relating to the growing or harvesting or any forest tree species. "Forest tree species" does not include:
  - (A) Christmas trees on land used solely for the production of cultured Christmas trees as defined in ORS 215.203(3).
  - (A) Hardwood timber, including but not limited to hybrid cottonwood, which is:
    - 1) Grown or growing on land which has been prepared by intensive cultivation methods and which is cleared of competing vegetation for at least three years after tree planting;
    - 2) Of a species marketable as fiber for inclusion in the "furnish" for manufacturing paper products;
    - 3) Harvested on a rotation cycle within 12 years after planting; and
    - 4) Subject to intensive agricultural practices such as fertilization, insect and disease control, cultivation and irrigation.
- 16) Water intake facilities, canals and distribution lines for farm irrigation and ponds.
- 17) Temporary forest labor camps.
- 18) Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located, subject to 3.9080(1) and 3.9090. This use is not permitted on high value farmland except that existing schools on high value farmland may be expanded subject to 3.9080(3). [Ord. 18-02]
- 19) Churches and cemeteries in conjunction with churches.
- 20) Creation, restoration or enhancement of wetlands.
- 21) Farm stand subject to 3.9030(2). [Ord. 18-02]
- 22) Operations for the exploration for minerals as defined by ORS 517.750. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1)(a) or (b).
- 23) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in the County's inventory as historic property or on the National Register of Historic Places.
- 24) Accessory farm dwellings for year round and seasonal farm worker housing. [Ord. 18-02]
- 25) Utility facilities necessary for public service, including Communication Facilities subject to the standards in Sections 3.9090 and 3.9400, except commercial facilities for the purpose of generating power for public use by sale and transmission towers over 200 feet in height.
- 26) A winery subject to the standards in Section 3.9150. [Ord. 18-02]
- 27) Those uses not listed above that are permitted in Section 4.3320 of the Exclusive Farm Use (EFU) Zone and Section 4.3530 of the Forest-80 Zone (F-80), subject to the

applicable development standards, conditions and review described therein. Dwellings permitted in Section 4.3320 of the EFU Zone and Section 4.3530 of the F-80 Zone are subject to the review criteria in either the EFU Zone or the F-80 Zone, based on the predominant use of the subject tract on January 1, 1993. [Ord. 18-02]

**28) Family child care home.**

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**SECTION 4.3500. FOREST-80 ZONE (F-80)**

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**Section 4.3530. Development and Use Permitted [Ord. 18-02]**

The following uses and activities and their accessory uses may be permitted under a Type I procedure subject to applicable development standards:

- 1) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.
- 2) Farm use as defined in ORS 215.203.
- 3) Local distribution lines (e.g., electric, telephone, natural gas) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups.
- 4) Temporary portable facility for the primary processing of forest products.
- 5) Climbing and passing lanes within the right of way existing as of July 1, 1987.
- 6) Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.
- 7) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.
- 8) Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.
- 9) Exploration for mineral and aggregate resources as defined in ORS chapter 517.
- 10) Private hunting and fishing operations without any lodging accommodations.
- 11) Towers and fire stations for forest fire protection.
- 12) Water intake facilities, canals and distribution lines for farm irrigation and ponds.
- 13) Uninhabitable structures accessory to fish and wildlife enhancement.
- 14) Temporary forest labor camps.
- 15) Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.
- 16) An outdoor mass gathering of more than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period, as provided in ORS 433.735.
- 17) An agricultural building, as defined in ORS 455.315, customarily provided in conjunction with farm use or forest use. A person may not convert an agricultural building authorized by this section to another use.

- (18) Alteration, restoration or replacement of a lawfully established dwelling subject to 3.9190(4) and 3.9190(6)
- (19) Maintenance or in-kind replacement of water intake facilities, related treatment facilities, pumping stations, and distribution lines in existing utility rights-of-ways subject to 3.9230.
- (20) Replacement of existing fire stations, on the same lot or parcel, for rural fire protection subject to 3.9230.
- 21) Family child care home.

\*\*\*

### Section 3.0050. Off-Street Parking Required

Off-street parking and loading shall be provided for all development requiring a development permit according to Sections 3.0050 to 3.0120.

### Section 3.0060. Minimum Off-Street Parking Space Requirements

Any uses described herein may provide up to 30% of the required number of parking spaces, except ADA-required spaces, as compact spaces, measuring no less than seven feet wide by eighteen feet long. Compact spaces shall be clearly marked accordingly. The minimum off-street parking space requirements are as follows:

#### 1) Residential type of development and number of parking spaces.

Single family dwelling	(2) per dwelling unit
Family child care home	No additional spaces other than the 2 parking spaces required for the dwelling unit
Accessory dwelling unit	(1) per dwelling unit
Multi-family dwelling	(3 per 2) dwelling units
Sorority, fraternity or dorm	(1 per 2) occupants
Residential hotel, rooming or boarding house or club	(2 per 3) guest rooms
Hotel or motel	(1.25) per guest room or suite plus 10 per ksf restaurant/lounge, plus 30 per ksf meeting/banquet room (<50 ksf per guest room) or 20 per ksf meeting/banquet room (>50 ksf per guest room).
Mobile home park	(1) per mobile home site, plus (1 per site) for guest parking at a convenient location
Planned development	In addition to the requirements for dwelling units, (1 per 2) units for guest parking at a convenient location

\*\*\*

#### 3) Institutional, public and quasi-public type of development and number of parking spaces.

Child care center or kindergarten	.35 per person (licensed capacity) 0 off-street spaces required
Elementary and Secondary Schools	.35 per student
College and University	Determined by parking study specific to subject institution.
Church, chapel, mortuary, auditorium	.6 per seat
Elderly Housing, Independent Living	.6 per dwelling unit
Elderly Housing, Assisted Living	.4 per dwelling unit
Nursing or convalescent home	1 per room
Hospital	.4 per employee, plus 1 per 3 beds, plus 1 per 5 average daily outpatient treatments,



Golf course

plus 1 per 4 medical staff, plus 1 per  
student/faculty/staff  
(8) per hole

\*\*\*

## **SECTION 3.9550. PEDESTRIAN AND BICYCLE ACCESS AND CIRCULATION**

### **Section 3.9560. Purpose [Ord. 21-05]**

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## **SECTION 3.9570. FAMILY CHILD CARE HOMES**

The following standards shall apply to family child care homes, as defined in Section 1.0500.

Family child care homes:

- 1) Are residential uses per ORS 329A.440 and shall not be regulated as home occupations.
- 2) Shall not be prohibited by the governing documents of planned communities or condominiums, in accordance with the requirements of ORS 94.779 and ORS 100.023.
- 3) Shall not be subject to any condition that is more restrictive than conditions imposed on other residential dwellings in the same zone.

# EXHIBIT B

*Cover Memo (March 8, 2023)*



# Clatsop County – Land Use Planning

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**TO:** Board of Clatsop County Commissioners

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

**DATE:** March 8, 2023

**RE:** **ORDINANCE 23-04: LAWDUC AMENDMENTS ADDRESSING CHILD CARE CENTERS AND FAMILY CHILD CARE HOMES**

## BACKGROUND

In 2018, the Center for American Progress released a study finding that 60% of Oregonians lived in a child care desert. A “child care desert” is defined as a census tract with more than three children for each available child care opening. Between 1999-2020, the Oregon Child Care Research Partnership (OCCRP) documented that while the number of openings in child care centers and certified family child care facilities have grown the number of openings in registered family child care homes has declined. Overall, while approximately 26,000 openings were generated in child care centers and certified family homes, registered family child care homes lost approximately 32,000 spaces. The Oregon Department of Education Early Learning Division defines “certified”, “registered” and “child care center” as follows:

**Registered Family Child Care Home:** Up to 10 children

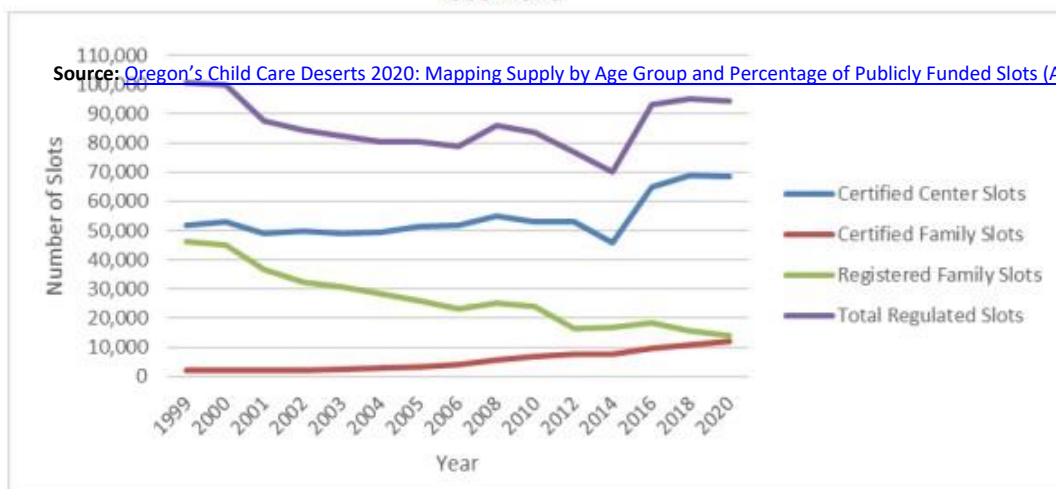
**Certified Family Child Care Home:** Up to 16 children

**Certified Child Care Center:** Number of children dependent upon:

- Building square footage
- Number of qualified staff

In Clatsop County, Oregon State has estimated the following percentages for children with access to a child care opening:

**Figure 1: Regulated Oregon Child Care Supply for Children under Age 13:  
1999-2020**



JURISDICTION	0-2 Year Olds	3-5 Year Olds	Total 0-5 Year Olds
Clatsop County	7%	28%	17%
Oregon	14%	32%	23%

The lack of child care facilities and openings, particularly for infants aged 0-2 years, was further exacerbated by the start of the coronavirus pandemic in early 2020. A February 21, 2022 article in *The Astorian*, stated that since 2017, Clatsop County has lost more than 1,000 child care spaces and 12 certified child care centers.

Lack of or limited access to child care facilities may have significant impact on local economies. In recognition of that fact, in 2022, your Board voted to create a Child Care Grant program to retain and expand child care options. Clatsop County has committed \$500,000 in ARPA funds, in addition to \$120,000 provided by Columbia Memorial and Providence Seaside hospitals.

In May 2020, Clatsop County also entered into a Memorandum of Understanding with the Oregon Department of Land Conservation and Development (DLCD) to perform an audit of Clatsop County's zoning codes and development standards related to child care centers and facilities. The purpose of the audit was to ensure that the County's codes aligned with Oregon Revised Statutes (ORS).

On November 8, 2022, County planning staff received a memo from Laura Buhl at DLCD detailing a list of recommended changes that should be made to the County's *Land and Water Development and Use Code* (LAWDUC) that would lower development barriers and further enable the establishment of childcare facilities within the County. The DLCD memo is attached as **Exhibit C**.

#### PROPOSED AMENDMENTS

The memo containing the recommended amendments was provided at the December 13, 2022, regular Planning Commission meeting. A first draft of amendments to the County's *Land and Water Development and Use Code* (LAWDUC) was discussed by the Planning Commission during a work session held on January 10, 2023. DLCD's child care audit was also discussed with your Board during a work session held on November 2, 2022.

DLCD's recommendations were centered on the following:

- Per ORS 329A.440, "family child care homes" are viewed as residential uses and shall be permitted in all areas zoned for residential or commercial purposes.
- Local governments may not impose special fees, land use regulations or conditions on a family child care home that would be more restrictive than those imposed on other residential dwellings in the same zone.
- Child care centers are permitted uses in all areas zoned for commercial and industrial uses, except heavy industrial use.
- Local governments may not impose special fees, land use regulations or conditions on child care centers that are more restrictive than those imposed for other uses in the same zone.
- Revise definitions to replace the current references to "day nursery or day care center" with new definitions of "family child care home" and "child care center".
- Exempt child care centers from off-street parking requirements.
- Remove size limitations from child care centers in commercial or industrial zones

Ordinance 23-04 includes the following proposed revisions:

- Amend Section 3.0060. Minimum Off-Street Parking Space Requirements to exempt “child care centers” from parking requirements and to clarify that a “family child care home” does not require additional parking beyond the two parking spaces already required for the residence.
- Create Section 3.9570 to include language citing ORS requirements regarding family child care homes
- Amend Section 1.0050. Definitions, to add definitions of “Child care center” and “Family child care home” and to revise the definition of “Public or semi-public use” to delete the term “child care centers” as a child care center will now become a separate listed use
- Add “Family child care home” and/or “child care center” to the following zoning districts:

ZONE	FAMILY CHILD CARE HOME	CHILD CARE CENTER	COMP PLAN DESIGNATION
AC-RCR (Arch Cape Rural Community Residential)	P	C	Development
RCR (Miles Crossing, Jeffers Gardens and Westport Rural Community Residential)	P	C	Development
KS-RCR (Knappa and Svensen Rural Community Residential)	P	C	Development
RSA-SFR (Rural Service Area-Single Family Residential)	P	C	Development
RC-MFR (Rural Community Multi-Family Residential)	P	C	Development
RSA-MFR (Rural Service Area-Multi-Family Residential)	P	C	Development
RCC (Rural Community Commercial)	P	P	Development
RCI (Rural Community Light Industrial)	-	P	Development
RCC-LI (Rural Community Commercial and Light Industrial)	-	P	Development
LI (Light Industrial)	-	P	Development
CBR (Coastal Beach Residential)	P	C	Rural Lands
CR (Coastal Residential)	P	C	Rural Lands
SFR-1 (Single-Family Residential-1)	P	C	Rural Lands
RA-1 (Residential-Agriculture-1)	P	C	Rural Lands
RA-2 Residential-Agriculture-2)	P	C	Rural Lands
RA-5 Residential-Agriculture-5)	P	C	Rural Lands
RA-10 Residential-Agriculture-10)	P	C	Rural Lands
NC (Neighborhood Commercial)	P	P	Rural Lands
GC (General Commercial)	P	P	Rural Lands
TC (Tourist Commercial)	P	P	Rural Lands
MR (Military Reserve)	P	P	Rural Lands
EFU (Exclusive Farm Use)	P	-	Rural Agricultural Lands
AF (Agriculture-Forestry)	P	-	Conservation Forest Lands
F-80 (Forest-80)	P	-	Conservation Forest Lands

P=Permitted (Type I); C=Conditional (Type II)

- Remove 4,000-square foot size limitation for child care centers based upon County Counsel review and direction that child care centers are institutional uses that are not subject to floor area restrictions contained on OAR 660-022 (**Exhibit D**).

### CONSISTENCY WITH COMPREHENSIVE PLAN

The County's Comprehensive Plan is generally silent with regard to specific policies related to the provision of child care services. Below are policies that are generally applicable to the proposed amendments.

#### Goal 1 Citizen Involvement

##### Policies

1. The Committee for Citizen Involvement shall be the Clatsop County Planning Commission, consisting of seven members. The Planning Commission shall strive to represent a cross section of county residents in all phases of the planning process. As an appropriate component, five Planning Commission members shall be representatives of the six designated geographic areas (with a seven member Commission, one area may have two members). No more than two Planning Commission members may reside within incorporated cities. Each member of the Planning Commission shall be selected by an open, well-publicized, public process by the Board of Commissioners.
2. The Planning Commission shall hold its meetings in such a way that the public is notified in advance and given the opportunity to attend and participate in a meaningful fashion.
3. The Board of County Commissioners may appoint advisory committees to address specific land use issues as needed.
4. Citizens shall be provided the opportunity to be involved in the phases of the planning process as set forth and defined in the goals and guidelines for Land Use Planning, including Preparation of Plans and Implementation Measures, Plan Content, Plan Adoption, Minor Changes and Major Revisions in the Plan and Implementation Measures.
5. Clatsop County shall encourage organizations and agencies of local, state and federal government and special districts to participate in the planning process.
6. Clatsop County shall use the news media, mailings, meetings, and other locally available means to communicate planning information to citizens and governmental agencies. Prior to public hearings regarding major Plan revisions, notices shall be publicized.
7. Clatsop County shall establish and maintain effective means of communication between decision-makers and those citizens involved in the planning process. The County shall ensure that ideas and recommendations submitted during the planning process will be evaluated, synthesized, quantified, and utilized as appropriate.
8. Public notices will also be sent to affected residents and community organizations concerning Comprehensive Plan amendments, zone changes, conditional use applications, subdivisions, planned developments and other land use actions that require written notice.

**Staff Finding and Conclusion:** The proposed revisions to Articles 1, 3 and 4 of the *Land and Water Development and Use Code*, are legislative amendments that would affect multiple properties in several different zones. These amendments have been the subject of a Planning Commission work session, a Board of Commissioners work session and is now the subject of a Planning Commission hearing to accept public testimony and hear the commission's deliberation and recommendation. The Planning Commission's recommendation will be forwarded to the Board of Commissioners, which will hold two readings and accept public testimony. The matter has been published in the county's paper of record, to notify the public of the matter and invite public comment. All agendas are published on Clatsop County's website and distributed by the Clatsop County Manager's Office. The foregoing all are Clatsop County's standard means of public notification.

**Staff has determined that Goal 1 is satisfied.**

## Goal 2 Land Use Planning

The County's land and water have been placed in one of six (6) Plan designations. Designations related to the proposed amendments are:

### 1. Development

Development areas are those with a combination of physical, biological, and social/economic characteristics which make them necessary and suitable for residential, commercial, or industrial development and includes those which can be adequately served by existing or planned urban services and facilities.

In Clatsop County, the County has three types of such areas: cities and their urban growth boundaries; rural communities; and rural service areas, which are areas similar to cities (sewer and water) but lack size and a government structure.

- a. Rural Service Area (RSA). The County has designated four areas as RSAs. They are Cullaby Lake, Glenwood Mobile Home Park, Old Naval Hospital site, and Fishhawk Lake. Information on these is found in the community plan in which the RSA resides.
- b. Urban Growth Boundaries. See land use plans of Astoria, Cannon Beach, Gearhart, Seaside and Warrenton. Clatsop County has adopted each of the city's land use plans for areas outside of the city limits and inside the urban growth boundary. The cities and the County have adopted Urban Growth Boundary Management Agreements. Clatsop County has turned over all administration and enforcement with Cannon Beach's urban growth boundary to Cannon Beach and Astoria's urban growth boundary to Astoria. Currently, Clatsop County administers and performs enforcement for areas outside the city limits inside the urban growth boundaries of Gearhart, Seaside and Warrenton
- c. Rural Communities. Clatsop County has identified and established boundaries for the following rural communities: Miles Crossing-Jeffers Gardens, Arch Cape, Svensen, Knappa, and Westport. Land use plans in these areas recognize the importance of communities in rural Clatsop County. These communities are established through a process that applies OAR 660 Division 22 requirements. Portions of land identified in the Miles Crossing and Jeffers Gardens rural community plan take an exception to Statewide Planning Goal 3 and Goal 4 for portions of land zoned EFU or AF. The exceptions documentation for a portion of the Miles Crossing and Jeffers Gardens rural community boundary is adopted as part of the Comprehensive Plan, and is located at the end of this section.

### 2. Rural Agricultural Lands

Agricultural lands are those lands that are to be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space.

In land use changes involving a change from Conservation Forest Lands or Rural Agricultural Lands to Rural Lands or Development designations an Exception to the Agricultural Lands or Forest Lands Goals must be taken.

### 3. Conservation Forest Lands

Forest lands are those lands that are to be retained for the production of wood fiber and other forest uses.

In land use changes involving a change from Conservation Forest Lands or Rural Agricultural Lands to Rural Lands or Development designations an Exception to the Agricultural Lands or Forest Lands Goals must be taken.

6. Rural Lands

Rural Land are those that are outside the urban growth boundary, outside of rural community boundaries, and are not agricultural lands or forest lands. Rural lands includes lands suitable for sparse settlement, small farms or acreage homesites with no or hardly any public services, and which are not suitable, necessary or intended for urban use.

Rural Lands in Clatsop County

A diversity of housing options ranging from high density urban environments to low density farm-forest home sites has been a recognized need in Clatsop County since the County's first Comprehensive Plan was adopted in 1969. While developing the present Comprehensive Plan, citizens and elected and appointed officials stressed the economic and cultural importance of providing for the demand for recreational and year round rural homesites.

Because of the rural character of the County along with its geographic proximity to the northern Willamette Valley population centers, there has been a steady demand for second homes and rural homesites located on small rural tracts (see Housing Element and Background Report). The demand for rural tracts is expected to continue. In order to continue to meet the demand for affordable rural homesites the County has looked to those which are "built upon and/or irrevocably committed" rural areas which generally have:

- (a) some level of public facilities and services, especially surfaced public roads, fire protection, and piped water;
- (b) a pattern of parcel sizes generally smaller than 15 acres;
- (c) existing residential development at a density generally higher than 1 dwelling unit per 10 acres; and
- (d) natural boundaries, such as creeks and roads, separating the exception area from adjacent resource lands.

Areas generally falling under the above set of criteria are designated Rural Lands throughout the Comprehensive Plan. Rural Lands are those lands which are outside the urban growth boundary and are not agricultural lands or forest lands. Rural Lands include lands suitable for spare settlement, small farms or acreage homesites with no or hardly any public services, and which are not suitable, necessary or intended for urban use. Most of these lands contain agricultural site class II-IV and forest site class FA-FD.

The Coastal Shorelands Goal #17 requires that shorelands in rural areas other than those in major marshes, significant wildlife habitat areas etc. be used for appropriate for:

- "f. subdivisions, major and minor partitions and other uses only upon a finding by the governing body of the county that such uses satisfy a need which cannot be accommodated at other upland locations or in urban or urbanizable areas and are compatible with the objectives of this goal to protect riparian vegetation and wildlife habitat; and



- g. a single family residence on existing lots, parcels or units of land when compatible with the objectives and implementation standards of this goal.”

These areas of coastal shorelands which are “built upon or are irrevocably committed” to development and cannot be used for agricultural or forest use.

In developing the data base and criteria used to identify exception areas the County Planning staff relied heavily on information provided by the six CACs, individual land owners, realtors and builders as well as the opinions of appointed and elected officials. Most of the information used to substantiate commitment of those lands was gathered over a 5 year period through the public hearings process which resulted in the current Comprehensive Plan. In addition, the various needs of each subarea were examined and weighed against the goals. After completion of each subarea plan, each plan’s specific goals and objectives and recommended land use allocations were compared against the County as a whole. This information was compiled and tabulated using the criteria developed during the planning process and forms the main body of this report.

Generally, lands which fall under the general criteria enumerated in this Exception Process and Committed Lands Identification section are designated Rural throughout the Comprehensive Plan. Characteristically, these lands have scattered residences on parcel one-half to 15 acres in size and are clustered along roads throughout the unincorporated County.

Designation of Rural Lands Policy:

Generally parcels less than 15 acres and that are “built upon or irrevocably committed” to a non-resource use are to be placed in a residential, industrial or commercial zone.

Residential

Residential densities are generally designated through the following additional criteria:

- a. Where subdivisions or partitioning or both have occurred in a one acre pattern of development the area will be placed in one of the one acre zones;
- b. In areas with a development pattern of two to five acre parcels (some smaller and some larger), the areas will be in a two acre zone;
- c. In areas adjacent to resource (forest, agriculture, wetlands, estuary areas) lands, or Camp Rilea, the areas will be placed in a five acre zone;
- d. In areas where large parcels (15 acres or greater) of non-resource land are located, the areas will be placed in a five acre zone;
- e. In addition to criteria a through d, minimum lot sizes increase with increasing distance from the following areas:
  - 1. All urban growth boundaries
  - 2. Svensen center
  - 3. Knappa center

Since approximately 90% of the total County land area is forest land, it is not surprising that most of the lands identified as Rural in the Plan contains forest land class FA-FC and/or agricultural site class soils II-IV (see Forestry and Agricultural Background Report).

**Staff Finding and Conclusion:** At the time the Comprehensive Plan was drafted and adopted, specific areas of the County were reviewed and identified for development at specific levels. Consistent development may consist of residential, commercial and/or industrial uses, dependent upon the zone. The amendments recommended by the Department of Land Conservation and Development (DLCD), which are intended to bring the County's implementing codes into compliance with state statute, require the addition of family child care homes to all zones where single-family residential development is permitted. Child care centers are also required to be added to all commercial and industrial zones, except heavy industrial. DLCD has also encouraged the County to include child care centers in additional zones that are not specifically mandated by Oregon Revised Statutes.

The proposed amendments include adding child care centers to zones designated as Rural Lands in the Comprehensive Plan. Child care centers would be permitted through a Type II procedure, which would require a 10-day public comment period and notification to property owners within 250 of the subject property. As noted above, Rural Lands are those that are outside of urban growth boundaries and are not agricultural or forest lands. Rural Lands are also those lands that have been identified as "built upon or irrevocably committed." The Rural Lands residential zones where child care centers are proposed as a Type II conditional use, include other non-residential conditional uses such as bed and breakfast establishments; RV parks; agri-tourism; boat ramps; veterinary clinics; dog kennels; golf courses; schools; and extraction, processing and stockpiling of rock, sand, mineral and other subsurface materials. Child care centers, which have similar operating characteristics to schools, would be an appropriate use, subject to necessary conditions of approval, in these Rural Lands zones.

**Staff has determined that the proposed amendments are consistent with Goal 2.**

#### **RECOMMENDED ACTION**

*Suggested Motion: "I move that the Board conduct the first reading of Ordinance 23-04, open the public hearing and take testimony and condintue the matter to March 22, 2023"*

# EXHIBIT C

## *DLCD Audit Memo*

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## MEMO

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**TO:** Gail Henrikson, Clatsop County

**FROM:** Laura Buhl, Oregon Department of Land Conservation and Development

**SUBJECT:** Child care analysis of the Clatsop County Land and Water Development and Use Code

**DATE:** November 8, 2022

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The Clatsop County Land and Water Development and Use Code (LAWDUC) has some provisions for child care, but it could be amended to lower barriers to and further enable the establishment of child care facilities in Clatsop County. Below is a summary of Oregon Revised Statute requirements and allowances for child care in counties, as well as suggestions for code amendments to lower barriers to child care in transportation-efficient locations.

### **Oregon Revised Statutes (ORS)**

ORS 329A.440, which was most recently amended during the 2021 legislative session, contains several requirements for local jurisdictions, including counties. Relevant sections of the statute are as follows:

(2)(a) A family child care home is considered a residential use of property for zoning purposes. A family child care home is a permitted use in all areas zoned for residential or commercial purposes, including areas zoned for single-family dwellings.

(b) A local government may not enact or enforce a land use regulation prohibiting the use of a residential dwelling, located in an area zoned for residential or commercial use, as a family child care home.

(c) A local government may not impose land use regulations, special fees or conditions on the establishment or maintenance of a family child care home more restrictive than those imposed on other residential dwellings in the same zone.

(3) Notwithstanding subsection (2)(c) of this section, a county may impose reasonable conditions on the establishment of a family child care home in an area zoned for farm use.

(4)(a) A child care center is a permitted use in all areas zoned for commercial or industrial use, except areas specifically designated by the local government for heavy industrial use.

(b) A local government may not impose land use regulations, special fees or conditions on the establishment or maintenance of a child care center in an area zoned for commercial or industrial use that are more restrictive than those imposed for other uses in the same zone.

(5) Notwithstanding subsection (4) of this section, a local government may impose reasonable conditions upon the establishment or maintenance of a child care center in an area zoned for industrial uses.

(6) As used in this section, “reasonable conditions” includes, but is not limited to, siting restrictions for properties designated on the Department of Environmental Quality’s statewide list of contaminated properties as having known or suspected releases of hazardous substances.

In summary, the ORS requires counties to:

- Permit family child care homes in all dwellings in residential and commercial zones. Counties may not put any special fees or requirements more restrictive than those imposed on any other dwelling in the same zone, except in areas zoned for farm use, where “reasonable conditions” may be imposed.
- Permit child care centers in all commercial and industrial zones, except heavy industrial. There may be no special fees or requirements more restrictive than those imposed on other uses in the same zone, except that in industrial areas “reasonable conditions” may be imposed.

Based on ORS 329A.440 and my review of the LAWDUC, I recommend the following amendments for Clatsop County’s zoning code to come into compliance with statute:

- Add definition for “family child care home.” A recommended definition is, *“Family Child Care Home” means a home that is registered or certified by the Oregon Department of Education Office of Child Care to provide child care in the provider’s home to not more than 16 children, including children of the provider, regardless of full-time or part-time status. A family child care home is a residential use.*
- Add definition for “child care center.” A recommended definition is, *“Child Care Center” means a child care facility that is certified by the Oregon Department of Education Office of Child Care as a child care center.*
- List “family child care home” as a permitted (i.e., not conditional) use in all residential and commercial zones.
- Add the following recommended standards for “family child care homes” to the LAWDUC:

### *Family Child Care Home Standards*

*The following shall apply to family child care homes, as defined in [\_\_\_\_\_].*

*Family child care homes:*

- (1) Are residential uses according to ORS 329A.440 and shall not be regulated as home occupations;*
  - (2) Shall not be prohibited by the governing documents of planned communities or condominiums, in accordance with the requirements of ORS 94.779 and ORS 100.023; and*
  - (3) Shall not be subject to any condition that is more restrictive than conditions imposed on other residential dwellings in the same zone.*
- List “child care center” as a permitted (i.e., not conditional) use in all commercial and industrial zones, except heavy industrial.

### *Term consistency*

The LAWDUC currently uses different terms for child care, but contains no definitions for the terms. It refers to “child care centers” in the definition for “public or semi-public use” (Section 1.0500), parking requirements (Section 3.0060), and Tsunami Inundation Zone (Section 5.2000). However, it includes “day nursery or day care center” on the list of conditional uses for three rural communities: Arch Cape Rural Community Residential Zone; Miles Crossing, Jeffers Gardens, and Westport Rural Community Residential Zone; and Knappa and Svensen Rural Community Residential Zone. In order to eliminate conflicts with the amendments described above, every instance of “day nursery or day care center” should be changed to “child care center.”

### **Lowering Barriers**

While ORS 329A.440 requires Clatsop County to permit family child care homes and child care centers more broadly than they are currently, there are a number of other additional amendments the County could make. Here are some recommendations for amendments to the LAWDUC to lower barriers to establishing child care centers:

- Increase the number of zones that allow child care centers by-right. There may be zones that aren’t required by ORS 329A.440 to permit child care centers but which have a high enough concentration of residences or employees to warrant the presence of a child care center. Consider allowing child care centers in most of the “Development Zones” (Table 4.1).
- Allow child care centers by-right in the three Rural Community zones, instead of conditionally, as day nurseries and day care centers are now.

- Don't include a building size limit for child care centers, as is currently required for day nurseries and day care centers in the three Rural Community zones. there is no such size restriction on places of worship or elementary, middle, and high schools in those zones. (Note that a building size limit is not allowed for child care in commercial or industrial zones because statute prohibits imposing more restrictive standards on child care centers in those zones.)
- Exempt child care centers from off-street parking requirements (Section 3.0060). Alternatively (and this is the second-best option), allow the parking requirement to be established based on the need of the institution (similar to the LAWDUC's current requirement for colleges and universities).

Adopting these recommended changes to the LAWDUC will make it easier to establish child care facilities in Clatsop County. Staff should especially focus on enabling child care facilities in areas where more people are present, such as residential and employment areas, in order to decrease the need for travel.

# EXHIBIT D

## *County Counsel Email*



## Gail Henrikson

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**From:** Anthony Pope  
**Sent:** Wednesday, January 11, 2023 3:32 PM  
**To:** Gail Henrikson  
**Subject:** RE: child care memo

Hello Gail,

I know that we talked about this in person but I wanted to follow up with an email. It is my formal opinion that Child care centers are not considered a commercial use and are not bound by the size limitations found in ORS 660-022-0030.

Please let me know if you have any questions.

Thanks,

Anthony

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**From:** Gail Henrikson <[ghenrikson@clatsopcounty.gov](mailto:ghenrikson@clatsopcounty.gov)>  
**Sent:** Wednesday, December 28, 2022 10:32 AM  
**To:** Anthony Pope <[apope@clatsopcounty.gov](mailto:apope@clatsopcounty.gov)>  
**Subject:** FW: child care memo

Good morning, Anthony. I hope you enjoyed your holiday and are feeling better.

Planning staff are working on LAWDUC amendments related to child care centers in commercial and industrial zones. In rural communities, OAR 660-022-0030 limits commercial uses to buildings no larger than 4,000 SF in floor area. The Department of Land Conservation and Development has recommended that the size limitation not apply to child care centers, but recommended we confirm with our counsel that child care centers are not considered a commercial use.

More detail is in the email below. What is your formal opinion on this? Are child care centers a commercial use subject to a SF limitation? Or, or they similar to a school, which does not have the same floor area limitation?

As always, thanks for your assistance.

Gail

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**From:** BUHL Laura \* DLCD <[Laura.BUHL@dlcd.oregon.gov](mailto:Laura.BUHL@dlcd.oregon.gov)>  
**Sent:** Tuesday, December 27, 2022 5:06 PM  
**To:** Gail Henrikson <[ghenrikson@clatsopcounty.gov](mailto:ghenrikson@clatsopcounty.gov)>  
**Subject:** RE: child care memo

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Hi Gail,

I don't know if a child care center would qualify as a commercial use. Division 22 defines "commercial use" as "the use of land primarily for the retail sale of products or services, including offices. It does not include factories, warehouses, freight terminals, or wholesale distribution centers." I would think that a child care center is more

akin to a school, than a commercial use. Even a private school is not typically considered a commercial use. However, there is probably an argument either way. I would consult with your legal council on that question, and whether child care centers must comply with the building floorspace limitation of 660-022-0030.

Child care centers are addressed in ORS 329A.440(1), (4), and (5), as highlighted below.

### **329A.440 Application of land use regulations to family child care homes.**

(1) As used in this section:

(a) “Child care center” means a child care facility, other than a family child care home, that is certified under ORS 329A.280 (3).

(b) “Family child care home” means a child care facility in a dwelling that is caring for not more than 16 children and is certified under ORS 329A.280 (2) or is registered under ORS 329A.330.

(c) “Land use regulation” and “local government” have the meanings given those terms in ORS 197.015.

(2)

(a) A family child care home is considered a residential use of property for zoning purposes. A family child care home is a permitted use in all areas zoned for residential or commercial purposes, including areas zoned for single-family dwellings.

(b) A local government may not enact or enforce a land use regulation prohibiting the use of a residential dwelling, located in an area zoned for residential or commercial use, as a family child care home.

(c) A local government may not impose land use regulations, special fees or conditions on the establishment or maintenance of a family child care home more restrictive than those imposed on other residential dwellings in the same zone.

(3)

Notwithstanding subsection (2)(c) of this section, a county may impose reasonable conditions on the establishment of a family child care home in an area zoned for farm use.

(4)

(a) A child care center is a permitted use in all areas zoned for commercial or industrial use, except areas specifically designated by the local government for heavy industrial use.

(b) A local government may not impose land use regulations, special fees or conditions on the establishment or maintenance of a child care center in an area zoned for commercial or industrial use that are more restrictive than those imposed for other uses in the same zone.

(5) Notwithstanding subsection (4) of this section, a local government may impose reasonable conditions upon the establishment or maintenance of a child care center in an area zoned for industrial uses.

(6) As used in this section, “reasonable conditions” includes, but is not limited to, siting restrictions for properties designated on the Department of Environmental Quality’s statewide list of contaminated properties as having known or suspected releases of hazardous substances. [Formerly 657A.440; 2021 c.369 §1]

Hope this helps! Let me know if you have any other questions.

Laura



**Laura Buhl, AICP, CNU-A**

Land Use & Transportation Planner | Transportation & Growth Management  
Oregon Department of Land Conservation and Development  
635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540  
Direct: (971) 375-3552 | Main: (503) 373-0050  
[laura.buhl@dlcd.oregon.gov](mailto:laura.buhl@dlcd.oregon.gov) | [www.oregon.gov/LCD/TGM](http://www.oregon.gov/LCD/TGM)

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**From:** Gail Henrikson <[ghenrikson@clatsopcounty.gov](mailto:ghenrikson@clatsopcounty.gov)>  
**Sent:** Thursday, December 22, 2022 4:41 PM  
**To:** BUHL Laura \* DLCD <[Laura.BUHL@dlcd.oregon.gov](mailto:Laura.BUHL@dlcd.oregon.gov)>  
**Subject:** RE: child care memo

Hi, Laura.

I have a question about one of the recommendations in your memo, which discusses removing the size limit for child care centers in the rural community zones. OAR 660-022-0030(10) limits commercial buildings to a maximum of 4000 SF. Wouldn't a child care center be considered a commercial use? Also, while ORS 329A.440 details requirements for family home child care, I do not see anything related to child care centers. Is there a corresponding ORS that relates to child care centers?

Thanks.

Gail

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**From:** BUHL Laura \* DLCD <[Laura.BUHL@dlcd.oregon.gov](mailto:Laura.BUHL@dlcd.oregon.gov)>  
**Sent:** Tuesday, November 8, 2022 11:09 PM  
**To:** Gail Henrikson <[ghenrikson@co.clatsop.or.us](mailto:ghenrikson@co.clatsop.or.us)>  
**Subject:** child care memo

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Hi Gail,

Please see the attached memo for your update. Please let me know if you have any questions.

Thanks!  
Laura



**Laura Buhl, AICP, CNU-A**

Land Use & Transportation Planner | Transportation & Growth Management  
Oregon Department of Land Conservation and Development  
635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540  
Direct / Mobile: (971) 375-3552 | Main: (503) 373-0050  
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# EXHIBIT E

## *Planning Commission Written Public Comments*

## Gail Henrikson

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**From:** jkcornelius <jkcornelius@charter.net>  
**Sent:** Tuesday, February 14, 2023 9:29 AM  
**To:** Gail Henrikson  
**Subject:** Child Care Centers.

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Why does Clatsop County continue to try to push Commercial activities into unincorporated communities like Cove Beach? Please read at Planning Commission meeting this morning.

As has been pointed out time and again, this community does not have the infrastructure to support commercial activities. County does not care for roads, access to beach is dangerous, it is in a tsunami zone, it would be setting up a situation for disaster. Why doesn't Clatsop County listen to the community members who live and vote here? Consider traffic consequences. Keep commercial zoning where it belongs.

Please listen for once!!

Joanne Cornelius  
44920 Tide Avenue  
50 year resident of community.

Sent from my T-Mobile 4G LTE Device

# Board of Commissioners Clatsop County

## AGENDA ITEM SUMMARY

March 8, 2023

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**Topic:** Rural Accessory Dwelling Unit Regulations Amendments  
**Presented By:** David Cook, Planner, Community Development  
Gail Henrikson, Director, Community Development

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**Informational Summary:** Senate Bill 391 (SB 391), effective June 23, 2021, allows counties to authorize property owners to construct one Accessory Dwelling Unit (ADU) on rural residential lands, subject to certain conditions and local land use regulations, such as minimum parcel size and distance from the main dwelling.

House Bill 3012 (HB 3012), effective June 6, 2017, allows counties to authorize property owners of historic homes (homes built between 1850 and 1945) to construct a new single-family dwelling and, upon completion of this new dwelling, convert the historic home into an ADU, subject to certain conditions and local land use regulations.

On January 10, 2023, Clatsop County Community Development staff presented amendments to the Land and Water Development and Use Code (LAWDUC) related to Accessory Dwelling Units and Guesthouses to the Clatsop County Planning Commission. The Planning Commission voted unanimously to recommend that the Board of Clatsop County Commissioners adopt the amendments as presented. The Planning Commission also asked staff to consider three revisions to be presented to the Board of Clatsop County Commissioners; a summary is included in Exhibit B.

**Requested Action:**

Conduct the first reading of Ordinance 23-03, open the public hearing and take testimony, and continue the matter to March 22, 2023.

**Attachment List**

**MATERIALS INCLUDED WITH THIS AGENDA ITEM:**

- **Exhibit A:** Ordinance 23-03
- **Exhibit B:** Summary of actions to date and narrative
- **Exhibit C:** [HB 3012 Enrolled \(via link\)](#)
- **Exhibit D:** [SB 391 Enrolled \(via link\)](#)
- **Exhibit E:** [SB 762 Enrolled \(via link\)](#)
- **Exhibit F:** Accessory Dwelling Unit Questionnaire Results
- **Exhibit G:** [January 11, 2022, Planning Commission Discussion \(via link\)](#)

- **Exhibit H:** [May 11, 2022, Board of Commissioners Work Session \(via link\)](#)

**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  
regarding Accessory Dwelling  
Units and Guesthouses.**

**ORDINANCE NO. 23-03**

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

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

**RECITALS**

WHEREAS, Oregon State Senate Bill 391 (SB 391) and House Bill 3012 (HB 3012) both related to Accessory Dwelling Units in rural residential areas became effective June 23, 2021 and January 1, 2022 respectively; and

WHEREAS, the Clatsop County Land and Water Development and Use Code (LAWDUC) provides land use regulations for unincorporated Clatsop County including Accessory Dwelling Unit provisions; and

WHEREAS, Clatsop County Community Development staff have identified provisions in SB 391 and HB 3012 related to Accessory Dwelling Unit regulations in rural residential areas that the Board of Clatsop County Commissioners may elect to incorporate into LAWDUC; and

WHEREAS, the Clatsop County Planning Commission voted unanimously to recommend the Board of Clatsop County Commissioners adopt LAWDUC amendments presented by Clatsop County Community Development staff on January 10, 2023, as amended;

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

**SECTION 1. ADOPTION**

The Board of County Commissioners hereby adopts amendments to the Land and Water Development and Use Code Section 1.0500, Section 3.0900, and Article 4 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.

Ordinance 23-03

1<sup>st</sup> Public Hearing: March 8, 2023

ing: March 22, 2023

Agenda Item #11.

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### SECTION 3. CONFORMANCE OF STATE LAW

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

### SECTION 4. INCONSISTENT PROVISIONS

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

### SECTION 5. APPLICABILITY

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

### SECTION 6. EFFECTIVE DATE

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

Approved this \_\_\_\_ day of \_\_\_\_\_, 2023

COMMISSIONERS

THE BOARD OF COUNTY  
FOR CLATSOP COUNTY, OREGON

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

Date \_\_\_\_\_

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

First Reading: March 8, 2023

Second Reading: March 22, 2023

Effective Date: April 21, 2023

Ordinance 23-03

1<sup>st</sup> Public Hearing: March 8, 2023

2<sup>nd</sup> Public Hearing: March 22, 2023

## EXHIBIT 1

# PROPOSED AMENDMENTS – HB 3012 & SB 391

**NOTE:** New language is shown as underlined. Language to be deleted is shown as ~~strikethrough~~.

## ARTICLE 1. INTRODUCTORY PROVISIONS

### SECTION 1.0500. DEFINITIONS

AREA ZONED FOR RURAL RESIDENTIAL USE – Land that is not located inside an urban growth boundary as defined in ORS 195.060 and that is subject to an acknowledged exception to a statewide land use planning goal relating to farmland or forestland; and zoned to allow residential use as a primary use.

DWELLING UNIT, ACCESSORY (ADU) – A residential structure that is used in connection with or that is auxiliary to a single-family dwelling. For the purposes of clarity, a single-family dwelling with an accessory dwelling unit (ADU), as defined herein, located within one of the rural community zones shall not be considered a duplex or multiple-family dwelling. ~~In addition to other standards of this code, ADUs shall comply with the following development standards:~~

- ~~1) ADUs shall be allowed only on lots or parcels serviced by a State approved Sanitary Sewer.~~
- ~~2) ADUs shall be allowed only in conjunction with parcels containing one single-family dwelling (the "primary dwelling"). A maximum of one ADU or Guesthouse (see "Guesthouse") is permitted per lot or parcel. ADUs shall not be permitted in conjunction with a duplex or multi-family dwelling.~~
- ~~3) ADUs shall comply with maximum lot coverage and setback requirements applicable to the parcel containing the primary dwelling. 4) 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.~~
- ~~5) The maximum gross habitable floor area (GHFA) of the ADU shall not exceed 75 percent of the GHFA of the main floor of the primary dwelling on the lot, or 900 square feet, whichever is less. The floor area of any garage shall not be included in the total GHFA.~~
- ~~6) Only one entrance may be located on the front of the existing dwelling unless the existing dwelling contained more than one entrance before the addition of the ADU.~~
- ~~7) In order to maintain a consistent architectural character, Accessory dwellings shall be constructed with similar building materials, architectural design and colors that generally match those used on the primary dwelling, except where the approving hearing body requires different materials and/or detailing to promote compatibility with single family dwellings on abutting lots.~~
- ~~8) A parcel containing a primary dwelling unit and an ADU shall provide a minimum of three off-street parking spaces designed in accordance with Section 3.0060.~~

GROSS HABITABLE FLOOR AREA (GHFA) – The sum of the gross horizontal areas of the floor or floors of a building which are enclosed and usable for human occupancy. The areas shall be measured between the inside face of exterior walls, or from the center line separating two dwelling units. The areas shall not include areas below the average level of the adjoining ground, garage space, or utility rooms.

GUEST-HOUSE -- An accessory building, studio, or other habitable space/structure, used in conjunction with the main dwelling for the temporary housing of non-paying visitors and guests, ~~subject to the following provisions:~~

- ~~1) The maximum gross habitable floor area (GHFA) shall not to exceed 75 percent of the GHFA of the main floor of the primary dwelling on the lot, or 600 square feet, whichever is less. The floor area of any garage shall not be included in the total GHFA.~~
- ~~2) Metering devices shall not be permitted on guesthouses.~~
- ~~3) Cooking Facilities shall not be permitted in guesthouses. (See "Cooking Facilities")~~
- ~~4) A maximum of one ADU or Guesthouse is permitted per lot or parcel and must accompany a primary residence~~
- ~~5) Guesthouses shall only be allowed in rural community and rural residential zones as designated by this ordinance.~~

**HISTORIC HOME – A single-family dwelling constructed between 1850 and 1945.**

**NEW SINGLE-FAMILY DWELLING – A dwelling that did not previously exist in residential or non-residential form. "New" does not include the acquisition, alteration, renovation or remodeling of an existing structure.**

### **ARTICLE 3. STRUCTURE SITING AND DEVELOPMENT STANDARDS**

#### **SECTION 3.0900. Accessory Dwelling Units and Guesthouses.**

**Only one Accessory Dwelling Unit or one Guesthouse is permitted per lot or parcel under this section.**

**A. The following standards shall apply to all accessory dwelling units (ADUs) within the AC-RCR, RC-MFR and RCR zones.**

1. ADUs shall be allowed only on lots or parcels serviced by a State-approved ~~S~~sanitary ~~S~~sewer.
2. ADUs shall be allowed only in conjunction with parcels containing one single-family dwelling (the "primary dwelling"). ADUs shall not be permitted in conjunction with a duplex or multi-family dwelling.
3. ADUs shall comply with maximum lot coverage and setback requirements applicable to the parcel containing the primary dwelling.
4. 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.
5. The maximum gross habitable floor area (GHFA) of the ADU shall not exceed ~~75 percent of the GHFA of the main floor of the primary dwelling on the lot, or~~ 900 square feet, ~~whichever is less.~~ The floor area of any garage shall not be included in the total GHFA.
- ~~6. Only one entrance may be located on the front of the existing dwelling unless the existing dwelling contained more than one entrance before the additional of the ADU.~~
- ~~7. In order to maintain a consistent architectural character, Accessory dwellings shall be constructed with similar building materials,~~

~~architectural design and colors that generally match those used on the primary dwelling, except where the approving hearing body requires different materials and/or detailing to promote compatibility with single-family dwellings on abutting lots.~~

- ~~8. A parcel containing a primary dwelling on it and an ADU shall provide a minimum of three off-street parking spaces designed in accordance with Section 3.0060(1).~~

**B. The following standards shall apply to all accessory dwelling units (ADUs) on rural residential lands not addressed in Section 3.0900(A).**

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 accessory dwelling unit 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.
16. The accessory dwelling unit must 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 wildland-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 476.392.
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.

C) Accessory dwelling units on parcels containing a historic home as defined in Section 1.0500, shall comply with all of the following development standards.

1. The lot or parcel is not located within an urban reserve as defined by ORS 195.137
2. The lot or parcel is at least two acres in size
3. A historic home is sited on the lot or parcel
4. The historic home is converted to an accessory dwelling unit within one year of completion of the new single-family dwelling
5. The accessory dwelling unit complies with all applicable laws and regulations relating to sanitation and wastewater disposal and treatment
6. The accessory dwelling unit complies with all applicable laws and regulations relating to water supply.
7. The lot or parcel shall not be subdivided, partitioned or otherwise divided so that the new single-family dwelling is situated on a different lot or parcel from the accessory dwelling unit

8. The accessory dwelling unit may not be altered, renovated or remodeled so that the square footage of the accessory dwelling unit is more than 120% of the historic home's square footage at the time construction of the new single-family dwelling commenced
  9. The accessory dwelling unit may not be rebuilt if the structure is lost to fire unless permitted under the provisions of 3.0900(B).
  10. A second accessory dwelling unit may not be constructed on the same lot or parcel
  11. The accessory dwelling unit shall not be used as a short-term rental
  12. 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.
- D) The following standards shall apply to all guesthouses.
1. The maximum gross habitable floor area (GHFA) shall not exceed 75% of the GHFA of the main floor of the primary dwelling on the lot, or 900 square feet, whichever is less. 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.
  2. Metering devices shall not be permitted on guesthouses.
  3. Cooking Facilities shall not be permitted in guesthouses. (See definition of "Cooking Facilities" in Section 1.0500)
  4. A maximum of one guesthouse is permitted per lot or parcel and must accompany a primary residence.

## **ARTICLE 4. ZONE REGULATIONS**

### **SECTION 4.0600. ARCH CAPE RURAL COMMUNITY RESIDENTIAL ZONE (AC-RCR)**

#### **Section 4.0620. Development and Use Permitted**

The following uses and their accessory uses are permitted under a permit procedure subject to the applicable development standards.

- 2) Accessory Dwelling Unit (ADU) per ~~Section 1.0500~~ Section 3.0900(A)
- 3) Guesthouse per ~~Section 1.0500~~ Section 3.0900(D)
- 14) Accessory Dwelling Unit (ADU), subject to the provisions of Section 3.0900(B)
- 15) Accessory Dwelling Unit – Historic Home, subject to the provisions of Section 3.0900(C)

### **SECTION 4.0700. MILES CROSSING, JEFFERS GARDENS AND WESTPORT RURAL COMMUNITY RESIDENTIAL ZONE (RCR)**

#### **Section 4.0720. Development and Use Permitted (RCR)**

The following uses and their accessory uses are permitted under a permit procedure subject to the applicable development standards.

- 2) Accessory Dwelling Unit (ADU) per ~~Section 1.0500~~ Section 3.0900(A)
- 3) Guesthouse per ~~Section 1.0500~~ Section 3.0900(D)

- 16) Accessory Dwelling Unit, subject to the provisions of Section 3.0900(B)**
- 17) Accessory Dwelling Unit – Historic Home, subject to the provisions of Section 3.0900(C)**

#### **SECTION 4.1000. KNAPPA AND SVENSEN RURAL COMMUNITY RESIDENTIAL ZONE (KS-RCR)**

##### **Section 4.1020. Development and Use Permitted**

The following uses and their accessory uses are permitted under a Type I permit procedure subject to applicable development standards.

- 2) Guesthouse per ~~Section 1.0500~~ **Section 3.0900(D)**
- 15) Accessory Dwelling Unit, subject to Section 3.0900(B)**
- 16) Accessory Dwelling Unit – Historic Home, subject to the provisions of Section 3.0900(C)**

#### **SECTION 4.1100. RURAL SERVICE AREA-SINGLE FAMILY RESIDENTIAL ZONE (RSA-SFR)**

##### **Section 4.1120 Development and Use Permitted (~~RSA-SFR~~)**

The following uses and their accessory uses are permitted under a permit procedure subject to the applicable development standards.

- 2) Guesthouse per ~~Section 1.0500~~ **Section 3.0900(D)**
- 13) Accessory Dwelling Unit, subject to Section 3.0900(B)**
- 14) Accessory Dwelling Unit – Historic Home, subject to the provisions of Section 3.0900(C)**

#### **SECTION 4.1200. RURAL COMMUNITY MULTI-FAMILY RESIDENTIAL ZONE (RC-MFR)**

##### **Section 4.1220 Development and Use Permitted (~~RC-MFR~~)**

The following uses and their accessory uses are permitted under a permit procedure subject to the applicable development standards.

- 2) Accessory Dwelling Unit (ADU) per ~~Section 1.0500~~ **Section 3.0900(A)**
- 3) Guesthouse per ~~Section 1.0500~~ **Section 3.0900(D)**
- 18) Accessory Dwelling Unit, subject to the provisions of Section 3.0900(B)**
- 19) Accessory Dwelling Unit – Historic Home, subject to the provisions of Section 3.0900(C)**

#### **SECTION 4.1300. RURAL SERVICE AREA – MULTI-FAMILY RESIDENTIAL ZONE (RSA-MFR)**

##### **Section 4.1320 Development and Use Permitted (~~RSA-MFR~~)**

The following uses and their accessory uses are permitted under a permit procedure subject to the applicable development standards.

- 2) Guesthouse per ~~Section 1.0500~~ **Section 3.0900(D)**

#### **SECTION 4.2200. COASTAL BEACH RESIDENTIAL ZONE (CBR)**

##### **Section 4.2220. Development and Use Permitted**



The following uses and their accessory uses are permitted under a permit procedure subject to the applicable development standards.

- 2) Guesthouse per ~~Section 4.0500~~ Section 3.0900(D)
- 13) Accessory Dwelling Unit, subject to the provisions of Section 3.0900(B)**
- 14) Accessory Dwelling Unit – Historic Home, subject to the provisions of Section 3.0900(C)**

#### **SECTION 4.2300. COASTAL RESIDENTIAL ZONE (CR)**

##### **Section 4.2320. Development and Use Permitted (CR)**

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

- 2) Guesthouse per ~~Section 4.0500~~ Section 3.0900(D)
- 13) Accessory Dwelling Unit, subject to the provisions of Section 3.0900(B)**
- 14) Accessory Dwelling Unit – Historic Home, subject to the provisions of Section 3.0900(C)**

#### **SECTION 4.2400. SINGLE FAMILY RESIDENTIAL-1 ZONE (SFR-1)**

##### **Section 4.2420. Development and Use Permitted (SFR-1)**

The following uses and their accessory uses are permitted under a Type I permit procedure subject to applicable development standards.

- 2) Guesthouse per ~~Section 4.0500~~ Section 3.0900(D)
- 11) Accessory Dwelling Unit, subject to the provisions of Section 3.0900(B)**
- 12) Accessory Dwelling Unit – Historic Home, subject to the provisions of Section 3.0900(C)**

#### **SECTION 4.2500. RESIDENTIAL-AGRICULTURE-1 ZONE (RA-1)**

##### **Section 4.2520. Development and Use Permitted (RA-1)**

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

- 2) Guesthouse per ~~Section 4.0500~~ Section 3.0900(D)
- 17) Accessory Dwelling Unit, subject to the provisions of Section 3.0900(B)**
- 18) Accessory Dwelling Unit – Historic Home, subject to the provisions of Section 3.0900(C)**

#### **SECTION 4.2600. RESIDENTIAL-AGRICULTURE-2 ZONE (RA-2)**

##### **Section 4.2620. Development and Use Permitted (RA-2)**

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

- 2) Guesthouse per ~~Section 4.0500~~ Section 3.0900(D)
- 18) Accessory Dwelling Unit, subject to the provisions of Section 3.0900(B)**
- 19) Accessory Dwelling Unit – Historic Home, subject to the provisions of Section 3.0900(C)**

#### **SECTION 4.2700. RESIDENTIAL-AGRICULTURE-5 ZONE (RA-5)**

##### **Section 4.2720. Development and Use Permitted (RA-5)**

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

2) Guesthouse per ~~Section 1.0500~~ Section 3.0900(D)

**19) Accessory Dwelling Unit, subject to the provisions of Section 3.0900(B)**

**20) Accessory Dwelling Unit – Historic Home, subject to the provisions of Section 3.0900(C)**

#### **SECTION 4.2800. RESIDENTIAL-AGRICULTURE-10 ZONE (RA-10)**

##### **Section 4.2820. Development and Use Permitted**

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

2) Guesthouse per ~~Section 1.0500~~ Section 3.0900(D)

**19) Accessory Dwelling Unit, subject to the provisions of Section 3.0900(B)**

**20) Accessory Dwelling Unit – Historic Home, subject to the provisions of Section 3.0900(C)**



# Clatsop County

**TO:** Board of Clatsop County Commissioners

**FROM:** Gail Henrikson, Community Development Director  
David Cook, Community Development Planner

**DATE:** March 8, 2023

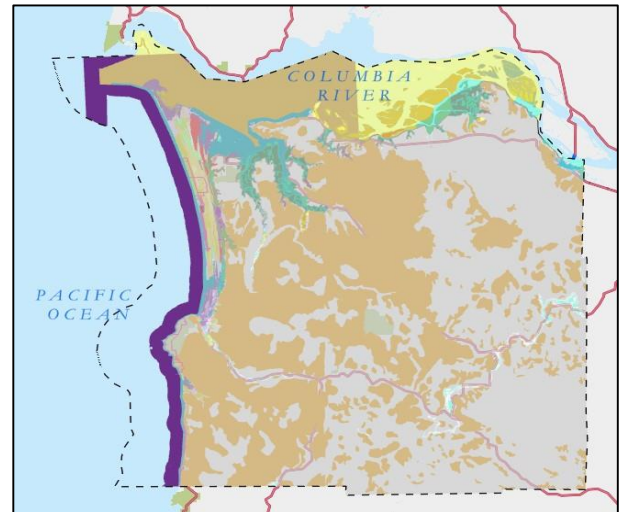
**RE:** **ORDINANCE 23-03: ACCESSORY DWELLING UNITS ON RURAL LANDS – 1<sup>st</sup> PUBLIC HEARING**

## SUMMARY OF ACTIONS TO DATE

On January 11, 2022, staff presented information to the Planning Commission regarding HB 3012 and SB 391, both of which would allow the County to permit accessory dwelling units (ADUs) on lands designated for rural residential development.

On May 11, 2022, staff presented HB 3012 and SB 391 and the Planning Commission's comments to the Board of Commissioners. During that work session, the Board provided the following input:

- Concerns regarding excessive oversight and permitting requirements
- There should not be public hearings for new ADUs on rural lands, or for parking and accessory structures for ADUs
- Proximity to shopping/services should not determine eligibility to construct an ADU
- Neighbors should have maximum control over their own land
- Concerns about staffing capacity if procedures are too complex
- There was not unanimous agreement regarding whether ADUs should be allowed in hazard zones and/or whether owners should be required to notify potential renters that an ADU is within a hazard zone



**FIGURE 1:** Combined flood, geologic hazard and tsunami inundation hazards. Only areas in gray are outside of a hazard area. The majority of that area is zoned for forestry resources. ADUs are not permitted in resource zones.

A public questionnaire was made available between June 1 and June 24, 2022. Staff received 196 responses to the eight questions. The results of this public input are summarized in **Exhibit F** of your agenda packet.

On October 4, 2022, staff presented information to the Planning Commission regarding HB 3012 and SB 391, including the results of the public questionnaire. Based on feedback from the Planning Commission, staff updated the draft code amendments.

On January 10, 2023, staff presented to the Planning Commission proposed amendments to the LAWDUC regarding ADUs at a public hearing. The Planning Commission voted unanimously to recommend to the Board of Commissioners the adoption of the LAWDUC amendments as presented by staff. However, the Planning Commission asked staff to consider three revisions to be presented to the Board of Commissioners. The requested recommendation/question is paraphrased below, including how staff has addressed the revision/question:

Planning Commission recommendation/question	Staff response
In proposed LAWDUC Section 3.0900(C)(9), add language stating that if a Historic ADU permitted under this section is lost due to fire, it may be permitted to be rebuilt if it qualifies under the provisions of SB 391.	Staff has added language stating that a Historic ADU may be permitted to be rebuilt if it qualifies under the provisions of 3.0900(B).
Regarding the Guesthouse regulation in proposed LAWDUC Section 3.0900(D)(1), can the 600 square foot limit be increased? If so, please revise accordingly.	Staff has determined that the Guesthouse square-foot limit can be increased. Staff has revised Section 3.0900(D) of the proposed LAWDUC amendments to limit the square footage of a Guesthouse to 900 square feet, which matches the size of an ADU that Senate Bill 391 allows for. <i>(page 4 of LAWDUC draft amendments).</i>
Can ADUs under the proposed amendments be permitted for clustered developments whose lot size is less than 2-acres in size?	Staff consulted with the Regional Representative from the Oregon Department of Land Conservation and Development (DLCD) for feedback on this question. It is the position of DLCD that clustered developments less than 2-acres in size do not qualify for ADUs under HB 3012 or SB 391.

#### EXISTING ADU REGULATIONS IN CLATSOP COUNTY

ORS 215.501 defines an “Accessory Dwelling Unit” as a “residential structure that is used in connection with or that is auxiliary to a single-family dwelling.” In Clatsop County ADUs are currently permitted only in the following zones, which are designated as “Development”. All of the districts, with the exception of the KS-RCR zone, are served by a state-approved sanitary sewer system.

- Arch Cape Rural Community Residential (AC-RCR)
- Knappa Svensen Rural Community Residential (KS-RCR)
- Rural Community Multi-Family Residential (RC-MFR)
- Rural Community Residential (RCR)

ADUs are a Type I use in each of those zones, meaning that only a development permit is required from Planning. There are no public notice or public hearing requirements.

Existing standards for ADUs are located in the definitions section of LAWDUC, Section 1.0500. In the proposed amendments, these are moved to LAWDUC Article 3, Structure Siting and Development Standards. The ADU definition now proposed matches the definition given in ORS 215.501.

These are the current ADU standards, which apply to ADUs on land designated as “Development”:

- Allowed only in conjunction with parcels containing one single-family dwelling
- A maximum of one ADU is permitted per lot or parcel
- ADUs are not permitted in conjunction with a duplex or multi-family dwelling
- ADUs must comply with applicable maximum lot coverage and setbacks
- ADUs can either be a separate stand-alone structure or attached to the primary dwelling
- Maximum gross habitable floor area (GHFA) of the ADU is limited to 75% of the GHFA of the primary dwelling, or 900 square feet, whichever is less
- If an ADU is within or attached to the existing primary dwelling, only one entrance is permitted on the front of the existing dwelling
- ADUs are to be constructed with similar building materials, architectural design and colors as the primary dwelling

### ***Rural Lands in Clatsop County***

Under Oregon’s statewide land use planning program, rural residential zones are those that are outside of urban growth boundaries (UGBs) and rural communities, but which are also excluded from the state’s resource (farm and forest) zones. These residential zones are also sometimes referred to as “exception” areas as the County has taken an exception to either Goal 3 (Agricultural Lands) and/or Goal 4 (Forest Lands) in order to designate the parcels for residential use. In Clatsop County, the following zones are considered rural residential lands where a single-family home may be established as a primary use:

- CR: Coastal Residential
- CBR: Coastal Beach Residential
- RA-1: Residential Agriculture-1
- RA-2: Residential Agriculture-2
- RA-5: Residential Agriculture-5
- RA-10: Residential Agriculture-10
- SFR-1: Single-Family Residential-1
- RSA-SFR: Rural Service Area-Single Family Residential

Per information from Clatsop County GIS staff, there are 6,523 rural residential tax lots in the County, distributed as follows:

- CR: 241
- CBR: 388
- RA-1: 1,932
- RA-2: 1,587
- RA-5: 1,605
- RA-10: 0
- SFR-1: 409
- RSA-SFR: 361

Additional analysis would be required in order to determine which of these parcels would be eligible for an accessory dwelling unit, based upon lot size, age of the existing home and/or other required standards.

***Existing Guesthouses regulations:***

Guesthouses are currently permitted in the zones:

- CR: Coastal Residential
- CBR: Coastal Beach Residential
- RA-1: Residential Agriculture-1
- RA-2: Residential Agriculture-2
- RA-5: Residential Agriculture-5
- RA-10: Residential Agriculture-10
- SFR-1: Single-Family Residential-1
- AC-RCR: Arch Cape Rural Community Residential
- RCR: Miles Crossing, Jeffers Gardens, and Wesport Rural Community Residential
- KS-RCR: Knappa and Svensen Rural Community Residential
- RSA-SFR: Rural Service Area – Single Family Residential
- RC-MFR: Rural Community Multi-Family Residential
- RSA-MFR: Rural Service Area – Multi-Family Residential

Currently, per Section 1.0500, LAWDUC, a “Guesthouse” is defined as:

*An accessory building, studio, or other habitable space/structure, used in conjunction with the main dwelling for the temporary housing on non-paying visitors and guests, subject to the following provisions:*

- 1) *The maximum gross habitable floor area (GHFA) shall not exceed 75 percent of the GHFA of the main floor of the primary dwelling on the lot, or 600 square feet, whichever is less. The floor area of any garage shall not be included in the total GHFA.*
- 2) *Metering devices shall **not** be permitted on guesthouses.*
- 3) *Cooking Facilities shall **not** be permitted in guesthouses.*
- 4) *A maximum of one ADU or Guesthouse is permitted per lot or parcel and must accompany a primary residence.*
- 5) *Guesthouses shall only be allowed in rural community and rural residential zones as designated by this ordinance.*

The amendments proposed move the standards for a Guesthouse, found in the definitions section seen above, into Article 3, Structure Siting and Development Standards. The definition remains otherwise unchanged.

**OVERVIEW OF HB 3012 AND SB 391**

***HB 3012***

In 2017, the Oregon legislature approved HB 3012, which provided counties with the opportunity to allow accessory dwelling units on rural residential lands if the existing house was constructed prior to 1945. This bill would allow a new home to be built on the property, subject to certain standards, and the existing home would need to be converted to an accessory dwelling unit. To date, Clatsop County has not opted to include this dwelling unit option in its rural residential zones.

**SB 391**

SB 391, adopted in June 2021, allows counties to permit accessory dwelling units (ADUs) on rural residential lands, subject to specific criteria outlined in the bill.

SB 391 is closely linked to SB 762, which requires adoption of statewide wildfire hazard maps and related wildfire provisions, including a revised definition of the wildland-urban interface and the wildfire hazard zones. While SB 391 became effective immediately upon signing by the Governor, it cannot be implemented by counties until the wildland-urban interface definition is revised and wildfire maps are finalized.

In order to complete this process two statewide wildfire rulemaking committees were established. A revised definition of “wildland-urban interface” was adopted by the rulemaking committee on October 22, 2021. Work to develop wildfire hazard risk maps is ongoing. The wildfire risk map released by the Oregon Department of Forestry (ODF) in 2022 was later rescinded following input from property owners and other community stakeholders. Upon the release of a new wildfire risk map, the public would be able to review the map and provide input, before a final approval can be made.

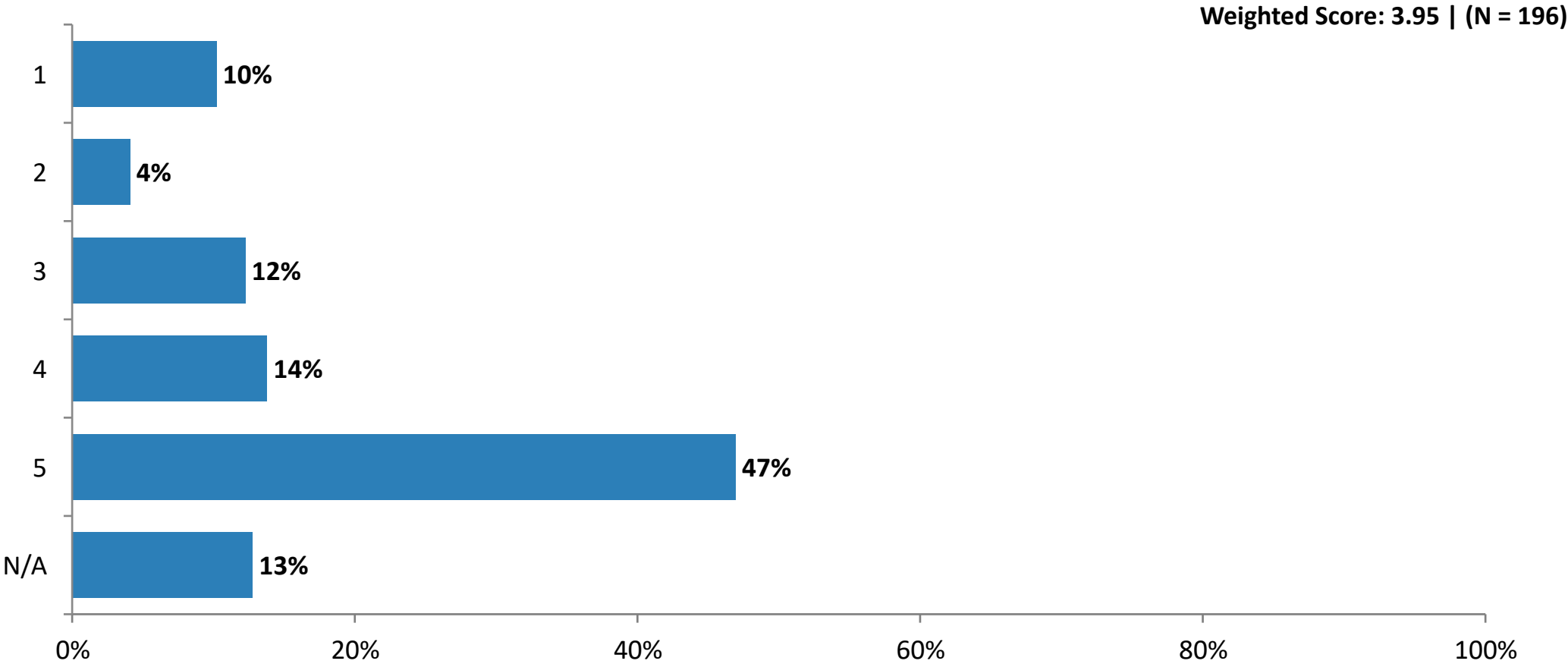
In order to be able to implement the provisions of SB 391 as soon as the wildfire risk map is finalized, staff is requesting the Board adopt the amendments, even though staff will not be able to implement them until the mapping component has been completed.

# Clatsop County ADU Questionnaire

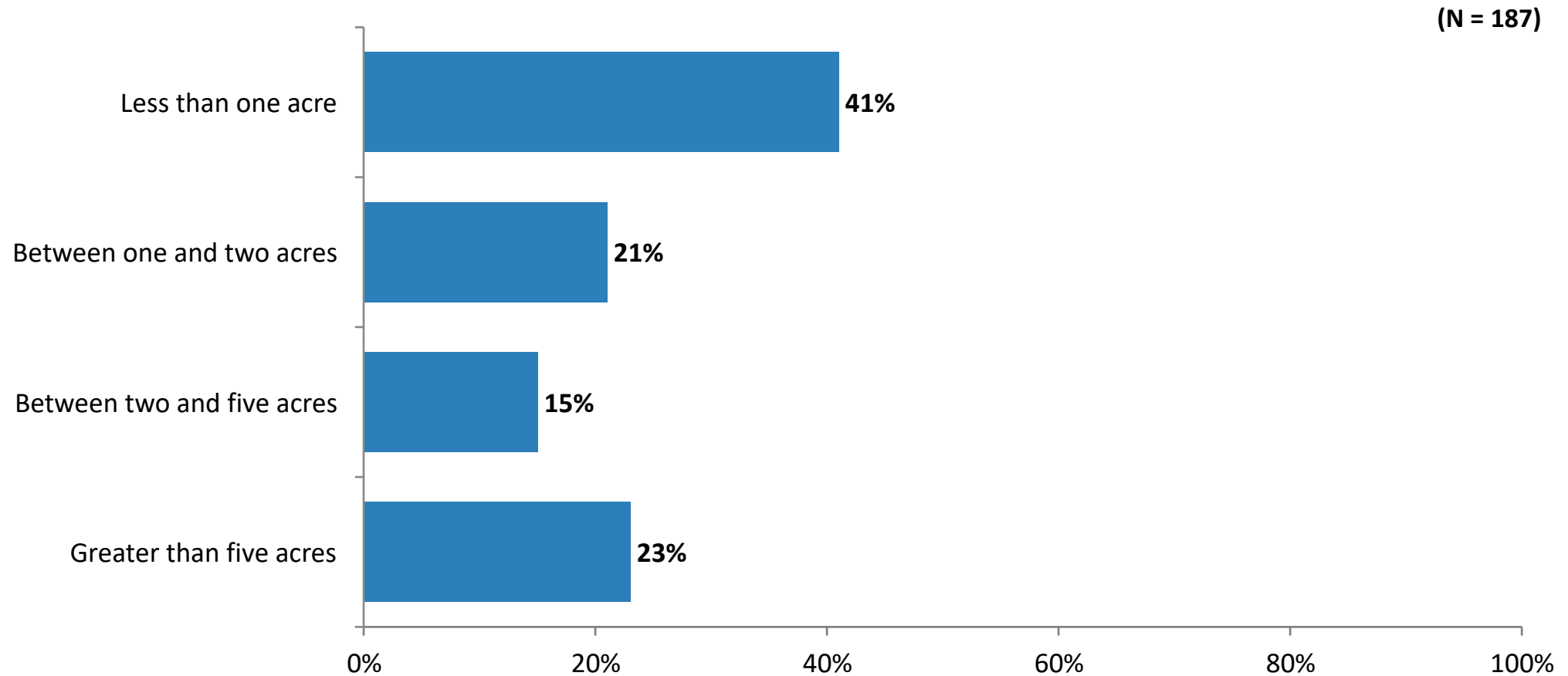
## Results and Analysis



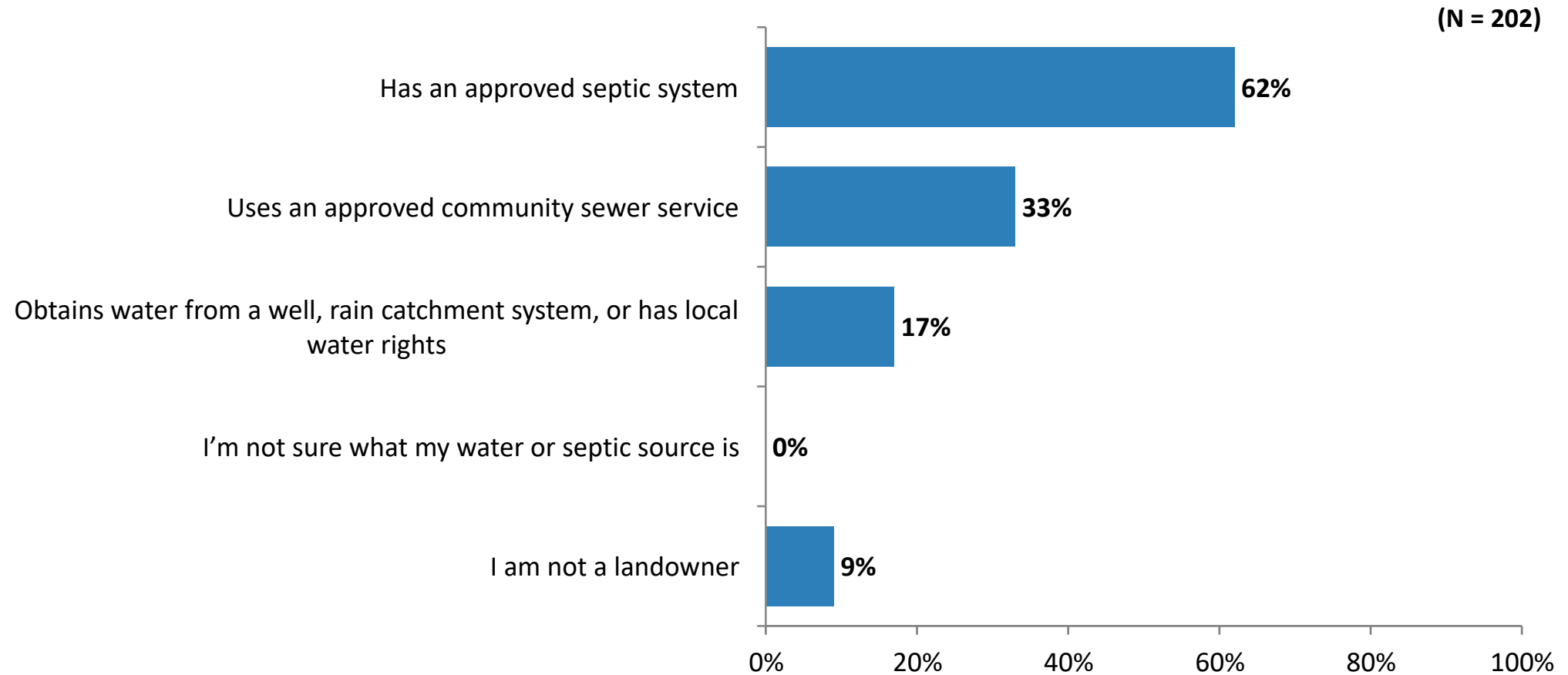
If you do not already have an approved ADU, on a scale of 1 – 5 how interested are you in building an ADU? With 1 being the least interested and 5 being the most interested.



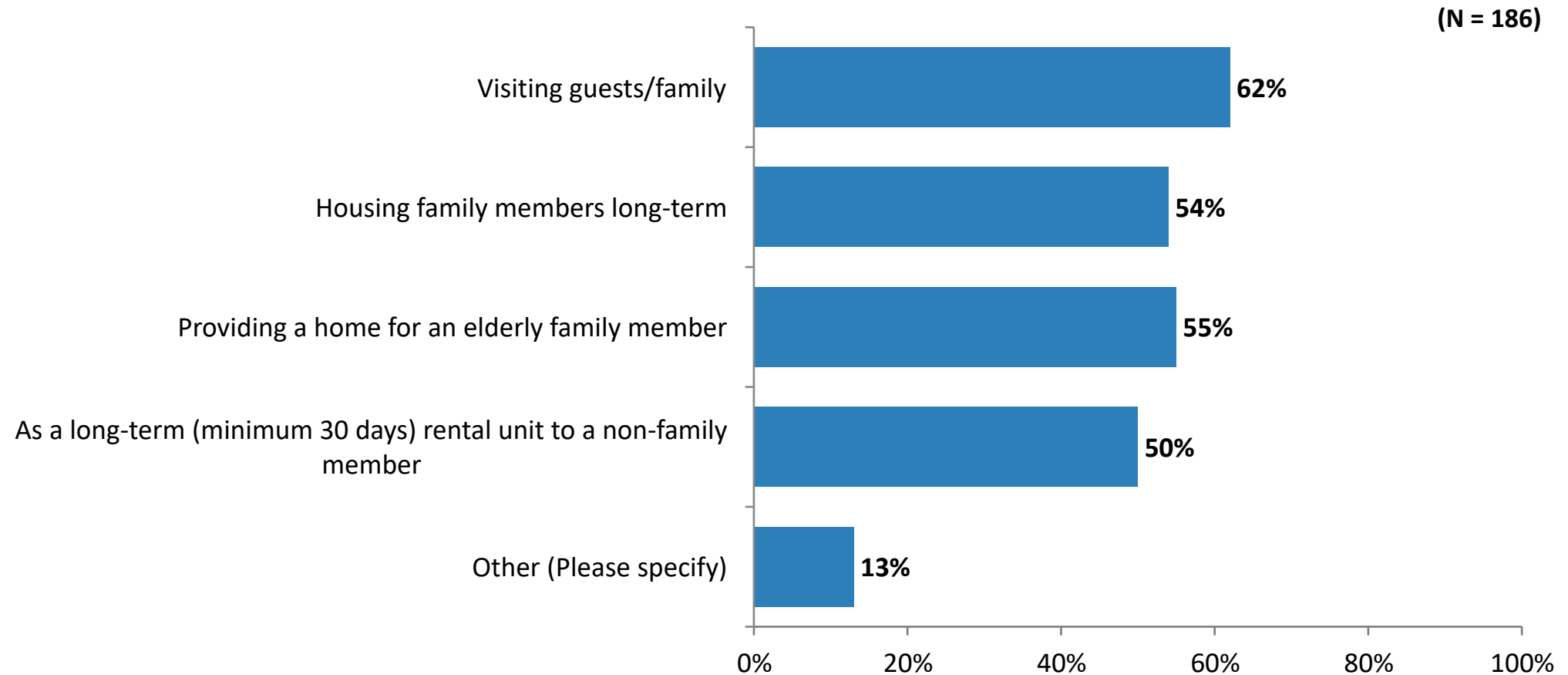
# If you are a landowner, what is your parcel size?



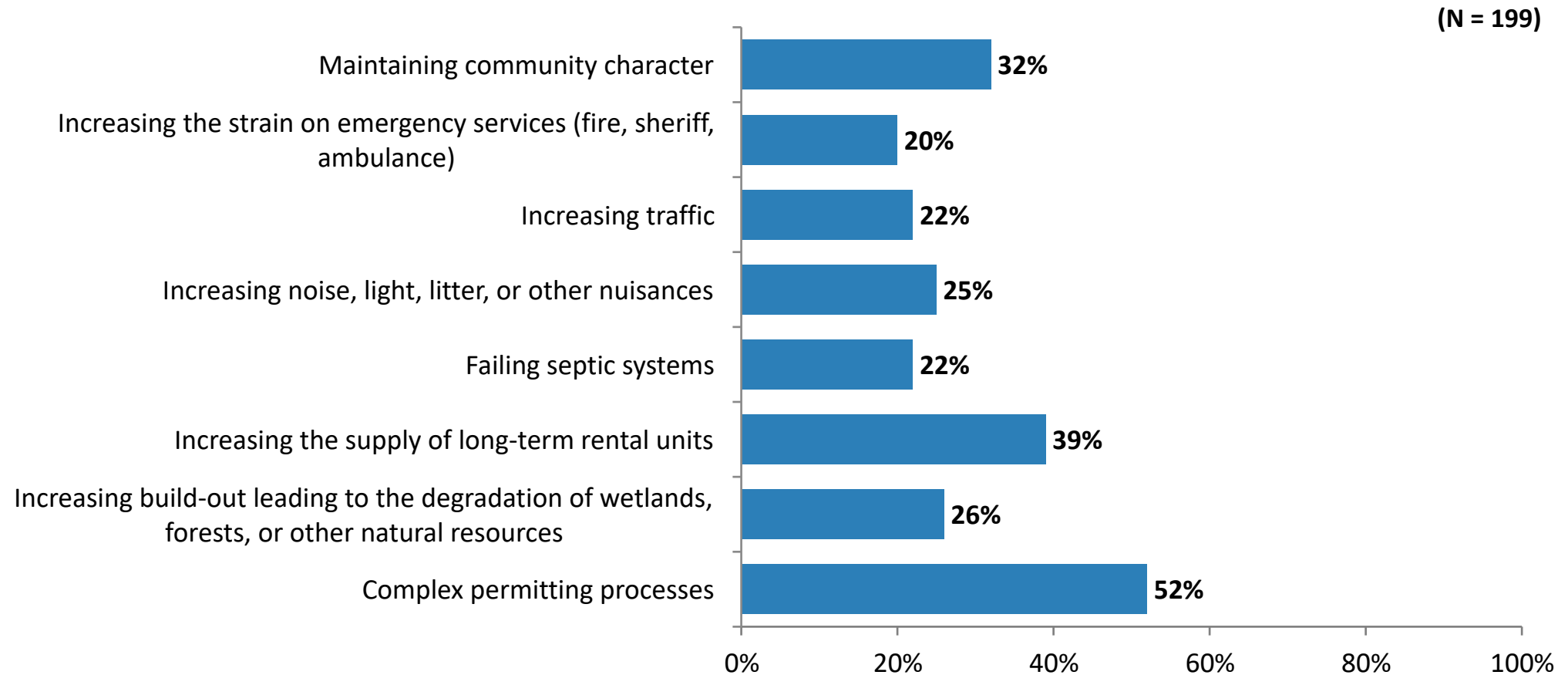
## Regarding wastewater and drinking water services, my property (please check all that apply):



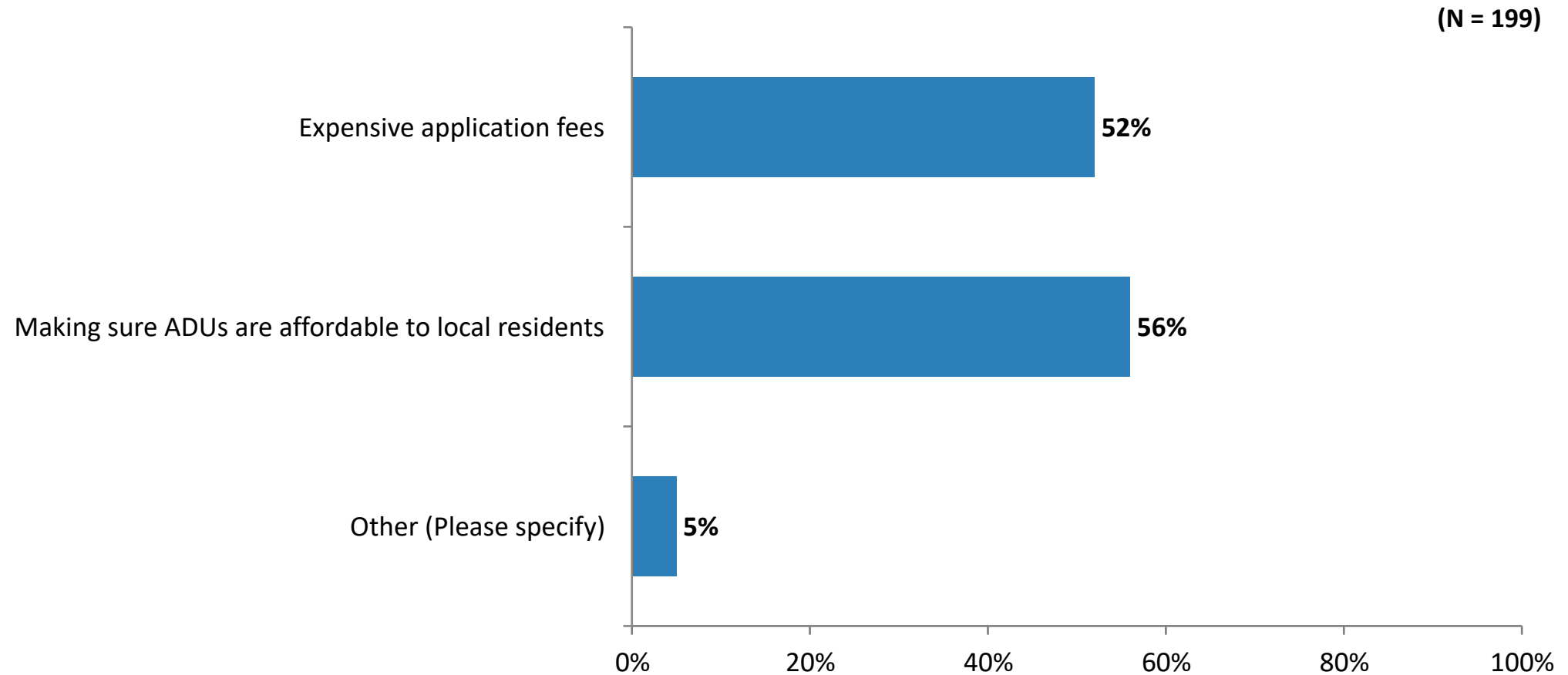
## I would use an ADU for (please check all that apply):



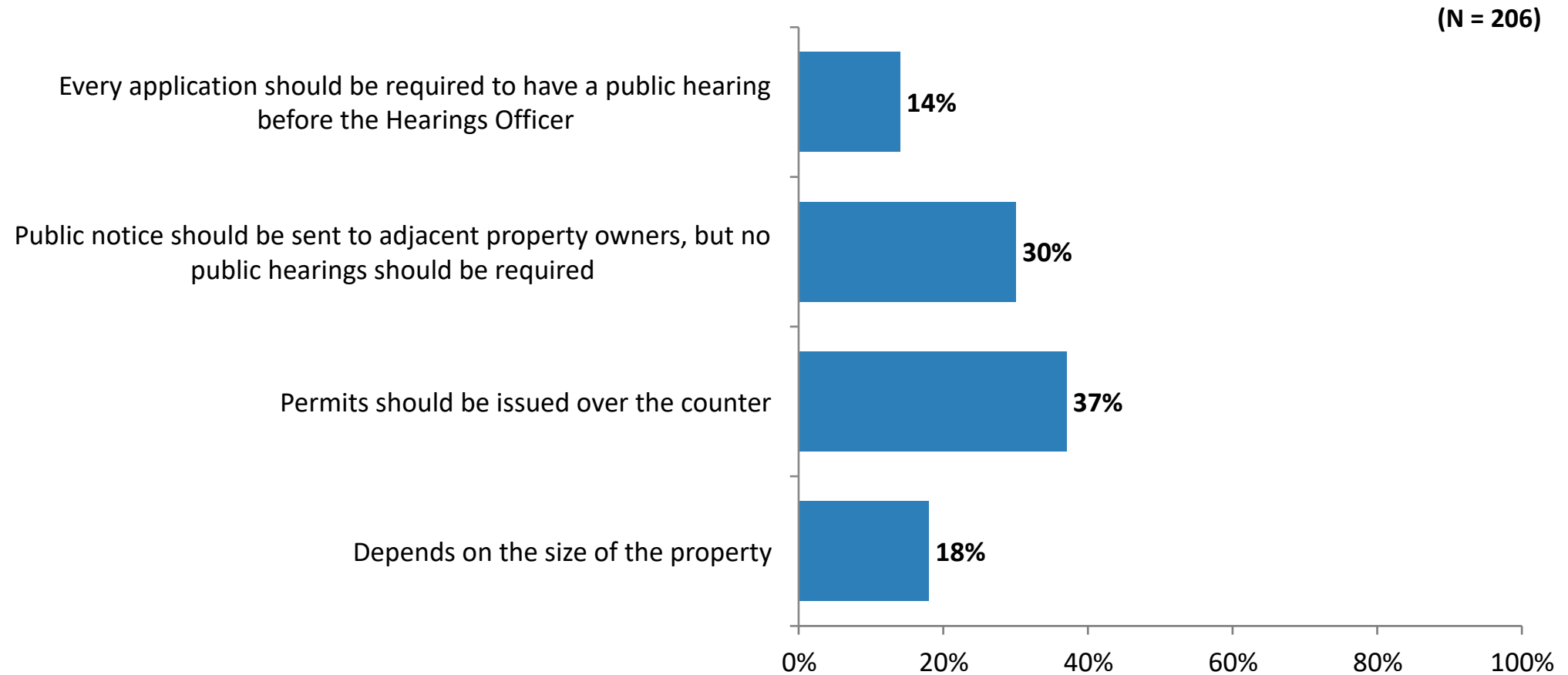
## Regarding ADUs, I'm concerned with (please check all that apply):



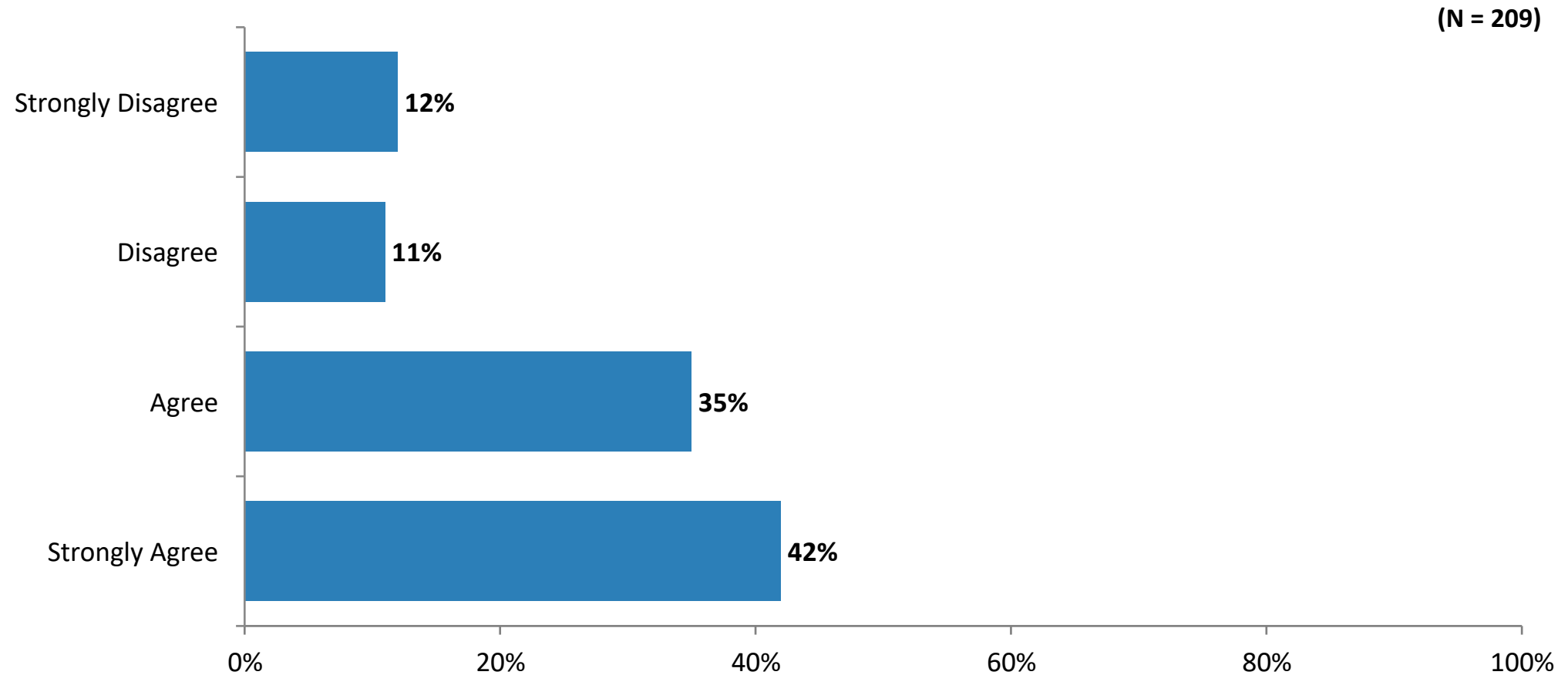
## Regarding ADUs, I'm concerned with (please check all that apply): (Continued)



## What level of public input should be required before Clatsop County Community Development permits an ADU?

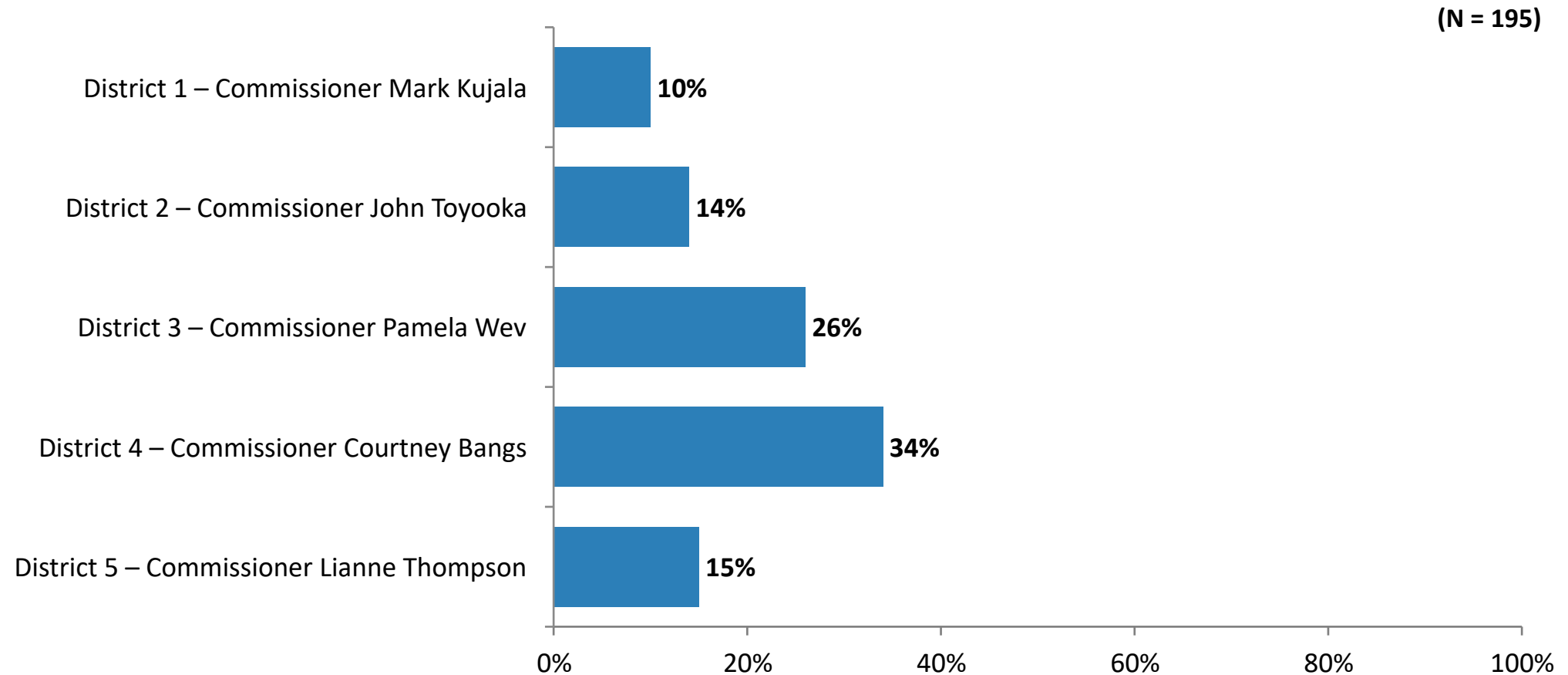


Rank your feelings about this statement: “I believe ADUs can help address a housing shortage in Clatsop County.”





# In which Commissioner District do you live?



# Board of Commissioners Clatsop County

## AGENDA ITEM SUMMARY

March 8, 2023

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<b>Agenda Title:</b>	Ordinance 23-05 Ending Moratorium on Short Term Rental Licenses – Second Hearing
<b>Category:</b>	Public Hearing
<b>Presented By:</b>	Gail Henrikson - Community Development Director Anthony Pope – County Counsel

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<b>Issue Before the Commission:</b>	Approval of Ordinance 23-05 to rescind Moratorium on Short Term Rental (STR) License.
<b>Informational Summary:</b>	<p>On August 25, 2021, the Board of Clatsop County Commissioners (Board) adopted Ordinance 21-03, which suspended new short-term rental license processing for a period of 120 days</p> <p>The moratorium has since been extended four times and is set to expire on June 22, 2023.</p> <p>Earlier in 2022, the County became aware that it was issuing STR permits outside of Arch Cape in error. In June 2022, the Board adopted Ordinance 22-05, which added short-term rentals as a permitted use in 16 zoning districts to correct this concern.</p> <p>In September 2022, some Clatsop County citizens filed a petition to attempt to repeal Ordinance 22-05. This referendum will be decided during the May 16, 2023 election. Filing of the referendum has estopped Clatsop County from implementing the provisions of Ordinance 22-05 pending the outcome of the election.</p> <p>It is the County's position that since Ordinance 22-05 is not in effect pending the election, the moratorium only has the effect of not allowing new STR's in the Arch Cape area.</p> <p>By rescinding the Moratorium, it will allow the County to process renewals and new applications for STR's in the Arch Cape area.</p> <p>On February 8, 2023, your Board conducted the first public hearing for ordinance.</p>

<b>Fiscal Impact:</b>	None
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**Requested Action:**

Approve Ordinance 23-05 and conduct the second reading by title only.

**Attachment List**

A. Ordinance 23-05

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

In the Matter of:

**An Ordinance rescinding Ordinance  
21-03 which suspended new short  
term rental license processing under  
Clatsop County Code Sections  
5.12.010 - 5.12.120.**

**ORDINANCE NO. 23-05**

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

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

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**RECITALS**

WHEREAS, on August 25, 2021, the Board of Clatsop County Commissioners (Board) adopted Ordinance 21-03, which suspended new short term rental license processing under Clatsop County Code Sections 5.12.010-5.12.120 for a period of 120 days; and

WHEREAS, on December 8, 2021, the Board approved Resolution and Order 2021120022, extending the moratorium for an additional 120 days; and

WHEREAS, on April 27, 2022, the Board approved Resolution and Order 2022040035, extending the moratorium for an additional 120 days; and

WHEREAS, on July 13, 2022, the Board approved Resolution and Order 2022070028, extending the moratorium for an additional 120 days; and

WHEREAS, on December 14, 2022, the Board approved Resolution and Order 2022120021, which extended the moratorium an additional 180 days through June 22, 2023; and

WHEREAS, on June 22, 2022, the Board adopted Ordinance 22-05, which added short-term rentals as a permitted use in 16 zoning districts; and

WHEREAS, in September 2022, Clatsop County citizens filed a petition to place repeal of Ordinance 22-05 on the May 16, 2023 election ballot; and

WHEREAS, filing of the referendum has estopped Clatsop County from implementing the provisions of Ordinance 22-05; and

WHEREAS, Ordinance 22-05 does not apply to short-term rental owners within Arch Cape; and

WHEREAS, continuation of the moratorium fiscally impacts property owners within Arch Cape;  
and

WHEREAS, Clatsop County is prohibited from issuing or renewing short-term rental permits for properties outside Arch Cape pending the May 16, 2023 election, thus rendering the moratorium redundant; and

WHEREAS, there are short term rental permits outside of Arch Cape that are set to expire prior to the May 16, 2023 election and currently these can not be legally renewed; and

WHEREAS, it would possibly cause undue hardship on these permit holders outside of Arch Cape if they were unable to operate after the expiration of their permits;

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF CLATSOP COUNTY ORDAINS AS FOLLOWS:**

**SECTION 1. SUSPENSION OF SHORT TERM RENTAL LICENSING**

- 1) The temporary suspension authorized by Ordinance 21-03 prohibiting acceptance, processing, and issuance of new short term rental licensing applications for owners and/or residences is rescinded.
- 2) That this Ordinance take effect April 7, 2023.
- 3) Any current Short Term Rental Permits issued for properties outside Arch Cape that are due to expire between January 1<sup>st</sup>, 2023 and July 31<sup>st</sup>, 2023 are administratively extended until August 1<sup>st</sup>, 2023. During this extention, transient room tax shall still be collected and all short term rental operating standards contained within Chapter 5.12 of the Clatsop County Code must be followed.

**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 to all unincorporated areas of Clatsop County and within the adopted Urban Growth Boundary of the City of Gearhart.

SECTION 6. EFFECTIVE DATE

This Ordinance shall take effect April 7, 2023.

Approved this \_\_\_\_ day of \_\_\_\_\_, 2023

THE BOARD OF COUNTY COMMISSIONERS  
FOR CLATSOP COUNTY, OREGON

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

Date \_\_\_\_\_

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

First Reading: Febuary 22, 2023

Second Reading: March 8, 2023

Effective Date: April 7, 2023