

RECORDED

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

REGULAR MEETING: 6:00 PM.

FLAG SALUTE

ROLL CALL

Commissioners Present:

Chair Kujala
Vice Chair Bangs
Commissioner Toyooka
Commissioner Thompson
Commissioner Wev

AGENDA APPROVAL

*Vice Chair Bangs moved to approve the agenda with the addition of Item 9(a)
Purchase and Sale Agreement Amendment, Seconded by Commissioner
Toyooka.
Voting Yea: Commissioner Thompson, Commissioner Wev, Commissioner
Toyooka, Vice Chair Bangs, Chair Kujala*

RECOGNITION

Chair Kujala recognized Bob Mushen for his service on the Human Services Advisory Council for the past thirteen years and thanked him for his dedication and passion for addressing the critical need for behavioral health services and unhoused individuals.

PROCLAMATION

3. American Red Cross Month Proclamation {Page 52}
Assistant County Manager Steele presented the Staff report on American Red Cross Month, noting the history and purpose of the Red Cross and citing statistics on the services provided in Clatsop County.

Motion: Approve Resolution and Order proclaiming March to be American Red Cross 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 proclamation declaring March as American Red Cross Month.

BUSINESS FROM THE PUBLIC

1 Rick Bowers, 357 Commercial, Astoria, stated he was referring to a document which
2 Commissioners had a copy of. He had found incomes for four categories of renters, a
3 full-time minimum wage worker, a retiree on Social Security, Social Security Disability
4 Income (SSDI), and Supplemental Security Income (SSI). The Department of Housing
5 and Urban Development (HUD) recommends people spend under 30% of their gross
6 income on rent and utilities. HUD considers a person rent burdened if they are spending
7 50% or more on rent. He had calculated 30% and 50% for the four categories. He also
8 looked online at retail rent for studio and one-bedroom apartments. The only category
9 that could afford an apartment would be a full-time minimum wage worker, who would
10 be rent burdened in a studio apartment. Many potential landlords look for income three
11 times the rent, so some landlords would not rent to this person. No one in the Social
12 Security programs could afford a retail rate apartment.

13 **CONSENT CALENDAR**

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

16 *Voting Yea: Commissioner Thompson, Commissioner Wev, Commissioner Toyooka,*
17 *Vice Chair Bangs, Chair Kujala*
18

- 19 4. Approve the 2022-23 Budget and Appropriation Adjustment {Page 55}
- 20 5. Declaration of Surplus Property {Page 58}
- 21 6. IGA Amendment #12 with Oregon Health Authority (OHA) for the Biennium July
22 1, 2021 through June 30, 2023 {Page 60}
- 23 7. Agreement with IZO Inc (IZO) for the Biennium July 1, 2021 through June 30,
24 2023 {Page 98}
- 25 8. Board of Commissioners Meeting Minutes 2-8-23 {Page 125}

26 **COMMISSIONER'S LIAISON REPORTS**

27 Commissioner Toyooka reported that the Public Safety Coordination Council stated the
28 City of Coronado, California's has zero tolerance for encampments and discussed how
29 a similar policy might be applied locally. They also discussed the Oregon policies that
30 enable homelessness, specifically Measure 110, and shared ideas about how to move
31 people to areas where services are available. They had great discussion on how to start
32 moving forward. He also reported on his conversation with Mission DG about their rental
33 home development in Warrenton. Mission DG was also considering a project in Astoria
34 for more affordable housing.

35 Commissioner Wev had no reports.

36 Vice Chair Bangs reported that she and her daughter provided testimony at the Board of
37 Forestry meeting. She had spent the last two weeks encouraging people to attend that
38 meeting and providing people with information about what would be discussed at the
39 meeting. She also reported that she had spoken to the Knappa superintendent about
40 her concerns about pediatric mental health in the county, which she believed the
41 government should address at schools. Her daughter had shared her story with elected
42 officials and testified to the legislature about two bills, requesting the bills be amended

1 to include the word "pediatric" and add Clatsop County. Lastly, she reported that
2 Clatsop Forestry and Wood Products Economic Development Committee (CFDEC)
3 would be nominating a business for the business of the year award. She expressed
4 appreciation for the Oregon Department of Forestry (ODF) district office in Astoria or
5 their work and investment in forests.

6 Commissioner Thompson reported that the Community Action Team applied for
7 congressionally directed spending to rehabilitate Elk Creek Terrace. Cannon Beach had
8 also applied for congressionally directed spending for firefighter housing. She was also
9 trying to find more opportunities for housing in Clatsop County. She reported that
10 Assistant County Manager Steele had applied for funding for Westport Road and the
11 Clerk of the Board wrote a support letter for the grant. She had spoken to the
12 superintendent in Warrenton about the available funding for homeless youth. She also
13 attended the Community Health Advocacy and Resource Team (CHART) meeting to
14 see a presentation on internet gaming addiction, particularly among youth. She hoped
15 Staff could incorporate the presentation into its public outreach.

16 Chair Kujala reported that Warrenton had also requested some congressionally directed
17 spending for storm water and waste water projects. He also reported that the Northwest
18 Oregon Housing Authority (NOHA) reviewed their audit, which was clean. He attended a
19 meeting with Congresswoman Bonamici, NOHA, Clatsop Community Action, The
20 Harbor, the City of Astoria mayor and city manager, and Assistant County Manager
21 Steele to discuss housing, homelessness, Project Turn Key, and inclusion in the
22 executive order on homelessness. He also confirmed that Elissa Gertler, Executive
23 Director of NOHA is the coastal representative on the state committee.

24 **COUNTY MANAGER'S REPORT**

25 Assistant County Manager Steele reported that all adults in custody were successfully
26 moved into the new jail in Warrenton. She also reported that department budget
27 meetings had begun.

28 **BUSINESS AGENDA**

29 9. Project Turnkey 2.0 {Page 130}

30 Assistant County Manager Steele provided an update on Project Turnkey and
31 proposed that Helping Hands be given temporary access to three rooms at the
32 Columbia Inn due to a water main break that displaced some of their residents.

33 David Dieffenbach, Capital Projects Manager, presented the Staff report on the
34 proposed contract for electrical work at the Columbia Inn. He also reviewed
35 other upgrades that would be made to the building, noting which ones would
36 have to be approved by the Commission.

37 *Motion: "Approve to contract with Inland Electric to install the Fire Alarm System*
38 *in the amount of \$37,659 at the Columbia Inn."*

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

Commissioner Wev said Dave Dieffenbach deserved more praise for completing the jail on time and within the budget.

Vice Chair Bangs stated she had received public comments about the front facing the main highway. She requested that the screen and security fencing be appealing to tourists.

Staff explained that the screen and fencing was recommended by several other facilities. However, Clatsop County may not install them. All of the rooms face the parking lot and the facility would be serving victims of domestic violence and families with children, so closing off the covering would restrict access to certain areas.

Vice Chair Bangs wanted the space to be welcoming and to feel safe without looking like an internment camp or a cage.

9a. Purchase and Sale Agreement Amendment for the North Coast Business Park

Assistant County Manager Steele presented the Staff report on the purchase and sale agreement amendment for the North Coast Business Park.

Motion: "I move to allow the County Manager or a designee to sign the amended purchase and sale agreement."

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

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

PUBLIC HEARINGS

10. Ordinance 23-04: LAWDUC Amendments Child Care Facilities {Page 132}

Community Development Director Henrikson presented the Staff report on Ordinance 23-04. There is a real deficiency in child care facilities which can become a real impact for economic development and for the county. Community Development reached out to DLCD to see how they could update their zoning codes to help facilitate the provision of childcare facilities within the county. The county cannot prohibit child care facilities that take place in a person's home or charge higher fees than someone who is just building a single family home. A child care center is allowed in a commercial or industrial zone. Director Henrikson referred to a table showing the different areas in the county where child care facilities would be permitted.

(Inaudible – zoom call disconnected 55:59-59:18)

Vice Chair Bangs said the State was using specific verbiage when discussing child care homes and child care centers. The Commission should be careful of unintended consequences when referring to child care homes as child care centers or facilities.

Commissioner Wev believed the Staff report was very clear.

1 County Counsel Pope conducted the first reading of the ordinance by title only.

2 Chair Kujala opened the public hearing and confirmed that no Commissioner had
3 any conflict of interest to report. He called for public comments.

4 Jeff Davis, 79432 Ray Brown Rd., Cove Beach, stated he sympathized with the
5 child care facility crisis in the county. However, before diving into zoning changes
6 that will add child care centers to unsuitable residential zones, he recommended
7 the County refine its examination of each unincorporated zone to determine
8 whether it could sustain the addition of child care centers. In the neighborhood of
9 Cove Beach, the roads are narrow and unpaved. A child care center would have
10 no restriction on parking, so up to 15 to 20 parents would be dropping their
11 children off and picking them up at the same time twice a day, lined up along a
12 one-way road, making it extremely difficult or impossible for residents or
13 emergency vehicles to get in or out of the neighborhood. Since every property in
14 the neighborhood is on septic, 15 to 20 children and their caregivers spending
15 each day in a home-based center must tax the system, potentially causing a
16 public health issue for the neighbors. The neighborhood is remote, making it
17 difficult for emergency vehicles to respond quickly. He asked if Commissioners
18 would want their child at a facility that did not have emergency services readily
19 available.

20 Charles Dice, 31911 Clatsop Ln., Arch Cape, stated that all of his comments
21 were related to child care centers and not child care homes. It would be
22 inappropriate to make blanket sweeping changes to all of the residential zones to
23 allow child care centers. A lot more study and data is necessary to determine if
24 particular zones have a need for child care centers. He was also concerned
25 about potential security and welfare of the children at child care centers where
26 access to public safety resources, grocery stores, or pharmacies may be limited.
27 In rural areas, it may take 20 or 30 minutes for a sheriff or ambulance to show
28 up. He asked that the Commissioners pay attention to the concerns of the
29 residents in residential zones because they know the area the best. Residential
30 zones were created with a purpose in mind and those stipulations have served
31 the community and the county well.

32 Commissioner Thompson responded that Falcon Cove Beach crosses the
33 Tillamook County line and is near the Fire Mountain School child care center.
34 The school is a beloved community institution in the neighborhood and the
35 neighborhood wants child care facilities.

36 Commissioner Toyooka asked if the requirements were redundant if they already
37 had the physical restrictions on space.

38 Director Henrikson explained that the licensing happened at the state level and
39 they may have different requirements than what the County has in place.

40 Vice Chair Bangs said there are space, safety, and fire requirements. Centers
41 have to address issues with the space before opening or after opening within a
42 certain period of time. She knew of a number of home school community children
43 who congregate in rural communities and her children lived in a rural community

1 distant from pharmacies and health care. Traditionally, rural community parents
2 would much rather have their child in their home or community instead of having
3 to bring the child to town. She would love to have child care centers and home
4 child care in her community because they provide families with safety and
5 security. Having a child close to home is a big deal to the emotions of a mother.
6 This ordinance is important for rural residents. She would not change the location
7 of the child care providers in Knappa, Swenson, or Westport for anything
8 because being close to home is important.

9 Commissioner Wev stated she was impressed with the rewrite of the ordinance.
10 Things that looked like they could be a problem were listed as a conditional use
11 in each zone.

12 *Motion: "Conduct the first reading of Ordinance 23-04, open the public hearing*
13 *and take testimony, and continue the matter to March 22, 2023."*

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

17 11. Rural Accessory Dwelling Unit Regulations Amendments {Page 194}

18 Planner Cook presented the Staff report on the required and proposed
19 amendments to the rural accessory dwelling unit (ADU) regulations. Staff
20 recommended approval of the amendments.

21 Commissioner Thompson asked how soon the new regulations could be
22 implemented so that the County could get free or affordable ADUs.

23 Planner Cook said once the Code language was adopted, the portions that do
24 not rely on the State's wildfire risk maps could take effect immediately.

25 Counselor Pope conducted the first reading of the ordinance by title only.

26 Chair Kujala opened the public hearing and confirmed no Commissioners had
27 any conflict of interest. He called for public comments. There were none.

28 *Motion: "Conduct the first reading of Ordinance 23-03, open the public hearing*
29 *and take testimony, and continue the matter to March 22, 2023."*

30 *Motion made by Vice Chair Bangs, Seconded by Commissioner Toyooka.*
31 *Voting Yea: Commissioner Thompson, Commissioner Wev, Commissioner*
32 *Toyooka, Vice Chair Bangs, Chair Kujala*
33

34 12. Ordinance 23-05 Ending Moratorium on Short Term Rental Licenses – Second 35 Reading {Page 222}

36 Chair Kujala noted this was a continuation of the public hearing on this matter.
37 He confirmed Staff had no additional comments at this time and called for public
38 comments.

39 Denise Davis, 79432 Ray Brown Rd., Cove Beach, stated she was concerned
40 that the Commission was rushing to lift the moratorium and extend renewal

1 deadlines on existing short-term rental (STR) permits without a discussion on the
2 implementation of caps and other limits on businesses in neighborhoods. In June
3 2022, immediately preceding the vote on Ordinance 22-05 changing the zoning
4 of all of the County's unincorporated residential zones, Commissioner Wev
5 indicated that she would vote in favor of the ordinance if the moratorium was
6 extended until a cap on STRs was implemented. The Commission had directed
7 Staff to propose a plan and timeline to address STR caps. In August 2022, a
8 second public input session on the topic was cancelled and caps on STRs was
9 not discussed again. She asked the Commission to focus on Commissioner
10 Wev's conditions for her vote. Before the moratorium lifted and renewal
11 deadlines are extended, she asked that the Commission address caps and other
12 limits on STRs.

13 Charles Dice, 31911 Clatsop Ln., Arch Cape, said he did not understand why the
14 Commission was so intent on extending the STR permits that were issued
15 illegally. Since the permits were issued illegally, it would also be illegal to extend
16 the permits. He did not understand why the Commission was leaning over
17 backward to assist the personal financial interests of the STR owners whose
18 permits were expired or were expiring. Most or all of the STR owners did not live
19 in Clatsop County and many did not live in Oregon. Damage continues to be
20 done to the citizens and residents. Over the past year, the Commission had
21 received emails and letters from over 1,500 residents protesting the continuation
22 of the STRs in residential neighborhoods. The Commission has not
23 acknowledged the concerns. He questioned who would benefit from the
24 extension of illegal STR permits. He believed the Commission owed the
25 residents a detailed explanation.

26 Kathleen Larsen, said she did not live in Arch Cape but her great-grandmother
27 settled in the area and she spent many summers there. She and her siblings now
28 own the family's beach house in Arch Cape. The house was deteriorated and the
29 family spent a lot of money to fix it up. She did not appreciate the black and white
30 reference to renters and non-renters. She wanted to be a good neighbor and
31 help set up guidelines for Arch Cape and other areas. STRs are not necessarily
32 bad, but that depends on how they are set up and how they are regulated.
33 Property owners who can be good neighbors should be able to make choices
34 with their property. She would want to know if there was a problem with her
35 property. Anyone who is looking to invest in Arch Cape STRs is likely investing in
36 other areas as well and they need the income to help keep the property.

37 Commissioner Thompson stated the only person who testified who is from Arch
38 Cape is Kathleen Larsen and the only place the moratorium would be lifted is
39 Arch Cape. STRs are legal in Arch Cape, which is why the County has proposed
40 lifting the moratorium. The Commission did examine caps on STRs and the
41 process was diverted when a referendum was filed. The Commission would
42 continue to do what was legal and prudent. She had been trying to get an
43 independent validated subject matter expert to give the Commission accurate
44 data about the impact of STRs on the availability and affordability of housing, as

1 well as the impact on the economy of a reduction in the number of STRs that
2 area allowed.

3 Chair Kujala closed the public hearing.

4 Vice Chair Bangs said once the referendum was filed, the conversation among
5 the Commission on caps and a good neighbor ordinance had to stop with
6 another item on the docket. It would have been ineffective for the Commission to
7 continue those conversations. Lifting the moratorium in Arch Cape is a return to
8 the status quo. When her father-in-law was not in a fire tower during the winter,
9 they would rent beach houses in Arch Cape, Cove Beach, and Tillamook. Those
10 beach houses were considered STRs because they were only rented for a month
11 or two. There was a lot of history in the STRs and saying they were illegal
12 seemed disingenuous because it was something that has been done on the
13 coast for as long as she had been alive. She wanted the coast to be accessible
14 to everyone, not just those who can afford a hotel. During softball and basketball
15 tournaments, she hears children talk about staying in an actual house and how
16 excited they are to have a bedroom and a kitchen. She would be pleased to lift
17 the moratorium.

18 Commissioner Toyooka asked if the Commission had the 1,500 letters
19 mentioned in previous testimony. He represented District 2 and the calls, emails,
20 and letters he had received were no where near 1,500. He would like to see the
21 1,500 letters.

22 Commissioner Thompson responded that people had told her they signed
23 something even though they had no concerns. She did not know if that was
24 because people wanted to get along with their neighbor or if intimidation was
25 involved. Since there was no way to evaluate how heartfelt the signatures were,
26 the County would have an election.

27 *Motion: "Approve Ordinance 23-05 and conduct the second reading by title*
28 *only."*

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

32 *Voting Nay: Commissioner Wev*

33 County Counsel Pope conducted the second reading of the ordinance by short
34 title.

35 **GOOD OF THE ORDER**

36 There was nothing for the good of the order.

37 **ADJOURNMENT**

38 There being no further business, the meeting was adjourned.

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40 Approved by,
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Mark Kujala, Chair