

Clatsop County  
Board of Commissioners  
Minutes  
Wednesday, May 24, 2023

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REGULAR MEETING: 6:00 PM

**FLAG SALUTE**

The Pledge of Allegiance was recited.

**ROLL CALL**

**PRESENT**

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

**ABSENT**

Commissioner Lianne Thompson

**AGENDA APPROVAL**

*Motion made by Vice Chair Bangs, Seconded by Chair Kujala to approve the agenda as presented.*

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

**PROCLAMATION**

1. Proclaiming May 29, 2023 as Memorial Day recognizing all those who have made the ultimate sacrifice to our nation {Page 3}

Carl Wiley, Veterans Service Officer, noted his military background and said he was honored to support veterans in Clatsop County. He introduced the proclamation, providing a brief history of Memorial Day and listed ideas for celebrating the holiday.

*Motion made by Vice Chair Bangs, Seconded by Commissioner Toyooka to support the Resolution and Order proclaiming May 29, 2023 as Memorial Day.*

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

Chair Kujala read the proclamation.

2. Older Americans Month Proclamation {Page 5}

Larry Miller, Astoria Senior Center, spoke about the Senior Center facility and the purpose of Older Americans Month.

1        *Motion made by Commissioner Wev, Seconded by Vice Chair Bangs to approve*  
2        *the Resolution and Order proclaiming May 2023 as Older Americans Month and*  
3        *authorize the Chair to read then sign the proclamation.*

4        *Voting Yea: Commissioner Wev, Commissioner Toyooka, Vice Chair Bangs,*  
5        *Chair Kujala*

6        Chair Kujala read the proclamation.

## 7        **BUSINESS FROM THE PUBLIC**

8        Rick Bowers, 357 Commercial Street, Astoria, shared information about the Department  
9        of Housing and Urban Development (HUD) program Housing First, a controversial  
10       housing model pioneered in the 1990s. The program's model begins with permanent  
11       supportive housing and has three major components, consumer choice, community  
12       based mobile support services, and permanent scatter site housing. Housing first has  
13       been shown to be more effective than the traditional model. A study stated that  
14       individuals assigned to the housing first group spent 80 percent of their time stably  
15       housed compared to individuals assigned to treatment first after two years. Many other  
16       studies have confirmed these results. The chronically homeless are frequent fliers in  
17       emergency rooms and jails and he did not know of any program in the county that was  
18       based on housing first.

## 19       **CONSENT CALENDAR**

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

22       *Voting Yea: Commissioner Wev, Commissioner Toyooka, Vice Chair Bangs,*  
23       *Chair Kujala*

25       3. Approve the 2022-23 Budget and Appropriation Adjustments {Page 7}

26       4. Intergovernmental Agreement #179187-0 with Oregon Health Authority (OHA) for  
27       the Biennium July 1, 2023 through June 30, 2025. {Page 12}

## 28       **COMMISSIONER'S LIAISON REPORTS**

29       Commissioner Toyooka reported on the regional housing meeting and noted that  
30       permanent supportive housing meant the location was permanent, not the residents. A  
31       permanent location with services available helps people get out of homelessness. He  
32       also spoke about why Memorial Day was important to him personally and encouraged  
33       people to remember members of the military and veterans every time they say the  
34       Pledge of Allegiance, and not just on Memorial Day.

35       Commissioner Wev reported on the Columbia River Estuary Conference. Most of the  
36       presentations were given by federal and state agency researchers studying the estuary.  
37       She learned that there was now a map of all of the tide gates in Clatsop County that had  
38       been assessed. She also learned about salmon recovery and the non-listing of Coho.

39       Vice Chair Bangs reported that the Northwest Senior and Disability Services budget  
40       was completed early and the FTLC meeting had been cancelled because there were no  
41       new modeling updates to provide.

Chair Kujala thanked members of the special districts, advisory committees, the budget committee and Staff for a smooth budget process. Budgeting concluded last week and the budget would be approved next month.

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

County Manager Bohn reported that Staff worked to improve the budget process each year and there were some challenges ahead. Starting the next budget process in a couple of months would help the county chart out strategies and make decisions based on the best information available at the time. He also reported that certification of the election would come out on June 12<sup>th</sup>.

#### **BUSINESS AGENDA**

##### **5. Annual Update to Strategic Plan 2021 (FY 23-24 Priorities) {Page 50}**

Amanda Rapinchuk, Management Policy Analyst, presented the Staff report on the proposed updates to the Strategic Plan.

Commissioner Wev appreciated that the updates were very clear and thorough and she was frustrated that the County did not have the funds to complete all of the Tier 1, Tier 2, and Tier 3 items. She also appreciated that the County Manager was developing plans for each department and hoped to receive reports on the implementation of each plan. Finally, she commended Ms. Rapinchuk for tracking the legislature.

Vice Chair Bangs requested a mathematical presentation on how well contracting for the strategic planning work had served the community. She wanted to show the public that the government was being effective with their time and money.

Commissioner Toyooka appreciated that tiers were used to prioritize what the County wanted to accomplish because each district provided input.

County Manager Bohn noted that strategic planning was ongoing and required resetting when unanticipated things occurred. This allows the County to stay on top of the needs of the community. The plan is intended to be flexible and he believed projects not included in the plan would be on the list of successes at the end of the year.

*Motion made by Vice Chair Bangs, Seconded by Commissioner Toyooka adopt the proposed annual update to the Strategic Plan for 2021.*

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

##### **6. Ambulance Service Area Advisory (ASAA) Committee Appointments {Page 70}**

Tiffany Brown, Emergency Services Manager, presented the Staff report on appointments to the ASAA Committee.

*Motion made by Commissioner Wev, Seconded by Vice Chair Bangs to appoint Shelly Solum, Kyle Gorman, Bonnie Thompson to the citizen positions, Kathy Gantz to the ex-officio registered nurse position, and Brian Alsbury to the ex-officio fire representative position, each with terms expiring 6/30/2026 and to*

1       reappoint Jill Tillotson to the registered nurse position with a term expiring  
2       6/30/2025. These terms will begin 7/1/2023.  
3       Voting Yea: Commissioner Wev, Commissioner Toyooka, Vice Chair Bangs,  
4       Chair Kujala  
5

6       7. Appeal of Hearings Officer Decision – JJG ORE LLC Variance {Page 82}

7       Chair Kujala stated that on March 22, 2023, the Commission decided to hear the  
8       appeal on the Hearings Officer's decision concerning Variance Application 22-  
9       000318 by JJG ORE LLC with the scope of review restricted to the record made  
10      by the Hearings Officer. Citing the Clatsop County Land and Water Development  
11      and Use Code Section 2.2220, he listed the specific items that the review was  
12      restricted to, noting that no public testimony or new evidence would be received.  
13      He confirmed that no Commissioner had a conflict of interest or ex parte contact  
14      to declare.

15      Ian Sisson, Senior Planner, presented the Staff report on the appeal and  
16      reviewed the criteria for a variance. He noted that if the Commission decided to  
17      modify or reverse the Hearings Officer's decision or remand the issue back to the  
18      Hearings Officer, Staff would need the Commission's findings to support their  
19      decision.

20      Vice Chair Bangs asked if the existing number of bedrooms and square footage  
21      of the house was the same as what was planned. Planner Sisson said the  
22      existing home was 1,677 square feet and the proposed square footage was  
23      1,706 square feet. According to Assessor records and the Applicant, the existing  
24      home has four bedrooms and the proposed floor plan would also have four  
25      bedrooms.

26      Commissioner Toyooka believed the configuration was appropriate for someone  
27      who wanted to convert a two-story home to a one-story home because they were  
28      getting older. He asked if the Commission could consider that. Planner Sisson  
29      explained that reasonable use of the property was not determined by the owner  
30      of the property and was agnostic of the occupant.

31      Chair Kujala reminded Commissioners what they were to be deliberating.

32      Commissioner Toyooka asked if the lot abutted right up to the current walkway.  
33      Planner Sisson said he could not tell where the property line was on the  
34      photograph. He displayed a map and explained that the north property line was  
35      in between the 6-foot wide public pathway and the side yard with the requested  
36      variance, which is 4-feet wide. The required setback is 10 feet.

37      Chair Kujala called for Commission discussion and deliberation.

38      Vice Chair Bangs believed that reasonable use is a matter of opinion and her  
39      opinion differed from the Hearings Officer's. The family purchased a house with  
40      four bedrooms because they needed four bedrooms and it did not seem logical  
41      or reasonable to reduce that footprint. The proposed square footage is very  
42      similar to the existing square footage and reducing the number of bedrooms

1 would be a significant hardship. She appreciated that the Staff report was  
2 objective and thorough.

3 Chair Kujala affirmed the Hearings Officer's decision because the criteria was not  
4 met.

5 Commissioner Wev believed the County's zoning and regulations needed some  
6 work. In this case, the Applicants paid attention to sea level rise and she believed  
7 the proposal was very creative. The Staff report was excellent and considered all  
8 of the proper elements. She would vote to confirm the Staff report and reverse  
9 the ruling. She had walked the property and did not understand the objections  
10 based on views.

11 Commissioner Toyooka asked about the variance requirements.

12 Planner Sisson explained that it was the Applicant's burden to show that the  
13 requested variance was the minimum necessary to have reasonable use of the  
14 land. The 6-foot public pathway separates two properties and the Applicants  
15 argue that the intent of the 10-foot setback is met by the proposed 4-foot setback  
16 plus the 6-foot public pathway, which gets them 10 feet away from the neighbor's  
17 property line. The Hearings Officer found that the setback requirement is not to  
18 the neighbor's property line, it is to the property line of the subject property, and  
19 that the Applicant did not meet their burden to demonstrate that they would not  
20 have reasonable use of the property.

21 Commissioner Toyooka recalled that ODOT had approved a variance from a 10-  
22 foot setback from the sidewalk because the variance had no impact on the  
23 sidewalk. He asked if the County's Code referred to negative impacts created by  
24 changing the distance.

25 Planner Sisson stated that one of the criteria was that the proposed variance was  
26 not injurious to the public. No one made a case that it would be dangerous to  
27 have a building so close to the sidewalk. The Staff report and the Hearings  
28 Officer's decision said the variance would not be injurious to the public, but the  
29 request did not meet the other criteria.

30 Vice Chair Bangs believed variances were only for environmental or neighboring  
31 properties. She assumed a variance was a setback from a neighboring property  
32 or an environmental setback to protect an environmental concern.

33 Planner Sisson clarified that the zone's setback was measured to the property  
34 line of the subject property, not to the neighbor's property. The Code citation was  
35 included in the Staff report.

36 Vice Chair Bangs said the planning of the home thoughtfully considered the new  
37 buildings codes and new concerns brought up in recent history. The plan  
38 creatively took all of those hazards into account.

39 *Motion: "I move to reverse the Hearings Officer's decision on the grounds of the*  
40 *entire Staff report and matter of opinion in regard to reasonable use and*  
41 *significant hardship."*

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

# PUBLIC HEARING

8. Scheduling a Public Hearing regarding the Dissolution of the Skipanon Water Control District {Page 91}

Anthony Pope, County Counsel, noted that the Commission needed to take public comments before taking action.

Chair Kujala opened the public hearing and called for public testimony.

Counselor Pope said this was the final public hearing and the purpose was to have a vote.

Chair Kujala closed the public hearing and called for Commission discussion.

*Motion made by Vice Chair Bangs, Seconded by Commissioner Toyooka to approve the dissolution of the Skipanon Water Control District.  
Voting Yea: Commissioner Wev, Commissioner Toyooka, Vice Chair Bangs, Chair Kujala*

Commissioner Wev requested a press release be published about the dissolution of the special district, explaining how the dissolution came to be and what special districts are.

County Manager Bohn responded that the Commission should discuss the issues with special districts. Multiple statutes guide the County's role in special districts. He recommended a work session allowing Staff to present on the types of special districts and how they are organized.

Commissioner Toyooka noted that Commissioners were receiving questions about what was going on with the transportation special district. He believed public affairs involvement would help people understand how special districts worked and what the County's role was.

## GOOD OF THE ORDER

There was nothing for the good of the order.

## ADJOURNMENT

There being no further business, the meeting was adjourned at 7:12 pm.

Approved by,

  
Mark Kujala, Chair