CLATSOP COUNTY

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

Wednesday, March 22, 2023

BOARD OF COMMISSIONERS:

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

commissioners@co.clatsop.or.us

CONTACT:

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Astoria, OR 97103
Phone (503) 325-1000
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www.co.clatsop.or.us

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 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.

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 {5 min}

TOPICS:

1. ARPA Funding Concept Plan Update {30 min} {Page 3}

REGULAR MEETING: 6:00 PM

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

FLAG SALUTE

ROLL CALL

AGENDA APPROVAL

PROCLAMATION

2. Child Abuse Prevention Month Proclamation {Page 5}

3. Problem Gambling Awareness Month Proclamation {Page 9}

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. Board of Commissioners Meeting Minutes 2-22-23 {Page 11}
5. Public Works Custodial Contract - Amendment No. 1 {Page 17}
6. Dispatch Services Agreement {Page 25}
7. Project Turnkey 2.0 {Page 29}

COMMISSIONER'S LIAISON REPORTS

COUNTY MANAGER'S REPORT

BUSINESS AGENDA

8. Appeal of Hearings Officer Decision – JJG ORE LLC Variance {Page 37}

PUBLIC HEARINGS

9. Rural Accessory Dwelling Unit Regulations Amendments {Page 46}
10. Ordinance 23-04: LAWDUC Amendments Child Care Facilities {Page 74}

GOOD OF THE ORDER

ADJOURNMENT

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

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Agenda packets also available online at 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 22, 2023

Topic: ARPA Funding Concept Plan Update

Presented By: Don Bohn, County Manager

Informational Summary:

The County received approximately $7.8 million from the American Rescue Plan Act (ARPA) to address issues related to the COVID pandemic, including public health, social services, infrastructure, affordable housing, economic development and other related impacts.

The Board previously approved a conceptual funding plan for the expenditure of the ARPA funds, attached for your information. The plan was intended to be fluid; knowing adjustments would be made over time to address emerging issues and opportunities. The ARPA funds are to be expended by the end of the 2024 calendar year.

Staff will provide an update to the funding plan and discuss opportunities for modifications/adjustments based on new information and projects.

Attachment List

A. ARPA Funding Concept Plan Overview

American Rescue Act - DRAFT Concept Funding Options

	FY 21-22	FY 22-23	FY 23-24	FY 24-25	Total
Economic Development - SBDC Funding	$0	$120,000	$120,000	$120,000	$360,000
Child Care Initiatives	$0	$200,000	$150,000	$150,000	$500,000
Navigation Center	$70,000	$50,000	$50,000	$50,000	$220,000
Emergency Shelter System Support	$100,000	$300,000	$300,000	$300,000	$1,000,000
Other Non-profit Support	$100,000	$50,000	$50,000	$50,000	$250,000
Mental Health Crisis Response - CBH	$80,000	$160,000	$160,000	$80,000	$480,000
Enhanced Mental Health Services - Jail	$0	$25,000	$88,800	$88,800	$202,600
Affordable Housing Development-NOHA Capacity	$0	$75,000	$125,000	$125,000	$325,000
Affordable Housing Grants - Predevelopment	$0	$150,000	$100,000	$100,000	$350,000
	$350,000	**$1,130,000**	**$1,143,800**	**$1,063,800**	**$3,687,600**
Invest in Public Health Infrastructure	$350,000	$375,000	$350,000	$350,000	$1,425,000
Rural Health Care Initiative (Jewell)		$0	$0		$0
County Facility Space Planning	$150,000				$150,000
Emergency Preparedness/Resiliency	$26,000	$4,000	$29,000		$59,000
	$526,000	**$379,000**	**$379,000**	**$350,000**	**$1,634,000**
Rural Internet/Communications Accessibility and Enhancement	$525,000		$425,000	$400,000	$1,350,000
Water Assessment - Clatsop Plains	$25,000		$125,000	$75,000	$225,000
County-Wide Septage	$0		$450,000		$450,000
Anerobic Biodigester Feasibility	$30,000	$30,000			$60,000
Westport Sewer District Improvements	$170,000	$130,000			$300,000
	$750,000	**$160,000**	**$1,000,000**	**$475,000**	**$2,385,000**
	$1,626,000	**$1,669,000**	**$2,522,800**	**$1,888,800**	**$7,706,600**
Contingency					$93,400
				Total	$7,800,000

Note - Funding must be expended/under contract by 12/31/2024

Board of Commissioners
Clatsop County

AGENDA ITEM SUMMARY

March 22, 2023

Agenda Title:	Child Abuse Prevention Month Proclamation
Category:	Proclamation
Presented By:	Nakesha Womble, Executive Director, Clatsop CASA Program

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Issue Before the Commission:

Proclaiming April 2023 as Child Abuse Prevention Month

Informational Summary:

Spring is a time of new beginnings. It's also the time to renew our commitment to the protection of children in our community. Since 1983, a Presidential Proclamation has designated April as National Child Abuse Prevention Month. Observing Child Abuse Prevention month allows us to raise awareness of the severity of this issue and to arm citizens with the tools to help prevent abuse from happening.

Awareness of a problem creates intentional change. Hundreds of children in Clatsop County are exposed to violence, drug abuse, emotional abuse, physical abuse, sexual abuse and neglect. Chances are all of us know at least one child who has been the victim of child abuse and neglect.

Imagine a four-year-old child whose parent abuses drugs and has left him alone repeatedly. He has no food or heat in the home. He is alone and afraid. This child becomes everyone's responsibility. Child abuse is everyone's problem.

It's important for each of us to know the children in our communities. When we do, that means there is a safe place for children to find the grown-up support they need. If you suspect that a child is being abused or neglected, report it. Reporting suspected abuse creates awareness that a problem may exist. As lay-citizens, it is not our role to determine whether abuse has occurred, we leave that to professionals who are trained to assess whether the concern rises to the level of abuse. However, we have a responsibility to the children in our community to make the professionals aware of any potential concerns.

Get involved with, advocate for, and support community programs that support children.

Every child deserves a life free of abuse or neglect. Every child deserves a safe, permanent home. Now more than ever we need to, as a community, renew our commitment to protect our children.

Fiscal Impact: None.

Requested Action:

Approve Resolution and Order proclaiming April 2023 as Child Abuse Prevention 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	**)**	
THE PERIOD FROM APRIL 1, 2023	**)**	**RESOLUTION AND ORDER**
THROUGH APRIL 30, 2023 TO BE	**)**	
CHILD ABUSE PREVENTION MONTH	**)**	

WHEREAS, child abuse and neglect are serious problems affecting every segment of our community, and finding solutions requires input and action from everyone; and

WHEREAS, every child is precious and deserves to grow up in a healthy, safe, nurturing environment free from the dangers and harmful effects of child abuse and neglect; and

WHEREAS, our children are our most valuable resources and will shape the future of Clatsop County, Oregon; and

WHEREAS, child abuse can have long-term psychological, emotional, and physical effects that have lasting consequences for victims of abuse; and

WHEREAS, child abuse prevention succeeds through partnerships among parents, child-welfare agencies, mental and physical health care providers, schools, law enforcement agencies, faith-based organizations, businesses and community members by fostering loving, supportive and violence-free homes; and

WHEREAS, we acknowledge that we must work together as a community to increase awareness about child abuse and contribute to promote the social and emotional well-being of children and families in a safe, stable, and nurturing environment; and

WHEREAS, prevention remains the best defense for our children and families.

NOW, THEREFORE, BE IT HEREBY RESOLVED that Clatsop County Board of Commissioners does hereby proclaim April 2023 as

"Child Abuse Prevention Month"

in Clatsop County and calls upon all community members and local agencies to increase their engagement in efforts to effectively prevent, recognize, and respond to child abuse.

DATED this 22rd day of March, 2023.

BOARD OF COUNTY COMMISSIONERS
FOR CLATSOP COUNTY, OREGON

_____

Board Chair

Board of Commissioners
Clatsop County

AGENDA ITEM SUMMARY

March 22, 2023

Agenda Title: Problem Gambling Awareness Month Proclamation

Category: Proclamation

Presented By: Emily Reilly, Health Promotion Specialist II

Issue Before the Commission: Proclaiming the Month of March as Problem Gambling Awareness Month

Informational Summary:

- Problem gambling is a public health concern potentially impacting more than 264,000 Oregonians of all ages and backgrounds in all communities. It has significant personal, social, and financial repercussions for individuals and their families
- Clatsop County residents along with their families are able to successfully seek treatment through local and state resources. Through awareness campaigns, targeted prevention programs, and treatment services the negative effects of gambling are significantly reduced.

Fiscal Impact: None.

Requested Action:

Approve the Resolution and Order proclaiming the Month of March to be Problem Gambling Awareness 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 2023 TO BE	**) RESOLUTION AND ORDER**
PROBLEM GAMBLING AWARENESS MONTH	**)**

WHEREAS, Problem gambling is a public health concern impacting Oregonians of all ages and backgrounds in all communities; and

WHEREAS, Gambling impacts are recognized at the individual, family and friends, community and society levels. Gambling problems drive up health care costs and contribute to societal problems such as homelessness, bankruptcy, loss of productivity in the workforce and crime; and

WHEREAS, Oregon and Clatsop County are dedicated to reducing the negative effects of gambling for all members of the community through balanced policies and an effective problem gambling services system providing targeted prevention, education and awareness programs, and treatment and recovery support services; and

WHEREAS, Thousands of Oregonians have successfully sought treatment; are in recovery, along with their families and concerned others; and have benefited from the expertise of professionals in the behavioral health treatment field who are dedicated to helping people recover from gambling problems.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Clatsop County Board of Commissioners does hereby proclaim March 2023 as

"Problem Gambling Awareness Month"

in Clatsop County and invites all community members to join in this observance by raising awareness of the impacts of problem gambling.

DATED this 22 day of March, 2023.

BOARD OF COUNTY COMMISSIONERS
FOR CLATSOP COUNTY, OREGON

_____
Board Chair

Clatsop County
Board of Commissioners
Minutes
Wednesday, February 22, 2023

REGULAR MEETING: 6:00 PM.

ROLL CALL

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

AGENDA APPROVAL

Chair Kujala requested the addition of Business Agenda Item 5(a): Emergency Declaration Due to Homelessness Resolution and Order.

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

PROCLAMATION

2. National FFA Week Proclamation {Page 44}

   Northwest District Future Farmers of America (FFA) President Jena Russell presented an overview of FFA, noting the organization's history, purpose, and current membership statistics.

   Motion: "Approve Resolution and Order proclaiming February 18-25, 2023 to be National FFA week and authorize the Chair to read, then sign the proclamation."

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

   Chair Kujala read the proclamation into the record.

BUSINESS FROM THE PUBLIC

There were no public comments.

CONSENT CALENDAR

Motion made by Vice Chair Bangs, Seconded by Commissioner Toyooka to approve the Consent Calendar.
Voting Yea: Commissioner Thompson, Commissioner Wev, Commissioner Toyooka, Vice Chair Bangs, Chair Kujala

3. Ambulance Service Advisory (ASAA) Committee Membership Modification {Page 47}
4. Board of Commissioners Minutes 1-25-23 {Page 61}

COMMISSIONER'S LIAISON REPORTS

Vice Chair Bangs reported that she would be attending the next Council of Forest Trust Land Counties (CFTLC) and Board of Forestry meetings. She also said that the Miss Clatsop County Scholarship Competition would be on Saturday at the Seaside Convention Center at 6:00 pm.

Commissioner Thompson reported that as part of this legislative session, she had been urging Oregon Department of Transportation (ODOT) to continue its fund transfer program for federal bridge and road projects. She had also been working with the Association of Oregon Counties (AOC) membership committee to increase business contributions to the organization. She also reported that the Columbia Pacific Economic Development District (Col-Pac) and Northwest Area Commission on Transportation (NWACT) would be looking for a new executive director.

Commissioner Wev reported that the first meeting on the Brownfield Grant would be tomorrow night at the Judge Guy Boyington Building in Astoria. She also reported that she would be testifying on Senate Bill 90, a proposal to create a taskforce to find alternatives to County and special district financing if the Habitat Conservation Plan is passed. She announced that the next Oregon Consortium/Oregon Workforce Alliance board meeting would be in Astoria. Prior to that meeting, she wanted the Commission to see a presentation on the work of that committee. She also announced that the Job Corps would be having an open house on March 16th. Also, the Fisher Poets would be in Astoria over the weekend.

Commissioner Toyooka reported that this year, he would be serving as a board member on the Board of Property Tax Appeals. He also reported that he would be attending a Housing Development Funding Forum and would provide the Commission with a report on that meeting. Lastly, he reported that he wanted the Commission to discuss supporting Senate Bill 795 because it is relevant to the HCP and would have a great impact on the community.

Chair Kujala had no reports.

COUNTY MANAGER'S REPORT

County Manager Bohn reported that the brownfield meeting would be at 5:00 pm at the Judge Guy Boyington Building in Astoria. The meeting would be hybrid, so the meeting would be held regardless of the weather. Property owners were sent postcards notifying them of the meeting.

BUSINESS AGENDA

5. Project Turnkey 2.0 Purchase Approval – Columbia Inn and Execution of Funding Agreement {Page 69}

Assistant County Manager Steele presented the Staff report on the Oregon Community Foundation funding approved for the acquisition Columbia Inn for the Project Turnkey 2.0 project. The total award is $2,806,042.00, which will pay for acquisition of the property and life and safety upgrades. If the funding agreement is approved, closing on the property will take place on March 3rd. Staff was working on operating agreements with community partners that will operate and maintain the facility.

Commissioner Wev confirmed with Staff that the County was required to use the property in this manner in perpetuity. Otherwise, the County would have to pay back the funds. She asked if Housing and Urban Development (HUD) vouchers made this project possible.

Assistant County Manager Steele responded that other funding mechanisms were being used. Funding streams targeted at certain populations would provide operating funds. The populations being served by this project included victims of domestic violence, families, the LGBTQ+ community, the LatinX community, veterans, and participants of substance abuse services. Additionally, the Commission has authorized American Rescue Plan Act (ARPA) funding for emergency shelters, which may be used. Staff continues to apply for grant funding for ongoing support of Project Turnkey.

Commissioner Wev asked if there were any existing Project Turnkey facilities that have a mix of people with substance abuse problems and families. She also wanted to know if Commissioners could tour the building and she inquired about the project's time schedule.

Assistant County Manager Steele said The Harbor had experience with housing people in a variety of circumstances. Systems and security measures would be put in place. Additionally, 24/7 onsite management was proposed in the operations plan. Case managers would also be available during the day to provide services on site. Staff could arrange a tour of the facility after the County takes possession of the property. The project timeline had not been finalized yet, but the goal was to get individuals houses as soon as possible.

Motion: "Authorize the Chair to sign the Resolution and Order for the purchase of the Columbia Inn and the execution of a project funding agreement with the Oregon Community Foundation.

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

5a. Emergency Declaration Due to Homelessness

County Manager Bohn presented the Staff report on the most recent updates made to the proposed Emergency Declaration due to Homeless, which had been

fully vetted by Oregon Emergency Management (OEM). He also provided background information about the County's decision to propose this declaration.

Emergency Management Director Gibbs added that the governor had been notified of the County's resolution to approve this declaration.

Motion: "Authorize the Chair to sign the Emergency Declaration due to Homelessness."

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

5. Ordinance 23-05 Ending Moratorium on Short Term Rental Licenses {Page 82}

County Counsel Pope presented the Staff report on the proposal to end the moratorium on short-term rental licenses.

Commissioner Wev understood that no vote was taken on this matter when it was discussed at a work session because it was not legal for the Commission to take any action at a work session. She was opposed to ending the moratorium.

County Counsel Pope confirmed that no vote was taken at the work session, but the Commission did direct Staff to move forward with this ordinance.

Commissioner Wev said she believed the Commission should have voted at the work session. It was not fair for a commissioner to open the agenda for a meeting and find that something was being done which had not been voted on. A vote should have been taken at a regular meeting on whether to vote on this ordinance.

Chair Kujala explained the intent of work sessions was for the Commission to discuss issues and give Staff direction. Regular meetings provide the opportunity to vote.

County Counsel Pope conducted the first reading of the ordinance.

Chair Kujala opened the public hearing and confirmed that no Commissioners had any conflicts of interest to declare. He called for public comments.

Charles Dice, 31911 Clatsop Ln., Cove Beach, stated that he did not understand why the Commission was so anxious to extend STR permits that were illegally issued. This just compounds the mistake the County made. He asked why the Commissioners persistently ignored the needs, safety, and security of the residents in order to benefit a few business owners, most of whom live outside the county or state. Thousands of Clatsop County residents have sent correspondence stating they do not want STRs in residential neighborhoods. The public has a right to hear from the Commissioners as to why they are ignoring the residents and betraying the laws that protect the neighborhoods in favor of outside investors.

Denise Davis, 79432 Ray Brown Rd., Arch Cape, stated she and her husband strongly opposed the ordinance and the extension of permits outside of Arch Cape. The Commission and legal counsel confirmed that vacation rental permits outside of Arch Cape were being issued unlawfully. She questioned what sense it made to extend the illegal permits. She did not see the logic. The Daily Astorian article “County to Lift Moratorium on Vacation Rentals”, published on January 20, included the following quote by a commissioner, ‘I just sure hate to see folks lose their livelihood while this mess is being sorted out.’ Livelihood does not describe families trying to hold on to their second homes by occasionally renting them out. Livelihood means making a living off of the house. The ordinance demonstrates the Commission’s commitment to investors, most of whom are not county residents. The ordinance condones and promotes profiting and lines the pockets of outside business people and multinational corporations at the expense of the County’s teachers, nurses, and trades people who struggle to find homes.

Cameron Lewis, 89883 Ocean Dr. Warrenton, stated that the Commission was trying to cover up issuing STR permits illegally. Most of the Commission did not understand the negative impact on homeowners. The land use planning process has been thwarted by allowing STRs across the county, which would undermine the relationships within neighborhood. Sixteen people are allowed in one home, which is nothing more than a place to party. The residents deserve better. Commissioners should prioritize the needs of the residents and not the interests of people outside the county. However, the Commissioners do not care about the people who live and work here and cannot find suitable housing. Bad policy, bad governance, and poor community building should not be the flag we wave. He wanted STRs to be kept out of residential neighborhoods.

Chair Kujala continued the public hearing to March 8, 2023.

6. Ordinance 23-02: LAWDUC Legislative Amendments {Page 87}

Community Development Director Henrikson confirmed there were no updates.

Chair Kujala called for public comments. There were none. He closed the public hearing.

Motion: "Approve Ordinance 23-02 and conduct the second reading by title only."

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

County Counsel Pope conducted the second reading of the ordinance.

GOOD OF THE ORDER

There was nothing for the good of the order.

ADJOURNMENT

There being no further business, the meeting was adjourned to convene an Executive Session.

Approved by,

_____

Mark Kujala, Chair

Board of Commissioners
Clatsop County

AGENDA ITEM SUMMARY

March 22, 2023

Agenda Title:	Amendment No. 1 for the Public Works Custodial Contract
Category:	Consent Calendar
Presented By:	Dean Keranen, County Engineer

Issue Before the Commission:	Amendment No. 1 with Cleaning Witch, LLC to extend the existing contract an additional year at the same rate.
Informational Summary:	Public Works entered into a contract with Cleaning Witch, LLC on April 5, 2022 to provide custodial services for a year at an amount of $20,900. Public Works staff would like to extend this contract for an additional year at the original contract price of $20,900. This will make the total contract amount $41,800 which exceeds the County Manager's authority and requires Board approval.
Fiscal Impact:	This contract is budgeted under custodial services and the funds are split between the Road Administration and Road Maintenance budgets.

Requested Action:

Approve Amendment No. 1 with Cleaning Witch, LLC in the amount of $20,900.00, for a total contract amount of $41,800, for custodial services and authorize the County Manager to sign the amendment.

Attachment List

A. Amendment No. 1 for Contract C7933 with Cleaning Witch, LLC
B. Contract C7933

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

AMENDMENT #1 TO
PERSONAL/PROFESSIONAL SERVICES CONTRACT NO. C7933

This AGREEMENT is by and between Clatsop County (COUNTY) and Cleaning Witch, LLC (CONTRACTOR). Whereas COUNTY and CONTRACTOR entered into an Agreement on or about April 5, 2022 for an amount not to exceed $20,900.00, and whereas the Contract termination date is March 30, 2023. NOW THEREFORE, the parties agree as follows:

1. The termination date of the Contract between the parties is hereby extended for one additional year to March 30, 2024.

2. The contract amount shall be increased by $20,900.00, from $20,900.00 to $41,800.00 for one additional year of services.

3. In all other respects other than those itemized here, the original Contract remains unchanged. The compensation due under this Agreement is that portion of the not to exceed amount remaining unpaid for work not yet completed on the date of execution of this Amendment.

Further, the parties hereby reserve all rights and remedies accruing prior to the date of execution of this amendment.

This AGREEMENT will not be effective until approved by the County Administrator.

FOR COUNTY:		**FOR CONTRACTOR:**	
			2/24/2023
Signature	Date	Signature	Date
		April Shrode	
Printed Name		Printed Name	
		Owner - Cleaning Witch LLC	
Title		Title	

RECORDED
APR - 5 2022
Doc# 202204800S

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

Contract No. C7933

PERSONAL/PROFESSIONAL SERVICES AGREEMENT

This AGREEMENT is by and between Clatsop County ("County") and **Cleaning Witch, LLC** ("Contractor"). Whereas County has need of the services which Contractor has agreed to provide; NOW THEREFORE, in consideration of the sum not to exceed **$20,900.00** to be paid to Contractor by County, Contractor agrees to perform between date of execution and March 30, 2023, inclusive, the following specific personal and/or professional services:

Provide Custodial Services at Clatsop County Public Works, 1100 Olney Ave., Astoria, Oregon 97103. Per Attachment A.

Payment Terms: (monthly installments, Attachment B):
Custodian Cost Proposal
$1,575 per month
$2,000 extra services as requested by County @ $44.00 per hour.

An additional year may be added to the contract based on negotiations with the contractor, prior to the end of the contract period.

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 $700,000 for property damage and minimum of $800,000 per person for bodily injury and no less than $1,000,000 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:

Commercial General Liability $1,000,000 per Occurance, $2,000,000 Aggregate.

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

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

10. NONDISCRIMINATION. No person shall be subjected to discrimination in receipt of the benefits of any services or activities made possible by or resulting from this Agreement on the grounds of sex, race, color, creed, marital status, age or national origin. Any violation of this provision shall be considered a material violation of this Agreement and shall be grounds for cancellation, termination or suspension in whole or in part by County.

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

a. By written mutual agreement of both parties. Termination under this provision may be immediate.

b. Upon fifteen (15) calendar days written notice by either Party to the other of intent to terminate.

c. Immediately on breach of the contract.

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

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

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

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

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

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

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

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

FOR COUNTY:

4/5/22

Signature Date

County Manager

Title

FOR CONTRACTOR:

3/29/2022

Signature Date

Owner

Title

1331 Eastpine Drive

Address

Gearhart, OR 97138

City State Zip

"Attachment A"

SCOPE OF WORK FOR CLEANING SERVICES AT CLATSOP COUNTY PUBLIC WORKS

WEEKLY OFFICE CLEANING – 3 DAYS PER WEEK

Areas to be cleaned include all rooms in building except locked file room.

1. Dust surfaces – except desktops. Contractor is not responsible for tops of desks.
2. Vacuum carpeting, mats and runners.
3. Sweep and mop restroom and utility room floors.
4. Empty trash receptacles in all offices.
5. Empty recycling material.
6. Clean restroom.
7. Restock restroom supplies as needed.
8. Empty restroom trash.
9. Clean kitchen.

CLEAN SURVEYOR TRAILER – ONCE A WEEK

1. Sweep and mop tile floors.
2. Vacuum carpeted floors.
3. Clean restroom.
4. Clean countertop and sink.
5. Dusting (no desk tops).
6. Empty trash receptacles.

CREW ROOM AND RESTROOM CLEANING – 2 DAYS PER WEEK

Areas to be cleaned include crew room, small office connected to crew room, kitchen area, hallway and both restrooms.

1. Sweep and mop floors. Vacuum rugs.
2. Wash tabletops and counters.
3. Empty wastebaskets.
4. Clean restrooms. Small restroom in shop only to be cleaned every two weeks.
5. Restock restroom supplies as needed.
6. Small office (Parks) behind the crew room only needs cleaned once per month.

ADDITIONAL CONDITIONS

Cleaning services to be conducted after business hours. Contractor to lock all doors.
County to provide consumable products, including paper towels, toilet paper, garbage liners and other typical products.
Contractor to provide cleaning equipment and cleaning products. All cleaning products to be labeled with SDS manufacture information.

"ATTACHMENT B"

CLEANING PROPOSAL

CLEANING WITCH LLC
1331 Eastpine Drive, Gearhart, Oregon 97138
503-840-2924
cleaningwitchisin@gmail.com

CUSTOMER

Clatsop County Public Works

DATE

3/7/22

ADDRESS

1100 Olney Ave

CITY/STATE/ZIP

Astoria, Oregon 97103

PHONE

503-325-8631

Email

cmartin@co.clatsop.or.us

PAYMENT TERMS

Net 15

Proposal Good until:

4/6/22

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
~~1~~	~~Monthly fee for Attachment A of services~~	~~$1,300.00~~	~~$1,300.00~~
1	Monthly fee for Attachment A of services + extra day for crew building	$1,575.00	**$1,575.00**
~~1~~	~~Monthy fee for Attachment A of services + 2 extra days for crew building~~	~~$1,850.00~~	~~$1,850.00~~

THIS PROPOSAL INCLUDES THE CONDITIONS NOTED:

Cleaning services for Clatsop County Public Works. Bid includes cleaning of office 3 times a week, trailer cleaning once a week, crew building once a week, once a month cleaning of office in crew building, and biweekly cleaning of bathroom in shop. I am also including the price if additional days will be added to the crew building.

Sign Below to Accept Quote:

Authorized Rep

Date

CLEAWIT-02 NAGESHPRAKASH

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 3/24/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
NFP Property & Casualty Services, Inc.
61 Plaza Square
Saint Helens, OR 97051

CONTACT NAME: Michelle Morrill
PHONE (A/C, No, Ext): (503) 397-0714 FAX (A/C, No): (503) 397-0674
E-MAIL ADDRESS: michelle.morrill@nfp.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A: Ohio Security Insurance Company	24082
INSURER B: Artisan & Truckers Casualty Company	10194
INSURER C: SAIF - State Accident Insurance Fund	36196
INSURER D:	
INSURER E:	
INSURER F:	

INSURED
Cleaning Witch LLC
1331 Eastpine Lane
Gearhart, OR 97138

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS		
A	X COMMERCIAL GENERAL LIABILITY						EACH OCCURRENCE	$	1,000,000
	CLAIMS-MADE [X] OCCUR			BLS58294925	9/28/2021	9/28/2022	DAMAGE TO RENTED PREMISES (Ea occurrence)	$	1,000,000
							MED EXP (Any one person)	$	15,000
							PERSONAL & ADV INJURY	$	1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$	2,000,000
	X POLICY PRO-JECT LOC						PRODUCTS - COMP/OP AGG	$	2,000,000
	OTHER:							$	
B	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$	
	ANY AUTO			02530821	8/24/2021	8/24/2022	BODILY INJURY (Per person)	$	100,000
	OWNED AUTOS ONLY / X SCHEDULED AUTOS						BODILY INJURY (Per accident)	$	300,000
	HIRED AUTOS ONLY / NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$	50,000
								$	
	UMBRELLA LIAB / OCCUR						EACH OCCURRENCE	$	
	EXCESS LIAB / CLAIMS-MADE						AGGREGATE	$	
	DED / RETENTION $							$	
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						X PER STATUTE / OTH-ER		
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N N	N/A		100031389	5/10/2021	5/1/2022	E.L. EACH ACCIDENT	$	500,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$	500,000
							E.L. DISEASE - POLICY LIMIT	$	500,000
C	Workers' Compensatio			100031389	6/11/2021	5/11/2022	Each Acc/Policy/Emp		500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

Clatsop County Public Works
1100 Olney Ave.
Astoria, OR 97103

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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Board of Commissioners
Clatsop County

AGENDA ITEM SUMMARY

March 22, 2023

Agenda Title:	Dispatch Services Agreement
Category:	Consent Calendar
Presented By:	Matthew Phillips, Sheriff

Issue Before the Commission:	Agreement with the City of Astoria to provide 911 and dispatch services for the Clatsop County Sheriff's Office.
Informational Summary:	Clatsop County contracts with the City of Astoria for the majority of the 911/non-emergency answering services and dispatch services for the Sheriff's Office. Dispatch will also manage and maintain all radio and microwave equipment at all fixed radio sites. City of Astoria will answer all county 911 calls along with the Sheriff's office non-emergency line. City if Astoria will dispatch Sheriff's office units and respond to all radio traffic and conduct data records searches.
Fiscal Impact:	The cost of the contract is $338,612 which is budgeted in the 2023-24 budget.

Requested Action:

Approve and authorize the County Manager to sign the Dispatch Services Agreement #C8259 in the amount of $338,612 and authorize the County Manager to sign amendments."

Attachment List

A. Contract Review Worksheet
B. Agreement

AGREEMENT
PUBLIC SAFETY DISPATCH SERVICES

This Agreement is entered into on the 1st day of July, 2023 by and between CLATSOP COUNTY, hereinafter called "County", and the CITY OF ASTORIA, a municipal corporation and hereinafter called "Astoria," both of Clatsop County, Oregon.

County and Astoria enter into this agreement because the Astoria Police Radio Communications Center, hereinafter called "Dispatch Center", has the staff and facilities to provide emergency radio dispatch service to County, and County has the necessary funds to pay Astoria for services performed under this agreement.

Nothing in this agreement shall be interpreted to cause the City of Astoria to violate any rules and regulations set forth by the United States of America Federal Communications Commission.

I. SERVICES TO BE PROVIDED BY ASTORIA

A. Basic Services

Astoria shall provide County with twenty-four (24) hour emergency dispatch service. This will include:

1. Answering service for County emergency incoming telephone lines;
2. Advising appropriate agency by means of radio of services requested by the public;
3. Answering radio calls for service and provide appropriate information to authorized personnel;
4. Maintaining a log of citizen-called-for services;
5. Provide communications equipment infrastructure maintenance for all equipment licensed by the FCC to Astoria 911 not including end user equipment.
6. Providing LEDS teletype service to authorized personnel and agencies using ORI OR004000.
7. Manage maintenance, repair and replacement of equipment and infrastructure that makes up the land-mobile radio system such as radios, repeaters, switches, routers, microwave that are located at radio sites: Megler, Wickiup, Cathlamet, Tillamook Head, Tolovana, Humbug, Reservoir and Skyline. The County remains responsible for all end-user equipment including portable radios, portable repeaters, vehicle mounted radios, and cradlepoints.

Astoria shall retain control of its Dispatch Center Personnel and their performance of services under this agreement. All such personnel performing services for the City of Astoria pursuant to this agreement shall be Astoria employees and contracted City of Seaside certified Telecommunication Operators.

II. CONSIDERATION

A. For the service provided by Astoria under I.A.1-6, County agrees to a cost of $338,612 for the period of July 1, 2023 to June 30, 2024.

The sum of $338,612, payment due on September 30, 2023

OR

1. For the period from the 1st day of July, 2023 to the 30th day of September, 2023, the sum of $84,653.00, payment due on September 30, 2023;
2. For the period from the 1st day of October, 2023 to the 31st day of December, 2023, the sum of $84,653.00, payment due on December 31, 2023;
3. For the period from the 1st day of January, 2024 to the 31st day of March, 2024, the sum of $84,653.00, payment due on March 31, 2024;
4. For the period from the 1st day of April, 2024 to the 30th day of June, 2024, the sum of $84,653.00, payment due on June 30, 2024.

III. LIABILITY INSURANCE

Each party to this agreement represents to the other that it will have in effect at all times during this agreement liability insurance coverage which covers all sums that each shall be legally obligated to pay as damages for liability under the Oregon Revised Statutes 30.260 to 30.300, the Oregon Tort Claims Act.

IV. INDEMNIFICATION

As permitted by the Oregon Tort Claims Act, ORS 30.260 through 30.300, and the Oregon Constitution each party to this agreement agrees to hold harmless, defend, and indemnify the other, including their officers, agents, and employees, against all claims, demands, actions, and suits (including attorney fees and costs) arising from the indemnitor's performance of this Agreement where the loss or claim is attributable to the negligent acts or omissions of that party. Each party is responsible for the acts, omissions, or negligence of its own officers, employees, and agents.

V. TELEPHONE LINES

County shall assume all costs for installation, maintenance, repair or rental for all emergency telephone lines originating from County.

VI. TERM OF CONTRACT

This contract shall be effective from July 1, 2023 to June 30, 2024 and may be modified or renewed upon the consent of both parties. This contract may be terminated at any time by either party provided that the terminating party gives the other party at least ninety (90) days written notice.

VII. ATTORNEY FEES

In the event suit or action is instituted to enforce any of the terms of this contract, the prevailing party shall be entitled to recover from the other party such sum as the court may adjudge reasonable as attorney's fees at trial or on appeal of such suit or action, in addition to all other sums provided by law.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the day, month and year first above written.

City of Astoria	Clatsop County
_____	_____
By Sean Fitzpatrick, Mayor	
	_____
	Don Bohn, County Manager
_____	_____
By Scott Spence, City Manager	

APPROVED AS TO FORM

_____

Astoria City Attorney
Blair Henningsgaard

It is the policy of the City of Astoria that no person shall be denied the benefits of or be subjected to discrimination in any City program, service, or activity on the grounds of age, disability, race, religion, color, national origin, sex, sexual orientation, gender identity and expression. The City of Astoria also requires its contractors and grantees to comply with this policy.

Board of Commissioners
Clatsop County

AMENDED AGENDA ITEM SUMMARY

March 22, 2023

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

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Issue Before the Commission:	Project Turnkey 2.0, Approval Flooring
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. County staff identified needed renovation cost to allow the building to be used for housing the homeless; these renovations and cost where approved by the Oregon Community Foundation. This contract is to approve Rubenstein's Contract Carpet, LLC to install new vinyl flooring in all of the rooms. The flooring will be commercial grade LVT (Luxury Vinyl Tile) that Rubenstein's has installed in multiple similar projects in the metro area. The existing carpet will be removed by this contractor. The total cost for the install is $51,849; including $35,108 for the LVT, $6,016 to remove the carpet, and floor preparation billed per hour not to exceed $10,725.
Fiscal Impact:	Funding is secured from the Oregon Community Foundation. The budget for the flooring is $59,883 as part of the funds approved for this project.

Requested Action:

Approve to contract with Rubenstein's Contract Carpet, LLC to install new flooring in the amount of $51,849 at the Columbia Inn.

Attachment List

A. Contract, Insurance
B. Quote

CLATSOP COUNTY, OREGON
800 Exchange Street, Suite 222
Astoria, Oregon 97103
An Equal Opportunity Employer

Contract No. C8262

Clatsop County Construction Contract

This Contract is by and between **Clatsop County** (**County**) and Rubenstein's Contract Carpet, LLC. **Contractor** has agreed to provide; **Now Therefore**, in consideration of the sum not to exceed $51,849.00, which includes, $35,108.00 for the LVT Flooring, $6,016.00 to remove the carpet and floor preparation billed per hour not to exceed $10,725.00 to be paid to **Contractor** by **County**, **Contractor** agrees to perform by June 30, 2023, inclusive, the following specific services:

A. The Work: This work will include replacing the flooring and removing the existing carpet at Project Turnkey 2.0. All work is at 495 Marine Dr., Astoria – Columbia Inn.

B. Payment Terms: Payment will be made 30 days from receipt of invoice and approval of work by County.

C. Miscellaneous: Exhibit 1: Quote

1. **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.

2. **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 District or 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.

3. **Compliance**. **Contractor** shall comply with all applicable Federal, State and local laws, rules and regulations. All provisions of ORS 279C.505 through 530 (Construction Contracts) are incorporated herein. Specifically, Contractor shall:

a. Promptly pay, as due, all persons supplying labor and material for the performance 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 or to become due the Contractor by reason of the contract, pursuant to ORS 279C.515.

b. If this contract is for a public improvement, if Contractor or first-tier subcontractor fails, neglects, or refuses to make payment to a person furnishing labor or materials in connection with the public contract for a public improvement within 30 days after receipt of payment from the County, the Contractor or first-tier subcontractor shall owe the person the amount dues plus interest commencing at the end of the 10 day period that payment is due under ORS 279C.580 and ending upon final payment.

c. Pay any required contributions due the Industrial Accident Fund incurred in the performance of the contract.

d Not permit any line or claim to be filed or prosecuted against **County,** on account of any labor or material furnished by **Contractor**.

e. Pay the Department of Revenue all sums withheld from employees pursuant to ORS 316.167.

f. Not employ any person more than 10 hours a day, or 40 hours a week, unless permitted under ORS 279A.055, and any employee working over 40 hours per week shall be paid overtime as provided in ORS 279C.520.

g. Pay promptly, as due, any payment for medical surgical or hospital care furnished to employees of Contractor, pursuant to ORS 279C.530.

h. If Contractor is a subject employer, Contractor will comply with ORS 656.017.

i. If this contract is for a public improvement, **Contractor** represents and warrants that at the time of the execution of this agreement they have, and shall maintain during the term of this agreement an employee drug-testing program for its employees.

j. If this contract is for a public improvement, if Contractor or a subcontractor fails, neglects or refuses to make payment to a person furnishing labor or materials in connection with this contract, the person may file a complaint with the Construction Contractors Board, subject to ORS 279C.515.

k. If this contract is for a public improvement exceeding $50,000, Contractor, subcontractor or other person doing or contracting to do any of the work of this contract will pay workers prevailing wage rates as contained in bid specifications and workers shall be paid not less than the specified minimum hourly rate of wage.

l. Contractor shall comply with all rules, regulations and ordinances of agencies of the State of Oregon, Army Corps of Engineers, Environmental Protection Agency and Clatsop County that deal with the prevention of environmental pollution and

the preservation of natural resources.

m. If this contract is for a public improvement exceeding $50,000, and contractor is required to pay prevailing wages under ORS 279C.800 to 279C.870, then contractor must file a $30,000 BOLI bond with the Construction Contractors Board before starting work on a contract or subcontract. Contractor will include in every subcontract a provision requiring the subcontractor to have a public works bond filed with the Construction Contractor's Board before starting work on the project, unless exempt.

n. If this is for a public improvement exceeding $50,000, a fee is required to be paid to the Commissioner of the Bureau of Labor and Industries as provided in ORS 279C.825. The fee shall be paid to the Commissioner under the administrative rule of the Commissioner.

o. Workers shall be paid not less than the specified minimum hourly rate of wage in accordance with ORS 279C.838 and 279C.840.

p. If this contract includes demolition, the contractor shall salvage or recycle construction and demolition debris if feasible and cost-effective. If contract includes lawn and landscape maintenance, contractor shall compost or mulch yard waste material at an approved site if feasible and cost-effective, per ORS 279C.510.

4. **Judicial Rulings**. If any provision of this Agreement 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.

5. **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.

6. **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.

7. **Worker's Compensation**. **Contractor** shall comply with ORS 656.017 for all employees who work in the State of Oregon. If the **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.

8. **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**.

9. **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.

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

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

12. **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 the **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, the **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. The **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.

13. **Ownership and Use of Documents**. All documents, or other material submitted to the **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 Law.

14**.** **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** 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.

15**.** **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 $1,000,000 for property damage and minimum of $1,000,000 per person for bodily injury and no less than $1,000,000 for each occurrence, $2,000,000 aggregate. In addition, all such insurance, with the [illegible] of Professional Liability, shall name **County**, its Commissioners, employees and agents, as

Additional Insured. A copy of the policy or certificate of insurance acceptable to **County** shall be submitted to **County**. Some, or all, of the required insurance may be waived or modified if approved by **County's** counsel as follows:

_____ *(Approved by County Counsel)* __Professional Liability Insurance Not Required
(Comments)

(Contractor's Initials)_____

All terms on the previous pages of this document are hereby made a part of this Agreement.

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

FOR COUNTY:

_____
Signature Date

_____
Title

FOR CONTRACTOR:

_____
Signature Date

_____
Title

Contractor Address:

Rubenstein's Contract Carpet, LLC
700 N. Hayden Island Dr. #180
Portland, OR 97217
Phone: (503) 224-1007

Client#: 1785091 RUBENCON

ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 9/29/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer any rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
USI Insurance Services NW
825 NE Multnomah Suite 1500
Portland, OR 97232
503 226-3801

CONTACT NAME: Lori Andrews
PHONE (A/C, No, Ext): 503 224-8390 FAX (A/C, No): 610 362-8130
E-MAIL ADDRESS: Lori.Andrews@usi.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Middlesex Insurance Company	23434
INSURER B : SAIF Corporation	36196
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
Rubenstein's Contract Carpet LLC
700 N Hayden Island Drive, Ste. 180
Portland, OR 97217

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY			A0148707004	03/15/2022	03/15/2023	EACH OCCURRENCE	$1,000,000
	CLAIMS-MADE X OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$500,000
							MED EXP (Any one person)	$10,000
							PERSONAL & ADV INJURY	$1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$3,000,000
	POLICY X PRO-JECT LOC						PRODUCTS - COMP/OP AGG	$2,000,000
	OTHER:							$
C	AUTOMOBILE LIABILITY			A0148707001	03/15/2022	03/15/2023	COMBINED SINGLE LIMIT (Ea accident)	$1,000,000
A	X ANY AUTO						BODILY INJURY (Per person)	$
	OWNED AUTOS ONLY / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	X HIRED AUTOS ONLY / X NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
A	X UMBRELLA LIAB X OCCUR			A0148707005	03/15/2022	03/15/2023	EACH OCCURRENCE	$10,000,000
	EXCESS LIAB CLAIMS-MADE						AGGREGATE	$10,000,000
	DED X RETENTION $0							$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y / N ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N / A		794537	10/01/2022	10/01/2023	PER STATUTE / OTH-ER	
							E.L. EACH ACCIDENT	$1,000,000
							E.L. DISEASE - EA EMPLOYEE	$1,000,000
							E.L. DISEASE - POLICY LIMIT	$1,000,000
A	Installation: Temp Storage/ Transit:			A0148707003	03/15/2022	03/15/2023	Limit: $1,000,000 Limit: $500,000 Deductibles $1,000	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Re: All Projects When Required by Written Contract Clatsop County Building and Grounds Dept and Clatsop County Astoria are included as additional insured.

CERTIFICATE HOLDER

Clatsop County Building and
Grounds Department
800 Exchange St, Suite 222
Astoria, OR 97013-0000

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Clifton S. Barker

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RUBENSTEIN'S CONTRACT CARPET LLC

700 N. Hayden Island Drive # 180
Portland, Or 97217

Phone 503-224-1007
Fax 503-224-0915

Oregon Contractor's # 85976
Washington Contractor's # RUBEN CC 038JA

FAX BID QUOTATION

To:	CLATSOP COUNTY OREGON	Fax:	
Project:	**COLUMBIA INN**	Addenda:	N/A
Bid Date:	3/9/2023	Time:	ASAP
Rubenstein's Estimator:	PETE KINGSBURY	Email:	petek@rubensteins.com

Rubenstein's Contract Carpet is pleased to provide a bid for specification sections:

RUBBER BASE	
LVT - SEE UPGRADE OPTIONS	-
SHEET VINYL	-
-	-
-	-
-	-

BASIC BID:	$	35,108	12 MIL LVT
UPGRADE	$	4,237	ADD FOR 20 MIL LVT
UPGRADE	$	24,772	ADD FOR 30 + MIL LVT
	$	6,016	REMOVE EXISTING FINISHES
	$	10,725	FLOOR PREP ALLOWANCE
	$	2,414	SLAB MOISTURE TESTING

Standard Clarifications:

Assumes normal working hours - not after-hours / overtime rates.
All wages based on current prevaing rates - BOLI Jan 2023

Excludes wall preparation for wall base.
Excludes wax, vacuum and final clean.
Excludes floor protection after installation.

Assumes substrate meets manufacturer requirements - No moisture mitigation ot any kind included in bid

Additional exclusions, clarifications and comments:

Bid price based on today's prices. Suggest owner carry allowance between .5% and .75 % of bid per month until material procurement.

Board of Commissioners
Clatsop County

AGENDA ITEM SUMMARY

March 22, 2023

Agenda Title:	Appeal of Hearings Officer Decision – JJG ORE LLC Variance
Category:	Business Agenda
Presented By:	Ian Sisson, Senior Planner

Issue Before the Commission:

Board of Commissioners' order stating the scope of review for an appeal of the Hearings Officer's decision in the matter of variance application #22-000318.

Informational Summary:

On June 1, 2022, Christian Zupancic, Zuplaw Law Firm LLC, on behalf of property owner JJG ORE LLC ("Applicant"), submitted a variance application to Clatsop County Community Development for a 6-foot reduction to a required 10-foot side yard setback to accommodate a new single-family dwelling, which would replace an existing dwelling constructed in 1930. The application was deemed incomplete by staff on July 1, 2022. After receiving additional information from the applicant, staff deemed the application complete on September 26, 2022.

The subject property is an oceanfront lot located at 80486 Carnahan Road in the unincorporated rural community of Arch Cape, further described as Township 4N, Range 10W, Section 19BC, Tax Lot 900, in the Arch Cape Rural Community Residential Zone (AC-RCR), Flood Hazard Overlay District (FHO) and Geologic Hazards Overlay District (GHO). According to County Assessor records, the lot area is approximately 13,504 sq. ft, which is larger than the minimum lot size of 7,500 sq. ft; however, the property is only 44 feet wide, which is substandard for the AC-RCR Zone (60-foot minimum width).

The applicant requested to replace the existing two-story, four-bedroom dwelling on the subject property with a new four-bedroom dwelling that is designed and constructed to mitigate the flood and geologic hazards present on the property. The maximum building height of 18 feet for oceanfront lots in the AC-RCR Zone, in combination with the Flood Hazard Overlay (FHO) requirements to elevate all habitable space at least one foot above the Base Flood Elevation (BFE), would limit the new dwelling to a single story. According to the applicant, because most lots on Carnahan Road are 50 feet wide and would allow for a 30-

foot building width, a 30-foot building width should be considered "reasonable use" of the land. To accommodate a 30-foot building width on the 44-foot-wide subject property, a six-foot variance would be required.

Variance requests are processed under a Type IIa procedure, which involves a public hearing before the Hearings Officer. The hearing in this matter was held on November 22, 2022. During the hearing, staff presented a report outlining the facts and applicable criteria and recommended approval of the request (Attachment A). At the conclusion of the hearing, the Hearings Officer closed the hearing and record to all parties and took the matter under advisement. An audio/video recording of the public hearing is included as Attachment B.

On November 30, 2022, the Applicant submitted a request to reopen the record for additional written testimony (Attachment C). On December 22, 2022, the Hearings Officer issued an order reopening and extending the record period (Attachment D). The extended record period included a 14-day timeframe for any party to submit additional written evidence or testimony; a 7-day rebuttal period for any party to respond to materials submitted during the first 14 days; and a 7-day period for the applicant to make any final legal arguments. The extended record period ended January 19, 2023.

On February 9, 2023, the Hearings Officer issued a Notice of Decision denying the variance request (Attachment E) based on the Hearings Officer's findings that the application did not satisfy the approval criteria.

On February 20, 2023, the Applicant submitted a Notice of Appeal of the Hearings Officer's decision (Attachment F). Pursuant to Section 2.2190, Clatsop County Land and Water Development and Use Code (LAWDUC), the Board of Commissioners shall hear appeals of decisions of the Hearings Officer. A final decision of the Board of Commissioners may be appealed to the Land Use Board of Appeals (LUBA).

In accordance with Section 2.2210, LAWDUC, The Board of Commissioners shall issue an order stating the scope of review of the appeal to be one of the following:

1) Denying review.
2) Restricting review to the record made by the hearing body.
3) Limit review to such issues as the Board of Commissioners determines necessary for a proper resolution of the matter.
4) De novo hearing on the merits.

If the Board decides to hear the appeal, a hearing would be scheduled for a later date.

Fiscal Impact: Undetermined

Requested Action:

Determine the Board of Commissioners' scope of review for the appeal of the Hearings Officer's decision in the matter of variance application #22-000318.

Attachment List

A. November 15, 2022, Staff Report
B. November 22, 2022, Public Hearing Audio/Video Recording
C. November 30, 2022, Applicant's Request to Reopen Record
D. December 22, 2022, Hearings Officer's Order Reopening and Extending Record
E. February 9, 2023, Hearings Officer's Notice of Decision
F. February 20, 2023, Notice of Appeal by Applicant JJG ORE LLC

Attachment A

November 15, 2022

Staff Report for Variance #22-000318

(via link below)

- **Staff Report for Variance #22-000318**

Attachment B

November 22, 2022

Public Hearing Audio/Video Recording

(via link below)

- **Public Hearing Audio/Video Recording**

Attachment C

November 30, 2022

Applicant's Request to Reopen Record

(via link below)

- **Applicant's Request to Reopen Record**

Attachment D

December 22, 2022

Hearings Officer's Order Reopening and Extending Record Period

(via link below)

- **Hearings Officer's Order Reopening and Extending Record Period**

Attachment E

February 9, 2023

Hearings Officer's Notice of Decision

(via link below)

- **Hearings Officer's Notice of Decision**

Attachment F

February 20, 2023

Notice of Appeal by JJG ORE LLC

(via link below)

- **Notice of Appeal by JJG ORE LLC**

Board of Commissioners
Clatsop County

AGENDA ITEM SUMMARY

March 22, 2023

Topic: Rural Accessory Dwelling Unit Regulations Amendments

Presented By: David Cook, Planner, Community Development

Gail Henrikson, Director, Community Development

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.

On March 8, 2023, the Clatsop County Board of Commissioners passed a motion to conduct the first reading of Ordinance 23-03, to open the public hearing and take testimony, and to continue the matter to March 22, 2023.

Requested Action:

Conduct the second reading of Ordinance 23-03, open the public hearing and take testimony, and adopt Ordinance 23-03.

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)
- **Exhibit I:** January 10, 2023, Planning Commission Meeting with Vote (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.

SECTION 3. CONFORMANCE OF STATE LAW

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

SECTION 4. INCONSISTENT PROVISIONS

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

SECTION 5. APPLICABILITY

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

SECTION 6. EFFECTIVE DATE

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

Approved this ____ day of _____, 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

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**~~**s**anitary ~~**S**~~**s**ewer.
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, A**~~**a**~~**ccessory 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 un 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 1.0500**~~ **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 1.0500**~~ **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 1.0500**~~ **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 1.0500**~~ **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 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 4.2700. 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 – 1st 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

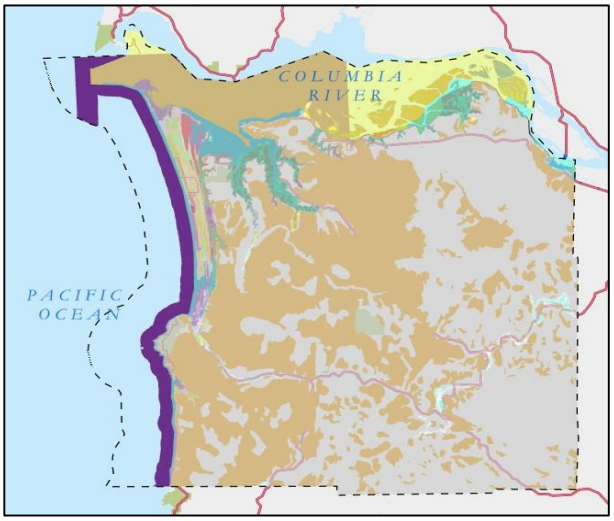


FIGURE 1: Combined flood, geologic hazard and tsunami inundation hazards. Only areas in gray are outside of a hazard area. The majority of that area is zoned for forestry resources. ADUs are not permitted in resource zones.

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 Commssion 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. *(page 4 of LAWDUC draft amendments).*
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.

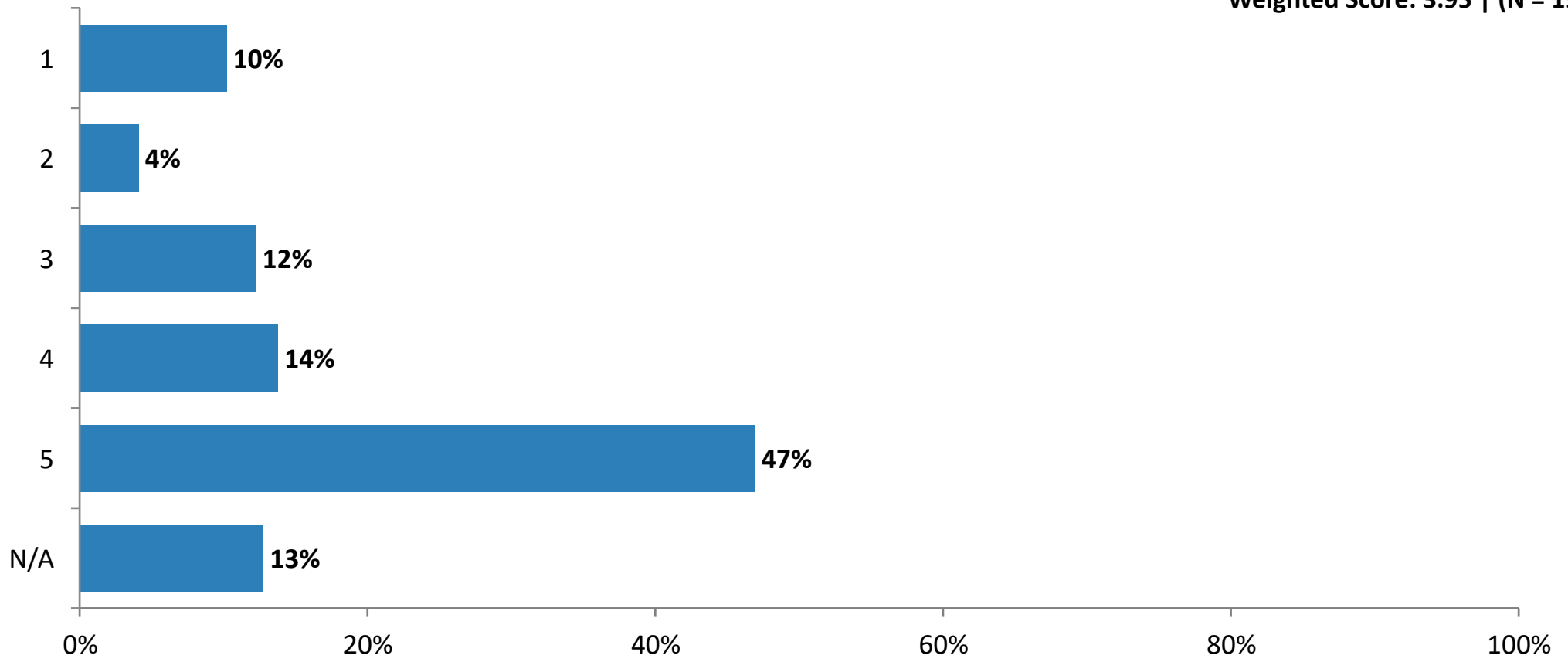
Clatsop County ADU Questionairre

Results and Analysis

© 2022

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.

Weighted Score: 3.95 | (N = 196)



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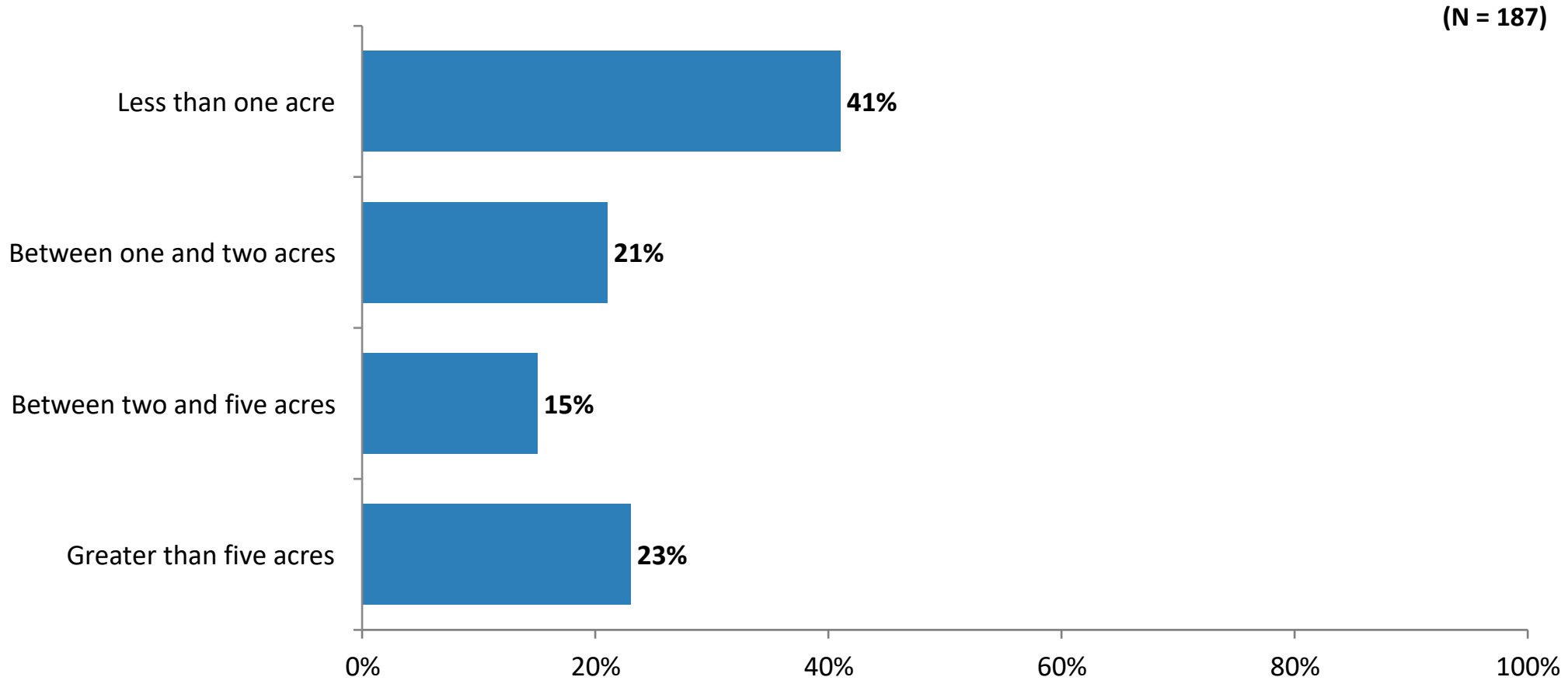
If you are a landowner, what is your parcel size?



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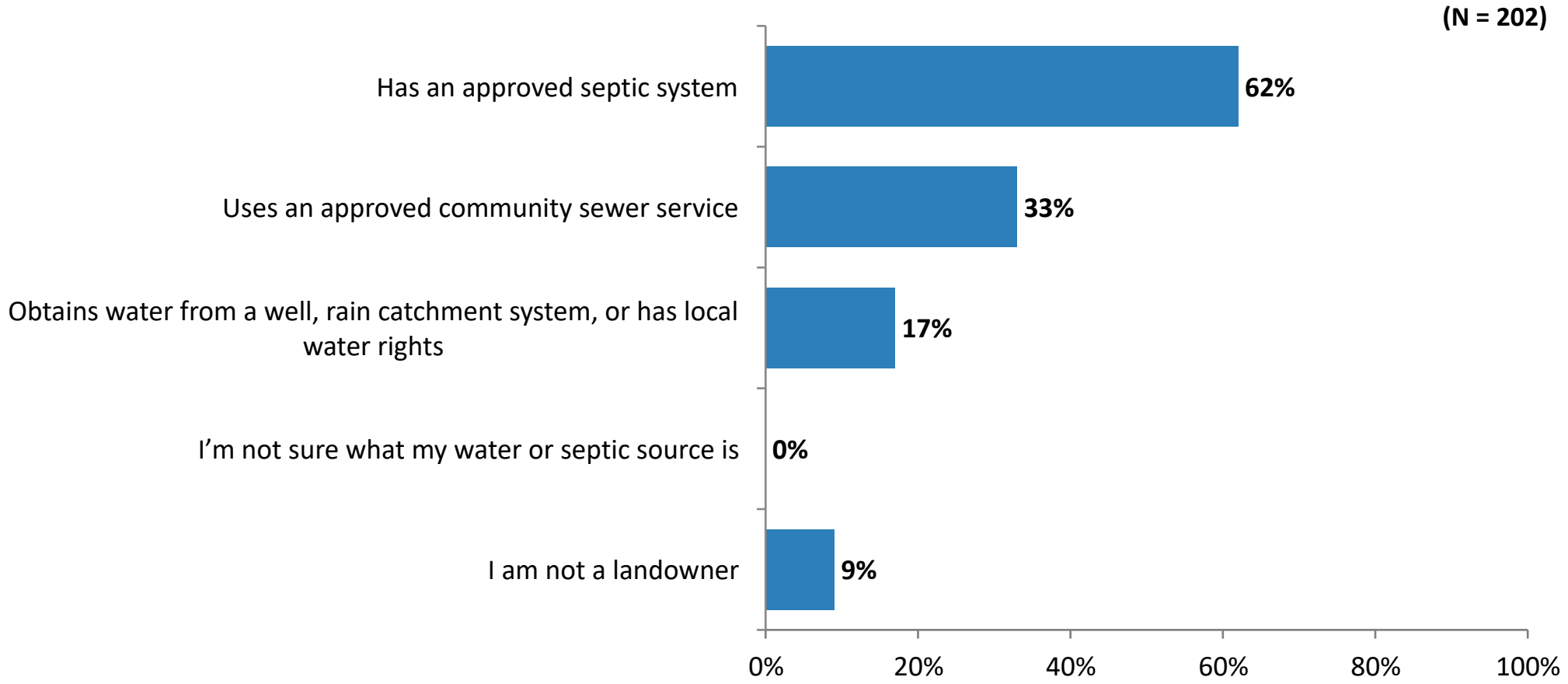
Regarding wastewater and drinking water services, my property (please check all that apply):



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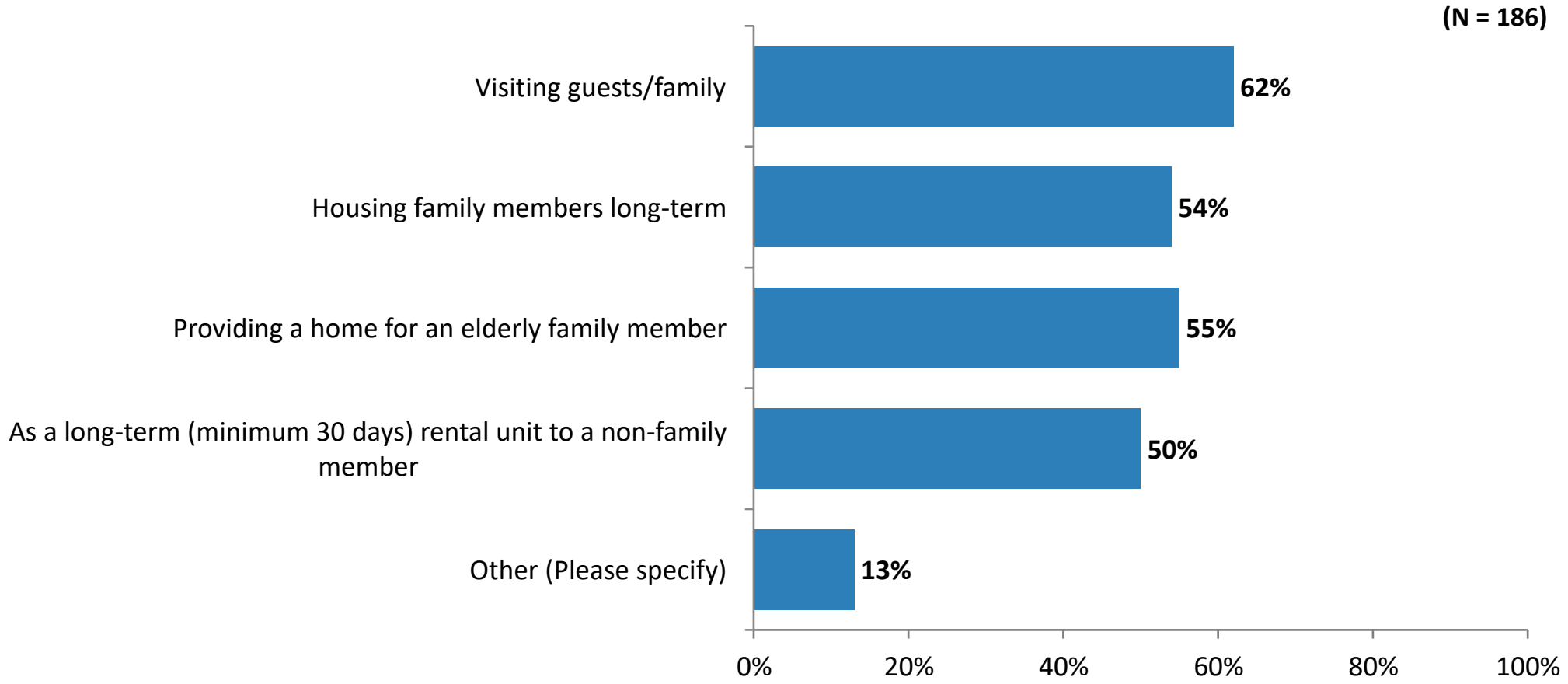
I would use an ADU for (please check all that apply):



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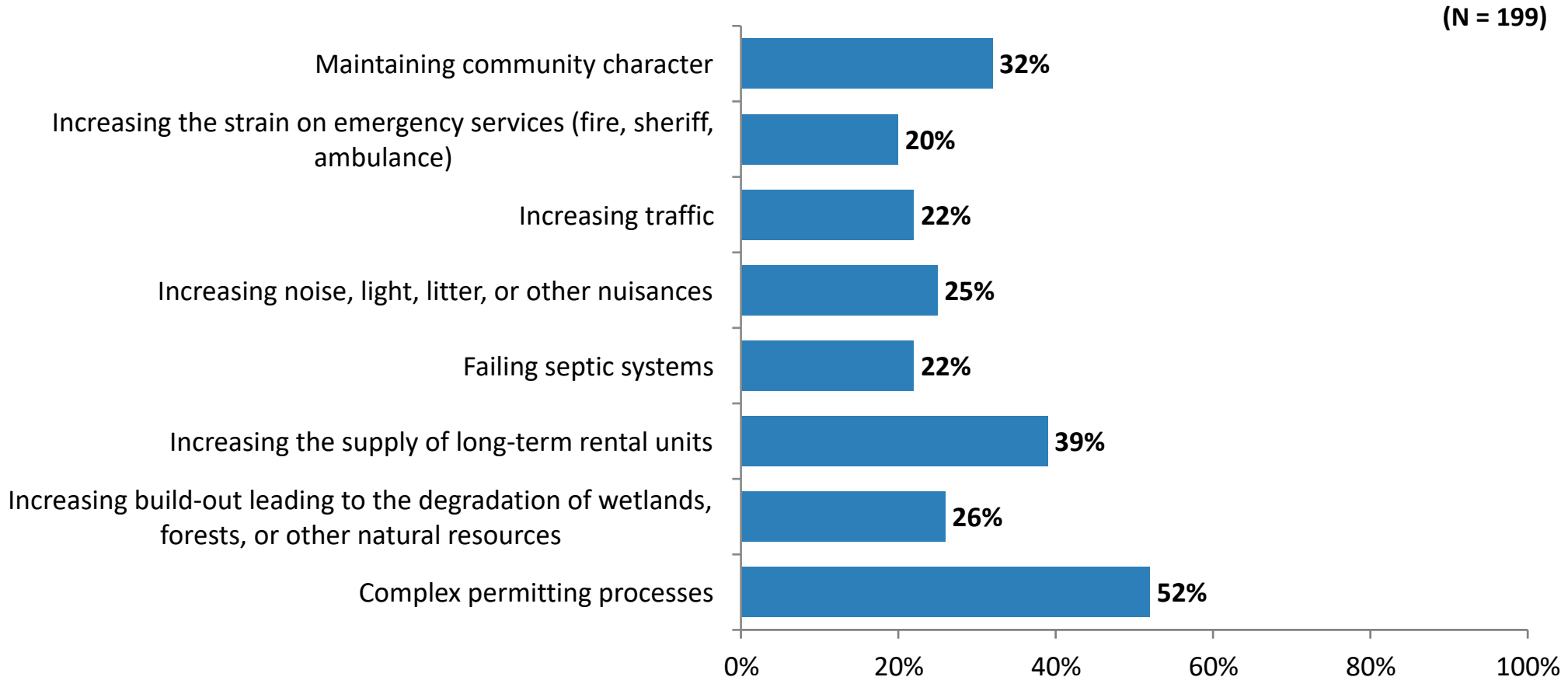
Regarding ADUs, I'm concerned with (please check all that apply):



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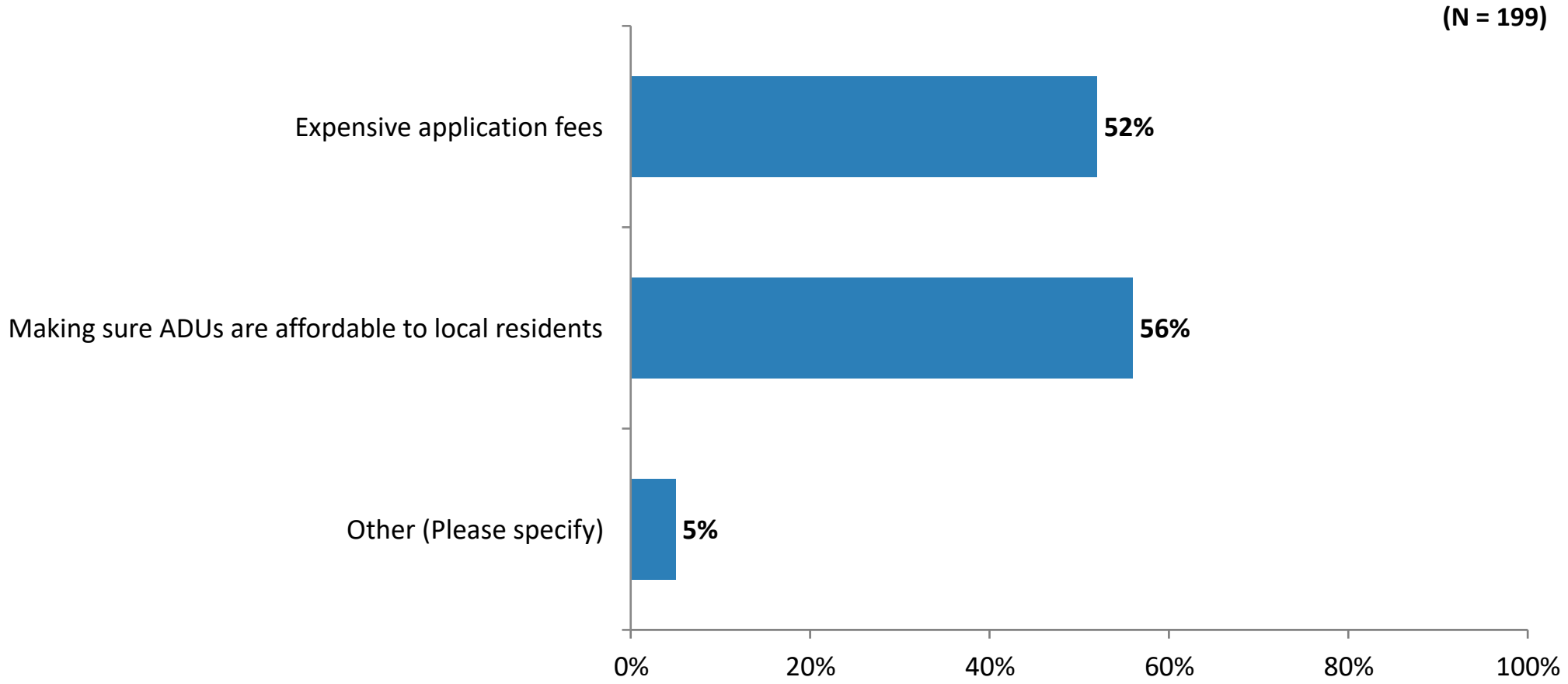
Regarding ADUs, I'm concerned with (please check all that apply): (Continued)



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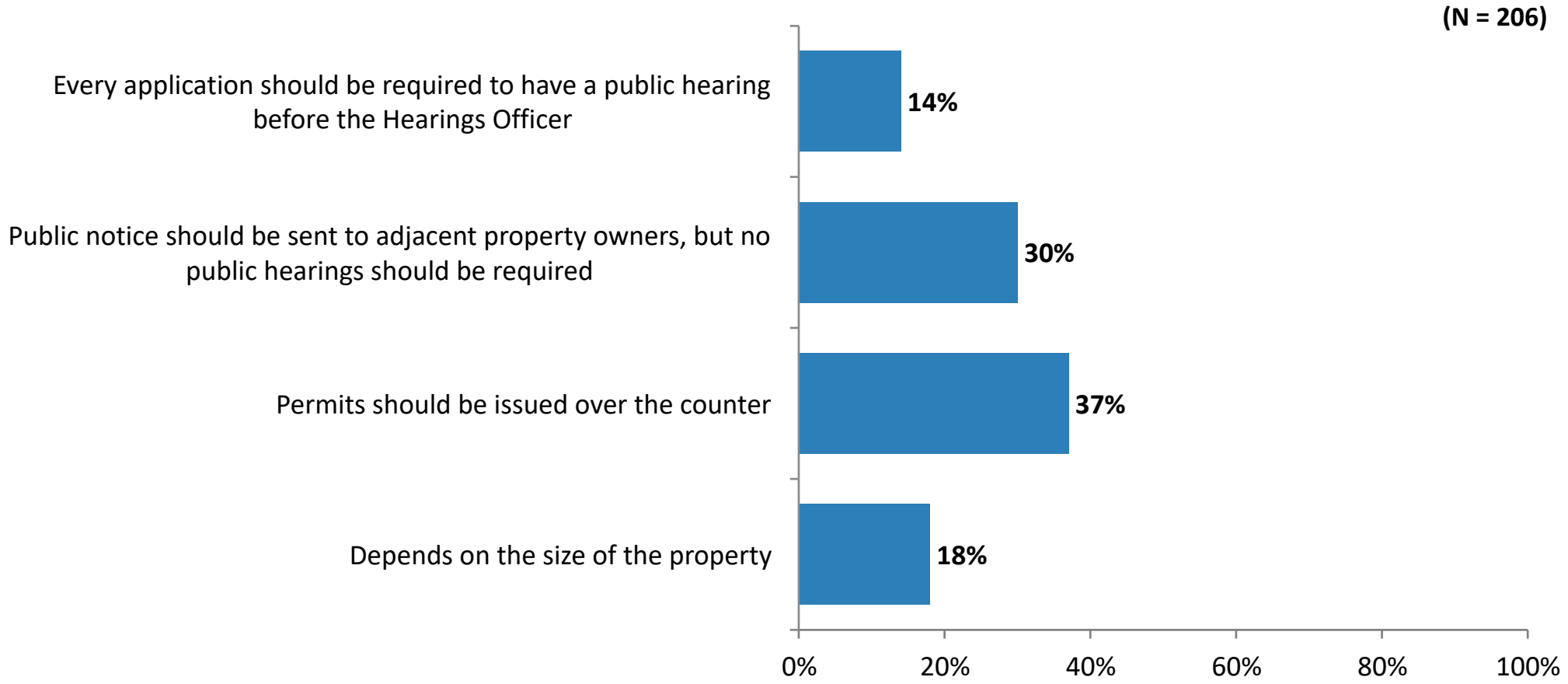
What level of public input should be required before Clatsop County Community Development permits an ADU?



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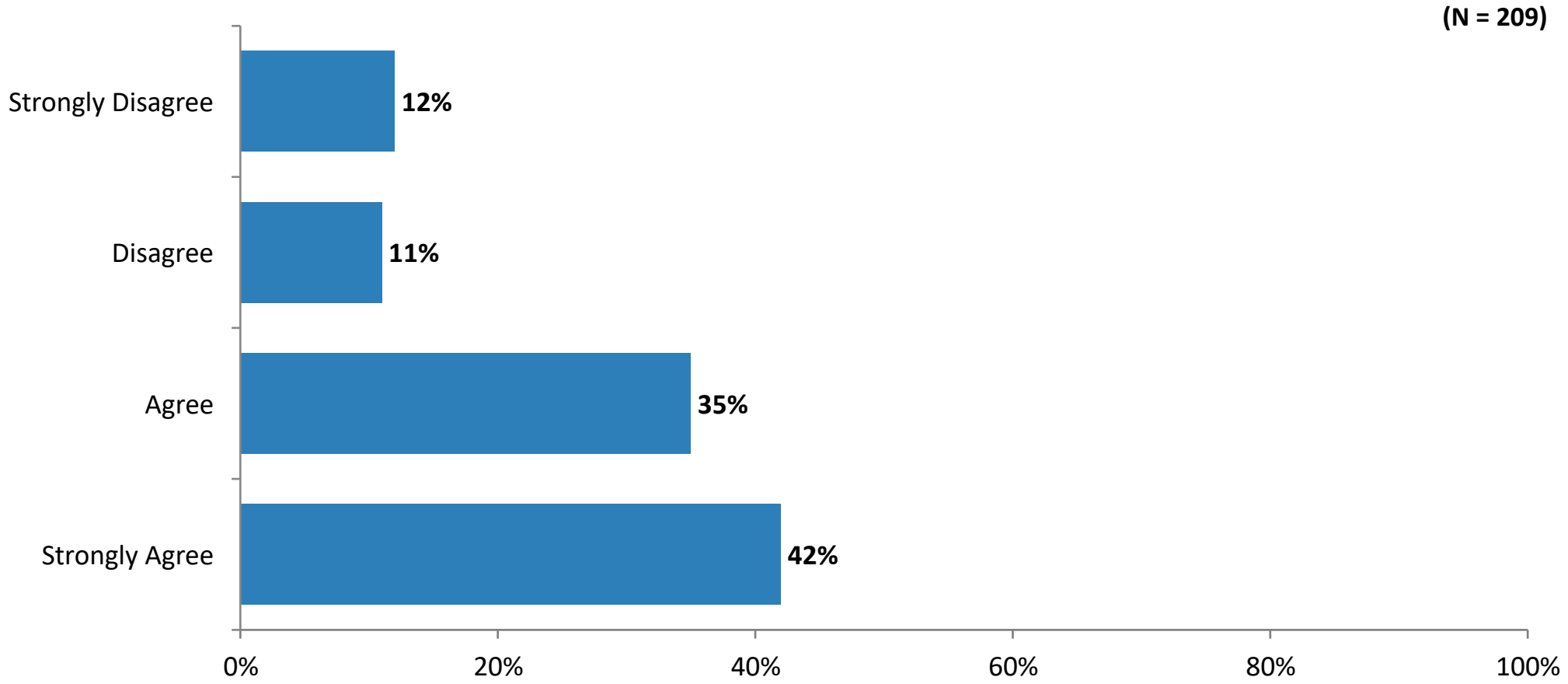
Rank your feelings about this statement: “I believe ADUs can help address a housing shortage in Clatsop County.”



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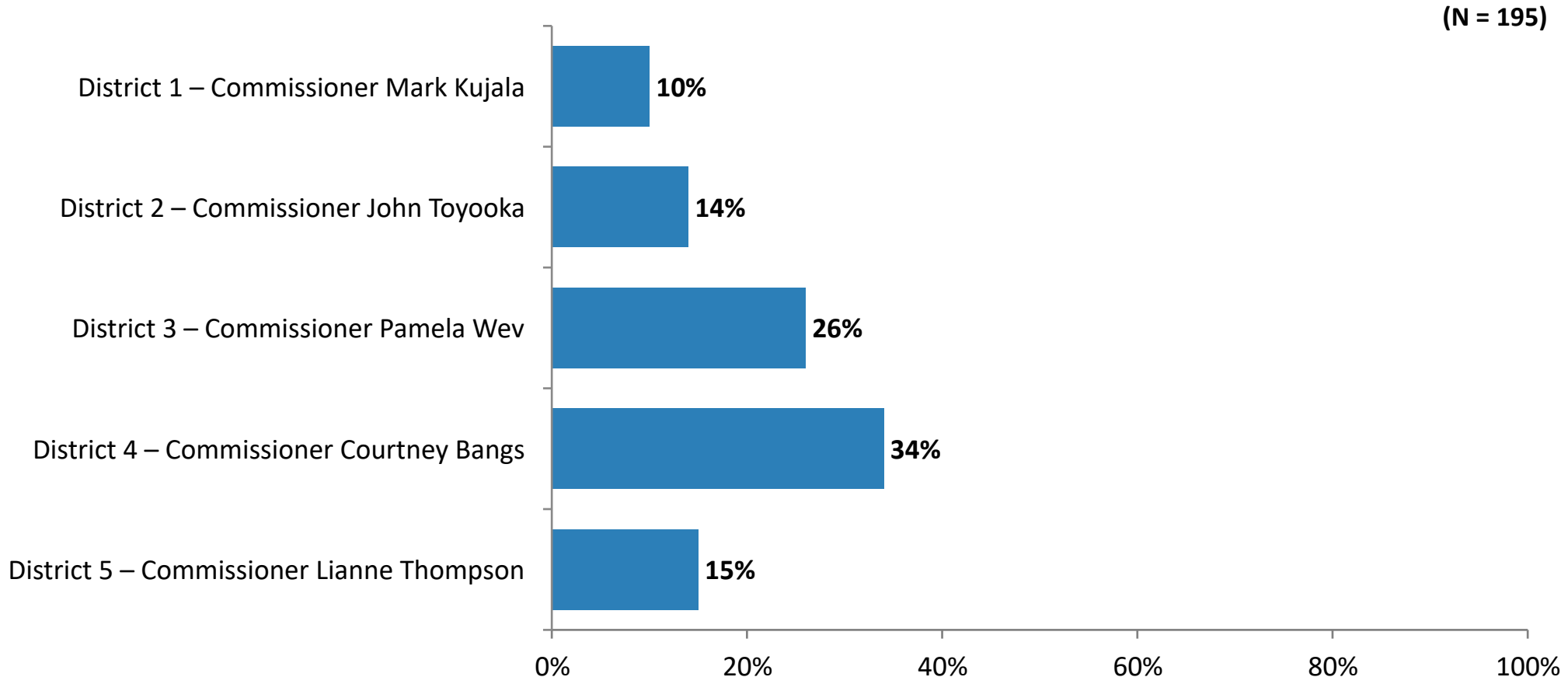
In which Commissioner District do you live?



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Board of Commissioners
Clatsop County

AGENDA ITEM SUMMARY

March 22, 2023

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

Issue Before the Commission:

Approval of amendments to the *Land and Water Development and Use Code* (LAWDUC), to 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.

Your Board conducted the first public hearing on March 8. Public comment was received from Jeff Davis and Charles Dice who both expressed concerns regarding allowing child care centers in residential neighborhoods. No members of the public spoke in favor of the proposed amendments.

Your Board voted 5-0 to conduct the first reading of the ordinance and to continue the matter to March 22.

Fiscal Impact: None anticipated

Requested Action:

Approve Ordinance 23-04 and conduct the second reading by title only.

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: _____

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 Parternship (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 Clatop 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 Clastop 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 30th day following adoption by the Board of Commissioners as provided in Chapter III, Section 8(2) of the Home Rule Chapter for the Government of Clatsop County.

Approved this _____ day of _____, 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

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)

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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 sues, 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) Sings 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)

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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.

1~~3~~) Public/semi-public uses.
2~~4~~) Utilities necessary for public service.
3~~5~~) Temporary real estate office in a legally recorded subdivision.
4~~6~~) Two family dwelling (duplex).
5~~7~~) Bed and breakfast establishment subject to the standards in Sections 3.8030-3.8050.
6~~8~~) 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.~~
6~~7~~) Mobile home subject to the provisions in Section 3.4100.
7~~8~~) Limited home occupation.
8~~9~~) Utilities, maximum utilization of existing easements and rights-of-way shall be made.

9~~10~~) Low intensity recreation.
10~~11~~) Public or private neighborhood park or playground.
11~~12~~) Signs only as follows:
(A) Temporary signs, subject to provisions of Section 3.0130.
(B) Nameplates subject to the provisions of Section 3.0130.
12~~13~~) Temporary uses subject to the provisions of Section 2.8200.
13~~14~~) Cluster developments subject to the provisions of Section 3.3000.
14~~15~~) Handicapped housing facility.
15~~16~~) Communication facilities subject to the standards in Section 3.9400.
16~~17~~) Land transportation facilities as specified in Section 4.0300.
17~~18~~) 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.

1~~3~~) Density provisions:

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

2~~4~~) 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

3~~5~~) 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.

4~~6~~) 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.

5~~7~~) Off-street parking requirements: Off-street parking shall be subject to Section 3.0050.

6~~8~~) 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.

7~~9~~) All standards as set forth in the Clatsop County Land and Water Development and Use Code, as amended.

8~~10~~) 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.

9~~11~~) 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.

***

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.

1~~3~~) 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.

2~~4~~) 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.

3~~5~~) 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).

4~~6~~) 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.

5~~7~~) Off-street parking requirements: Off-street parking shall be subject to Section 3.0050.

6~~8~~) 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.

7~~9~~) 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.

8~~10~~) 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.

9~~11~~) 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).

10~~12~~) 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.~~

1~~2~~) 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.

2~~3~~) 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.

1~~4~~) Density provisions:

(A) The minimum lot area shall be 10,000 square feet.

(B) The minimum lot width shall be 75 feet.

2~~5~~) 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.

3~~6~~) 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.

4~~7~~) Off-street parking requirements: Off-street parking shall be subject Section 3.0050.

5~~8~~) 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.

6~~9~~) 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)

***

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.

4~~5~~) Limited home occupation.
5~~6~~) Public or private neighborhood park or playground.
6~~7~~) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
7~~8~~) 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.
8~~9~~) Handicapped housing facility.
9~~10~~) Cluster development subject to the provisions of Sections 3.3000-3.3050.
10~~11~~) Low intensity recreation.
11~~12~~) Land transportation facilities as specified in Section 4.0300.
12) Family child care home.

***

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.

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.

***

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.

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.

***

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.

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.

***

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.
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.

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.

***

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.

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.

***

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.

***

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.

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.

***

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

***

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

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.

***

Section 4.3060. Development and Conditional Development and Use Standards (GC)
The following standards are applicable for all permitted and conditional development and use.
***

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.

***

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

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.

***

SECTION 4.3200. MILITARY RESERVE ZONE (MR)

***

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.

***

SECTION 4.3300. EXCLUSIVE FARM USE ZONE (EFU)

***

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)

***

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.

***

SECTION 4.3500. FOREST-80 ZONE (F-80)

***

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 ksf1 restaurant/lounge, plus 30 per ksf meeting/banquet room (<50 ksf per guest room) or 20per 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,

	plus 1 per 4 medical staff, plus 1 per student/faculty/staff
Golf course	(8) per hole

***

SECTION 3.9550. PEDESTRIAN AND BICYCLE ACCESS AND CIRCULATION
Section 3.9560. Purpose [Ord. 21-05]

***

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

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

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

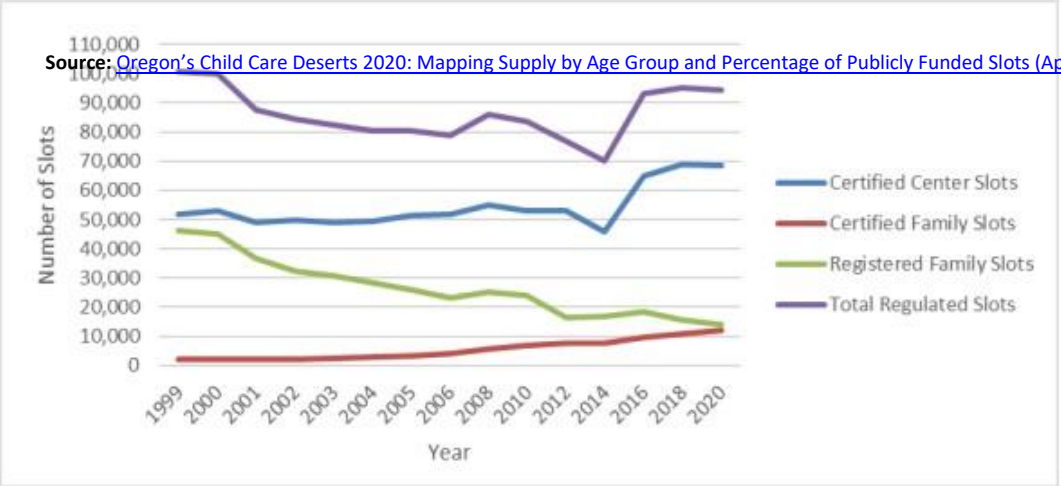
In 2018, the Center for American Progress released a study finding that 60% of Oregonians lived in a child care desert. A "child care desert" is defined as a census tract with more than three children for each available child care opening. Between 1999-2020, the Oregon Child Care Research Partnership (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



Source: Oregon's Child Care Deserts 2020: Mapping Supply by Age Group and Percentage of Publicly Funded Slots (April 2021)

Source: Oregon's Child Care Deserts 2020: Mapping Supply by Age Group and Percentage of Publicly Funded Slots (April 2021)

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.

<u>Designation of Rural Lands Policy:</u>

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 <u>generally</u> 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 form 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

MEMO

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

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 statue 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. <u>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."</u>

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 statue 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

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

From: Gail Henrikson <ghenrikson@clatsopcounty.gov>
Sent: Wednesday, December 28, 2022 10:32 AM
To: Anthony Pope <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

From: BUHL Laura * DLCD <Laura.BUHL@dlcd.oregon.gov>
Sent: Tuesday, December 27, 2022 5:06 PM
To: Gail Henrikson <ghenrikson@clatsopcounty.gov>
Subject: RE: child care memo

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.

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
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Oregon Department of Land Conservation and Development
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Direct: (971) 375-3552 | Main: (503) 373-0050
laura.buhl@dlcd.oregon.gov | www.oregon.gov/LCD/TGM

From: Gail Henrikson <ghenrikson@clatsopcounty.gov>
Sent: Thursday, December 22, 2022 4:41 PM
To: BUHL Laura * DLCD <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

From: BUHL Laura * DLCD <Laura.BUHL@dlcd.oregon.gov>
Sent: Tuesday, November 8, 2022 11:09 PM
To: Gail Henrikson <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
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EXHIBIT E

Planning Commission Written Public Comments

Gail Henrikson

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