

RECORDED

NOV 16 2016

**Clatsop County Board of Commissioners
Regular Meeting
October 12, 2016**

Doc# 2016110004

Chair Scott Lee called the meeting to order at 6:00 pm., in the Judge Guy Boyington Building, 857 Commercial Street, Astoria, Oregon. Also present were Commissioners Sarah Nebeker, Lisa Clement, Lianne Thompson and Dirk Rohne.

Staff Present:

- Cameron Moore County Manager
- Heather Reynolds County Counsel
- David Kloss Building Official
- Michael McNickle Public Health Director
- Sirpa Duoos Personal Property Specialist
- Monica Steele Budget & Finance Director
- Heather Hansen Community Development Director
- Suzanne Johnson Director of Assessment & Taxation
- Alicia Sprague Staff Assistant
- Michael Summers Public Works Director

AGENDA APPROVAL

Lee entertained a motion to approve the agenda. Thompson moved to approve the agenda and Clement seconded. Nebeker asked that consent calendar item 6f be moved to business agenda 8d. Motion carried unanimously.

PRESENTATION

a. Clatsop County Charter Review

Moore addressed the Board regarding the history of the Home Rule Charter. The current Clatsop County Home Rule Charter requires a Charter Review every ten years and the last one was done in 2006. In 1958 a constitutional amendment authorized counties to adopt “home rule” charters, giving voters the power to adopt and amend their own county government. “Home Rule” is where the voters in the counties decide how to rule themselves. Since 1962, nine Oregon counties have adopted home rule charters. Some home-rule counties chose to continue the same organizational structure as prescribed by state law, some chose to follow the manager-commission form of government, and others developed something in between. In adopting a home-rule charter, effective January 1989, Clatsop County voters made sweeping changes in how the county was set up. The biggest change was with who ran the county’s day-to-day business. Under the prior system the county had three full-time commissioners who shared the administrative duties with six other elected positions – the assessor, clerk, treasurer, surveyor, sheriff and district attorney. The charter put oversight of the daily operations into the hands of a professional county manager hired by the Board of Commissioners. The Board was then expanded to five unpaid commissioners living in different geographic areas of the county and its role was changed to strictly policy-making. The other elected managerial positions, except for the district attorney and sheriff became appointive. Section 8 of the current charter states, “The Board shall appoint a Charter Review Committee to review the charter at least every ten years

1 hereafter or more often as deemed necessary by the Board.” The last review the Board appointed
2 an 11 member Charter Review Committee.

- 3 • Five members were selected, one from each of the five districts.
- 4 • Four “at large” members were chosen from an application process.
- 5 • One Chair was selected by the Board of Commissioners.
- 6 • A former member of the Board of Commissioners was also selected.
- 7 • Legal Counsel
- 8 • Staff support was provided by the County Administrator.

9 Moore said the state statute for the membership of an initial charter review is a majority of the
10 county court is entitled to appoint four members of the committee; a majority of the state
11 Senators and state Representatives then representing the county is entitled to appoint four
12 additional members; and one additional member is selected by the above eight. It further states
13 for the initial committee that no member of an appointing authority may serve on the committee,
14 and members must be an elector of the county. Moore let the Board know who served on the
15 2006 Charter Review Committee and said there were several applications for the four at-large
16 seats. The Board will need to make some decisions. Moore would like to get a Charter Review
17 Committee seated sometime in January. There needs to be time to advertise, review applications
18 and conduct interviews. Moore asked for direction from the Board. Rohne said it is an important
19 process and said the method that was done before worked well. Rohne likes the idea that no
20 commissioner be allowed to be on the committee. Nebeker asked how much time involvement
21 would it be for the committee. Moore said the 2006 review started in January or February and
22 finished in May and they averaged about two meetings a month. Thompson would like a copy of
23 the presentation. Thompson said this is an opportunity to consider whether housekeeping is
24 necessary or more substantive changes are needed. Thompson asked for a work session to talk
25 about the direction the Board would like to go. Lee said there is a template already on how to
26 conduct this review and would like to see that used. Lee asked to advertise for the vacancies as
27 soon as possible. Nebeker asked if a decision would be made of the scope of work prior to the
28 solicitation process. Moore said the solicitation process can begin and while that is happening the
29 Board could be defining the scope of work. Thompson said they need to have an idea of what job
30 needs to be done so they can select the best people for that job. Lee doesn’t see anything
31 standing out that is going to be a big issue with the review committee but some may want to
32 bring forward some questions as the process goes forward. Lee would like to move forward on
33 bringing on folks with the appointments similar that was done in the past. Nebeker asked when
34 the decision needs to be made and Moore would like it to be a similar time frame that was done
35 in 2006. If the committee comes forward with changes to the charter, they will be presented to
36 the Board and put before the voters in the November election next year. Moore said they can
37 start getting the solicitation out next week. Rohne said during that time the commissioners can
38 develop a scope of work. Thompson asked if there are any attributes or skills for the participation
39 on the committee. Lee said the committee member should be a registered voter. Thompson
40 would like to see a broad public participation and be clear on what the Board is looking for.

41 **BUSINESS FROM THE PUBLIC**

42 Cliff Tuttle, Hampton Lumber, Skipanon Drive, Warrenton. Tuttle addressed the Board to bring
43 to their attention that the Astoria School District (ASD) is having a Career & Technical
44 Education Open House on Monday October 17th at 6:00p.m. ASD received a grant for some
45 technical labs which are stations that the students can work at to learn skills of hydraulics,
46

1 pneumatics, 3-d printing and more. There are about 50 students involved in the program this
2 year. It models a program that Tillamook High School implemented a few years ago.
3 Tillamook’s program has expanded to where every sophomore goes through the technology
4 program. ASD is looking for a commitment from community and input on how it would be best
5 to expand this program.

6
7 **CONSENT CALENDAR**

8 *Lee entertained a motion to approve the amended consent calendar. Nebeker moved to approve*
9 *the amended consent calendar and Clement seconded. Motion carried unanimously.*

- 10
11 a. Board of Commissioners Regular Meeting Minutes 8-24-16 {Page 1}
12 b. Board of Commissioners Work Session Minutes 8-24-16 {Page 5}
13 c. Appointment of Board of Property Tax Appeals (BOPTA) members {Page 11}
14 d. FY 2016-17 County Counsel Beery, Elsner & Hammond, LLP Contract Amendment..... {Page 21}
15 e. Local Government Grant Agreement for Cullaby Lake Shelter Rehabilitation Project..... {Page 23}
16 f. Right-of-way Extension Easement..... {Page 31}
17 g. Northwest Oregon Housing Authority Council Membership Recommendation..... {Page 39}

18
19 **PUBLIC HEARING**

- 20 a. Ordinance 16-07 Amending and revising Clatsop County Code (1st reading)

21 Kloss addressed the Board and said the Clatsop County Code hasn’t been revised in quite some
22 time. There were areas that need to be revised because some statutes and rules at the state level
23 have changed which needs to be reflected in the county’s ordinance. Major changes include
24 revising the rule for issuing Stop Work Orders. Additions to the rules include maintaining
25 records regarding building in flood hazard areas, and involving the State Historic Preservation
26 Officer in decisions regarding structures of historic significance. In the current code it has been
27 unsuccessful to enforce building code violations. Kloss believes that revising enforcement
28 provisions will be more successful. Reynolds read the first reading by short title only. “An
29 Ordinance amending Clatsop County Code Chapter 15.04 (Ord. 03-04) to revise the Clatsop
30 County Building Code.”

31
32 Lee opened the public hearing. No public testimony. Lee continued the public hearing to October
33 26th.

- 34
35 b. Ordinance 16-08 Community Renewable Energy Assoc. Membership (1st reading)

36 Moore addressed the Board on joining the Community Renewable Energy Association (CREA)
37 which is a public/private partnership to promote various types of renewable energy. The
38 organization is an ORS 190 so an ordinance is required and the membership fee is \$100.00 a
39 year. Lee said this is a valuable mission. Thompson said this will help with local resilience and
40 local self-sufficiency. Moore read the Ordinance by short title only. “An Ordinance authorizing
41 the county to enter into an intergovernmental agreement under ORS Chapter 190 creating an
42 association to promote, foster and advance community based renewable energy, to be known as
43 Community Renewable Energy Association.”

44
45 Lee opened the public hearing. No public testimony. Lee continued the public hearing to October
46 26th.

1
2 c. Proposed sale of recreational land to the City of Seaside

3 Sirpa Duoos addressed the Board with the consideration of a sale of county owned property to
4 the City of Seaside for park and recreation purposes. The two parcels were tax foreclosed and the
5 county came into title in 1988. They are zoned C-3 commercial in the City of Seaside and also
6 below grade and in the 500-year flood zone. The parcels are landlocked and the value is only to
7 the adjoining property owners. This property has been used by transients and others as a
8 dumping ground. In May of this year the county granted an easement to one adjoining owner for
9 placement of sewer drainage line across the southern portion. In June the property was offered by
10 sealed bid to all the adjoining property owners, including the City of Seaside. Staff received an
11 offer from Jeff and Kimberly Wood and the City of Seaside presented a proposal to include the
12 property in the existing Seaside Mill Pond park lands. The Woods have withdrawn their offer
13 and consent to the county selling the property to the City of Seaside. The City of Seaside has
14 consented by Resolution & Order to the creation of the public park area to be dedicated by the
15 county which was done at the last board meeting and to purchase this property for \$60,000. This
16 money will help out the County's Parks Department.
17

18 Lee opened the public hearing. No public testimony. Lee closed the public hearing. Thompson
19 was at the Seaside City Council meeting where this sale was discussed and thinks this sale will
20 really help the City of Seaside. *Thompson moved to close the public hearing and adopt the*
21 *Resolution & Order approving the sale to the City of Seaside and authorize the Chair to sign the*
22 *deed and Clement seconded. Motion carried unanimously.*
23

24 **BUSINESS AGENDA**

25 a. Adoption of a Proposed Grading & Drainage Review Fee

26 Monica Steele, Budget & Finance Director, addressed the Board with updates to the existing fee
27 schedule and also eliminates fees that are no longer applicable as a result of the discontinuation
28 of the Southwest Coastal Citizens Advisory Committee (SCCAC). The proposed fee schedule
29 will become effective October 13, 2016 to better align the recovery of fees for services. The
30 purpose of this fee is to cover the costs for the Grading and Drainage Review that the County
31 Engineer will perform per ordinance 16-03. The fee is at a rate of \$50 for the first 30 minutes and
32 \$100 per hour for additional time. The County Engineer believes that most single-family homes
33 are expected to cost no more than the rate of \$50. Lee asked for clarification on why public
34 comment is necessary and Reynolds said a call for public comment is required but it is not a
35 public hearing. Thompson asked if travel time was included. Steele said the plans are brought to
36 the County Engineer. Nebeker asked why the discontinuation of the SCCAC is making it
37 necessary to update the fee schedule. Heather Hansen, Community Development Director, said it
38 isn't directly related to discontinuing the committee but it had to do with the code amendments
39 Hansen was making to enhance the sections of the code that dealt with the design review and the
40 standards in the code related to any development that happens. Michael Summers, Public Works
41 Director, had been reviewing storm water plans for the planning department but he shouldn't
42 have been since his time is supposed to be spent on road related activities.
43

44 Lee called for public comment. No public testimony. Lee looked for a motion. *Rohne moved that*
45 *the Board adopt the proposed new fee and add this fee to the existing county fee schedule with an*

1 *implementation date effective October 13, 2016 and Clement seconded. Motion carried*
2 *unanimously.*

3
4 b. Authorize foreclosure of transient room tax liens

5 Reynolds addressed the Board asking for authorization to file a lawsuit to foreclose room tax
6 liens. The county has had a room tax since 1990. Reynolds believes this is the first time the
7 county has had to foreclose on someone who didn't pay. Reynolds said the difference in the last
8 few years there has been an increase of online rentals so a lot more private property owners are
9 renting out their own homes as rentals. The owners are required to file quarterly reports and to
10 pay their taxes quarterly. If they don't pay, it becomes a lien on their property and if the lien isn't
11 paid then the next step is to foreclose on that property. In these cases, it is governed by the
12 county's ordinance. Reynolds said if the Board takes action on this it will be set a precedent for
13 how the county moves forward in collecting from others. The property in question started renting
14 in 2014 for approximately \$300.00 a night. It appeared that 9.5% room tax was being collected.
15 In 2015, it was discovered that no reports were being filed and no taxes were being paid. The
16 property owner was notified of a tax determination and the property owner brought her records
17 into the tax office showing what she had collected. No payment was made and now almost
18 \$8000.00 is owed plus significant attorney fees. Clement asked if the owner said why she wasn't
19 paying the taxes. Alicia Sprague, Staff Assistant, said the owner gave various excuses. Suzanne
20 Johnson, Director of Assessment & Taxation, spoke with the owner last week and wanted to
21 know how she could avoid this action and promised to come in on Monday and pay but failed to
22 do so. Sprague said there have been several promises of payment. Lee agreed with staff's
23 recommendation. Rohne moved to authorize County Counsel to file a foreclosure action against
24 Jill Storey and Robert Storey for non-payment of transient room tax and Thompson seconded.
25 Motion carried unanimously.

26
27 c. Request/Proposal to add a new fee to the On-Site Sewage Program's 2016-17 Fee
28 Schedule

29 Michael McNickle, Public Health Director, said the City of Gearhart has recently passed an
30 ordinance to regulate their short term vacation rentals. As part of that ordinance there is a line in
31 it that states the Public Health Department is going to review all applications that come in for
32 their septic systems. McNickle has been working with City Manager Chad Sweet to come up
33 with some language that allows the applicants to come to the Health Department and look up the
34 records and demonstrate what type of system they have and do an evaluation of an existing
35 system. A third party would check the system to see that it is functional. Once that is received, a
36 certificate of compliance is issued and the owner could move forward on their application with
37 the city. The city is going to start having their applications available on their website on October
38 17th. The request for a new fee would cover McNickle's time to review the records, talk to the
39 homeowner and make sure everything is up to code. Nebeker asked how often is the owner being
40 required to have the septic inspected. McNickle said the inspection is a onetime inspection with
41 the Health Department but the City of Gearhart is going to require a yearly inspection with their
42 folks. Thompson said she liked the fact that McNickle is looking at the system design and
43 checking how it works. Nebeker said it is inequitable that the city is not checking everyone but
44 only short term rentals and it states in the ordinance that only two people are allowed per
45 bedroom. Nebeker said she is not supportive of what Gearhart is doing. Lee asked Nebeker if she
46 wanted to table this decision to obtain more information. McNickle said Gearhart was going to

1 move forward no matter what and if they come to him he would have no fee to back up his
2 review. Rohne said the county is just covering their time and it really isn't the county's dispute to
3 be involved with. McNickle said he is just saying whether the septic is functioning, the rest is up
4 to the city. Lee said he agrees with going forward with the new fee. Thompson agreed it is not
5 equitable and just because they are limited to two people in a bedroom not everyone complies
6 with that. Thompson said since the county will have the workload they should get the money to
7 pay for it. Nebeker wants nothing to do with it. *Rohne moved to approve the addition of the*
8 *\$100.00 review fee to the On-Site Sewage program 2016-17 fee schedule as submitted to the*
9 *Board and Thompson seconded. Motion carried 4-0 with Nebeker abstaining. Nebeker abstained*
10 *because she feels it is inequitable since it is not being implied throughout the city and is not in*
11 *support of it.*

12

13 d. Right of way extension easement

14 Michael Summers, Public Works Director, addressed the Board requesting an easement to grant
15 across county owned property to the Warrenton Fiber Company. Summers said the negotiations
16 began in May in 2015 where the Warrenton Fiber Company requested information from the
17 county. The subject parcel is known as the North Coast Business Park (NCBP). The easement
18 would allow for a roadway to be constructed in between the Oregon Youth Authority Facility
19 and the County Sheriff's Department. The compensation for the easement was recommended
20 that the applicant furnish a fair market value for the area of land encumbered with the easement.
21 The evaluation was done by a licensed appraiser in the amount of \$87,600. This amount would
22 go into the Industrial Revolving Fund which would be further invested into the NCBP property.
23 The future roadway would be constructed, designed, permitted and the right of way survey
24 would be furnished by the applicant in its entirety. This would open up another transportation
25 connectivity to the south with the possibility of a future sub division. That land is zoned
26 residential in the City of Warrenton. The proposal is supported by the City of Warrenton.
27 Nebeker said thank you for answering the previous questions she had and wanted to know the
28 threshold for the amount of the sale requiring it to come before the Board. Reynolds said this is
29 not a sale, it is an easement. Reynolds doesn't recall the county ever selling an easement before.
30 This is a unique undertaking. Nebeker asked how this would benefit the NCBP. Summers said
31 the roadway is slated in the NCBP master plan which was developed in 2011 and would extend
32 from 19th Street to the south. It would provide some transportation connectivity in the region.
33 Rohne said the county should not be in property management and the fact that the county has a
34 private applicant willing to help the county further the master plan is beneficial on several layers.
35 Moore said there is another road that is part of the easement; the intent is to build that section
36 road next summer. Clement asked why Warrenton Fiber wants the easement. Summers said it
37 opens the development potential for the property to the south which is zoned residential for land
38 use purposes in the City of Warrenton. *Rohne moved to approve the roadway extension easement*
39 *with Warrenton Fiber Company and authorize the County to execute the easement and*
40 *Thompson seconded. Nebeker met with Moore and they discussed having a housing development*
41 *adjacent to the NCBP might be good for the business park. Motion carried unanimously.*

42

43 **COMMISSIONERS' REPORTS**

44 Thompson said she has been invited to participate in the State Emergency Response Commission
45 and there will be a meeting in Salem this week about mass displacement. There is an Association

1 of Oregon Counties (AOC) housing subcommittee meeting so if anyone has ideas about
2 legislative concepts please forward them to Thompson.

3
4 Rohne sits on the Farm & Forest Committee that reviews farm and forest land code. The state
5 has given requirements. The new forestry extension agent has been invited to be part of
6 committee. This will look at the county's code on permitting in forest areas. County staff are
7 looking at people who want to have agricultural activities. Rohne said City Counselor Cindy
8 Price has requested participation in a transportation meeting with Senator Betsy Johnson. Rohne
9 and Thompson would like to attend.

10
11 Nebeker attended the Public Safety Coordinating Council (PSCC) and discussed the justice
12 reinvestment grant monies. The council is considering getting restitution paid to victims. Judge
13 Mathias suggested a restitution court to help people stay accountable. There is a grant for the
14 state to send out a coordinator for PSCC in counties. The respite center is open and has served
15 numbers in high teens. They are looking for a psychiatrist nurse and a psychiatrist in order to
16 have secure beds. Getting people to show up for mental health treatment court has been a
17 challenge. Clatsop Behavioral Healthcare is looking at early intervention for drug and alcohol
18 abuse.

19
20 Clement said Astoria Middle School received a small grant to add Information Technology
21 Systems to the curriculum for 6th graders. One teacher is taking his class outside and going on
22 walking tours and using iPhones and iPads to research historic buildings in the city. Clement is
23 happy to hear students are learning to use these devices appropriately. On Sunday is the Great
24 Columbia Crossing which supports Columbia Memorial Hospital.

25
26 Lee recognized Melvin Jasmin who was just appointed to the Northwest Oregon Housing
27 Authority (NOHA) Board. Jasmin has been a longtime volunteer in the community. Lee said the
28 bank is considering releasing the trust fund collateral on Clatsop Shores. This would make the
29 trust fund totally whole unencumbered by properties that are falling below the standards set by
30 the state. This would facilitate the merger and allow the NOHA Board to accept the merger with
31 Clatsop Shores to go to NOHA. The report from the inspections is that the staff has done a good
32 job in stopping the deterioration of Clatsop Shores and improving some of the construction
33 defects. Lee said they have a grant to try to get the old finish fishermen home and coordinate
34 with Helping Hands to get Helping Hands on the bottom floor and some housing up above.
35 Nebeker asked how many housing units would it hold and Lee wasn't sure because it depends on
36 the grant. Lee said there is another vacancy on the NOHA Board, because Joyce Stuber will be
37 retiring. Thompson said former commissioner Birky might be interested in that Board. Lee said
38 the focus has changed with the Oregon Coastal Zone Management Association (OCZMA). They
39 would like to work more on policy advocacy in Salem. The annual meeting will be at the first
40 day of the AOC annual meeting.

41
42 Rohne said there are high wind warnings on Thursday and Saturday. There may be damaging
43 winds on Saturday. Thompson said she spoke with Bijan Fayyaz, Emergency Management
44 Coordinator, about putting out a press release to make sure people are aware in the county and
45 thinking about emergency response.

1 **COUNTY MANAGER'S REPORT**

2 Moore said there is a Memorandum of Understanding (MOU) between the county and the Fair
3 Board. Under the MOU the Fair Board and Commissioners are to meet together twice a year so
4 Moore has scheduled a work session at the November 9th meeting. The county is now soliciting
5 for appointments or reappointments to the Fair Board and those will be coming before the Board
6 in December. Rohne asked if the committee can give recommendations. Moore said the intent is
7 to let the Board know who the candidates are that have applied.

8

9 **ADJOURNMENT 7:37PM**

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Approved by,



Scott Lee, Chairperson