Tillamook County

DEPARTMENT OF COMMUNITY DEVELOPMENT
BUILDING, PLANNING & ON-SITE SANITATION SECTIONS

1510 – B Third Street
Tillamook, Oregon 97141
www.tillamook.or.us

Land of Cheese, Trees and Ocean Breeze

MEMO

Date: **October 10, 2025**
To: **Tillamook County Board of Commissioners**
From: **Sarah Absher, CFM, Director**
Re: **#851-25-000262-PLNG, et al, Legislative Text Amendment proposals to Oceanside Unincorporated Community Residential and Commercial Zones**

Included with this memorandum is the record for the legislative text amendment proposals listed below, including copies of public comments received to date. The public comment period remains open, and staff will continue to provide copies of public comments as they are received by the Department until the public hearing portion of these proceedings is closed.

The record is also posted on the Department of Community Development website: https://www.tillamookcounty.gov/commdev/project/851-25-000262-plng-et-al-oceanside-neighborhood-association-tillamook-county. Audio recordings of the August 14, 2025, and September 11, 2025, Planning Commission proceedings are also posted at the bottom of this page.

The Tillamook County Planning Commission continued the August 14, 2025, public hearing to September 11, 2025, and took action at the September 11, 2025, public hearing with the following recommendations to the Board of County Commissioners. The Board of County Commissioners will hear these matters at a public hearing at 5:30pm on October 22, 2025. The Board of County Commissioners may take action at the October 22, 2025, public hearing or may continue these matters to a date and time certain that will be announced at the hearing:

#851-25-000262-PLNG: Legislative Text Amendment request to amend Article 3, Section 3.310: Residential Oceanside (ROS) Zone of the Tillamook County Land Use Ordinance (TCLUO) to reduce the maximum building height from 35-feet (existing) to 30-feet. Text amendment includes proposed exemption language to exempt existing structures from being declared "non-conforming" structures.

Planning Commission Action: It was moved and seconded to recommend the Board of County Commissioners deny this request. Motion passed 4 in favor and 1 abstention. The abstention by the Planning Commissioner was due to his absence at the August 14, 2025, public hearing.

#851-25-000268-PLNG: Legislative Text Amendment request to amend Article 3, Section 3.310: Residential Oceanside (ROS) Zone of the Tillamook County Land Use Ordinance (TCLUO) to establish lighting standards.

Planning Commission Action: It was moved and seconded to recommend the Board of County Commissioners not approve this request. Motion passed 4 in favor and 1 abstention. The abstention by the Planning Commissioner was due to his absence at the August 14, 2025, public hearing. It was also recommended that the Board of County

Commissioners establish a countywide dark skies lighting ordinance. The Planning Commission applauded the efforts of the ONA on their proposal for a lighting ordinance.

#851-25-000269-PLNG: Legislative Text Amendment request to amend Article 3, Section 3.310: Residential Oceanside (ROS) Zone and Section 3.312 Commercial Oceanside (COS) Zone of the Tillamook County Land Use Ordinance (TCLUO) to establish new Variance criteria for variance requests to maximum building height requirements. The proposed criteria are in addition to the established criteria contained in Article 8: Variance Procedures and Criteria of the TLCUO.

Planning Commission Action: It was moved and seconded to recommend the Board of County Commissioners not approve this request. Motion passed 4 in favor and 1 abstention. The abstention by the Planning Commissioner was due to his absence at the August 14, 2025, public hearing.

#851-25-000270-PLNG: Legislative Text Amendment request to amend Article 3, Section 3.312 Commercial Oceanside (COS) Zone of the Tillamook County Land Use Ordinance (TCLUO) to reduce the maximum building height from 35-feet (existing) to 30-feet. Text amendment includes proposed exemption language to exempt existing structures from being declared "non-conforming" structures.

Planning Commission Action: It was moved and seconded to recommend the Board of County Commissioners not approve this request. Motion passed 4 in favor and 1 abstention. The abstention by the Planning Commissioner was due to his absence at the August 14, 2025, public hearing.

#851-25-000261-PLNG: Legislative Text Amendment request to amend Article 3, Section 3.310: Residential Oceanside (ROS) Zone of the Tillamook County Land Use Ordinance (TCLUO) to establish middle housing types as outright permitted uses with clear and objective standards outlined in Subsection 4 of Section 3.310 and a new section of the TCLUO, Section 5.120: Middle Housing Development Standards.

Planning Commission Action: It was moved and seconded to recommend the Board of County Commissioners approve this request. Motion carried 5 in favor and 0 opposed.

The Tillamook County Planning Commission also moved to recommend the Board of County Commissioners direct staff to develop alternative language in response to the proposed building height reductions and other development-related concerns expressed by community members during hearing proceedings, and recommended that staff work with the Oceanside community on any proposed alternative language that could be considered by the Planning Commission and Board of County Commissioners at a later date. The Planning Commission suggested this process be completed as expeditiously as possible.

The Planning Commission asked staff if this recommendation to the Board of County Commissioners was feasible, given the timeline of these proceedings and staff resources. Staff supported the motion and outlined a suggested path forward should the Board of County Commissioners agree with this recommendation and direct staff to do the work.

Motion carried 5 in favor and 0 opposed.

Staff will be prepared to discuss the Tillamook County Planning Commission recommendations at the October 22, 2025, public hearing. The public comment period for these proceedings remains open. Written comments can be submitted to the Department of Community Development with the following options:

Email: Sarah.thompson@tillamookcounty.gov

Mail: Community Development
Attn: Sarah Thompson
1510-B Third Street
Tillamook, OR 97141

Written and oral testimony may also be provided to the Board of County Commissioners at the October 22, 2025, public hearing. The hearing will take place at the Port of Tillamook Bay Conference Center, 4000 Blimp Boulevard, Tillamook, OR 97141. Comments received prior to 4:00pm on October 14, 2025, will be provided to the Board of County Commissioners in advance of the public hearing.

For those wishing to attend the public hearing remotely, a virtual meeting link will be posted on the Community Development website the day of the meeting: https://www.tillamookcounty.gov/commdev.

The Port of Tillamook Bay Conference Center is accessible to persons with disabilities. If special accommodations are needed for persons with hearing, visual, or manual impairments who wish to participate in the hearings, call 503-842-3408 or email Sarah.thompson@tillamookcounty.gov at least 24 hours prior to the hearing so that the appropriate communications assistance can be arranged.

Tillamook County

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1510 – B Third Street
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Land of Cheese, Trees and Ocean Breeze

MEMO

Date: October 3, 2025
To: Simeon Dreyfuss, President, Oceanside Neighborhood Association
From: Sarah Absher, CFM, Director
Re: September 11, 2025, Tillamook County Planning Commission Recommendations to the Board of County Commissioners Regarding Oceanside Neighborhood Association Legislative Text Amendments

The Tillamook County Planning Commission continued the August 14, 2025, public hearing to September 11, 2025, and took action at the September 11, 2025, public hearing with the following recommendations to the Board of County Commissioners. The Board of County Commissioners will hear these matters at a public hearing at 5:30pm on October 22, 2025. The Board of County Commissioners may take action at the October 22, 2025, public hearing or may continue these matters to a date and time certain that will be announced at the hearing:

#851-25-000262-PLNG: Legislative Text Amendment request to amend Article 3, Section 3.310: Residential Oceanside (ROS) Zone of the Tillamook County Land Use Ordinance (TCLUO) to reduce the maximum building height from 35-feet (existing) to 30-feet. Text amendment includes proposed exemption language to exempt existing structures from being declared "non-conforming" structures.

Planning Commission Action: It was moved and seconded to recommend the Board of County Commissioners deny this request. Motion passed 4 in favor and 1 abstention. The abstention by the Planning Commissioner was due to his absence at the August 14, 2025, public hearing.

#851-25-000268-PLNG: Legislative Text Amendment request to amend Article 3, Section 3.310: Residential Oceanside (ROS) Zone of the Tillamook County Land Use Ordinance (TCLUO) to establish lighting standards.

Planning Commission Action: It was moved and seconded to recommend the Board of County Commissioners not approve this request. Motion passed 4 in favor and 1 abstention. The abstention by the Planning Commissioner was due to his absence at the August 14, 2025, public hearing. It was also recommended that the Board of County Commissioners establish a countywide dark skies lighting ordinance. The Planning Commission applauded the efforts of the ONA on their proposal for a lighting ordinance.

#851-25-000269-PLNG: Legislative Text Amendment request to amend Article 3, Section 3.310: Residential Oceanside (ROS) Zone and Section 3.312 Commercial Oceanside (COS) Zone of the Tillamook County Land Use Ordinance (TCLUO) to establish new Variance criteria for variance requests to maximum building height requirements. The proposed criteria are in addition to the established criteria contained in Article 8: Variance Procedures and Criteria of the TLCUO.

Planning Commission Action: It was moved and seconded to recommend the Board of County Commissioners not approve this request. Motion passed 4 in favor and 1 abstention. The abstention by the Planning Commissioner was due to his absence at the August 14, 2025, public hearing.

#851-25-000270-PLNG: Legislative Text Amendment request to amend Article 3, Section 3.312 Commercial Oceanside (COS) Zone of the Tillamook County Land Use Ordinance (TCLUO) to reduce the maximum building height from 35-feet (existing) to 30-feet. Text amendment includes proposed exemption language to exempt existing structures from being declared "non-conforming" structures.

Planning Commission Action: It was moved and seconded to recommend the Board of County Commissioners not approve this request. Motion passed 4 in favor and 1 abstention. The abstention by the Planning Commissioner was due to his absence at the August 14, 2025, public hearing.

#851-25-000261-PLNG: Legislative Text Amendment request to amend Article 3, Section 3.310: Residential Oceanside (ROS) Zone of the Tillamook County Land Use Ordinance (TCLUO) to establish middle housing types as outright permitted uses with clear and objective standards outlined in Subsection 4 of Section 3.310 and a new section of the TCLUO, Section 5.120: Middle Housing Development Standards.

Planning Commission Action: It was moved and seconded to recommend the Board of County Commissioners approve this request. Motion carried 5 in favor and 0 opposed.

The Tillamook County Planning Commission also moved to recommend the Board of County Commissioners direct staff to develop alternative language in response to the proposed building height reductions and other development-related concerns expressed by community members during hearing proceedings, and recommended that staff work with the Oceanside community on any proposed alternative language that could be considered by the Planning Commission and Board of County Commissioners at a later date. The Planning Commission suggested this process be completed as expeditiously as possible.

The Planning Commission asked staff if this recommendation to the Board of County Commissioners was feasible given timelines and staffing resources. Staff supported the motion and outlined a suggested path forward should the Board of County Commissioners agree with this recommendation and direct staff to do the work.

Motion carried 5 in favor and 0 opposed.

The record for these proceedings can be accessed here: 851-25-000262-PLNG, et al: Oceanside Neighborhood Association & Tillamook County | Tillamook County OR.

The public comment period for these proceedings remains open. Written comments can be submitted to the Department of Community Development with the following options:

Email: Sarah.thompson@tillamookcounty.gov

Mail: Community Development
Attn: Sarah Thompson
1510-B Third Street
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For those wishing to attend the public hearing remotely, a virtual meeting link will be posted on the Community Development website the day of the meeting: https://www.tillamookcounty.gov/commdev.

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STAFF PRESENTATION SLIDES FOR AUG. 14TH, 2025 PLANNING COMMISSION HEARING

LEGISLATIVE TEXT AMENDMENTS
OCEANSIDE UNINCORPORATED COMMUNITY

#851-25-000262-PLNG

#851-25-000268-PLNG

#851-25-000269-PLNG

#851-25-000270-PLNG

#851-25-000261-PLNG

SENATE BILL 406 OBJECTIVES

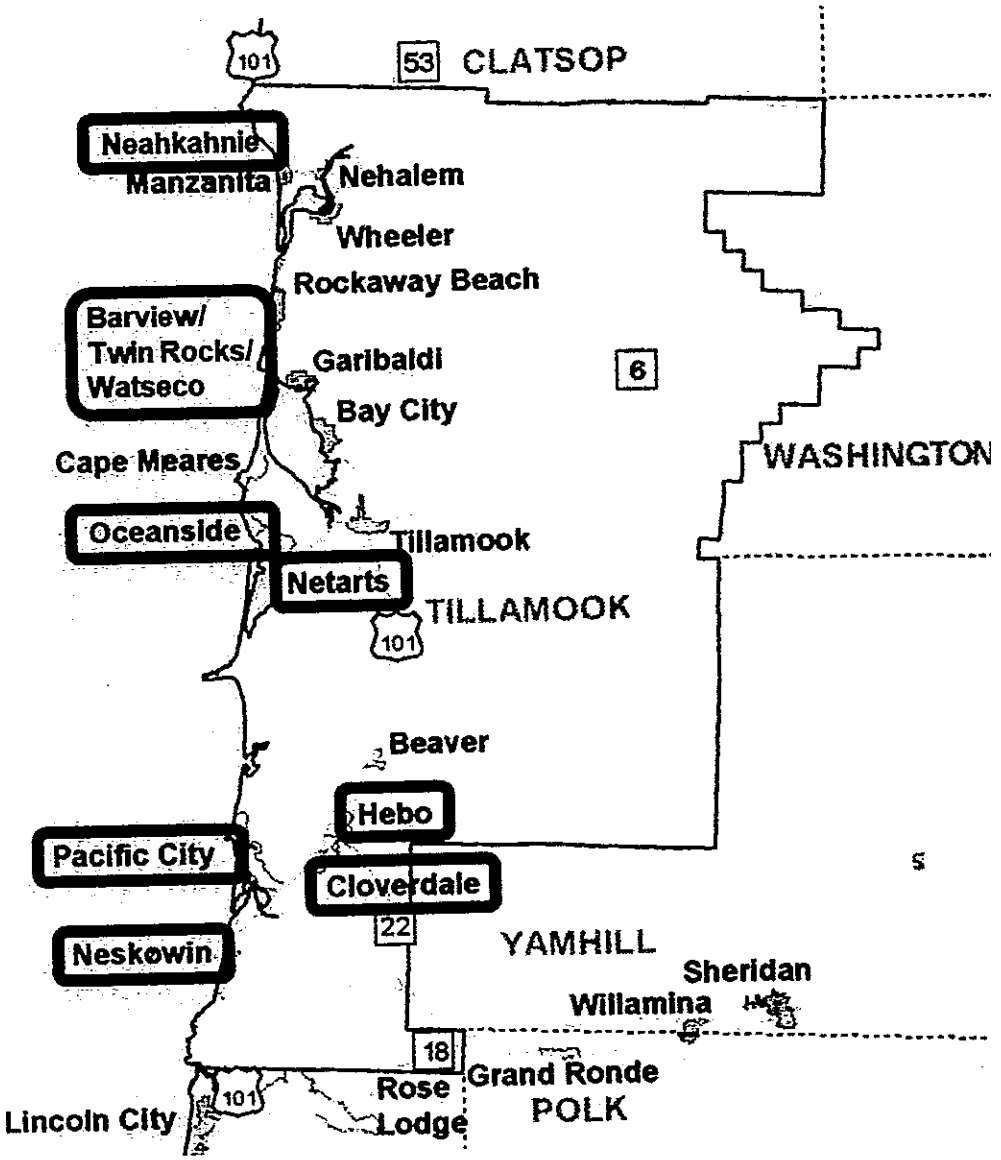
- Expand opportunities for middle housing in ways compatible with Tillamook County communities
- Expand opportunities to meet some of County's housing needs
- Meet first part of Senate Bill 406 (code updates)
  - Second part to come: Housing Capacity, Housing Production Strategies, etc.

WHAT IS MIDDLE HOUSING??

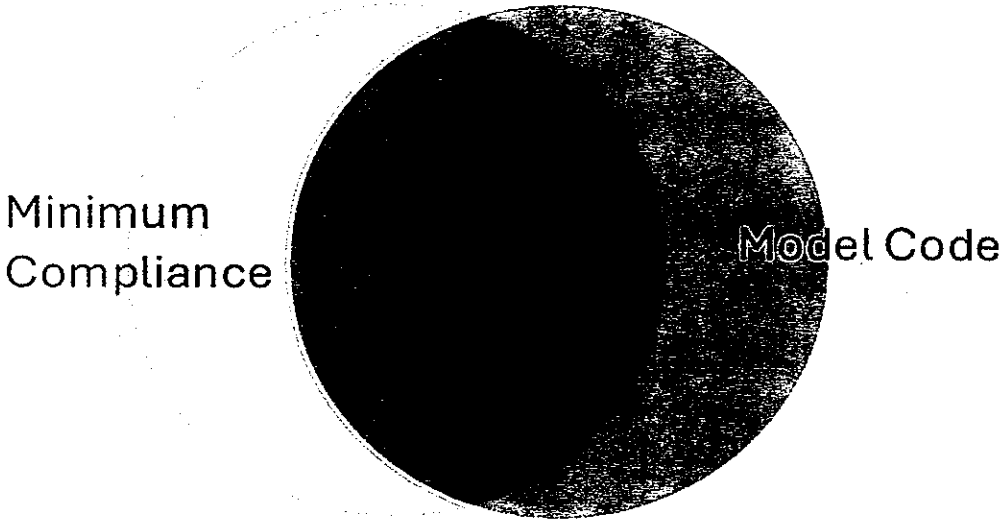
- (Accessory Dwelling Units)
- Duplexes
- Triplexes
- Quadplexes
- Townhouses
- Cottage Clusters

SENATE BILL 406 IMPLEMENTATION

PARTICIPATING UNINCORPORATED COMMUNITIES



Middle Housing Code Options



Distinctive choices:

- Attached or detached plexes
- Number of townhouses, cottages
- Design standards
- Parking
- Driveway configurations

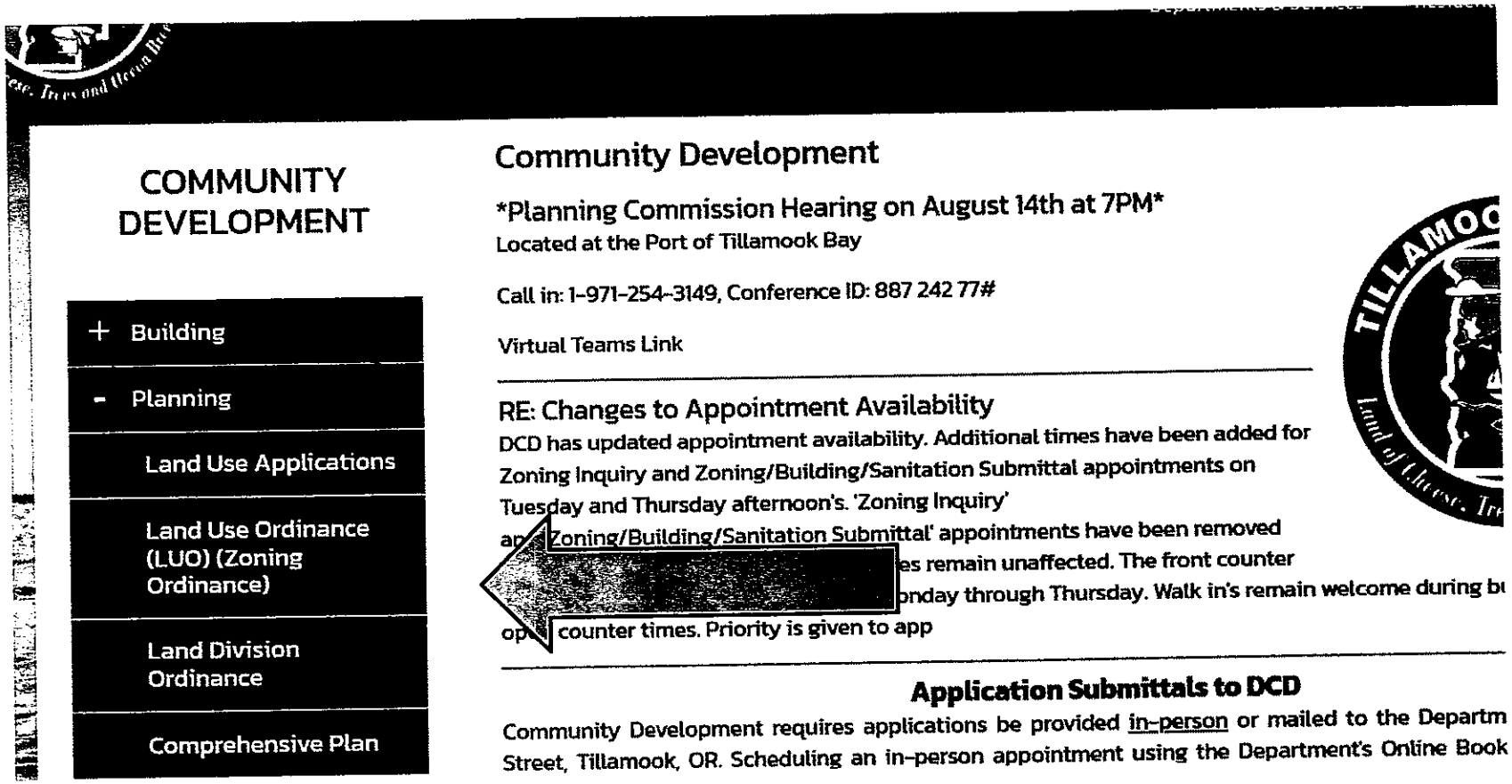
SUMMARY OF RESIDENTIAL ZONING CODE UDPATES- RESIDENTIAL OCEANSIDE ZONE

- Permit all middle housing types outright, same as single-family in the Residential Oceanside (ROS) Zone
- Retain existing minimum lot sizes for all middle housing types
- Apply same dimensional standards as single-family
- Apply minimum parking standard as 1 space per unit for 2+ dwelling units
- Apply design standards from Model Code with Community Choices
- Continue to apply limitations within hazard areas, flood regulations
- Adoption of TCLUO Section 5.120 to establish standards for 3+ units
- Adoption of updates to the TCLDO for middle housing land divisions

PERMITTING REQUIREMENTS

- Individual sites required to demonstrate **"Sufficient Infrastructure"** is provided or can be provided for:
  - Sewer and Water Availability: Service Provider Letters Required (includes onsite wastewater treatment permits where needed)
  - Fire Service Provider Letter
  - Road Approach Permit
- Goal 7 Compliance: Dune Area Development Permit, Floodplain Development Permit and Geologic Hazard Report Review
- Consolidated Zoning and Building Permit Review Process- Same as for Single-Family Dwelling.

https://www.tillamookcounty.gov/commdev



COMMUNITY DEVELOPMENT

+ Building

- Planning

Land Use Applications

Land Use Ordinance (LUO) (Zoning Ordinance)

Land Division Ordinance

Comprehensive Plan

Community Development

Planning Commission Hearing on August 14th at 7PM
Located at the Port of Tillamook Bay

Call in: 1-971-254-3149, Conference ID: 887 242 77#

Virtual Teams Link

RE: Changes to Appointment Availability

DCD has updated appointment availability. Additional times have been added for Zoning Inquiry and Zoning/Building/Sanitation Submittal appointments on Tuesday and Thursday afternoon's. 'Zoning Inquiry' ap Zoning/Building/Sanitation Submittal' appointments have been removed [redacted] es remain unaffected. The front counter [redacted] onday through Thursday. Walk in's remain welcome during bu op counter times. Priority is given to app

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Application Submittals to DCD

Community Development requires applications be provided in-person or mailed to the Departm Street, Tillamook, OR. Scheduling an in-person appointment using the Department's Online Book

ARTICLE 9: TEXT AMENDMENT CRITERIA (TCLUO) SECTION 9.030

(a) If the proposal involves an amendment to the Comprehensive Plan, the amendment must be consistent with the Statewide Planning Goals and relevant Oregon Administrative Rules;

(b) The proposal must be consistent with the Comprehensive Plan. (The Comprehensive Plan may be amended concurrently with proposed changes in zoning);

(c) The Board must find the proposal to be in the public interest with regard to community conditions; the proposal either responds to changes in the community, or it corrects a mistake or inconsistency in the subject plan or ordinance; and

(d) The amendment must conform to Section 9.040 Transportations Planning Rule Compliance.

Oceanside Neighborhood Association

PROPOSALS FOR PLANNING ACTION:
REVISIONS TO OCEANSIDE LAND USE ZONES BY
OCEANSIDE NEIGHBORHOOD ASSOCIATION
CITIZEN ADVISORY COMMITTEE

ARTICLE 9: TEXT AMENDMENT CRITERIA (TCLUO) SECTION 9.030

(a) If the proposal involves an amendment to the Comprehensive Plan, the amendment must be consistent with the Statewide Planning Goals and relevant Oregon Administrative Rules;

(b) The proposal must be consistent with the Comprehensive Plan. (The Comprehensive Plan may be amended concurrently with proposed changes in zoning);

(c) The Board must find the proposal to be in the public interest with regard to community conditions; the proposal either responds to changes in the community, or it corrects a mistake or inconsistency in the subject plan or ordinance; and

(d) The amendment must conform to Section 9.040 Transportations Planning Rule Compliance.

THANK YOU

PRESENTATION CONCLUDED

PLANNING COMMISSION HEARING RECORD- 8/14/25

Tillamook County

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MEMO

Date: August 14, 2025
To: Tillamook County Planning Commission
From: Sarah Absher, CFM, Director
Subject: Legislative Text Amendment Requests for Oceanside

Included is the consolidated staff report and related exhibits for the proposed legislative text amendments to the Residential Oceanside (ROS) and Commercial Oceanside (COS) zones of the Tillamook County Land Use Ordinance (TCLUO). The proposed amendments include middle housing code updates for the Residential Oceanside Zone mandated by Senate Bill 406.

Legislative text amendment proposals at the request of the Oceanside Neighborhood Association (ONA), the County appointed Citizen Advisory Committee for the Unincorporated Community of Oceanside, will be presented by the ONA. ONA representatives will be attending the August 14, 2025, Planning Commission hearing to present the legislative text amendments and findings proposed by the ONA.

ONA presentation will include the following:

ONA Voting Process & Community Engagement Summary: Simeon Dreyfuss, ONA President

Lighting Standards: Michael Neunzert

Building Height Calculation Proposal: Caroline Neunzert

Maximum Building Height Standards, Variance Criteria & Non-Conforming Exemption Language: Jerry Keen

Included with the staff report is a memorandum from County Counsel following review of the proposed ONA legislative text amendments. Staff and County Counsel will be at the hearing to address any questions of the Planning Commission.

The Planning Commission may take action at the hearing on August 14, 2025, or may continue the matter to a date and time certain announced at the hearing. The Planning Commission will ultimately make recommendations on all legislative text amendment proposals as specified above to the Tillamook County Board of Commissioners who will hear these matters at a public hearing on 5:30p.m. on October 22, 2025. The proposed legislative text

amendment requests will become effective, if adopted, by the Tillamook County Board of Commissioners, which will occur no sooner than October 22, 2025.

Please do not hesitate to contact me if you have any questions.

Thank You,

Sarah Absher

Tillamook County

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BUILDING, PLANNING & ON-SITE SANITATION SECTIONS

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Building (503) 842-3407
Planning (503) 842-3408
On-Site Sanitation (503) 842-3409
FAX (503) 842-1819
Toll Free 1 (800) 488-8280

Land of Cheese, Trees and Ocean Breeze

LEGISLATIVE TEXT AMENDMENT REQUESTS OCEANSIDE LEGISLATIVE TEXT AMENDMENTS (INCLUDING IMPLEMENTATION OF SENATE BILL 406)

CONSOLIDATED STAFF REPORT DATE: August 7, 2025
TILLAMOOK COUNTY PLANNING COMMISSION HEARING DATE: August 14, 2025
BOARD OF COMMISSIONERS HEARING DATE: October 22, 2025
REPORT PREPARED BY: Sarah Absher, CFM, Director

I. GENERAL INFORMATION

Requested actions: Legislative text amendment requests to amend the Tillamook County Land Use Ordinance that include the following:

#851-25-000262-PLNG: Legislative Text Amendment request to amend Article 3, Section 3.310: Residential Oceanside (ROS) Zone of the Tillamook County Land Use Ordinance (TCLUO) to reduce the maximum building height from 35-feet (existing) to 30-feet. Text amendment includes proposed exemption language to exempt existing structures from being declared "non-conforming" structures. The proposed amendments are at the request of the Oceanside Neighborhood Association.

#851-25-000268-PLNG: Legislative Text Amendment request to amend Article 3, Section 3.310: Residential Oceanside (ROS) Zone of the Tillamook County Land Use Ordinance (TCLUO) to establish lighting standards. The proposed amendments are at the request of the Oceanside Neighborhood Association.

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#851-25-000261-PLNG: Legislative Text Amendment request to amend Article 3, Section 3.310: Residential Oceanside (ROS) Zone of the Tillamook County Land Use Ordinance (TCLUO) to establish middle housing types as outright permitted uses with clear and objective standards outlined in Subsection 4 of Section 3.310, accompanying a new section, TCLUO Section 5.120: Middle Housing Development Standards. These legislative text amendments are in accordance with Senate Bill 406, legislation specific to Tillamook County unincorporated communities served by water and sewer to help address housing needs countywide.

Initiated By: Tillamook County Department of Community Development and the Oceanside Neighborhood Association (ONA).

II. BACKGROUND

ONA Legislative Text Amendment Proposals to the Residential Oceanside (ROS) Zone, TCLUO Section 3.310, and the Commercial Oceanside (COS) Zone, TCLUO Section 3.312 (Exhibits A-G):

In 2019, the Zoning and Planning Review (ZAPR) subcommittee began a process to review various development standards of the Residential Oceanside (ROS) and Commercial Oceanside (COS) zoning districts, with a specific focus on building height maximums, building height calculation and development of new lighting standards for Tillamook County consideration. The ZAPR subcommittee presented updates and proposals at multiple general Oceanside Neighborhood Association meetings from 2019 to 2021.

At a general membership meeting in October 2021, the ONA members formally approved by majority vote proposals to

- Reduce building height from 35 feet to 30 feet on non-oceanfront lots located within the ROS and COS zones with new Variance criteria for relief to development standards.
- Establish non-conforming exemption language for existing structures.
- Establish a new building height formula; and
- Establish standards to regulate exterior building lighting.

Included in the staff report is a copy of the Oceanside Neighborhood Association (ONA) Proposals for Planning Action (Exhibit C). The document includes a minority report in opposition of the proposals outlined above.

Following the October ONA membership voting process, a written request for consideration of the proposed amendments was submitted to the Department by the ONA. County staff agreed to request authorization from the Board of County Commissioners to initiate a legislative text amendment process and bring the proposals forward to public hearing as resources when staff time and resources became available.

Staff brought the request to initiate the legislative text amendment process to the Board of County Commissioners on November 23, 2023. Authorization was granted and as time and resources became available, the amendment proceedings commenced.

A copy of the letter from the Oceanside Neighborhood Association (ONA) requesting these amendments be considered by Tillamook County is included as "Exhibit D".

Discussion of Building Height Maximum & Variance Criteria

The ONA is proposing to reduce maximum building heights in the Residential Oceanside Zone (ROS) and Commercial Oceanside Zone (COS) to 30 feet, a 5-foot reduction from the established maximum building height standard for non-oceanfront lots. This committee work commenced in response to concerns related to recent construction projects, both residential and commercial, where building heights and footprints have become increasingly larger. Concerns were expressed that these trends will continue as the price of land and construction costs increase for those building new structures and for those who wish to maximize living space for short-term rental use to subsidize development costs (Exhibits C & F).

The ONA building height maximum and building height calculation proposals seek to curtail "big box" houses designed at maximum height and size with flat roofs that have significantly more "mass" and height than homes around them. In addition to the proposed reduced building height maximum of 30 feet, the ONA is proposing additional Variance criteria that would be applied for proposals requesting relief to the maximum 30-foot building height as well as relief to other development standards in the Residential Oceanside (ROS) Zone and Commercial Oceanside (COS) Zone (Exhibits A & B). These new criteria are in addition to the criteria contained in Article 8 of the TCLUO.

The 2021 ONA proposals do not change the maximum building height for oceanfront buildings, currently limited to 24 feet. Senate Bill 406 mandates unincorporated communities to increase the maximum height on oceanfront lots to 25 feet. The ONA does not object to this change.

Discussion of Building Height Calculation Formula

To determine whether a building complies with the maximum height allowance of a zone, building height is determined through an averaging formula, a formula that is applied to all areas of unincorporated Tillamook County with the exception of properties within the Unincorporated Community of Neskowin. The formula is an average height of exterior walls of a structure, measured at the center of each exterior wall from existing (pre-construction grade) to the overall highest point of the structure ridgeline. Per TCLUO Section 4.120, projections such as chimneys, spires, elevator shaft housings, flagpoles, devices or structures for the capture of solar energy, towers for wind energy conversion systems and windmills, and other structures not used for human occupancy are exempt from building height maximums and are not factored in the average calculation.

In application of the County's building height calculation formula on sloped properties, the ONA found the resulting average height can be manipulated by maximizing the number of "shorter" walls on the uphill side of the property and minimizing the number on the downhill side.

Two criteria developed by the ONA guided the process to develop a new building height calculation formula. These criteria were that the proposed method be easy to explain, interpret and administer, and that the method needed to minimize a builder's ability to game the system. Additionally, the proposed formula would be applied to new construction and not applied retroactively, supported by the non-conforming structure exemption language reflected in the ROS and COS drafts (Exhibits A & B).

The ONA determined that the proposed building height calculation formula met the criteria to achieve a simplified approach that limits manipulation of building height maximums and could be applied to all lots regardless of topographical characteristics.

Exterior Lighting Standards

The ONA proposed exterior lighting standards to the County approximately 15 years ago, and the proposed exterior lighting language revives the initial ONA effort. Efforts in 2010 and 2021 were driven by community desire to reduce the intrusion of lighting, prompted in part by a report from The Seabird Aware Project (Appendix A of the ONA Proposals for Planning Action) that outlines harmful effects of nighttime lighting on seabirds who inhabit the nearby Three Arch Rocks Wildlife Refuge (Exhibits C & E).

The proposed lighting standards require all exterior building and landscape lighting to be "shielded and directed downward" and be limited in lumens of output. Language also prohibits intense lighting, such as lasers, quartz lamps and vapor lights. Seasonal light decorations are exempted (Exhibits A & B).

Middle Housing Code Updates and Senate Bill 406:

Oregon State Legislature passed Senate Bill 406 at the conclusion of the 2023 long session, extending the requirements of House Bill 2001 to Tillamook County cities and unincorporated communities served by water and sewer. As a result, Tillamook County and incorporated cities are required to complete residential zoning code updates to include middle housing types as outright permitted uses with clear and objective standards. Middle housing types include single-family dwellings, accessory dwelling units (ADUs), duplexes, triplexes, quadplexes, cottage clusters and townhouses.

The goal is to balance concerns about neighborhood compatibility and other factors against the need to address the County's housing shortage by increasing opportunities for a diverse array housing options as uses permitted outright with clear and objective development standards to ensure siting and design regulations do not, individually or cumulatively, discourage the development of middle housing resulting from unreasonable costs or delays.

The proposed middle housing code amendments are part of the County's overall strategies to address countywide housing shortages. The Tillamook County Housing Commission completed a Housing Need Assessment (HNA) in December 2019. The HNA provided comprehensive review of the County's housing shortages and forecasted housing demands for the next 20 years. The HNA determined new housing production has not kept pace with demand, leading to a severe shortage of housing availability and affordability issues. Most new construction over the past two decades has occurred in coastal "resort" towns, and 66%-80% of the total housing stock is owned by part-time residents. At the time of the study, it was determined that approximately one in three local workers reside outside Tillamook County.

The HNA estimated an increase of 2,936 residents in the 20-year projection between the base and forecast years with significant socio-economic and demographic shifts. Accordingly, the number of housing units necessary to ensure an adequate supply is expected to increase in tandem with a variety of housing types needed to accommodate a diversity of new residents. The HNA concludes that renters—the vast majority of new residents—will demand medium- and high-density housing types.

The 2019 HNA forecasts the housing needs for Tillamook County under four scenarios and underlying assumptions to determine the additional housing units needed by 2039. Future demand for attainably priced housing will largely require the development of medium density "missing middle" housing types. The likely forecast housing mix and greatest housing type needs include single-family detached homes, accessory dwelling units (ADUs), and middle housing types including plexes, townhomes and condominiums, as well as manufactured housing units.

Since the completion of the 2019 HNA, the County has updated residential zoning districts in unincorporated communities to allow for Accessory Dwelling Units (ADUs), one of many strategies implemented by Tillamook County to address the county's housing needs. Senate Bill 406, specifically the middle housing code updates under consideration, are additional strategies that align with the County's efforts to create greater opportunities for diverse housing options.

It should also be noted that updates to the 2019 HNA have been initiated by the County. The preliminary findings from the consulting team in their work with the Tillamook County Housing Commission, Housing Coordinator and the Department reaffirm middle housing options are critically needed countywide to meet existing and future housing demands.

III. APPLICABILITY & PURPOSE

Middle Housing Code Updates

The proposed middle housing code updates are reflected in TCLUO Section 3.310: Residential Oceanside (ROS) Zone (Exhibit A). TCLUO Section 5.120, a new section, establishes development standards for middle housing projects. As stated previously in this report, TCLUO Section 5.120 has been considered by the Tillamook County Planning Commission at a public hearing on July 10, 2025, with action taken by unanimous vote to recommend approval of this section to the Tillamook County Board of Commissioners. The Board of County Commissioners considered this matter at a public hearing on July 23, 2025, and have directed staff to proceed with draft adoption orders that will be presented for Board consideration in August.

Summaries of the amendments are outlined below and made part of this staff report for informational purposes only as these amendments are also applied to properties within the Oceanside Unincorporated Community Boundary.

Article 4 and Article 11 Updates:

- Article 4: Development Standards
  - Section 4.030: Off-Street Parking and Off-Street Loading Requirements
    - Updated to reflect parking requirements for middle housing types
  - Section 4.060: Access
    - Updated to add standard for townhouses
  - Section 4.100: General Exceptions to Lot Size Requirements
    - Establishes that small lots less than 3,000 square feet can be developed with a single-family dwelling or duplex in unincorporated communities served by water and sewer, provided that all other development standards of this section and applicable supplemental provisions of the TCLUO are met.
  - Section 4.110: Exceptions to Yard Setback Requirements
    - Establishes that front yard averaging can be applied for determining a front yard setback for either a single-family dwelling or duplex.
- Article 11: Definitions
  - Adds definitions for middle housing and cottage cluster projects.
  - Updates or removes existing definitions to reflect state law.

Section 5.120: Middle Housing Development Standards Summary:

- The purpose of the middle housing standards is to ensure that new middle housing can be integrated within community boundaries where it is permitted and reviewed according to clear and objective standards. Middle housing includes triplexes, quadplexes, townhouses and cottage

clusters, intended to provide an alternative to single-family dwellings for greater flexibility that can include dwellings of different sizes and configurations.

- Establishes the location where these middle housing types can be permitted.
- Requires sufficient infrastructure exists for middle housing projects, requiring applicants to demonstrate sufficient infrastructure by submitting service provider letters for water and sewer, submitting a copy of onsite wastewater permits (where applicable), and a copy of the driveway permit (road approach) at the time of consolidated zoning and building permit application submittal. Also requires integration of stormwater improvements into project design to ensure stormwater is managed onsite and is not discharged into road right of way or adjacent properties.
- Establishes clear and objective development standards for triplexes and quadplexes, including entry orientation and driveway design, and basic design standards for buildings.
- Establishes clear and objective development standards for townhomes, including entry orientation and driveway design, and basic design standards for buildings.
- Establishes clear and objective development standards for cottage cluster developments, including maximum size and building height of each cottage, requirements for open space, pedestrian paths, parking and orientation of cottages.

IV. AMENDMENTS TO THE TILLAMOOK COUNTY LAND DIVISION ORDINANCE:

- Establishes land division criteria and standards for middle housing projects.
- Establishes review processes and notification processes for middle housing projects.

V. ANALYSIS:

1. Statewide Planning Goal & Tillamook County Comprehensive Plan Discussion

Oregon's 19 statewide planning goals are adopted as Administrative Rule and express the state's policies on land use as well as land use related topics. Oregon counties and incorporated cities are required to have a comprehensive plan consistent with Oregon's statewide planning goals as well as zoning and land division ordinances for implementation of comprehensive plan policies and objectives. The Tillamook County Comprehensive Plan contains 17 of the 19 Statewide Planning Goal Elements. Goal 15 (Willamette Valley) and Goal 19 (Ocean Resources) are absent from the Tillamook County Comprehensive Plan as the goals and policies for the Willamette Valley do not apply to Tillamook County and the Ocean Resources Element was created after the adoption of the County's comprehensive plan.

Tillamook County's Comprehensive Plan provides the County with an important opportunity to make a detailed statement describing the needs and desires of its citizens for the future use of the County's land and water resources, and to guide future development of the County through agreed upon policy statements which give direction to County actions and programs. The policies provide a basis for coordination of the programs of other governmental entities and are also intended to assist the private sector in reaching development decisions which are beneficial to the citizens of the County generally as well as to the private property owner.

The County's comprehensive plan must also be in conformance with the adopted statewide planning goals and policy statements are based upon required inventories of resources and other pertinent information and findings related to analysis of problems and opportunities existing in Tillamook County. The plan is intended to be used to guide actions for problem-solving, and state goals also require local adoption of implementation measures appropriate for dealing with the identified problems and needs.

- Tillamook County Comprehensive Plan Goal 1 Element: The Planning Process
  Summary: Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.

  The role of the Oceanside Neighborhood Association (ONA), the County's designated Citizen Advisory Committee (CAC) for Oceanside is to actively participate in land use planning projects that affect their community. As reflected in the record, many of the proposed amendments are at the request of the ONA (Exhibits C & D).

  Staff met with the Zoning and Plan Review Committee (ZAPR) on middle housing code updates beginning Spring 2024 through early May 2025, where a special ONA general membership meeting was held in May to vote on the proposed middle housing code language with a focus on community choices (Exhibit G).

  Middle Housing Code Proposals

  Notice of public hearing was published in the Headlight Herald in accordance with the Article 10 of the TCLUO with notice provided to County designated Citizen Advisory Committees (CACs), including the Oceanside Neighborhood Association, at least 28-days prior to the first evidentiary hearing. Notice of the proposed middle housing code amendments were also provided to local water, sewer and fire districts, including those special districts serving the Oceanside Unincorporated Community. As required, notice of public hearings and accompanying documents part of the PAPA process were also submitted to the Oregon Department of Land Conservation and Development at least 35 days prior to the first evidentiary hearing for the proposed middle housing code amendments.

  In addition to the notification actions outlined above, the County's Citizen Advisory Committees (CACs) played an active role in the development of the middle housing codes where community choices were available. Each CAC utilized land use subcommittees within the CAC or formed new working groups to assist staff in the development of the proposed middle housing code updates. The participation of these committees and groups was substantial, including bi-weekly meetings that were regularly noticed for community participation. Regular updates on the progress of middle housing code updates were also shared at general CAC meetings. The Oceanside Neighborhood Association (ONA) actively participated in these processes as reflected in the record.

  Staff are very grateful for the participation and work of the Oceanside Neighborhood Association (ONA) and the Oceanside community.

  ONA Legislative Text Amendment Proposals

  The proposed amendments requested by the ONA require a state mandated Measure 56 Notice to all property owners within the Oceanside Unincorporated Community Boundary. Approved in 1998, this measure mandates that cities and counties notify property owners when zoning changes may limit or prohibit previously allowed land uses. This notice, triggered by actions such as amending local zoning ordinances, informs landowners that their property's value may be affected, and that existing property rights may be impacted by the proposed changes. Approximately 900 notices were mailed to property owners of record and special districts and agencies on July 10, 2025.

Notice of public hearing was published in the Headlight Herald in accordance with Article 10 of the TCLUO. As required, notice of public hearings and draft code documents were also submitted to the Oregon Department of Land Conservation and Development at least 35 days prior to the first evidentiary hearing for the proposed middle housing code amendments in compliance with state PAPA notice requirements.

- Tillamook County Comprehensive Plan Goal 2 Element: THE LAND USE PLAN
  Summary: Goal 2 outlines the basic procedures of Oregon's statewide planning program and describes the development of Tillamook County's Comprehensive Plan including justification for identifying exception areas.

  All proposed amendments are consistent with the Goal 2 element and an exception is not required for the proposed amendments.

- Tillamook County Comprehensive Plan Goal 3 Element: AGRICULTURAL LANDS
  Summary: Goal 3 defines "agricultural lands." It then requires counties to inventory such lands and to "preserve and maintain" them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.

- Tillamook County Comprehensive Plan Goal 4 Element: FOREST LANDS
  Summary: This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."

  The proposed amendments do not apply to resource lands.

- Tillamook County Comprehensive Plan Goal 5 Element: NATURAL RESOURCES
  Summary: The purpose of Goal 5 is to protect natural resources, and conserve scenic and historic areas and open space. Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated. If a resource or site is found to be significant, a local government has three policy choices: preserve the resource, allow proposed uses that conflict with it, or strike some sort of a balance between the resource and the uses that would conflict with it.

  Findings: The proposed amendments do not reduce existing protections or resources, or natural features reflected in the policies of the Goal 5 Element.

- Tillamook County Comprehensive Plan Goal 6 Element: AIR, WATER AND LAND RESOURCES QUALITY
  Summary: This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution and noise control in Tillamook County.

  Findings: The proposed amendments do not conflict with or reduce existing protections or resources, or natural features contained in the policies of the Goal 6 Element.

- Tillamook County Comprehensive Plan Goal 7 Element: HAZARDS
  Summary: Goal 7 deals with development in places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply "appropriate safeguards" (floodplain zoning, for example) when planning for development there. In Tillamook County, the purpose of addressing hazards is not meant to restrict properties from development, but to institute policies concerning

potential problems, so they can be considered before financial losses and possible injury which may be avoided by the application of the policies formulated in the Comprehensive Plan.

Findings: The proposed amendments do not reduce existing protections against hazards addressed in the Goal 7 element or waive requirements for satisfaction of standards intended to address hazards such as those contained in TCLUO Section 4.130: Development requirements for Geologic Hazard Areas, TCLUO Section 3.510: Flood Hazard Overlay (FH) Zone, TCLUO Section 3.530: Beach and Dune Overlay (BD) Zone and TCLUO Section 3.580: Tsunami Hazard Overlay (TH) Zone.

- Tillamook County Comprehensive Plan Goal 8 Element: RECREATION
  Summary: This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expedited siting of destination resorts. In Tillamook County, the main issue surrounding recreation is that of quantity, location and orientation. This Goal element recognizes that the tourism sector of the County's economy is rapidly growing and some feel tourism places too large a burden on local public facilities and services.

  Findings: Recreation opportunities are not prohibited or limited by the proposed amendments.

- Tillamook County Comprehensive Plan Goal 9 Element: POPULATION AND ECONOMY
  Summary: Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs. Projections in this Element of the Comprehensive Plan extend to year 2000. The importance of cottage industry, rural industry and light industry is recognized throughout this Element, stating that regulations be adopted to permit low-impact light manufacturing activity in suitable rural zones.

  Findings: The Tillamook County Comprehensive Plan needs updated population projections. The forecasted housing needs contained within the 2019 Tillamook County Housing Needs Analysis (HNA) include current population data and forecasts for housing needed for Tillamook County's workforce. Absent updated information in the Goal 9 element, updated information that supports housing needs and the need for diverse, multi-housing options can be found in the County's 2019 HNA.

  The policies contained within the Goal 9 element of the Tillamook County Comprehensive Plan are directive in actions needed to be taken by Tillamook County to promote and sustain the County's economy in collaboration with special districts and others. Policies also prioritize the needs of industrial and commercial lands.

- Tillamook County Comprehensive Plan Goal 10 Element: HOUSING
  Summary: This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types. This Goal element within the Tillamook County Comprehensive Plan focuses on the separation of housing needs and opportunities in both rural and urban areas. There is a strong tie to the Goal 11: Public Facilities and Goal 14: Urbanization elements of the Comprehensive Plan in this section.

  Findings: Goal 10 requires planning for housing that encourages the availability of adequate numbers of housing units, and allows for flexibility of housing location, type and density. It is recognized that

the intent of the statewide planning goals is to encourage the concentration of growth within the urban growth boundaries of cities, however this interpretation has resulted from the definition of "buildable lands" which has traditionally only included lands within urban growth boundaries.

The County's Goal 10 element supports a second interpretation of the applicability of the Housing Goal consistent with past LCDC decision- that it is unreasonable to conclude that, because Goal 10's building land inventory requirement applies only within urban growth boundaries, all housing needs must be satisfied within urban growth boundaries. Given the spatial distance of location of incorporated cities within Tillamook County, and the fact that there are no cities and urban growth boundaries from the City of Tillamook to the City of Lincoln City in Lincoln County, all housing needs cannot be satisfied within the urban growth boundaries of the seven incorporated cities in Tillamook County. This reality was a significant contributing factor in working with the state legislature in passing Senate Bill 406.

As a policy, Tillamook County interprets the Housing Goal (Goal 10) as applying to all areas of the County, not just to incorporated areas and their urban growth boundaries. Given the County's geographic circumstances, this is the only reasonable non-contradictory interpretation of the goal.

The County can encourage the availability of housing to meet needs by 1) zoning a sufficient amount of land for needed housing types, 2) encouraging cities and service districts to service a sufficient amount of land to meet housing needs, and 3) minimizing the effect of regulations on housing cost. The structure of the proposed amendments and subsequent work under Senate Bill 406 supports these actionable objectives, most notably the third action listed by creating processes with clear and objective standards.

Findings from Counsel in response to the ONA proposed amendments outline various concerns that may conflict with the policies, goals and objectives of the County's housing goal element, specifically that reduced building heights could be perceived as a barrier to housing production as well as new code language that does not meet the "clear and objective standard" test required under Oregon law (Exhibit K). Counsel also notes that the proposed Variance criteria as applied to housing proposals may conflict with state policies limiting review to application of clear and objective standards.

The Goal 10 Housing element references other applicable goal elements and discusses the relationships between housing and public facilities and services, urbanization and applicability of the housing goal to urban and rural areas. Goal elements 11 and 14 are further discussed below.

- Tillamook County Comprehensive Plan Goal 11 Element: PUBLIC FACILITIES
  Summary: Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs. This Element of the Comprehensive Plan outline types and levels of urban and rural facilities and services, with guidance to ensure timely, orderly and efficient arrangement of public facilities and services in Tillamook County.

  Findings: Goal 11 policies require planning for adequate public services such as sewer (allowed in urbanized areas), water, law enforcement and fire protection that is critical to the public health, welfare and safety of Tillamook County communities and its residents. The proposed amendments requested by the ONA are not public facilities focused.

As mentioned previously in this report, middle housing opportunities at a density exceeding one unit (single-family dwelling) are limited to residentially zoned properties within unincorporated communities where public facilities and services exist. As stated in proposed Section 5.120, documentation from service providers is required to be submitted in conjunction with a consolidated zoning/building permit application to ensure public services are available and can accommodate the proposed development of a middle housing project.

- Tillamook County Comprehensive Plan Goal 12 Element: TRANSPORTATION
  Summary: The goal aims to provide "a safe, convenient and economic transportation system." It asks for communities to address the needs of the "transportation disadvantaged." Policies outlined in this Goal element of the Tillamook County Comprehensive Plan require the County to protect the function, operation and safety of existing and planned roadways as identified in the County's Transportation Plan, consider land use impacts on existing or planned transportation facilities in all land use decisions, plan for multi-modal networks, and coordinate transportation planning efforts with other jurisdictions to assure adequate connections to streets and transportation systems between incorporated and unincorporated areas.

  Findings: The proposed amendments requested by the ONA are not transportation focused. The development standards contained in proposed TCLUO Section 5.120 establish standards for driveways and access to properties for middle housing projects, and compliance with these standards are referenced in the draft amendments of Section 3.310: Residential Oceanside (ROS) Zone (Exhibit A).

- Tillamook County Comprehensive Plan Goal 13 Element: ENERGY CONSERVATION
  Summary: Goal 13 declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles." Planning for energy conservation and opportunities to promote the installation of renewable energy systems are discussed in this Goal element of the Tillamook County Comprehensive Plan.

  Findings: Existing opportunities for renewable energy conservation systems and efforts to maximize conservation of existing energy facilities are not affected by the proposed amendments. The proposed amendments requested by the ONA do not focus on renewable energy systems; however, the ONA finds the proposed building height reductions support energy conservation objectives and priorities (Exhibits C & E).

- Tillamook County Comprehensive Plan Goal 14 Element: URBANIZATION
  Summary: This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses. This Goal element of the Tillamook County Comprehensive Plan focuses largely on development within unincorporated communities, public facility limitations to rural areas, and impacts of urban sprawl on resource lands.

  Findings: Middle Housing densities as reflected in the proposed amendments of TCLUO Section 3.310: Residential Oceanside Zone are limited to up to four dwelling units (plexes and townhomes) and allow cottage cluster developments to be a maximum of 8 units. Development standards are contained in TCLUO Section 5.120.

Middle housing opportunities exceeding one dwelling unit (single-family dwelling) are limited to residentially zoned properties served by water and sewer within unincorporated communities, such as Oceanside, where these public facilities and services exist. Middle housing projects are not allowed on residential properties outside of residentially zoned properties within unincorporated communities (urbanizable lands), ensuring middle housing development does not result in urban sprawl on resource lands.

The proposed amendments requested by the ONA include a series of modified and new development standards, as well as Variance criteria and exemptions for non-conforming structures. The proposed amendments are limited to properties within the Oceanside Unincorporated Community Boundary and do not extend to rural areas or result in urban sprawl on resource lands.

The Oceanside Community Plan is an adopted plan and contained in the County's Goal 14 element. A copy of the plan is included as "Exhibit M". The Oceanside Community Plan contains information and policies related to community character and development. Emerging issues and goals include affordable housing in Tillamook County, a desire to establish lighting standards and other ordinance proposals. Policies are contained in Chapter 12, outlined on pages 30-32. Policies focus on community form and efforts to preserve the "rustic coastal village atmosphere", natural resources and beauty of Oceanside, that housing and development avoid features that detract the village aesthetic and community character, that every mean be taken to assure development be compatible with maintaining the existing natural character of the area and preserve this natural character, that neighboring property rights be respected as well as respect be extended for the privacy and solitude of surrounding property owners and residents (Exhibit M). Objectives for minimizing light pollution and planning for future commercial development that preserve community character are also listed in this section.

- Tillamook County Comprehensive Plan Goal 16 Element: ESTUARINE RESOURCES
  Summary: This goal requires local governments to classify Oregon's 22 major estuaries in four categories: natural, conservation, shallow-draft development, and deep-draft development. It then describes types of land uses and activities that are permissible in those "management units." Five estuaries are inventoried and described in this element of the Tillamook County Comprehensive Plan, the Nehalem Estuary, Tillamook Estuary, Netarts Estuary, Sandlake Estuary and Nestucca Estuary.

- Tillamook County Comprehensive Plan Goal 17 Element: COASTAL SHORELANDS
  Summary: The goal defines a planning area bounded by the ocean beaches on the west and the coast highway (State Route 101) on the east. It specifies how certain types of land and resources there are to be managed: major marshes, for example, are to be protected. Sites best suited for unique coastal land uses (port facilities, for example) are reserved for "water-dependent" or "water related" uses. Coastal Shorelands inventoried in Tillamook County as described in this element are Nehalem Estuary Shorelands, Tillamook Estuary Shorelands, Netarts Estuary Shorelands, Sandlake Estuary Shorelands, and Nestucca Estuary Shorelands.

- Tillamook County Comprehensive Plan Goal 18 Element: BEACHES AND DUNES
  Summary: Goal 18 sets planning standards for development on various types of dunes. It prohibits residential development on beaches and active foredunes but allows some other types of development if they meet key criteria. The goal also deals with dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes. Several categories of dunes are described and discussed in this element of the Tillamook County Comprehensive Plan, and includes discussion about where residential, commercial and industrial uses are prohibited. Goal 18 Exception areas are also inventoried within this element which allow for residential, industrial and commercial uses in dune

areas that would otherwise be prohibited.

Findings: None of the proposed amendments conflict with the goals and policies of the coastal elements. Coastal resources areas already under policy protection will continue to remain under those protections contained within the Comprehensive Plan. It should be noted that the County's Goal 17 element inventories Three Arch Rocks as a significant wildlife habitat and as an exceptional aesthetic resource. The inventories note the area surrounding Three Arch Rocks is a significant habitat for sea mammals and seabirds.

2. ***Tillamook County Land Use Ordinance, Article IX, Amendment Process***

A. **Section 9.030: Text Amendment Procedure (Amend Article 5 of the TCLUO to include Section 5.110: Accessory Dwelling Unit (ADU) Standards)**

1. **A COMPREHENSIVE PLAN TEXT or ORDINANCE AMENDMENT may be requested by any person, subject to the requirements of a Type IV procedure and Article 10.**

If County initiated, Article 9 requires the Department to prepare an analysis of the proposed amendments addressing such issues as the intent of the applicable Comprehensive Plan policies; the intent of the provisions being amended; the effect on the land use patterns in the County; the effect on the productivity of resource lands in the County; administration and enforcement; and the benefits or costs to Departmental resources resulting from the proposed amendments.

Staff finds as follows:

- An analysis of the proposed amendments in relation to relevant Comprehensive Plan element policies is contained in this report.
- The proposed middle housing code amendments do not impair legally designated uses permitted outright or conditionally in the Residential Oceanside (ROS) zone and are required under Senate Bill 406 to be implemented in the Unincorporated Community of Oceanside.
- Given the proposed code amendments at the request of the ONA include modifications that reduce allowances for development of a property (allowable maximum building height and building height calculation), these proposed reductions may impair the development of uses permitted outright or conditionally in the Residential Oceanside (ROS) Zone and Commercial Oceanside (COS) Zone. These amendments have been reviewed by Counsel and Counsel findings are outlined in the memorandum included as "Exhibit K" of this report and in the email presented to the ZAPR committed included as "Exhibit L" of this report.
- Land use patterns establish how land is used in a specific area- residential, commercial, agricultural, and industrial are primary examples. Residential uses consisting of more than one-dwelling unit property (middle housing) are already established uses permitted outright and conditionally in the Residential Oceanside (ROS) Zone, and middle housing types are largely already part of established land use patterns in all unincorporated communities. Additionally:
    - The state has determined that middle housing types provide opportunities for increased housing supply in developed neighborhoods that blend well with detached single-family dwellings.

    - The minimum lot size requirements for permitted uses in the Residential Oceanside (ROS) Zone remain the same with no reductions in minimum lot sizes for middle housing.
    - Minimum setback requirements already established in Residential Oceanside Zone also remain the same with a few proposed amendments as reflected in draft Section 3.310.
    - The established lot coverage maximum of 50% will continue to apply where applicable.
- The proposed amendments requested by the ONA are not anticipated to affect existing land use patterns in terms of uses established outright and conditionally in the Residential Oceanside (ROS) Zone and Commercial Oceanside (COS) Zone.
- None of the proposed amendments have an anticipated effect on the productivity of resource lands in Tillamook County. The proposed amendments do not allow the development of middle housing projects on resource lands and the Oceanside Unincorporated Community does not contain resource-zoned properties where natural resource activities currently or are anticipated to take place.
- The Department does not anticipate negative impacts on County administration or enforcement following adoption of the proposed middle housing codes. One of the primary goals of these middle housing code updates mandated under Senate Bill 406 is to streamline permitting processes that should also result in improved administrative processes. Adoption of middle housing code updates also presents an opportunity to address non-conforming structures and uses, as well as provide a clear and objective permitting path for unpermitted construction of additional dwelling units where this type of path may not have been previously available.
- In reference to Counsel's memorandum included as "Exhibit D" and findings outlined by Counsel staff relayed to the ONA ZAPR Committee dated April 1, 2025 (Exhibit L), Counsel outlines concerns of property rights takings, conflict with statutes related to non-conforming structures, potential conflicts with state policies for clear and objective standards for housing-related projects and suggests that some of the proposed amendments be reconsidered as part of a larger regional code update should the Board of Commissioners choose to do so.
- A fee structure already exists for required land use, zoning and building permit application(s) which will continue to apply to development requests of properties located within unincorporated Tillamook County.
- A fee structure exists for review of proposals related to non-conforming structures and Variance requests. The fee for a non-conforming review is not anticipated to change. A fee for reviewing Variance requests specific to properties within the Oceanside Unincorporated Community Boundary would be warranted given the additional criteria analysis.
- Permitting requirements for middle housing projects are briefly described in this report. Permitting processes will follow standard procedures and review processes currently in place to ensure compliance with applicable building, zoning and sanitation code requirements.
- Permitting processes for review of development proposals on properties located within the Unincorporated Community of Oceanside may need to be altered should the proposed development standards be adopted. The proposed standards, if adopted, will require additional time for review by staff and may require additional compliance oversight-specifically with exterior lighting standards and potential follow-up inspections or documentation resulting from the proposed building height calculation methodology. Adoption of the proposed amendments may result in additional land use review requirements,

specifically, Variance requests and additional review for non-conforming structures, if the building height maximum proposal is adopted and if a non-conforming exemption clause cannot be utilized.

2. CRITERIA

(a) If the proposal involves an amendment to the Comprehensive Plan, the amendment must be consistent with the Statewide Planning Goals and relevant Oregon Administrative Rules;
(b) The proposal must be consistent with the Comprehensive Plan. (The Comprehensive Plan may be amended concurrently with proposed changes in zoning);
(c) The Board must find the proposal to be in the public interest with regard to community conditions; the proposal either responds to changes in the community, or it corrects a mistake or inconsistency in the subject plan or ordinance; and
(d) The amendment must conform to Section 9.040 Transportations Planning Rule Compliance.

Staff finds as follows:

- Goals and policies reflected in the Tillamook County Comprehensive Plan are required to be consistent with the Statewide Planning Goals and relevant Oregon Administrative Rules. The proposed amendments do not involve an amendment to the Tillamook County Comprehensive Plan. Policies contained within Goal 10: Housing element of the Tillamook County Comprehensive Plan support adoption of the proposed amendments.
- The proposed middle housing code amendments are needed to address countywide housing shortages as well as existing and future housing needs. The proposed middle housing code amendments are within the public interest regarding community conditions and known future housing needs contained within the County's Housing Needs Analysis.
- The proposed ONA amendments result from a community-led process that took place in 2021. A summary of the community process and voting results are included in "Exhibit C" of this report. The May 2025 voting results are also included as "Exhibit G". It should be noted that some of the proposed ONA amendments were not part of the voting process in 2025.
- None of the proposed amendments conflict with Section 9.040 Transportation Planning Rule Compliance, specifically this updated information will not significantly affect a transportation facility pursuant with Oregon Administrative Rule (OAR) 660-012-0060 (Transportation Planning Rule - TPR).

VI. EXHIBITS:

Exhibit A: TCLUO Section 3.310: Residential Oceanside (ROS) Zone
Exhibit B: TCLUO Section 3.320: Commercial Oceanside (COS) Zone
Exhibit C: Oceanside Neighborhood Association (ONA) Proposals for Planning Action Oceanside
Exhibit D: Neighborhood Association Letter Dated November 23, 2021
Exhibit E: ONA Community Lighting Standards Document
Exhibit F: ONA Building Height Team Report
Exhibit G: May 2025 ONA Voting Results
Exhibit H: Senate Bill 406
Exhibit I: Public Testimony

Exhibit J: Counsel Legal Opinion dated July 31, 2025
Exhibit K: Email dated April 1, 2025, to ONA ZAPR Committee Members regarding discussions of the proposed Building Height Reduction & Non-Conforming Status
Exhibit L: Oceanside Community Plan

EXHIBIT A

SECTION 3.310 RESIDENTIAL OCEANSIDE (ROS) ZONE

(1) **PURPOSE: The purpose of the ROS zone is to designate areas for low-density ~~one and two-family~~ residential development and other, compatible, uses. Suitability of land for low-density uses is determined by the availability of public sewer services, and limitations to density such as geologic and flood hazards, shoreline erosion, and the aesthetic or resource values of nearby natural features. Where any provision of the ROS zone imposes a restriction on the use of land greater than is provided by other ordinance provisions, then the ROS zone shall prevail.**

(2) **USES PERMITTED OUTRIGHT: In the ROS zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this ordinance.**

Commented [SA1]: Updated to include middle housing options. No other changes.

(a) Single-family dwelling.

(b) Accessory dwelling unit according to the provisions of Section 5.110 of this ordinance.

(c) Duplex attached or detached.

(d) Triplex attached, according to the provisions of Section 5.120 of this ordinance.

(e) Quadplex attached, according to the provisions of Section 5.120 of this ordinance.

(f) Townhouse, up to four attached, according to the provisions of Section 5.120 of this ordinance.

(g) Cottage cluster, up to eight per common courtyard, according to the provisions of Section 5.120 of this ordinance.

(h) Home occupation according to the provisions of Section 4.140 (b) of this ordinance.

(i) Public park with associated uses.

(j) On-site manufactured home or recreational vehicle used during the construction of a primary permitted use for which a building permit has been issued. Limited to 1 year.

(k) Unlighted signs, four square feet or less in area, and securely attached to the ground or structure.

(3) **USES PERMITTED CONDITIONALLY: In the ROS zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all applicable supplementary regulations contained in this ordinance.**

Commented [SA2]: Updated to move two family dwelling to uses permitted outright. No other changes.

~~(a) Two-family dwelling.~~

(b) Church or school.

(c) Non-profit community meeting building and associated facilities.

(d) Fire and ambulance station with appropriate communications towers.

(e) Screened Utility substation and power transmission lines.

(f) Swimming, tennis, racquetball and similar facilities.

(g) On-site temporary real estate sales office in subdivision.

(h) Water supply or treatment facilities or sewage treatment plants.

(i) Accessory structure or use without on-site primary structure.

(j) Temporary placement of mobile home or recreation vehicle to be used because of health hardship subject to Section 6.050.

(k) Owner occupied Bed & Breakfast enterprise provided that no more than two (2) bedrooms for guests are provided. The Conditional Use is subject to periodic review.

(l) Foster family home accommodating six or more children or adults.

(m) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as "Adult Foster Homes" or "Foster Family Homes".

(4) **STANDARDS: Land divisions and development in the ROS zone shall conform to the following standards, unless more restrictive supplemental regulations apply:**

(a) **The minimum lot size for ~~permitted uses~~ a single-family dwelling, duplex or triplex shall be 7,500 square feet where the slope averages less than 19 percent. Where the slope averages from 19 to 29 percent the minimum lot size shall be 10,000 square feet, and where the slope averages greater than 29 percent, the minimum lot size shall be 20,000 square feet, except that in both of theses sloped areas and in unsewered or geologic hazard areas, a larger minimum may be required. [Refer to Article IV Exceptions for existing legally platted lots and parcels]**

(b) **The minimum lot size for a quadplex or cottage cluster shall be 7,000 square feet where the slope averages less than 19 percent. Where the slope averages 19 percent or greater, the minimum lot sizes in subsection (a) apply.**

(c) **The minimum lot size for a townhouse shall be 1,500 square feet, provided, the average minimum lot size shall be 1,750 square feet for all attached units in a townhouse project where the slope averages less than 19 percent. Where the slope averages from 19 to 29 percent the average minimum lot size shall be 2,500 square feet, and where the slope averages greater than 29 percent, the average minimum lot size shall be 5,000 feet for all attached units in a townhouse project.**

(d) **The minimum lot width shall be 60 feet. The minimum lot width for townhouses shall**

be 20-feet.

Commented [SA3]: Recommended for consistency with Section 5.120.

(e) The minimum lot depth shall be 75 feet.

(f) The minimum front yard setback shall be 20 feet.

(g) The minimum side yard setback shall be 5 feet; on the street side of a corner lot, it shall be 15 feet.

(h) The minimum rear yard setback shall be 20 feet; on a corner lot, it shall be 5 feet.

(i) All setback standards may be subject to the exceptions in Tillamook County Land Use Ordinance Section 4.110.

(j) Structures shall not occupy more than 50% of the lot area.

(k) **The maximum building height shall be ~~35~~ 30 feet, except on ocean or bay frontage lots, where it shall be ~~24~~ 25 feet. "Maximum building height" is determined by averaging the building height at the four corners of the grade rectangle.**

1. **"Building height" means the vertical distance of a building measured from existing grade to the highest point of the structure.**

2. **"Existing grade" means the (1) existing ground, prior to any grading, filling or other development activity that was conducted in anticipation of designing or building the proposed structure, or (2) the post-construction ground, whichever is lower relative to the fixed benchmark referenced in subsection (j) below.**

3. **"Grade rectangle" means the reference rectangle formed by connecting joining the four external corners of the building foundation at the point each of them meets the existing grade. If the foundation does not form a rectangle, then the grade rectangle is the smallest rectangle that can be drawn to encompass all corners of the foundation.**

4. **Unless specifically exempted, the height limit applies to all elements or portions of a structure, including dormers, gables, balconies, garages, covered carports, covered decks, deck railings and any other roofed structural element. Architectural elements that do not add floor area to a building, such as chimneys, antennas, vents, and comparable roof equipment, are excluded from the height calculation. (See also Oceanside Community Plan (2018), Section 12.4, for separate height limits applicable to alternative or renewable energy equipment.)**

5. **Prior to approval of a building permit for any structure that appears to be within 3 feet of the maximum building height, the applicant shall sign a legally binding statement prepared by the department that holds Tillamook County harmless should construction of approved plans result in a structure exceeding the height limit and needing to be removed or altered.**

6. **The requirements of this section shall apply to all new structures on which initial building permits are submitted or construction commences (whichever occurs first) on or after the date this ordinance is enacted. The requirements shall also apply to all additions, remodels or repairs of structures on which construction commences or a building permit is submitted (whichever occurs first) prior to enactment, provided that they shall not apply to or require nonconforming use reviews of those portions of the preexisting structure that already exceed the restrictions of this provision.**

(l) A property survey of the lot shall be performed including elevations, and all corners shall be monumented by a registered surveyor prior to land division and/or submittal of a permit for construction/location on lots containing less than 7,500 square feet. **A fixed benchmark shall also be established on or near the site and clearly identify the points used to establish the grade rectangle.** A copy of the survey shall be submitted with the application and other required material.

(m) Off-street parking shall conform to Section 4.030.

(n) New uses authorized within the community growth boundary shall not adversely affect farm or forest management practices conducted in accordance with federal and state laws. Authorization to create a parcel or construct a dwelling adjacent to land zoned for farm or forest use shall require a notarized declaratory statement signed by all current property owners who appear on the property deed or contract. This statement shall serve as a covenant that runs with the land binding heirs, assigns, lessees and successors. This covenant shall affirm that residents of the parcel may be subject to farm or forest management practices conducted in accordance with federal and state laws which ordinarily and necessarily produce noise, dust, smoke and other impacts. Those signing the statement acknowledge that they "do hereby accept the potential impacts from farm and forest practices as normal and necessary and part of the risk of establishing a dwelling in this area, and acknowledge the need to avoid activities that conflict with nearby farm or forest uses". The signed and notarized covenant must be approved by the County Planning Director and recorded with the Tillamook County Clerk.

(5) Exterior Lighting Standards:

(a) Exterior lighting fixtures are required to comply with the Oceanside Community Lighting Standards, State of Oregon Energy Codes and Dark Sky Oregon Outdoor Lighting Policies.

(b) Applicability:

- **i. Buildings and structures including but not limited to: exterior surfaces, overhangs and canopies.**
- **ii. Parking lot lighting.**
- **iii. Landscape lighting.**
- **iv. Exterior hardscape lighting.**

(c) Exemptions:

- **i. Temporary emergency lighting (i.e., fire, police, repair workers) or warning lights.**

ii. Seasonal decorations do not have to be shielded; provided that they do not have a brightness of more than 0.1 foot-candles at the property line on which they are installed.

iii. Outdoor lighting approved by the Oceanside Neighborhood Association for temporary or periodic events (e.g., fairs, nighttime construction).

(d) Prohibited: The following fixtures are prohibited for exterior lighting:

i. Searchlights for any purpose other than temporary emergency lighting or as allowed by a special event license.

ii. Laser lights or any similar high-intensity light for outdoor use or entertainment, when projected above the horizontal plane.

iii. Quartz lamps.

iv. Mercury vapor lamps.

v. Sodium vapor lamps.

(e) General Standards: The following general standards shall apply to all nonexempt outdoor lighting fixtures and accent lighting:

i. Outdoor lighting fixtures and accent lighting must be shielded and aimed downward. Light sources shall have an initial output of no more than 1,500 lumens.

ii. The shield must mask the direct horizontal surface of the light source. The light must be aimed to ensure that the illumination is pointing downward onto the ground surface with a 10-degree cut-off line.

iii. Outdoor lighting fixtures and accent lighting shall not directly illuminate the beach, ocean or public waterways.

iv. Accent lighting shall be directed downward onto the illuminated object or area and not toward the sky or onto adjacent properties.

v. Walkways or pathways shall be illuminated to a minimum average maintained luminance of .3 foot-candle and not to exceed a maximum average-maintained luminance of .9 foot-candle.

(6) Non-Conforming Uses:

(a) If a lawful structure exists at the effective date of adoption or amendment of this ordinance, that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, location on the lot, or other requirements concerning the structure, such structure may remain so long as it is otherwise lawful, subject to the following provisions:

i. No such nonconforming structure may be enlarged or altered in a way that increases its nonconformity, but any structure or portion thereof may be altered in a way that will not change or will decrease its nonconformity.

ii. Insert Counsel Language

(7) Variance:

(a) In addition to the criteria contained in Article 8, a variance request to the development standards of this zone shall also meet the following criteria:

i. The literal interpretation of the development standard would cause undue or unnecessary hardship without a corresponding public benefit.

Commented [SA4]: Requires Legal Review. Counsel has expressed concern over language. Added language for purposes of starting place should BOCC authorize staff and counsel to work on language.

Commented [SA5]: Requires Legal Review. Counsel has expressed concern over language. Added language for purposes of starting place should BOCC authorize staff and counsel to work on language.

ii. **The variance request is more than fifty percent (50%) from the numerical site development standard.**

iii. **The variance request is processed as a Type III review in accordance with the procedures outlined in Article 10.**

(b) **Applications for variances to this building height standard shall be supplemented by consideration of the extent to which the requested variance seeks approval of structural dimensions or components that:**

i. **Contravene or materially impede the standards adopted in Sections 3.2 and12.5 of the Oceanside Community Plan (2018), incorporated by reference here, which – in pertinent part – implement the historical community policy to preserve Oceanside's "village character" by mandating that '[t]hose engaging in construction activities shall take maximally effective measures to reduce … view obstructions" (Section 12.5(d)). With regard to Oceanside, "village character" means the "intimate and unified character" resulting from the fact that "almost every property has a special relationship to the sea, cliffs and hillsides, and that these relationships are interdependent components of the community's relationship to its setting, notwithstanding the location of individual property lines." (Section 3.2), and**

ii. **Contravene or materially impede the development standards adopted in Tillamook County Land Use Ordinance Article IV, Section 5.005(2), (4) or (8) by materially obstructing preexisting air, light or view corridors between existing structures.**

PRIOR TO PREPARING PLANS FOR DEVELOPMENT WITHIN THIS UNICORPORATED COMMUNITY YOU ARE ADVISED TO CHECK THE TILLAMOOK COUNTY LAND USE ORDINANCE FOR ADDITIONAL REGULATIONS THAT MAY APPLY.

EXHIBIT B

SECTION 3.312 COMMERCIAL OCEANSIDE (COS) ZONE

(1) PURPOSE: The purpose of the COS zone is to permit a moderate level of commercial activities in the community. Commercial uses in the COS zone typically provide goods and services that would be required by most households in the area, and they have relatively few impacts on neighboring areas. Land is suitable for the COS zone because it: (a) is needed; (b) is physically capable of being developed; (c) can obtain access to a public road without causing traffic hazards or congestion; and (d) will not cause significant conflicts with nearby residential uses.

The COS zone classification is intended to provide a variety of commercial uses which enhance a rural community's viability and livability. It is also intended to provide development that results in rural employment opportunities. Commercial activities in this zone generally consist of small scale low impact uses which serve the community and surrounding rural area.

(2) USES PERMITTED OUTRIGHT: In the COS zone, the following small scale low impact commercial uses and their accessory buildings and uses are permitted in a building or buildings not exceeding 4,000 square feet of floor space and are subject to the general provisions and exceptions set forth in the Land Use Ordinance.

(a) Oceanside community service buildings.

(b) General retail trade establishment such as a grocery store, drug store, or a hardware store, provided that such establishments do not require over 5 parking spaces.

(c) Personal and business services such as barber, tailor, beauty and shoe repair shop.

(d) Business, government, professional, and medical offices, financial institutions, library and fire station.

(e) Eating and drinking establishment, excluding walk-up and/or drive-in services.

(f) Single-family residential structure for the owner of an active business on the same lot.

(g) On-site manufactured home or recreational vehicle used during the construction of a primary permitted use for which a building or placement permit has been issued. Limited to one (1) year.

(h) Signs, subject to Subsection 5 of this section.

(i) Dwelling unit or units accessory to an active commercial use, located above the first story.

(j) Owner occupied Bed & Breakfast enterprise provided that no more than two bedrooms for guests are provided.

(k) Public park and recreation uses.

(3) USES PERMITTED CONDITIONALLY: In the COS zone, the following uses and their accessory uses are permitted subject to the provisions in Article 6 and the requirements of all applicable supplementary regulations contained in this ordinance:

(a) Walk-up eating establishment.

(b) Mini-storage.

(c) Small retail shoppe complex.

(d) Lodge, club or meeting facility.

(e) Motel or hotel containing not more than 35 units.

(f) Temporary mobile kitchen unit.

(g) One- or two-family dwelling, including townhouses, row houses and condominiums.

(h) Church or school.

(4) STANDARDS: Land divisions and development in the COS zone shall conform to the following standards, unless more restrictive supplemental regulations apply:

(a) The minimum lot dimensions, yard setbacks, and building height restrictions for structures containing only residential uses shall be the same as in the ROS zone. In the COS zone, motels and hotels shall be considered a commercial use.

(b) Minimum yards for any structure on a lot or parcel adjacent to a ROS zone shall be 5 feet on the side adjacent to the ROS zone, and 10 feet in the front. No rear yard is required.

(c) For commercial or combined commercial-residential structures, structures shall be either constructed on the property line or set back 3 feet or as required in Section (4) (b) of this section.

(d) All structures shall meet the requirements for clear vision areas specified in Section 4.010.

(e) All uses shall meet off-street parking requirements as provided in Section 4.030.

(f) All structures will have storm drainage facilities that are channeled in to the public storm drainage system or a natural drainage system approved by the County Engineer.

(g) A property survey of the lot shall be performed and all corners shall be monumented by a registered surveyor prior to land division and/or prior to submittal of a permit for construction/location and a copy of the survey shall be submitted with the application and other required material.

(h) Outdoor storage abutting or facing a lot in a residential zone shall be screened with a sight-obscuring fence.

(i) **The maximum building height for commercial structures shall be ~~35~~ 30 feet except on ocean front lots, where it shall be 24 feet. "Maximum building height" is determined by averaging the building height at the four corners of the grade rectangle.**

1. **"Building height" means the vertical distance of a building measured from existing grade to the highest point of the structure.**

2. **"Existing grade" means the (1) existing ground, prior to any grading, filling or other development activity that was conducted in anticipation of designing or building the proposed structure, or (2) the post-construction ground, whichever is lower relative to the fixed benchmark referenced in subsection (j) below.**

3. **"Grade rectangle" means the reference rectangle formed by connecting joining the four external corners of the building foundation at the point each of them meets the existing grade. If the foundation does not form a rectangle, then the grade rectangle is the smallest rectangle that can be drawn to encompass all corners of the foundation.**

4. **Unless specifically exempted, the height limit applies to all elements or portions of a structure, including dormers, gables, balconies, garages, covered carports, covered decks, deck railings and any other roofed structural element. Architectural elements that do not add floor area to a building, such as chimneys, antennas, vents, and comparable roof equipment, are excluded from the height calculation. (See also Oceanside Community Plan (2018), Section 12.4, for separate height limits applicable to alternative or renewable energy equipment.)**

5. **Prior to approval of a building permit for any structure that appears to be within 3 feet of the maximum building height, the applicant shall sign a legally binding statement prepared by the department that holds Tillamook County harmless should construction of approved plans result in a structure exceeding the height limit and needing to be removed or altered.**

6. **The requirements of this section shall apply to all new structures on which initial building permits are submitted or construction commences (whichever occurs first) on or after the date this ordinance is enacted. The requirements shall also apply to all additions, remodels or repairs of structures on which construction commences or a building permit is submitted (whichever occurs first) prior to enactment, provided that they shall not apply to or require nonconforming use reviews of those portions of the preexisting structure that already exceed the restrictions of this provision.**

(j) A commercial building shall not exceed 8000 square feet, motels are exempt from this limit.

(5) SIGNS: A total of 100 square feet or less in area per business frontage. No sign shall be larger than 32 square feet in size. Temporary banner for grand opening, business change, etc. is allowed for a maximum of two weeks. The following types of signs shall be prohibited:

(a) Off-premise sign.

(b) Flashing sign.

(c) Billboard.

(d) Sign/signs extending in setback area.

(e) Beach-side signs on beach front property.

(6) **NON-CONFORMING USES:**

(a) **If a lawful structure exists at the effective date of adoption or amendment of this ordinance, that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, location on the lot, or other requirements concerning the structure, such structure may remain so long as it is otherwise lawful, subject to the following provisions:**

Commented [SA1]: Requires Legal Review. Counsel has expressed concern over language. Added language for purposes of starting place should BOCC authorize staff and counsel to work on language.

i. No such nonconforming structure may be enlarged or altered in a way that increases its nonconformity, but any structure or portion thereof may be altered in a way that will not change or will decrease its nonconformity.

ii. *Insert Counsel Language*

(7) VARIANCE:

Commented [SA2]: Requires Legal Review. Counsel has expressed concern over language. Added language for purposes of starting place should BOCC authorize staff and counsel to work on language.

a. In addition to the criteria contained in Article 8, a variance request to the development standards of this zone shall also meet the following criteria:

i. The literal interpretation of the development standard would cause undue or unnecessary hardship without a corresponding public benefit.

ii. The variance request is more than fifty percent (50%) from the numerical site development standard.

iii. The variance request is processed as a Type III review in accordance with the procedures outlined in Article 10.

b. Applications for variances to this building height standard shall be supplemented by consideration of the extent to which the requested variance seeks approval of structural dimensions or components that:

i. Contravene or materially impede the standards adopted in Sections 3.2 and12.5 of the Oceanside Community Plan (2018), incorporated by reference here, which – in pertinent part – implement the historical community policy to preserve Oceanside's "village character" by mandating that '[t]hose engaging in construction activities shall take maximally effective measures to reduce ... view obstructions" (Section 12.5(d)). With regard to Oceanside, "village character" means the "intimate and unified character" resulting from the fact that "almost every property has a special relationship to the sea, cliffs and hillsides, and that these relationships are interdependent components of the community's relationship to its setting, notwithstanding the location of individual property lines." (Section 3.2), and

ii. Contravene or materially impede the development standards adopted in Tillamook County Land Use Ordinance Article IV, Section 5.005(2), (4) or (8) by materially obstructing preexisting air, light or view corridors between existing structures.

PRIOR TO PREPARING PLANS FOR DEVELOPMENT WITHIN THIS CGB YOU

ARE ADVISED TO CHECK THE TILLAMOOK COUNTY LAND USE ORDINANCE FOR ADDITIONAL REGULATIONS THAT MAY APPLY!

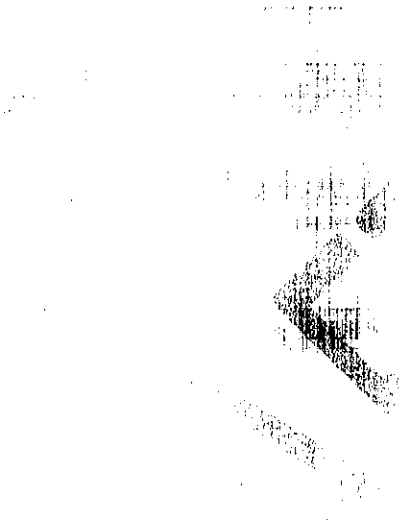

EXHIBIT C

Oceanside Neighborhood Association

PROPOSALS FOR PLANNING ACTION:
REVISIONS TO OCEANSIDE LAND USE ZONES BY
OCEANSIDE NEIGHBORHOOD ASSOCIATION
CITIZEN ADVISORY COMMITTEE

Planning Action No. 1:	Revisions Relating to Exterior Lighting
Planning Action No. 2:	Revisions Relating to Calculation of Building Height and Variance Criteria
Planning Action No. 3:	Revisions Relating to Maximum Building Height

Sharon M-Brown ONA President
2022-2024

Dated: June 17, 2024
updated October 22, 2024

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OCEANSIDE NEIGHBORHOOD ASSOCIATION CAC REQUEST FOR PLANNING ACTION – REVISIONS TO ZONING ORDINANCES

I. INTRODUCTION

Oceanside is in the midst of an economic transition that is being played out, among other ways, by emerging construction trends that contravene values consistently reflected in Oceanside's original and updated Community Plans over time. In late 2019, the Oceanside Neighborhood Association Citizen Advisory Committee (hereafter "ONA") embarked on a two-year community process to consider and craft responsive revisions to our zoning ordinances. The ONA recruited volunteer Teams to address three problematic design trends: (1) intrusive exterior lighting, (2) manipulative building height calculations combined with vague variance standards, and (3) a disruptive drive to maximize (rentable) floorspace.

This two-year process resulted in discrete reports by three groups, each independently conveying the methodology, rationale and recommendations for a legislative proposal addressing their respective areas of concern. The resulting reports were individually considered and voted upon by the ONA membership. Accordingly, while we are presenting them in a combined proceeding to conserve committee resources, the ONA requests that they be considered and acted upon separately.

II. LEGAL AUTHORITY

These proposals seek "text amendments" to the land use ordinances governing Oceanside pursuant to LUO 9.030(1). As the recognized Citizen's Advisory Committee for Oceanside, the ONA is authorized to request such actions under LUO 10.020(2). The proposed revisions are subject to Type IV legislative review. See LUO 10.010(4).

III. CRITERIA

Pursuant to LUO 9.090(3), such text amendments must meet the following criteria:

(a) If the proposal involves an amendment to the Comprehensive Plan, the amendment must be consistent with the Statewide Planning Goals and relevant Oregon Administrative Rules;

(b) The proposal must be consistent with the Comprehensive Plan. (The Comprehensive Plan may be amended concurrently with proposed changes in zoning);

(c) The Board must find the proposal to be in the public interest with regard to community conditions; the proposal either responds to changes in the community, or it corrects a mistake or inconsistency in the subject plan or ordinance; and

(d) The amendment must confirm to Section 9.040 Transportation Planning Rule Compliance.

Aside from the discussion of "citizen participation" below, the ONA will address the application of these criteria to each of the proposals in their respective sections.

IV. ONA GENERAL PROCESS TIMELINE

October 2019	ONA Board announced the formation of issues Teams and solicited volunteers
December 2019	ONA Board appointed all who volunteered to the issue Team of their choice
2020 (all year)	ONA suspended proceedings due to pandemic/open meeting law concerns
December 2020	Issues Teams resumed work – research and analysis
June 2021	Issues Teams submitted draft Reports to ONA Board for public comment Draft reports posted online with notices of special meetings and vote date ONA Board announced submission of separate option regarding building height limit for membership consideration
July 2021	Special Meeting devoted exclusively to draft of Exterior Lighting Report – video of meeting posted online
September 2021	Special Meeting devoted exclusively to draft of Building Height Report and ONA Board option – video of meeting posted online
Late September	Final Reports reflecting public input posted online
October 2021	ONA Membership adopted Issues Team Reports and Board Option by majority vote as follows:

Exterior Lighting	**YES:**	**77**	**NO:**	**7**
Building Formula/Variances	**YES:**	**75**	**NO:**	**10**
Building Height Reduction	**YES:**	**55**	**NO:**	**33**

Detailed Minutes of the October 2, 2021 ONA Meeting at which these votes took place appended to this packet as Exhibit A (pages 11-18 herein).

V. PUBLIC INVOLVEMENT

Goal 1 of the Oregon Statewide Land Use Planning Goals is "citizen involvement." See OAR 660-022-0060(1) (counties must afford opportunities for resident participation in planning changes affecting unincorporated areas). In Tillamook County, such involvement is effectuated via CACs like the ONA, whose process in this case comported with the relevant guidelines set out in OAR 660-015-0000(1):

1. Widespread citizen involvement
2. Communication
3. Citizen Influence
4. Technical Information
5. Feedback Mechanisms
6. Financial Support

Widespread Citizen Involvement. The ONA bylaws broadly define eligible "members" to include all full-time all full- and part-time residents, property owners and persons who operate

businesses in the Oceanside community. Membership is free, and the Board accommodates registration by new members until just before any scheduled vote they wish to participate in. There is wide-spread awareness of ONA events and work in the Oceanside community due to its maintenance of an extensive electronic newsletter list with more than 400 subscribers.

Communication. In December 2020, the lighting and building height Teams commenced their work in earnest via Zoom meetings. In June 2021, after six months of research and analysis, the Teams each submitted a draft Report for consideration and public comment by ONA members. During that six-month period, the ONA Board regularly mentioned the Teams and their ongoing work during membership meetings and in editions of its electronic Newsletter, inviting public comments, suggestions or questions for Team consideration.

In early June 2021, the ONA Board posted the draft Reports and recommendations on the ONA website – www.oceansidefriends.org – for public review and comment. At this time, the ONA board acted to add a separate issue for consideration in the form of an option to support reducing Oceanside's maximum building height in non-oceanfront properties from 35 feet to 30 feet. It explained that the Board had been unaware of the community's authority to opt out of the county's general 35-foot limit when the issues Teams were formed. The Board deemed it appropriate to apprise the community of the option and afford an opportunity to act on it.

Between early June and late September 2021, the Board repeatedly reminded the community of the proposals, shared links and invited comment. The ONA Board also repeatedly announced its intent to place all three measures on the agenda for a membership vote at the regular meeting scheduled for October 2, 2021.[1] All comments were conveyed to the Teams, who continued to meet and revise the draft reports based on public comment and suggestions. Below is a log of the email Newsletters sent to the membership during this period. Please note that it includes notices and reminders regarding two "special meetings" exclusively devoted to public discussion of the exterior lighting and building height proposals, respectively.

Date	Information Conveyed at Meetings or in ONA Newsletter	"Opens"[2]
06/06/2021	Lighting Team proposal posted online (link provided)	246
06/16/2021	Building Height proposals posted online (link provided)	
	Special Zoom meeting on Lighting proposal announced for 07/10/2021 (link reposted)	
	Special Zoom meeting on Building Height proposals scheduled for 9/11/2021	276
07/05/2021	Reminder re Special Meeting dates; proposal links reposted with invitation to comment	285
07/09/2021	Zoom link for 07/10/2021 Special Meeting on Lighting report; proposal links reposted	238
07/10/2021	Special Zoom Meeting convened on Lighting proposals (approximately 60 log-ons)	
08/18/2021	Lighting Team will revise draft proposal to reflect Special meeting comments; further comments invited	
	Reminder of Special Meeting re Building Height proposal scheduled 9/11/2021	
	Links to both proposals re-posted	304

[1] In early 2021, the ONA Board appointed and tasked members of its Bylaws Committee to formulate rules and a Voting Policy to allow for attendance and voting at online meetings. These were drafted, posted, debated and approved by the ONA membership in time to implement the new procedures before taking formal votes on the lighting and building height proposals in October 2021.

[2] The "opens" column refers to Mailchimp data reflecting the number of "sent" emails that were actually opened (and presumably read) by the recipients.

09/06/2021	Reminder re Special Meeting on Building Height proposals; link reposted Revised proposals reflecting public comment will be posted before 10/2/2021 votes	299
09/09/2021	Reminder and Zoom link to join Special Meeting on Building Height proposals Links to all proposals re-posted	258
09/11/2021	Special Zoom Meeting convened on Building Heights proposals (approximately 90 log-ons)	
09/12/2021	Link to video recording of 09/11/2021 Special Meeting (39 people opened the link)	265
09/24/2021	Final Reports of all proposals posted with revisions reflecting public comments Further input welcomed by Teams Reminder re votes on all proposals scheduled for 10/02/2021 Summary and links to essay summarizing recently submitted opposing views (83 people opened the links provided)	267
10/01/2021	Zoom link and Agenda for 10/02/2021 ONA Meeting, including Lighting and Building vote	255
10/02/2021	ONA Zoom Meeting convened. Agenda included time for further comments before vote (approximately 89 log-ons)	
10/05/2021	Voting results announced. Link to video recording of 10/02/2021 meeting	294

Citizen Influence. During the comment period, emails containing public comment were immediately forwarded to the respective Teams for consideration. A number of these prompted revisions to the proposals. As an example, on Oceanside property owner both wrote and personally attended a Building Height Team meeting to convey difficulties she anticipated with the original "existing grade" definition based on the timing of excavation that usually precedes construction in larger subdivision developments. The Team saw the merit in the comment and revised the provision to redress it. As another example, several members at the October 2, 2021 ONA Zoom meeting expressed concern that the Team proposal was drafted in a way that applied its provisions to interior lighting as well as exterior lighting. After further discussion, a motion was entertained and passed to strike such language from the proposal. These are just a few of the instances where public comment was influential in shaping the ultimate proposals.

Finally, with regard to the separate proposal to reduce maximum building height, the ONA Board felt a special obligation to air dissenting views, both because it was not a part of the original Team assignments, and because the eventual vote on it reflected less consensus than the other two proposals. For this reason, the ONA Board entertained a written opposition essay by local realtor Pam Zielinski (a principal opponent of the measure), which she submitted a week before the scheduled vote. The Board immediately posted it and featured it in the Newsletter, including the summary with pro/con points and a link for public review. For the same reasons, the ONA Board invited Ms. Zielinski to prepare a Minority Report to the proposal so that it might be appended to this submission packet (found at pages 50-60 herein).

Technical Information. The text of the proposed **exterior lighting ordinance** incorporates technical illustrations. To facilitate community review, the draft ordinances were posted online for six months, during which time links were disseminated to the community 10 times via the ONA Newsletter between June and October 2021. In addition, on July 10, 2021, the ONA devoted an entire Special Meeting via Zoom at which members were afforded the opportunity to flesh out their understanding of this information and direct questions to the Team who drafted it.

At the September 11, 2021 Special Meeting addressing the proposed **building height calculation formula**, the Team presentation likewise included graphic charts clearly illustrating the practical

differences when compared to the current county formula. These graphics are found at pages 39-43 herein.

Feedback Mechanisms. The measures taken to disseminate the proposals, gather public feedback and make responsive changes are described above. The ONA Board and Team participants plan to attend the hearings in these matters to respond to any additional questions that arise.

Financial Support. The Oceanside Protection Society is a Section 501(c)(3) foundation whose mission includes supporting land use initiatives aimed at preserving or enhancing livability in the community. Its Board has raised and set aside funds raised from Oceanside residents to reimburse the County's costs for printing and mailing written notice of these proposals to the affected property owners.

VI. PLANNING GOALS AND POLICIES IMPLICATED BY PROPOSAL

The ONA anticipates that the Department of Community Development will provide the bulk of the technical/legal analysis regarding the implications of the proposal under State Land Use Goals. We write here to briefly highlight: (1) the practical context for that discussion and (2) the existing policies implicated by the proposals.

Practical Context. Oceanside's scenic setting and widely available sewer/water/power services are making it an increasingly prime target for investors seeking to build or remodel homes for operation as short-term rentals. Looking to expand rentable floorspace, nearly all recently new structures in Oceanside consist of multi-story blockhouses with flat or shallowly-inclined roofs. These new buildings are scaled to the maximum height possible, with impacts exacerbated by creative application of the current countywide building height formula - especially on Oceanside's many sloped lots. At the same time, those who purchase on of Oceanside's historically small lots are increasingly taking advantage of the vague county criteria to seek and obtain disconcerting setback variances. Finally, because such buildings are often left vacant for significant periods of time, security concerns often prompt reliance on aggressive exterior lighting beyond routine entry lighting.

The proposed supplemental variance criteria were voiced as an attempt to moderate the approval of variances for new homes or structures that would disrupt existing "space and air" of current structures that complied with and relied upon consistent enforcement of the same rules when developed and built. They are not intended to constrain any construction of structures allowable without such variances. The history of granting of variances, particularly referencing setback and height restrictions, has been done without clear consideration of the cumulative effect on existing properties within the community, and without some moderation through this criteria will change the character of the community forever.

Implicated Land Use Policies. These accelerating trends accompanying Oceanside's urbanization contravene (and are eroding) a number of long-established land use policies, which owners of current properties respected and relied upon when purchasing or developing their own properties. These proposals were motivated by a community desire to strike a new balance

between the interests involved, with less deference to the economic imperatives of growth and the accordance of more weight to the following policies reflected in the following Oregon Land Use Goals, Tillamook County Land Use Ordinances (LUO) and the Oceanside Community Plan:

A. STATEWIDE LAND USE GOALS

GOAL NO. 1 (Citizen involvement) – OAR 660-015-0000(1)

Discussed above.

GOAL NO. 14 (Urbanization) – OAR 660-15-0000(14)

"To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities."

B. TILLAMOOK COUNTY LAND USE ORDINANCES

LUO 4.005: RESIDENTIAL AND COMMERCIAL ZONE STANDARDS/PURPOSE

In all RESIDENTIAL AND COMMERCIAL ZONES, the purpose of land use standards are the following:

** * **

(2) To ensure that adequate light and air are available to residential and commercial structures;

** * **

(4) To enhance privacy for occupants of residences;

** * **

(8) To ensure that pleasing views are neither unreasonably obstructed nor obtained;

LUO 8.030: REVIEW CRITERIA

A VARIANCE shall be granted, according to the procedures set forth in Section 8.020, if the applicant adequately demonstrates that the proposed VARIANCE satisfies all of the following criteria:

(1) Circumstances attributable to either the dimensional, topographic, or hazardous characteristics of a legally existing lot, or to the placement of structures thereupon, would effectively preclude the enjoyment of a substantial property right enjoyed by the majority of landowners in the vicinity, if fall applicable standards were to be met. Such circumstances may not be self-created.

(2) A VARIANCE is necessary to accommodate a use or accessory use on the parcel which can be reasonably expected to occur within the zone or vicinity.

(3) The proposed VARIANCE will comply with the purposes of relevant development standards as enumerated in Section 4.005 and will preserve the right of adjoining property owners to use and enjoy their land for legal purposes.

(4) There are no reasonable alternatives requiring either a lesser or no VARIANCE.

[This proposal would add a section (5) to these criteria. Please see note to practical context page 7.]

C. OCEANSIDE COMMUNITY PLAN (2018)

CHAPTER 11. EXISTING, PROPOSED AND POTENTIAL TILLAMOOK COUNTY ORDINANCES

SECTION 11.2 – Proposed Ordinances

a.) Lighting [for Oceanside only]

In 2010, the ONA submitted a draft lighting ordinance to Tillamook County for adoption in Oceanside zones under which excessive and intrusive lighting would be curbed. . . . [I]n the 2007 Oceanside Survey, . . . 70% of respondents supported controlled lighting in public and private areas. The county took no action on the proposed ordinance.

ONA continues to support lighting regulation as one of its highest priorities and in this Plan reaffirms its application for the county to . . . augment the current Oceanside ROS "Standards" to include outdoor lighting standards that will prohibit or curtail unshielded or intrusively bright lights in order to prevent light pollution, lighting trespass and skyglow to the greatest extent praticable.

CHAPTER 12. OCEANSIDE COMMUNITY POLICIES

SECTION 12.1 – Community form

Every effort shall be made to preserve the "rustic coastal village atmosphere," the natural resources, and the beauty of Oceanside for the benefit of residents, visitors and future generations. (See additional discussion of Oceanside's Vision and "Village Character" in Chapter 1.)

SECTION 12.5 – Community (Village) Character

Residents prize the many qualities of the Oceanside Community and encourage visitors, future property owners and residents to respect and embrace such values as:

- *Scenic Ocean and bay vistas*
- *The natural beauty of the area*
- *Serenity and privacy*

- *Natural lighting (moon and stars)*
- *Natural noise (ocean and wildlife)*

* * *

d.) Those engaging in construction activities shall take maximally effective measures to reduce noise, harsh lighting, view obstructions, clutter, and drainage runoff by completing new constructions within a reasonable time.

* * *

f.) Oceanside residents and owners shall design and shield exterior lights and eliminate unnecessary lights to curtail light pollution and avoid negative impacts on wildlife.

* * *

g.) ONA should work with the county and local property owners to develop a plan and establish guidelines for future commercial development that preserve community character.

Oceanside Neighborhood Association
www.oceansidefriends.org
Meeting Minutes
Regular Meeting — October 2, 2021 — Zoom Format

President Jerry Keene called the online meeting to order at 10:00 a.m. on October 2, 2021. At that point in time, per Zoom registration and polling, 65 ONA members were in attendance. (Additional ONA members joined the meeting later.) The meeting quorum of 37 was met.

Approval of Meeting Minutes:
There were no objections; meeting minutes for June 6, 2021 were approved.

Treasurer Report: (per Mary Flock via Jerry Keene)
Bank balance total is $14,054.37 (ONA General Fund $1,616.98, Beach Access Donation Fund $12,437.39).

Today's Agenda:
Discussion and Voting on Final Team Reports RE: Zoning Ordinances

The purpose this meeting was to have three votes addressing whether the ONA will be requesting the Tillamook Planning Commission & County Commissioners to make certain changes in Zoning Ordinances that govern Oceanside building and land use in these three areas:

1) Exterior Lighting
2) Building Height Calculation
3) Option to reduce Oceanside building height to 30 feet

Background:

Jerry Keene summarized the history of work on these issues. In late 2019, the ONA board announced the formation of teams and a request was made for volunteers to analyze these and other issues. Teams researched their topics and wrote reports. Their work was announced multiple times in meetings and ONA newsletters, and ideas and comments were solicited.

In June 2021, the ONA Exterior Lighting Team and the ONA Building Height Team posted their preliminary reports on the ONA website, asking for additional comments from the public. These comments were evaluated by the teams and many suggestions were incorporated into their reports.

Special ONA meetings were held online to discuss each report:

July 10, 2021 - Lighting Report (about 50 people attended)
Sept 11, 2021 - Building Height Proposals (about 70 people attended)

Input was requested and received from Tillamook County (Sarah Absher)

Final reports were posted to the ONA website Sept 23, 2021 and can be found via the links below:

Final Report - ONA Lighting Team
https://oceansidefriends.us12.list-manage.com/track/click?u=bed158b5fc9dc079133a511fa&id=74d22754cb&e=8793890cef

Final Report - ONA Building Height
https://oceansidefriends.us12.list-manage.com/track/click?u=bed158b5fc9dc079133a511fa&id=1cbda406e9&e=8793890cef

Final Version of Proposed Building Height Ordinance
https://oceansidefriends.us12.list-manage.com/track/click?u=bed158b5fc9dc079133a511fa&id=a55aef2540&e=8793890cef

ONA email newsletters covered the above mentioned activity. MailChimp data shows 220-250 people consistently opened the emails regarding these reports. (Many of these emails go to two people). Jerry is encouraged to see how many people are reading these emails and feels confident that **adequate public notice has been provided and input received.**

Meeting Process:
—Each team committee chairperson will provide comments regarding their team's report.
—The president will entertain a motion to adopt the report and a motion to second is will be sought.
—30 minutes will be taken to discuss the issues.
—An online Zoom poll will be conducted among ONA members to determine whether the ONA will request the Tillamook Planning Commission & County Commissioners to make the requested changes in Zoning Ordinances that govern Oceanside building and land use.

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1) LIGHTING TEAM REPORT
Chair Marilyn Roossinck
Other members: Mike Neunzert, Mike Dowd, Craig Olson.
Marilyn commented that these reports have been on the ONA website for months and the team has received good feedback.

MOTION:
Marilyn Roossink made a **motion to accept the final Lighting Team Report and ordinance revision as submitted** and also authorizing the ONA board to make technical or legal adjustments as required while working with the County Planning Commission.
The motion seconded by Michael Neunzert.

DISCUSSION on Lighting report: (Meeting participants were asked to put comments and questions in the Zoom Chat.)

Pam Zielinski - question: how is lighting trespass measured?
Michael Neunzert responded: light trespass can be evaluated by standing at one's property line. Guidline: if the bulb or brightest part of neighbor's exterior lighting fixture is visible, then light is trespassing across property line.

Jerzy Rub - comment: Welcomes reducing light pollution, but objects to report as written as being intrusive. Original mandate was for OUTDOOR lighting standards. Scope has changed to include light trespass from INSIDE the home. Verbiage requiring indoor lights to point downward. Not purview of county/Oceanside. Also concerned with increased scope to include the energy efficiency of outdoor lights. While a good idea, not in the scope of reducing light pollution.

MOTION:
Jerzy Rub made a **motion to amend the lighting report: to strike out references to interior/indoor lighting & to energy standards, and leave rest of report as is.**
Motion seconded by Pam Zielinski

DISCUSSION on motion to amend:
Comments from task force:
Marilyn: the team observed that having a home's interior light shine directly into another's home is also a form of light trespass.
Michael: team wanted to focus on the problem of light trespass, whether or not it was from indoor or outdoor lighting. Regarding energy efficiency: team saw in this in other community lighting standards and wanted to suggest this good idea,.

Sam Kaluf agrees with Jerzy. Interior lighting standards are overreach. Homes on the hill in Oceanside cannot stop their ceiling down lights from shining onto properties below unless shades are drawn.

Dan & Kathy Hendrix. Agree to motion to strike references on indoor lights.

VOTE:
Zoom poll conducted on **whether to amend Lighting Report:**
A YES vote would **strike all references to interior lighting and energy efficiency standards, the balance of the report to remain the same.**

Basis: interior lighting and energy efficient lighting are outside the original mandate of the team, as well as being hard to measure and enforce.

RESULTS read verbally by Jerry: 80% yes to amend, 20% no
Based on results, **the move to amend the Lighting Report passes.**

DISCUSSION on accepting Exterior Lighting report as amended:
Pam Zielinski: due to Oceanside's hilly topography, bulbs for OUTDOOR lighting would be visible to neighbors below, so she is not in favor of Exterior Lighting standard. Sam agreed.
Jerry responded: this would be one of the common grey areas in building standards that the county has to interpret the intent of the amendment.

Jennifer Byrn: agreed with Jerry. This would be a complaint driven process. There would not be inspectors walking around Oceanside issuing citations. This ordinance would allow egregious light trespass to be addressed.

Susan Wainwright: agreed with Jennifer. Light deters crime, so we wouldn't want complete darkness. Public Utility can shield streetlights and lower LED intensity.

VOTE:
Zoom poll conducted on **whether to accept the Lighting Report as amended**

RESULTS read verbally by Jerry: 77 yes votes, 7 no votes
Based on votes **the Exterior Lighting Report as amended is accepted.**

This proposal will be sent to the County Planning Commission and Tillamook County Commissioners.

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2) <u>BUILDING HEIGHT TEAM REPORT</u>

Background:
Jerry wanted to let members know that the ONA addressed this issue at the request of Tillamook County. Several issues were raised in emails and at the special meeting to discuss this report, and Jerry wanted to respond to them:

1) There was a concern that the new building height formula would do away with the ability to ask for a building height variance.

> Jerry responded: adopting the proposed building height formula would not negate the ability to ask for a building height variance. Article 8 of the county's Land Use Ordinances outlines the criteria for evaluating variance requests, of which blocking views is not currently a factor. The

ONA report on building height asks the county to add blocked views as one of the many criteria already in place to be considered in evaluating variance requests.

2) People asked for case studies or examples of how the building height formula would work.

Jerry shared illustrations of how both the current formula and proposed formula would measure building height and shared an existing home in Oceanside as a case study. These illustrations are included at the end of this document.

Figures 1, 2 and 3 show how the current building height formula results in a different "average building height" depending on the number and placement of walls in a hillside home's design. The current formula-derived average height for Building 1 is 35', for Building 2, 25' and for Building 3, 23'. The more walls and "pop-outs" placed on the uphill side of a building, the lower the overall calculated building height, and the taller the actual building can become.

Figure 4 shows a photo of an actual Oceanside home, which according to the current building height formula, allowed for a 5-story home.

Figure 5 shows the proposed revised building height formula applied to the home in Figure 3. The proposed method provides a more normalized average, not influenced by the addition of extra walls.

Jerry asked to entertain a motion to adopt the team's report on the revised building height formula and added variance language. He emphasized this report does not include any specific height limit.

Carolyn Neunzert, chair of Building Height Formula Committee, reiterated this report was only on the revised building height formula, not on any specific maximum building height. The group's original task was to simplify and clarify the building height formula. Other committee members include Kathie Norris, Mary Beeks and Jerry Keene.

MOTION:
Carolyn Neunzert made **the motion that the Final Report and Ordinance Revisions regarding the Building Height Formula be approved,** as well as authorizing the ONA board to negotiate any technical or legal adjustments if necessary when working with the county planning commission or the county commissioners.
The motion was seconded by Sam Kaluf.

DISCUSSION of proposed Building Height Formula:

A number of questions regarded application of the building height formula to aspects of house design (decks, stilts, chimneys etc.).
Jerry responded: these issues are covered in the proposal and in existing ordinances. The proposed formula would not affect them.

Several people expressed concern that the new formula would harm or restrict building design potential for future construction.
Carolyn responded: the new proposal would actually open up certain aspects of building design since house plans with multiple corners on the downhill side of a lot will not be penalized and have their overall building height lowered.

Question: if a house built to the old code burns down, can it be built to old height or must it use the new formula.
Sarah Absher responded: if 80% or more of home is destroyed, it would need to adhere to the current building standards.

Additional comments:

More restrictive subdivision building covenants would override county ordinance (Camelot, Trillium, etc.)

Sarah Absher responded to questions by Jerry:
—75% to 90% of Oceanside variance requests have been approved by the county over time. This is especially true along Maxwell Mtn & Portland Ave due to steep topography. Often these variances have to do with reduced front yard setbacks.
—the proposed building height formula would simplify county staff's job in calculating average building height. Going from measuring and averaging 15-30 wall heights to 4 wall heights per building would make their job easier and less prone to error.

VOTE:
Zoom poll conducted on **accepting the Final Report and Ordinance Revisions regarding the Building Height Formula,** as stated in the motion.

RESULTS read verbally by Jerry: 75 yes votes, 10 no votes
Based on votes **the motion to accept the new building height formula and ordinance revisions passes.**

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3) <u>OPTION TO REDUCE OCEANSIDE BUILDING HEIGHT TO 30 FEET</u>

Proposal to revise maximum building height in Oceanside residential and commercial zones from the current state-wide 35 feet limit to 30 feet.

Background:
When doing research on building height, Jerry discovered that Neakahnie imposed a maximum height standard of 24 feet. Jerry didn't know this was an option (and this was not in the scope of the Building Height Formula work group) but he wanted to present this to ONA members as a policy option for Oceanside.

MOTION:
Kathy Norris moved **to approve the ONA board's proposal to reduce the maximum building height in Oceanside from 35 feet to 30 feet,** and also that the ONA board be authorized to negotiate any technical or legal changes in the proposal that are deemed necessary before the planning commission and the board of county commissioners
The motion was seconded by Marilyn Roossinck.

DISCUSSION of 30 foot height limit:
- Question about legality of this ordinance reducing people's property value. Response: This is a reality of any zoning change. It could also increase other's property value.
- Is there a relationship between the 30 ft. limit and maximum number of stories? Response: The proposal does not address this. It depends on the slope of the property.
- Pam: Neakahnie has large lots so they can build wide houses vs Oceanside has narrow lots. This would negatively affect owners of narrow steep lots in Oceanside.
- Marilyn: Tall houses have a negative impact on my property and quality of life.
- Steve E: This is an additional restriction in addition to the building formula change.
- Dardn: This 30 ft. restriction is on the backs of new construction and benefits currently existing homes.
- Wendy Shi: Plans to build home. Asks existing homeowners to be considerate of future home builders.
- Steve Ewalt: What would be the timing on such a change? Jerry responds: Can't become law unless it gets through the planning commission, and this would involve public hearings. If planning commission allowed this to go forward, it would go to the county commissioners for hearings and a vote. The soonest this process could possibly be completed would be mid-2022.

- Mandy: concern 30 ft. limit would incentivize tall flat roof, blocky buildings. Also, suggested we don't have to do all of this at once. Could seeing how things go with new building height formula before pursuing lowered maximum building height. Jerry responds: County only can provide staff to consider Oceanside ordinance changes every so often. It's been 4 years since last changes were considered. Any ordinance recommendations held back now wouldn't be considered for another 4-5 years.
- Steve, others agree with Mandy's comment about incentivizing blocky designs. Jerry responds: We are already seeing more blocky designs with 35 foot limit.

VOTE:
Zoom poll conducted on **approving the ONA board's proposal to reduce the maximum building height from 35 feet to 30 feet,** as stated in the motion.

RESULTS read verbally by Jerry: 55 yes votes, 33 no votes
Based on results, the **motion to approve the ONA board's proposal to reduce the maximum building height from 35 feet to 30 feet passes.**

ANNOUNCEMENTS:

Beach Access Update: Plans and budget are approved, the money is in place. The county took longer than expected to get the contract out for bid, so it was too late in the season for contractors to bid and complete construction before the winter weather arrived. All permits are still in hand, but the contract will go out for bid in February 2022 for construction in early spring. Jerry noted that we need to name the steps and asked for ideas - a naming contest?

Cape Meares Loop Road update: this is set to begin construction this winter. Construction trailer will be set up at the waste water processing plant. The project will take 2-3 years to complete.

Oceanside Centennial: July 5, 2022. Centennial celebration committee has been formed, chaired by Marilyn Roossinck, along with Mary Flock and Susan Miller. They are planning to create a 3-day Centennial Celebration Event, including an exhibition at the Community Center. Additional volunteers are welcome.

PUBLIC COMMENTS:
Jerry invited comments from the community; none were offered.

The next regular meeting will be the first Saturday in December (12/4/2021) at 10 am.

Meeting adjourned 11:50 am.

Respectfully submitted,
Carol Horton
ONA Secretary

A video recording of this meeting will be retained for a limited time. To review it, please contact the ONA at oceansidefriends@gmail.com.

Building Height Figures
See below:

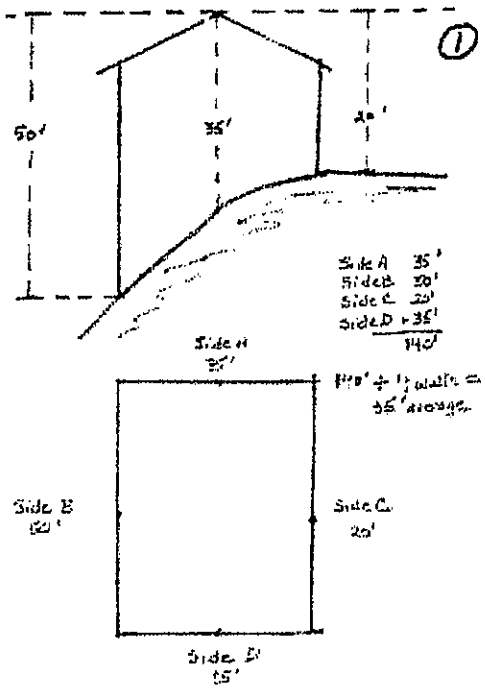


Figure 1: Current Building Height Formula

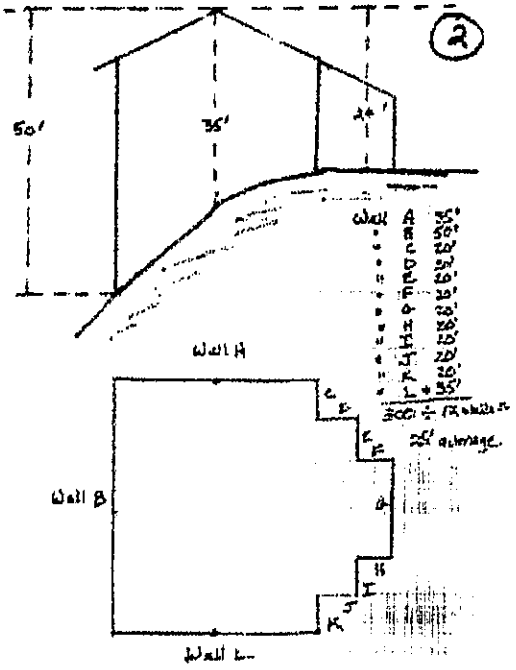


Figure 2: Current Building Height Formula

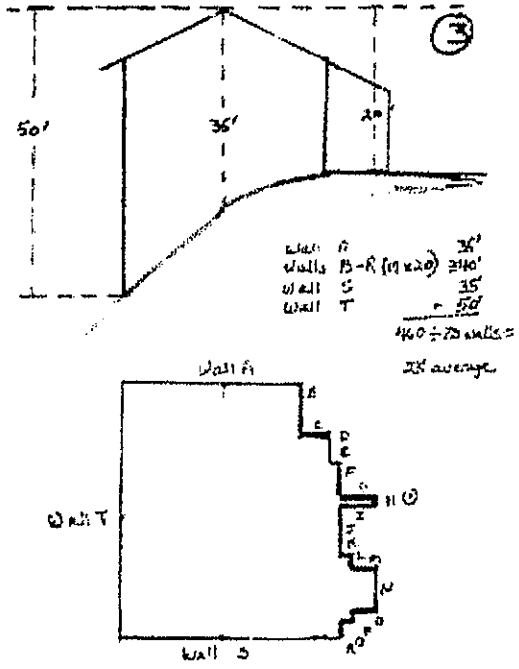


Figure 3: Current Building Height Formula

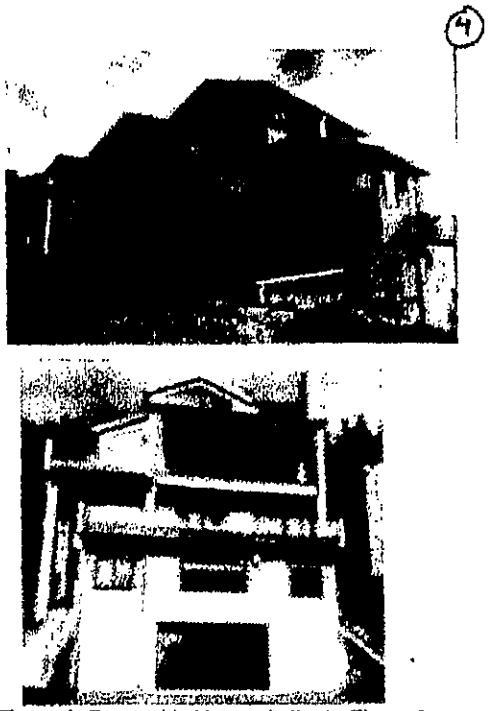


Figure 4: Oceanside Home similar to Figure 3

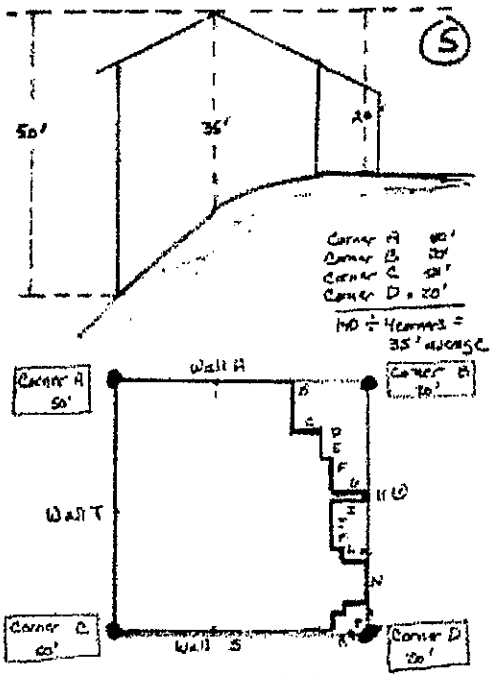


Figure 5: Proposed Simplified Formula

PROPOSAL NO. 1

EXTERIOR LIGHTING

- Final Report of Exterior Lighting Team (9/23/2021)
- Proposed Revisions to Oceanside Zone Ordinances

OCEANSIDE COMMUNITY LIGHTING STANDARDS

FOR PUBLIC AND PRIVATE PROPERTY

Introduction

Lighting affects our quality of life by reducing the visibility of night skies, by negatively impacting wildlife, and by disrupting our sleep. Many members of the Oceanside community cherish the dark night skies that allow stargazing that cannot be done in more populated areas. The Oceanside rocks are a wildlife refuge for a number of species of seabirds that are negatively impacted by light.

In accordance with the Oceanside Community Plan of 2018, section 4.7, and the Community plan review Section 11.2.a, Oceansiders seek to reduce the intrusion of harsh lighting. In 2010, the ONA submitted a draft lighting ordinance to Tillamook County for adoption in Oceanside zones under which excessive and intrusive lighting would be curbed. The initiative was prompted in part by a report from The Seabird Aware Project (see Appendix A), which illuminated concerns about the harmful effects of night light on seabirds, thousands of which inhabit the nearby Three Arch Rocks Wildlife Refuge. Similarly, the U.S. Fish & Wildlife Service noted the risks to wildlife associated with night lighting and requested cooperation from local communities to suppress it. The county took no action on the proposed ordinance.

ONA continues to support lighting regulation as one of its highest priorities and in this Plan reaffirms its application for the county to adopt that ordinance or alternatively to augment the current Oceanside ROS "Standards" to include outdoor lighting standards that will prohibit or curtail unshielded or intrusively bright lights in order to prevent light pollution, lighting trespass and skyglow to the greatest extent practicable.

Sections:

Section 1.0 Purpose.
Section 2.0 Definitions.
Section 3.0 Applicability.
Section 4.0 Exemptions.
Section 5.0 General standards.
Section 6.0 Prohibited.
Section 7.0 Submittals.
Section 8.0 Reserved for future.
Appendices

Section 1.0 Purpose

The purpose of these lighting standards is to provide regulations that:

- Preserve and enhance the view of the dark sky.
- Protect wildlife from light pollution.
- promote health, safety, security, and productivity.
- protect natural resources.

The provisions of this chapter are intended to control glare and light trespass. It is the intent of this chapter to provide standards for appropriate lighting practices and systems that will enable people to see essential detail in order that they may undertake their activities at night, facilitate safety and security of persons and property, and curtail the degradation of the nighttime visual environment.

Section 2.0 Definitions

The following terms have the following definitions for purposes of this chapter:

A. "Accent lighting" means any luminaire that emphasizes a particular object or draws attention to a particular area for aesthetic purposes.

B. "Cut-off angle" (of a luminaire) means the angle, measured from the lowest point between a vertical line from the center of the lamp extended to the ground and the first line of sight at which the bare source is not visible.

C. "Fixture" (also called a "luminaire") means a complete lighting unit including the lamps, together with the parts required to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.

D. "Foot-candle" means a measure of illuminance or a measure of how bright a light appears to the eye. One foot-candle is equal to one lumen per square foot. As an example, a typical sixty-watt incandescent lamp (eight hundred forty lumens) produces an illuminance of 0.1 footcandles at a distance of about twenty-five feet.

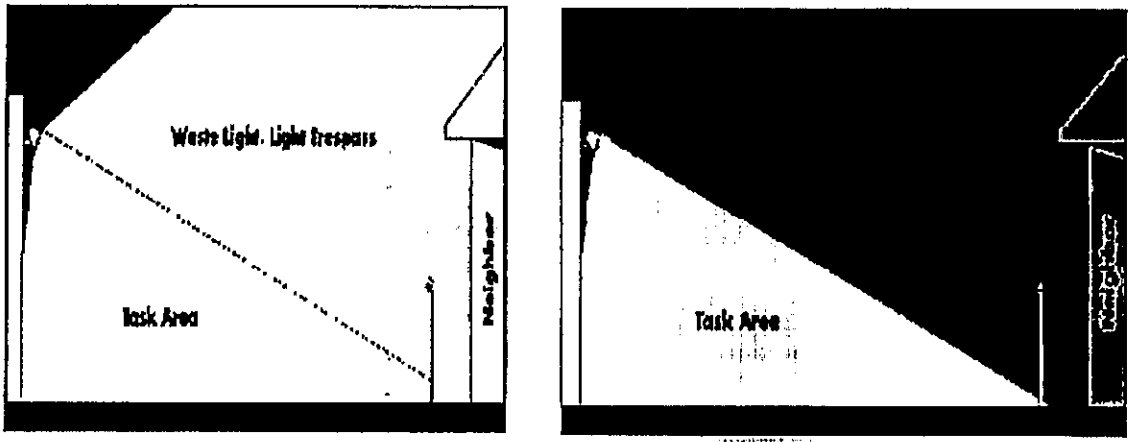
E. "Lamp" means the light-producing source installed in the socket portion of a luminaire.

F. "Light pollution" means general sky glow caused by the scattering of artificial light in the atmosphere and resulting in decreased ability to see the natural night sky.

G. "Light trespass" means any light emitted by an outdoor luminaire that shines directly beyond the property on which the luminaire is installed, or indirectly shines beyond the property on

which the luminaire is installed at a brightness (illuminance) that exceeds 0.1 foot-candles at the property line.

Examples of Light Trespass



Does not comply – Light trespass

Complies – No light trespass

H. Luminaire. See definition for "fixture" (subsection C of this section).

I. "Outdoor lighting fixture" means a luminaire outside of an enclosed building or structure or any luminaire directed such that it primarily illuminates outdoor areas.

J. "Shielding" means that no light rays are emitted by a fixture above the horizontal plane running through the lowest point of the fixture.

K. "Spotlight" means any lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Section 3.0 Applicability

A. All outdoor lighting fixtures installed on private and public property shall comply with these standards.

Types of outdoor lighting to which this chapter applies include, but are not limited to, lighting for:

1. Buildings and structures including, but not limited to, overhangs and canopies.

2. Parking lot lighting.

3. Landscape lighting.

4. Lighting on docks and piers.

5. Street lighting.

Section 4.0 Exemptions

The following are exempt from the provisions of this chapter: A.

Traffic control signals and devices.

B. Street lights installed prior to the effective date of the ordinance codified in this chapter; provided, that when a street light fixture becomes inoperable, any replacement street light fixture shall be subject to the provisions of this chapter.

C. Temporary emergency lighting (i.e., fire, police, repair workers) or warning lights.

D. Moving vehicle lights.

E. Navigation lights (i.e., radio/television towers, docks, piers, buoys) or any other lights where state or federal statute or other provision of the City of Chelan Municipal Code requires lighting that cannot comply with this chapter. In such situations, lighting shall be shielded to the maximum extent possible, and lumens shall be minimized to the maximum extent possible, while still complying with state or federal statute. F. Public sports and recreational facilities.

G. Seasonal decorations do not have to be shielded; provided, that they do not have a brightness of more than 0.1 foot-candles at the property line on which they are installed.

H. Outdoor lighting approved by the director for temporary or periodic events (e.g., fairs, nighttime construction).

Section 5.0 General standards

The following general standards shall apply to all nonexempt outdoor lighting fixtures and accent lighting:

A. All light trespass is prohibited.

B. Outdoor lighting fixtures and accent lighting must be shielded and aimed downward and shall be installed at the minimum height necessary. Examples of acceptable and unacceptable light pollution control shielding are shown in Figures 1 through 4 in Appendix B. The shield must mask the direct horizontal surface of the light source. The light must be

aimed to ensure that the illumination is only pointing downward onto the ground surface, with no escaping direct light permitted to contribute to light pollution by shining upward into the sky.

C. All outdoor lighting fixtures and accent lighting shall be designed, installed, located and maintained such that light trespass is essentially nonexistent (see Appendix B, Figure 3).

D. Outdoor lighting fixtures and accent lighting shall not directly illuminate the beach, ocean or public waterways, unless it is a navigational light subject to state or federal regulations.

E. Accent lighting shall be directed downward onto the illuminated object or area and not toward the sky or onto adjacent properties (see Figure 4). Direct light emissions of such accent lighting shall not be visible above the roof line or beyond the building, structure, or object edge.

F. Spotlighting on landscaping and foliage shall be limited to one hundred fifty watts incandescent (two thousand two hundred twenty lumens output).

G. All Outdoor lighting fixtures should be motion actuated wherever possible.

Section 6.0 Prohibited

A. The following fixtures (luminaires) are prohibited:

1. Searchlights for any purpose other than temporary emergency lighting or as allowed by a special event license.

2. Laser lights or any similar high-intensity light for outdoor use or entertainment, when projected above the horizontal plane.

3. Quartz lamps.

4. Mercury vapor lamps.

Section 7.0 Submittals

All building permit applications that include the installation of outdoor lighting fixtures shall demonstrate compliance with the requirements of this chapter by indicating the location and type of lighting used on the site plan submitted with the building permit application.

Section 8.0 Reserved for future use

Appendix A.

Coastal light pollution (caused by artificial lighting) has a negative impact on many seabirds, including some species that are already experiencing population declines on the Northern Oregon Coast. In the dark of night, seabirds use their keen senses and light from the moon and stars to navigate, find food, tend their nests, and avoid predators. Mariners and scientists have observed that bright lights from vessels or land can attract and disorient seabirds, causing injury or death - especially on moonless or foggy nights.

Drawn to or distracted by lights, seabirds can fly onto decks or land where they may be trapped, injured, or killed. Bright lights can illuminate nesting colonies on rocky coasts and islands, causing problems tending nests, abandonment of eggs or chicks, and increased predation by gulls or owls. Lights can distract birds from feeding, navigating, and other vital activities.

Seabirds are often active at night, which allows them to avoid natural avian predators. Seabirds of the Procellariforms order, which includes shearwaters, petrels and albatross, are especially reliant on nocturnal cover during their breeding and nesting season, when evasion of predators such as gulls and raptors is essential. Fledgling birds can be lured to artificial lighting as they attempt their first flights out to sea. If grounded, they are unlikely to become airborne again and often succumb to starvation and predation. Even fledglings that are not grounded may experience detrimental effects as they become distracted by artificial light sources and circle them for many hours reluctant to fly out into the open darkness. This activity carries with it energetic costs that may also have serious consequences for fledgling survival (BirdLife International, 2012).

Examples of seabirds in the Procellariforms order include Layson albatross, Black-footed albatross, Mottled petrl, Pink-footed shearwater, Flesh-footed shearwater, Buller's shearwater, and Short-tailed shearwater. Additional species include the Sooty shearwater, which is suffering severe population declines in the eastern Northern Pacific, and the Fork-tailed storm petral and Leach's storm-petral, both of which are designated State of Oregon Conservation Strategy species. *Strategy Species* are defined as having small or declining populations, are at-risk, and/or are of management concern. (Oregon Department of Fish & Wildlife, 2021).

Reducing coastal light pollution, including removing excessive illumination, reducing light intensity and eliminating unnecessary skyward and seaward light projection, is an important part of supporting vulnerable seabird populations.

Bibliography:

BirdLife International (2012). Light pollution has a negative impact on many seabirds including several globally threatened species. Downloaded from http://www.birdlife.org on 12/05/2021

Oregon Department of Fish & Wildlife (2021). Oregon wildlife species. https://myodfw.com/wildlife-viewing/species/loons-and-grebes on 5/10/202

Appendix B. Figures of acceptable shielding and direction of outdoor light fixtures.

The following four figures illustrate acceptable and unacceptable outdoor lighting fixtures in the village:

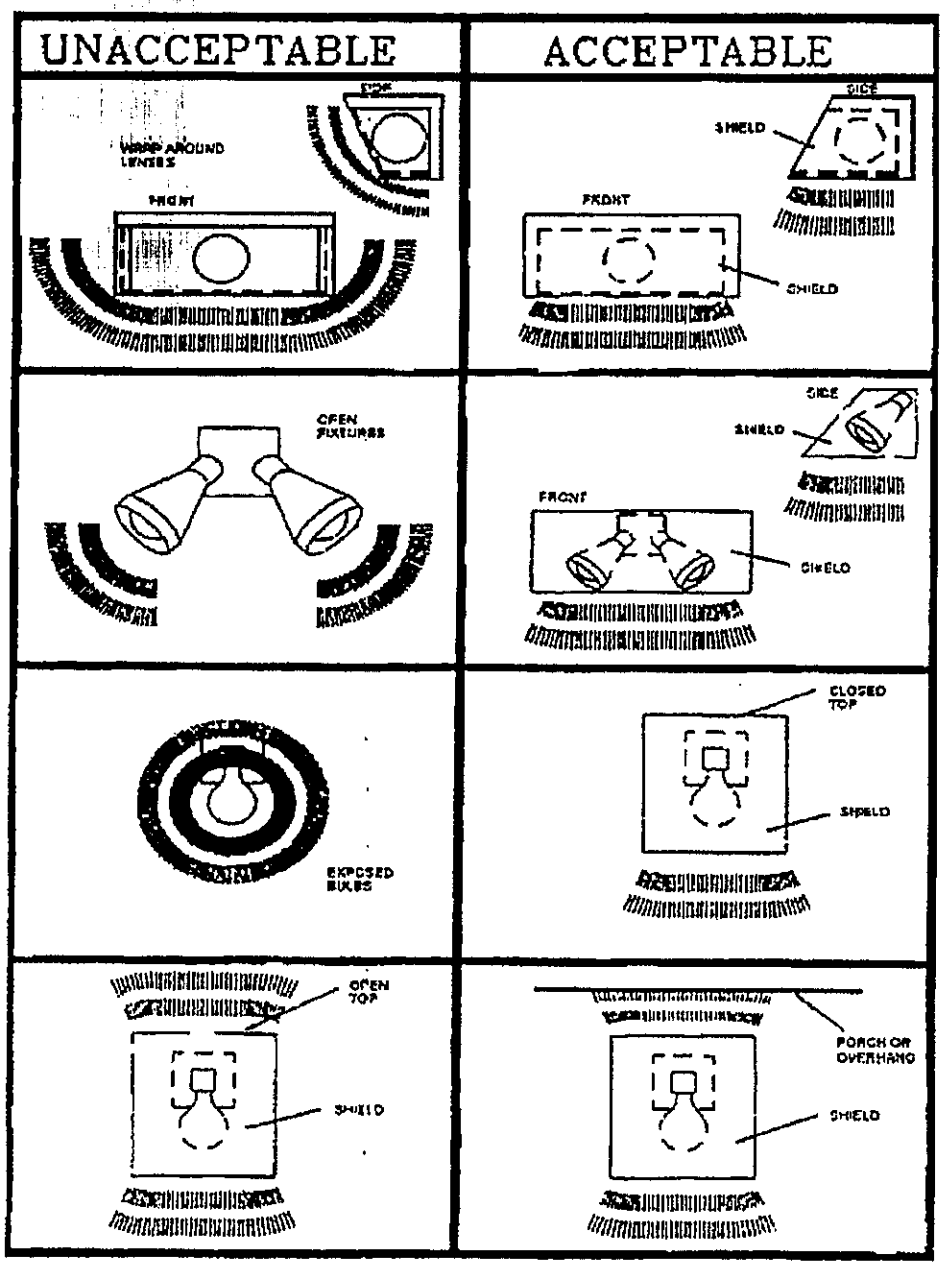


Figure 1: Wall-Mounted Lighting Fixtures

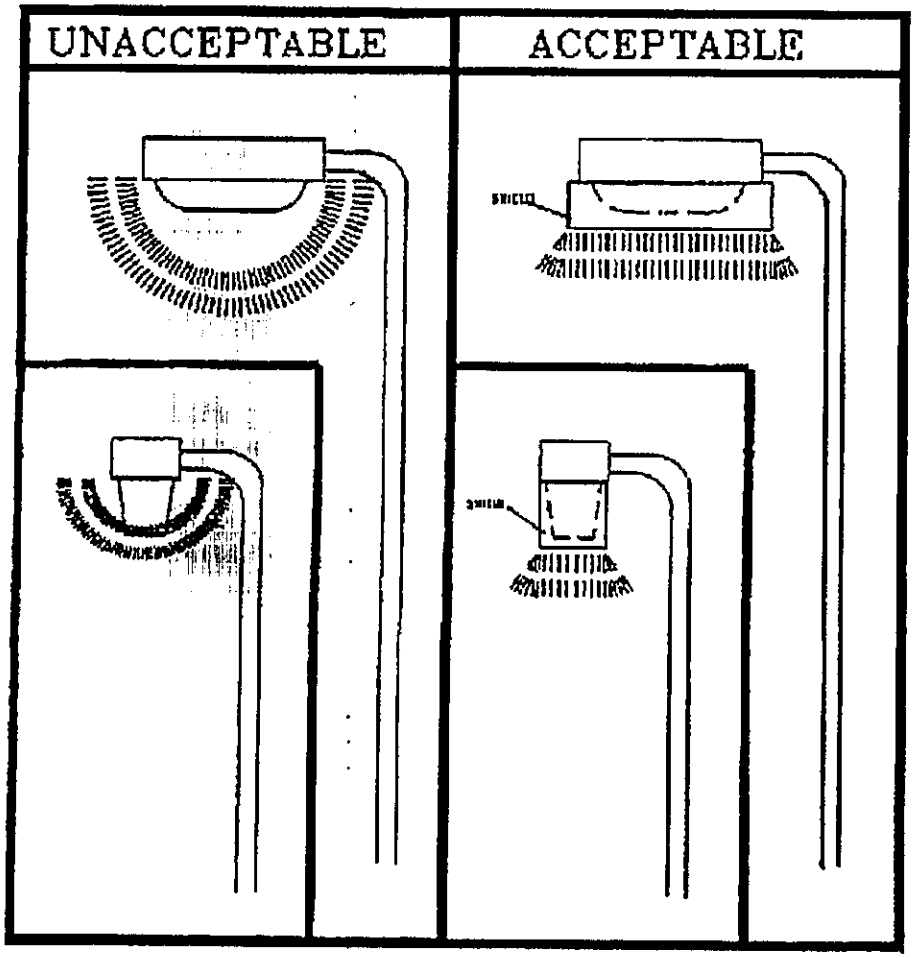


Figure 2: Freestanding Outdoor Lighting Fixtures

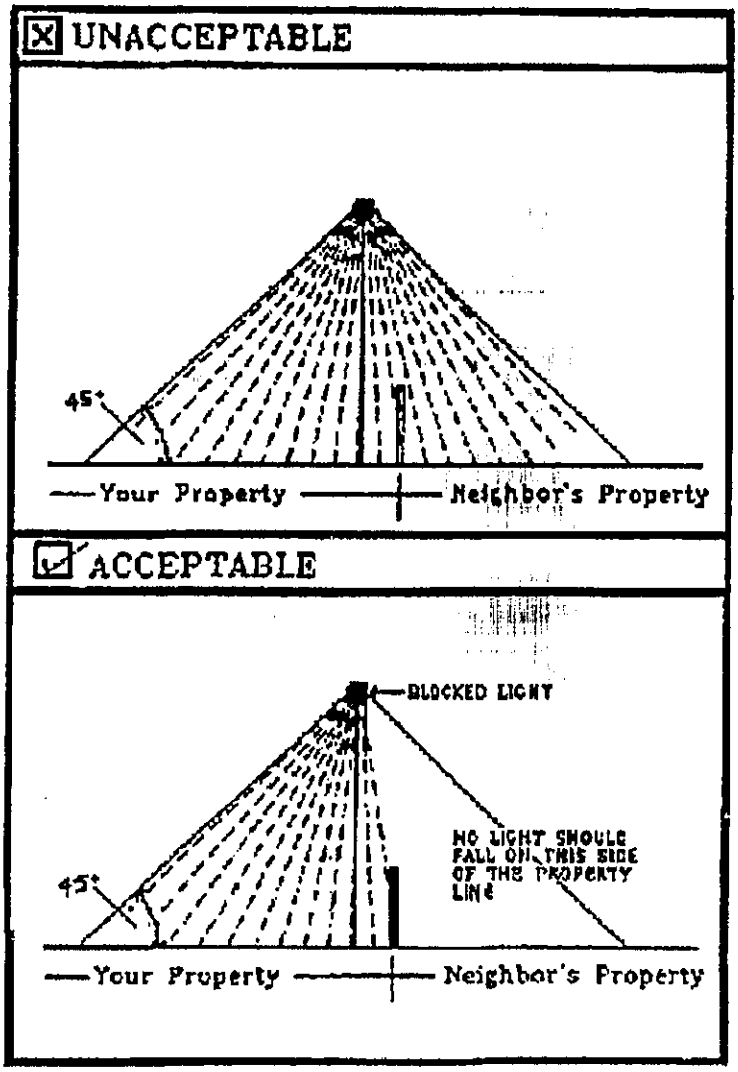


Figure 3: Outdoor Lighting Fixtures – Street and Lot Light Cut-Off at Property Line

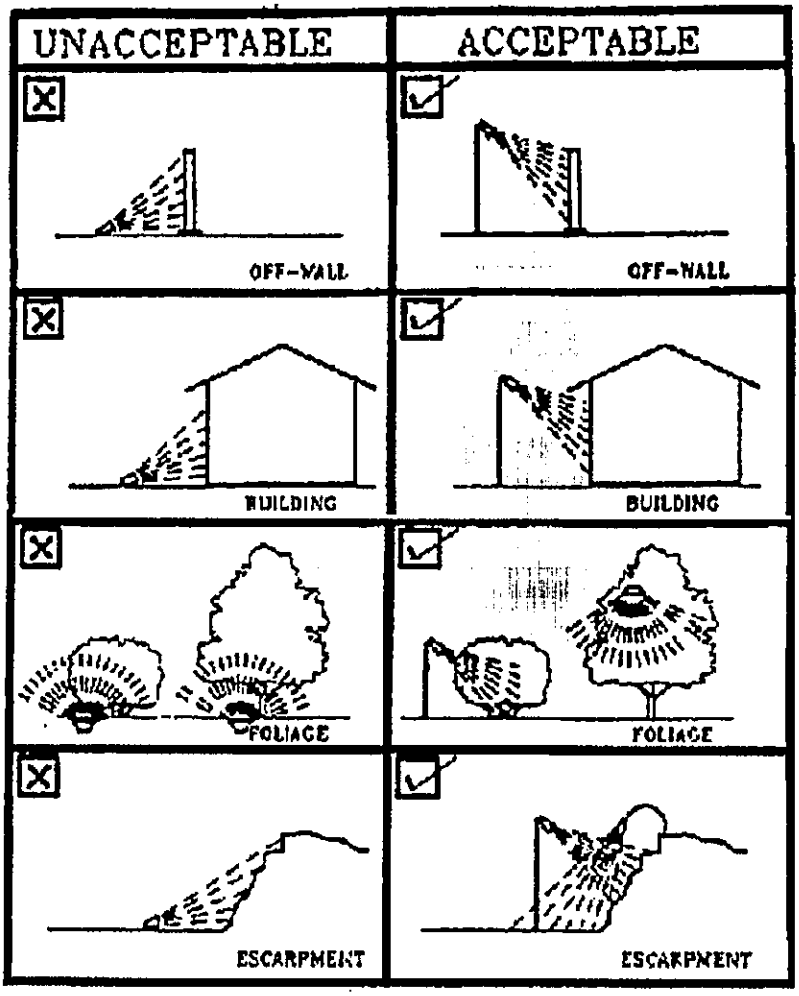


Figure 4: Accent Lighting

PROPOSAL NO. 2

BUILDING HEIGHT FORMULA and SUPPLEMENTAL VARIANCE CRITERIA

- Final Report of Building Height Team (9/23/2021)
- Proposed Revisions to Oceanside Zone Ordinances

FINAL REPORT OF BUILDING HEIGHT TEAM

September 23, 2021

Introduction

Oceanside is an unincorporated community generally regulated by the county and its elected County Commissioners. New buildings in Oceanside are generally subject to county wide development or "zoning" ordinances as supplemented by more restrictive ordinances the Commissioners have enacted specifically for Oceanside. In addition, the county permits Oceanside to assemble and communicate more detailed policy preferences and priorities in its "Oceanside Community Plan" or "ONA Plan," which the commissioners also formally approve. The County generally defers to the policies stated in the Community Plan when considering land use applications or building permit issues not specifically addressed in the applicable ordinances.

The County periodically invites Oceanside to update the policies and provisions in our specific building ordinances and Community Plan, and they have formally authorized the Oceanside Neighborhood Association to speak for the community on any proposed changes or updates. However, there are several other zoning subjects on which the current ordinances and Oceanside Community Plan are either silent, vague or incomplete. One of those subjects is Building Height Standards. After consulting and receiving support from the relevant Tillamook County officials, our team was asked, specifically, to:

(1) review the current provisions or language addressing Building Height Standards for Oceanside,

(2) research and survey the language or structure of standards used by other, comparable communities, and

(3) recommend ways to update the ONA Plan on that subject for the membership to consider at a future meeting.

Scope of problem

What is the back story as to why we are proposing a change to the current method of calculating structure height? The current system is difficult to explain, is open to interpretation, and is difficult to administer.

The current rule uses a formula that calculates the maximum height of a new structure by identifying and averaging the height of all of its external walls that are at least two feet wide. On sloped lots, this rule can be manipulated by incorporating extra "pop outs" or bays into the structure on the uphill side of the slope (where the walls are relatively short) and minimizing the number of walls on the downslope portion of the structure (which are relatively tall). This artificially increases or inflates the "average height" of all of the walls, which then inflates the permissible height of the entire structure. Some builders have also altered the slope of the lot prior to construction to maximize the height under this calculation.

County officials have expressed concern that the current system can be easily "gamed" to allow structures significantly higher than the legal limit of 35 feet.

In addition, some new builders have been taking advantage of vagueness in this rule by actually excavating and reconfiguring their lot to allow for structures that are technically within the limits, but actually result in some parts of the building that significantly exceed them.

Criteria for change

Our criteria for selecting a recommended method of clarifying the calculation of structure height were:

- The method needs to be easy to explain, to interpret, and to administer.
- The method needs to minimize the builder's ability to game the system.

Any changes will only be applied going forward, not retroactively.

Our approach

Our team researched the language and the structure of standards regarding building height used by communities of comparable size and/or sloped topography that we deemed comparable to Oceanside, including Astoria, Neskowin, Manzanita, Bend, the Portland West Hills and – most notably - Tacoma. Knowing that an ocean view is important to many residents, we focused on communities which include steeply sloped, view-sensitive building sites such as are often found in Oceanside. The team spent several meetings evaluating these examples in order to formulate a standard that we felt addressed Oceanside's particular circumstances consistent with our criteria. We then reviewed this formula with county planning staff and others for practical advice on its application.

Our recommendation for updating the current ONA plan

Based on our learning from this process, we recommend that the ONA plan be updated as described in the attached document. Key elements of the proposed changes include:

1. **Simplifying** the measurement of building height by calculating it from four base elevation points at the corners, rather by averaging all of the external walls.

2. **Clarifying** the definition of "existing grade" which forms the base of measurement to eliminate current ambiguities by specifying that the height must be measured using the pre-construction grade for the specific lot.

Our recommendation for ordinance revisions

Accompanying this report is an option for ONA's Board consideration that (1) sets out both the text of current ordinances that limit building height in Oceanside, and (2) how the language of those ordinances would be revised to accomplish the Team's recommendations. This final version of the proposed ordinances incorporates numerous revisions resulting from public comments and suggestions submitted to the Team during the months since it was first proposed and posted. The Committee appreciates the opportunity it had to work on this important issue and all of the community input that helped shape and improve its product along the way.

Respectfully submitted,

ONA Building Height Issue Team[1]

Caroline Neunzert
Kathie Norris
Jerry Keene

[1] The Team would also like to acknowledge the contribution of former Oceansider Mary Beeks to this effort.

INDEX TO EXHIBITS

The Team selected these homes merely to provide examples of recent construction trends. We do not intend to embarrass their owners or to be critical in any way. We understand that they complied with all current legal requirements.

EXHIBIT 1:

The uphill side of this relatively recent home on a sloped lot in Oceanside features a high number of nooks and pop-outs on the uphill side compared to the downhill side with the result that there are many more short "walls" than tall "walls." When all walls are averaged, this technique skews the average downward, which in turn inflates maximum allowed height. Combined with a shallow roof, this design accommodates a 5-story structure. The top four stories encompass a 4-bedroom unit / 4-bath short term rental that sleeps 10 people, while the bottom story houses a separate rental apartment.

Exhibit 1A: Uphill side

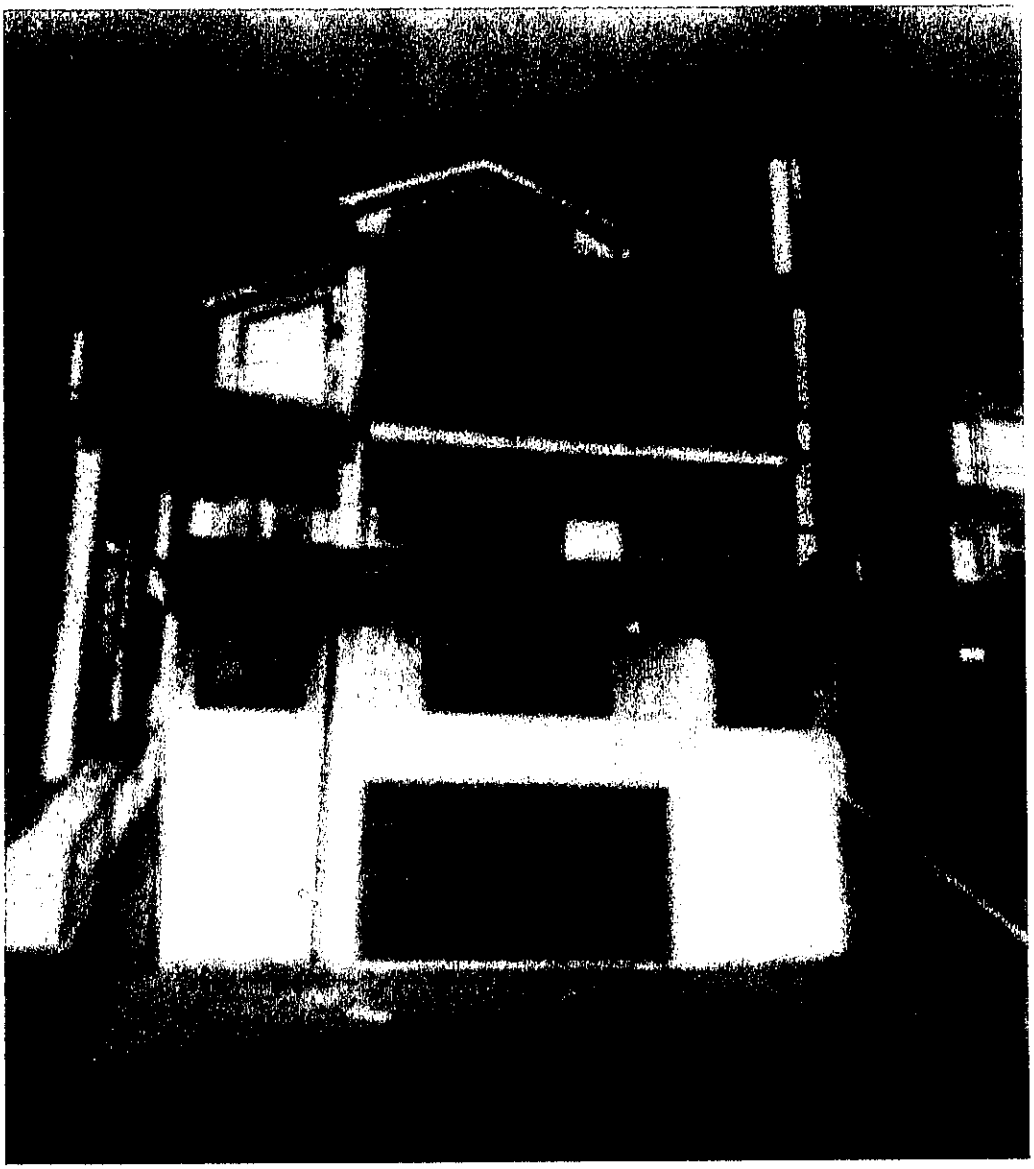
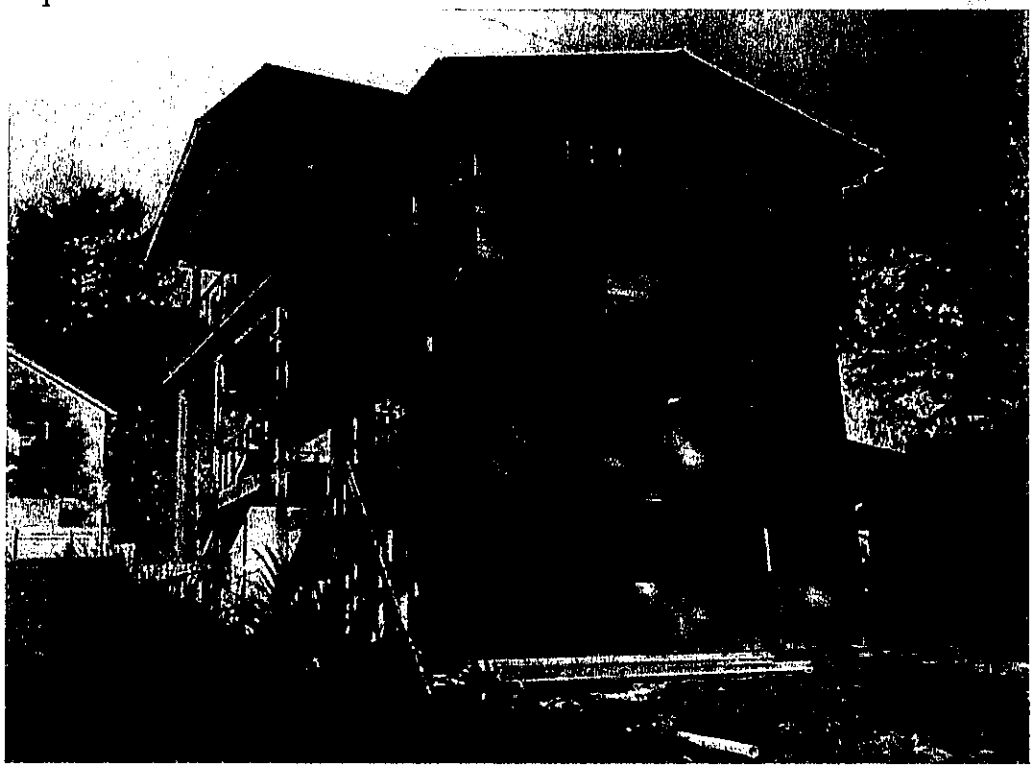
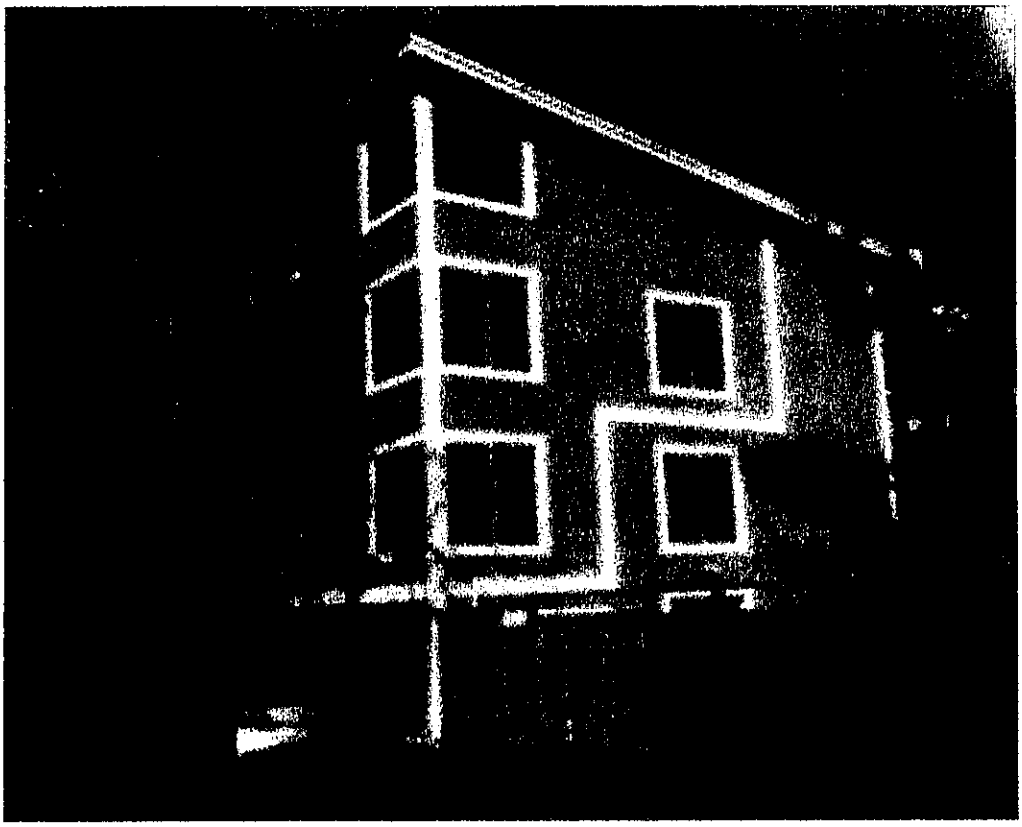


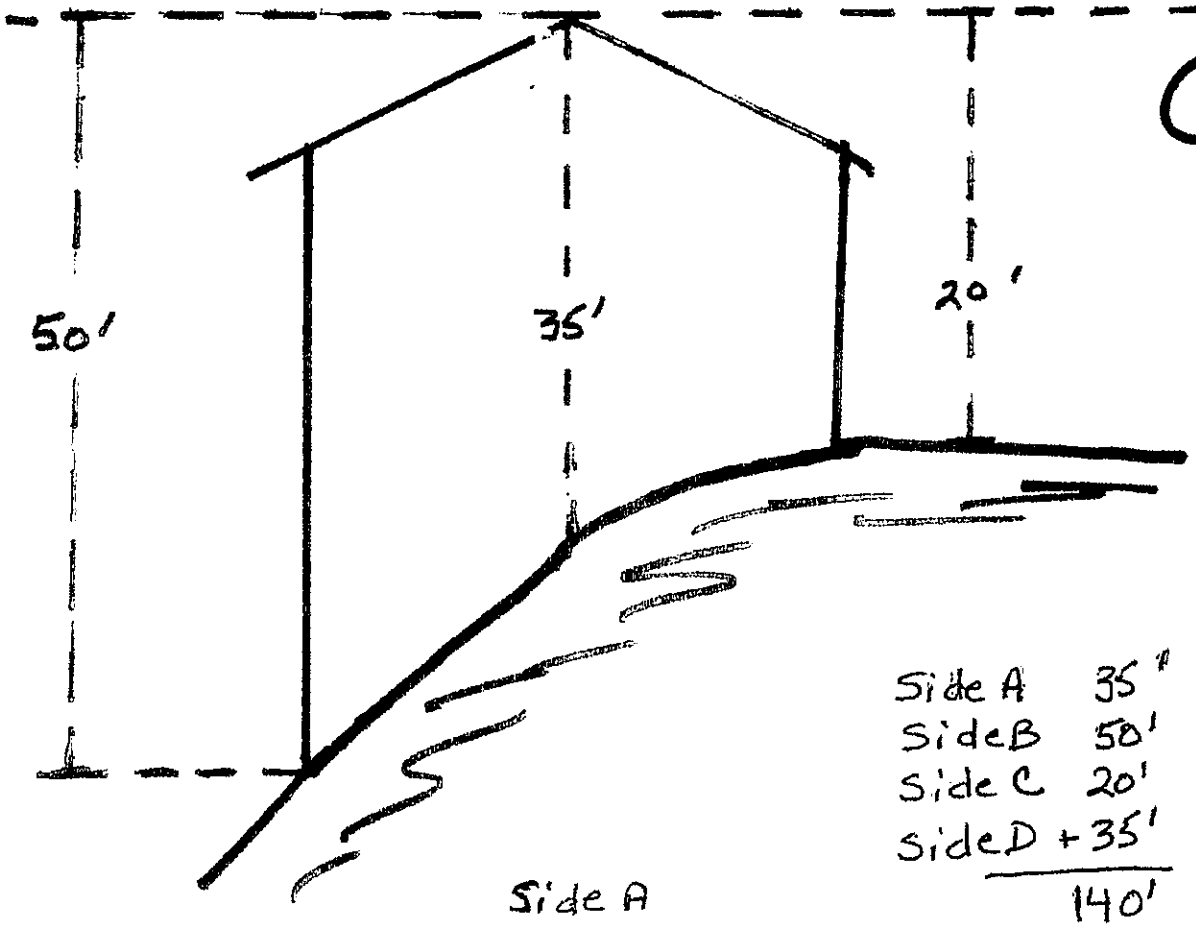
Exhibit 1B: Downhill side of the house in Exhibit 1A

EXHIBITS 2 & 3:

These two new homes in the Village are on flat lots. They reflect an increasingly common design trend for structures with low-profile or flat roofs and corners built at near maximum height. The result is a blockhouse design that maximizes living space but blocks more air, light and neighboring views than a conventionally sloped roof.







①

Side A 35'
Side B 50'
Side C 20'
Side D + 35'
140'

Side A
35'

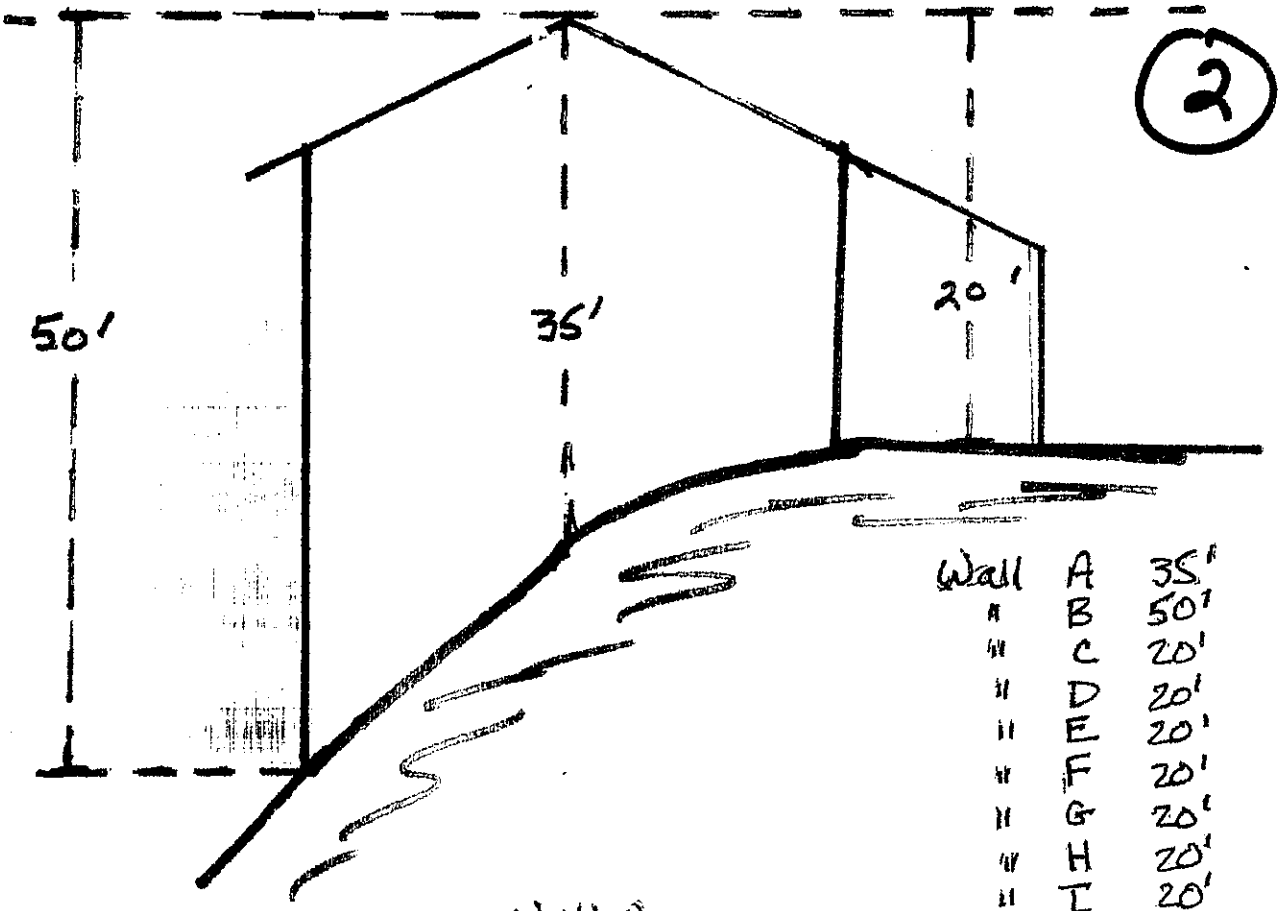
140' ÷ 4 walls =
35' average

Side B
50'

Side C
20'

Side D
35'

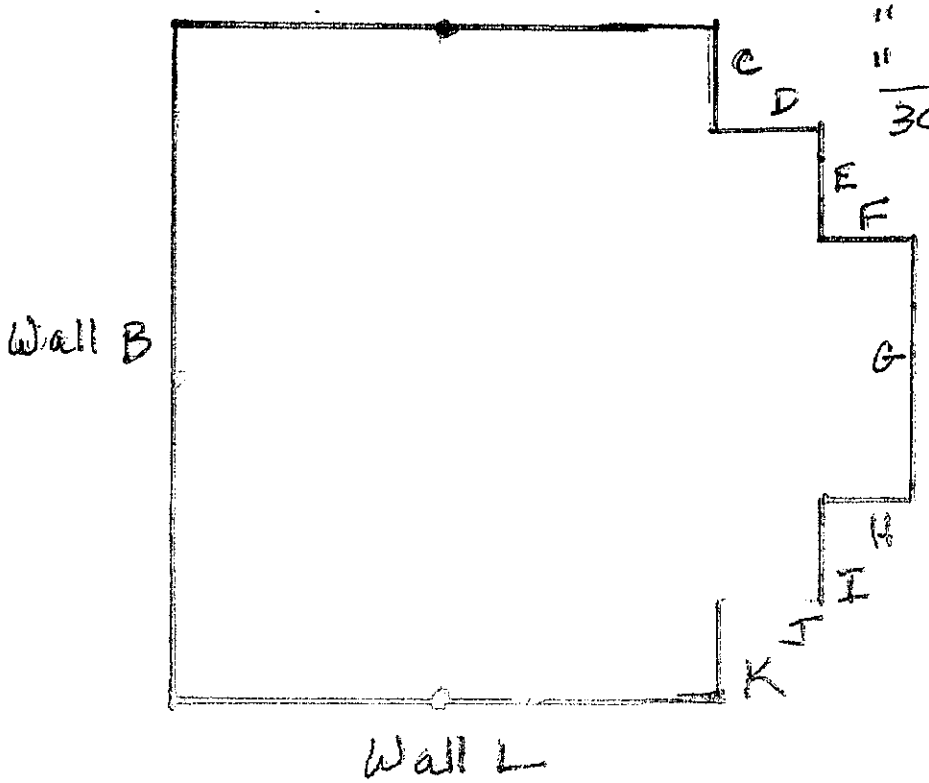
(2)

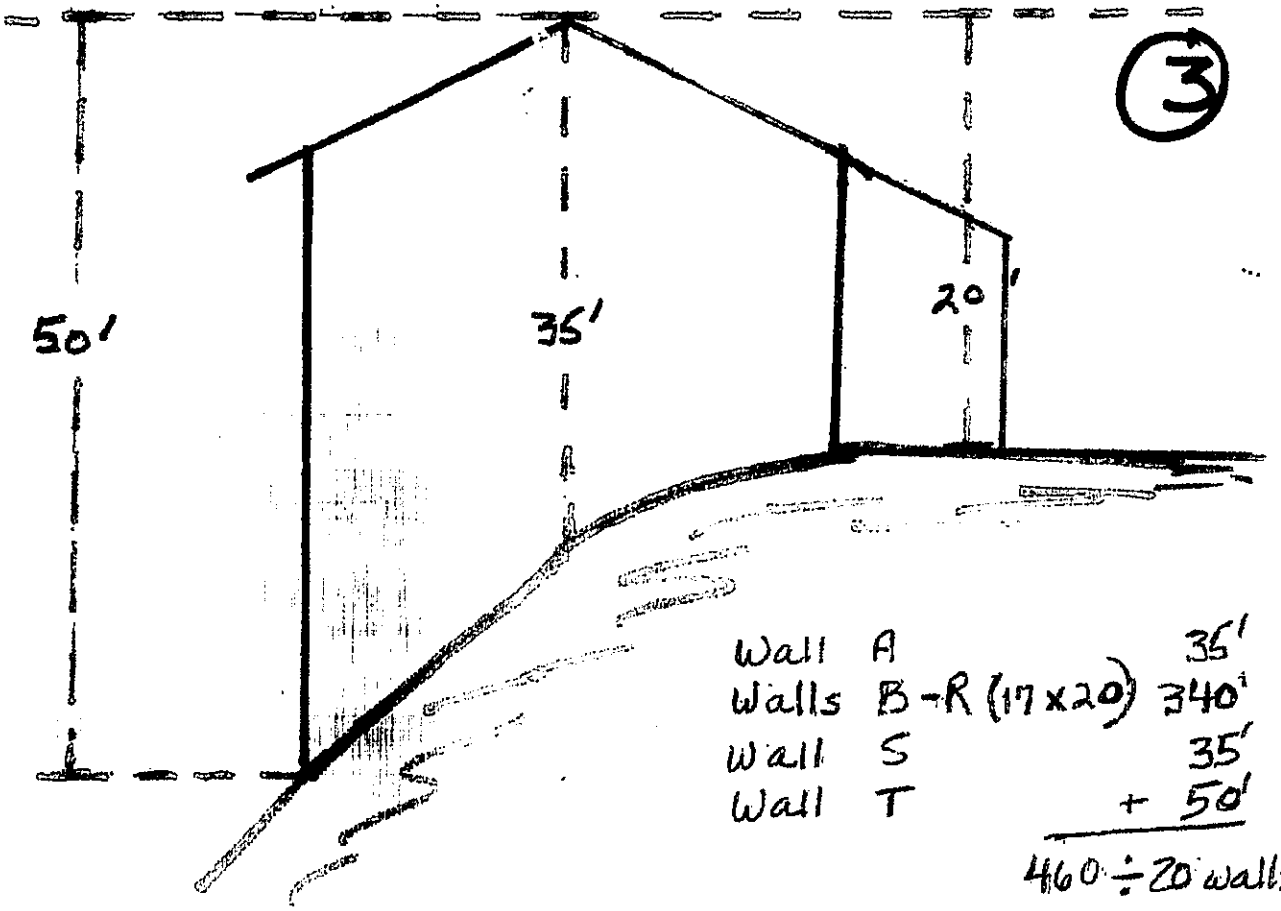


Wall	A	35'
"	B	50'
"	C	20'
"	D	20'
"	E	20'
"	F	20'
"	G	20'
"	H	20'
"	I	20'
"	J	20'
"	K	20'
"	L	+ 35'

300 ÷ 12 walls =

25' average



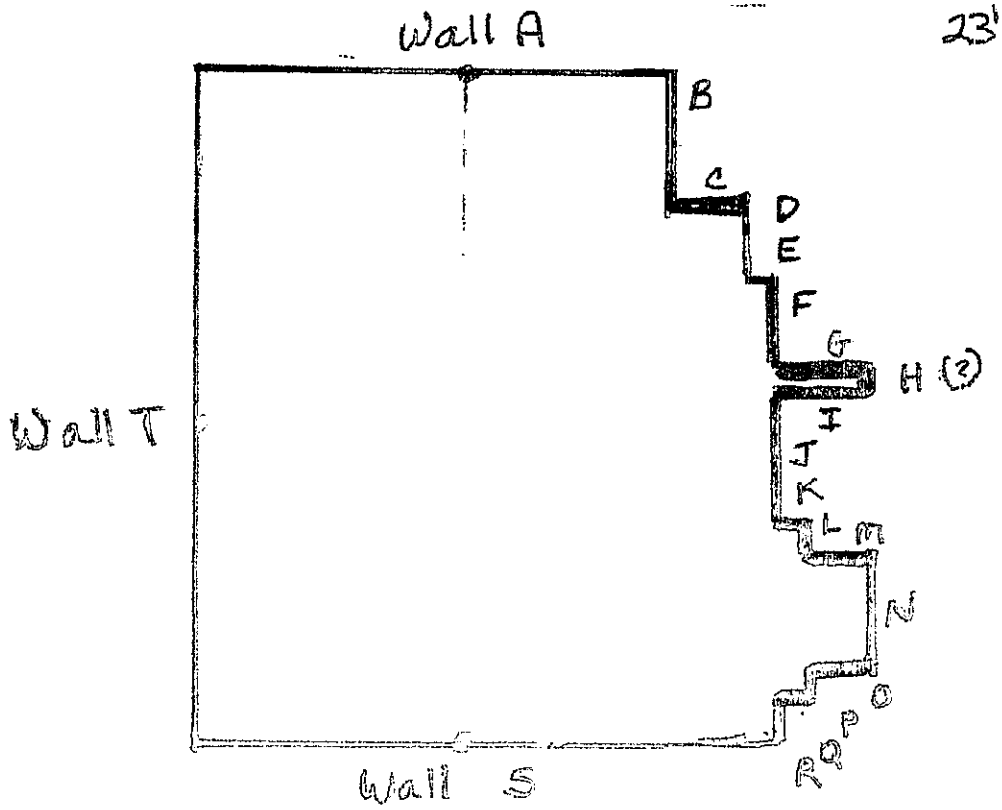


③

Wall A 35'
Walls B-R (17 x 20) 340'
Wall S 35'
Wall T + 50'

460 ÷ 20 walls =

23' average



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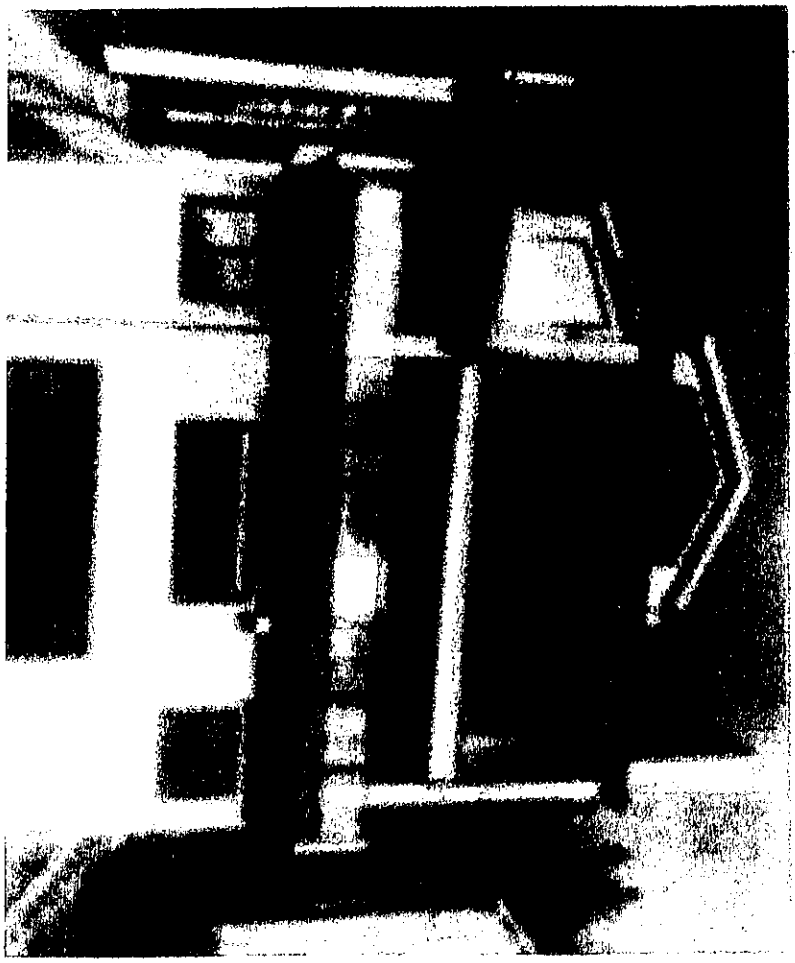
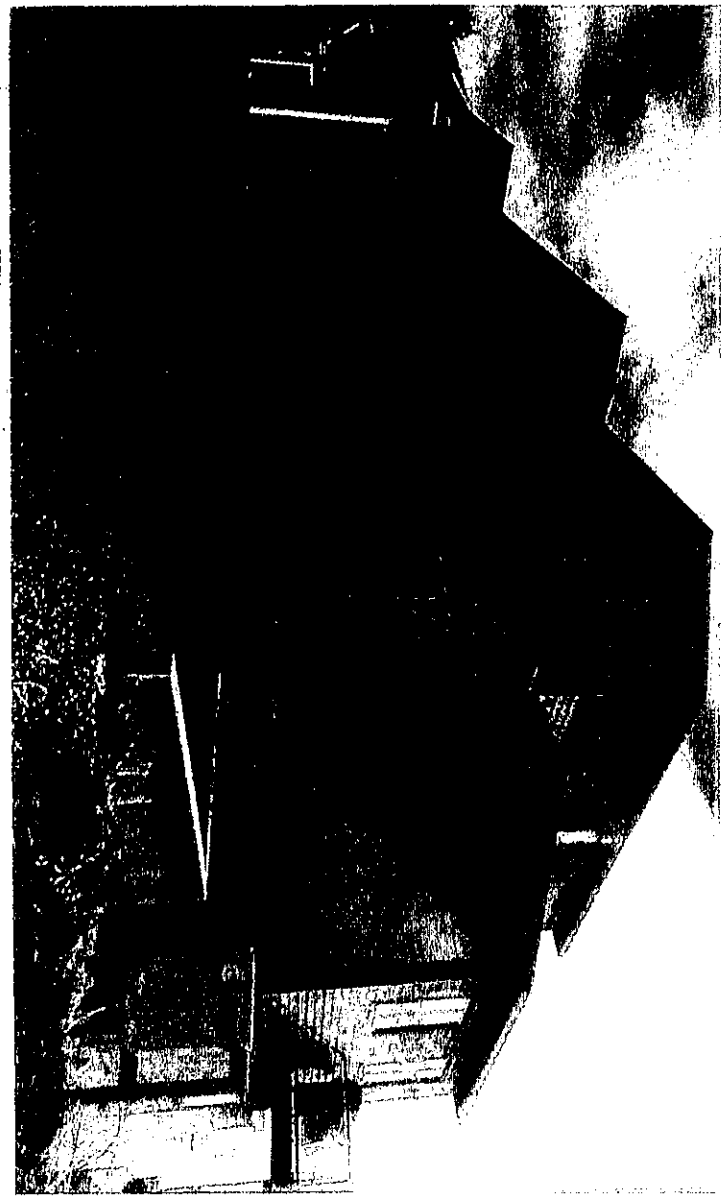
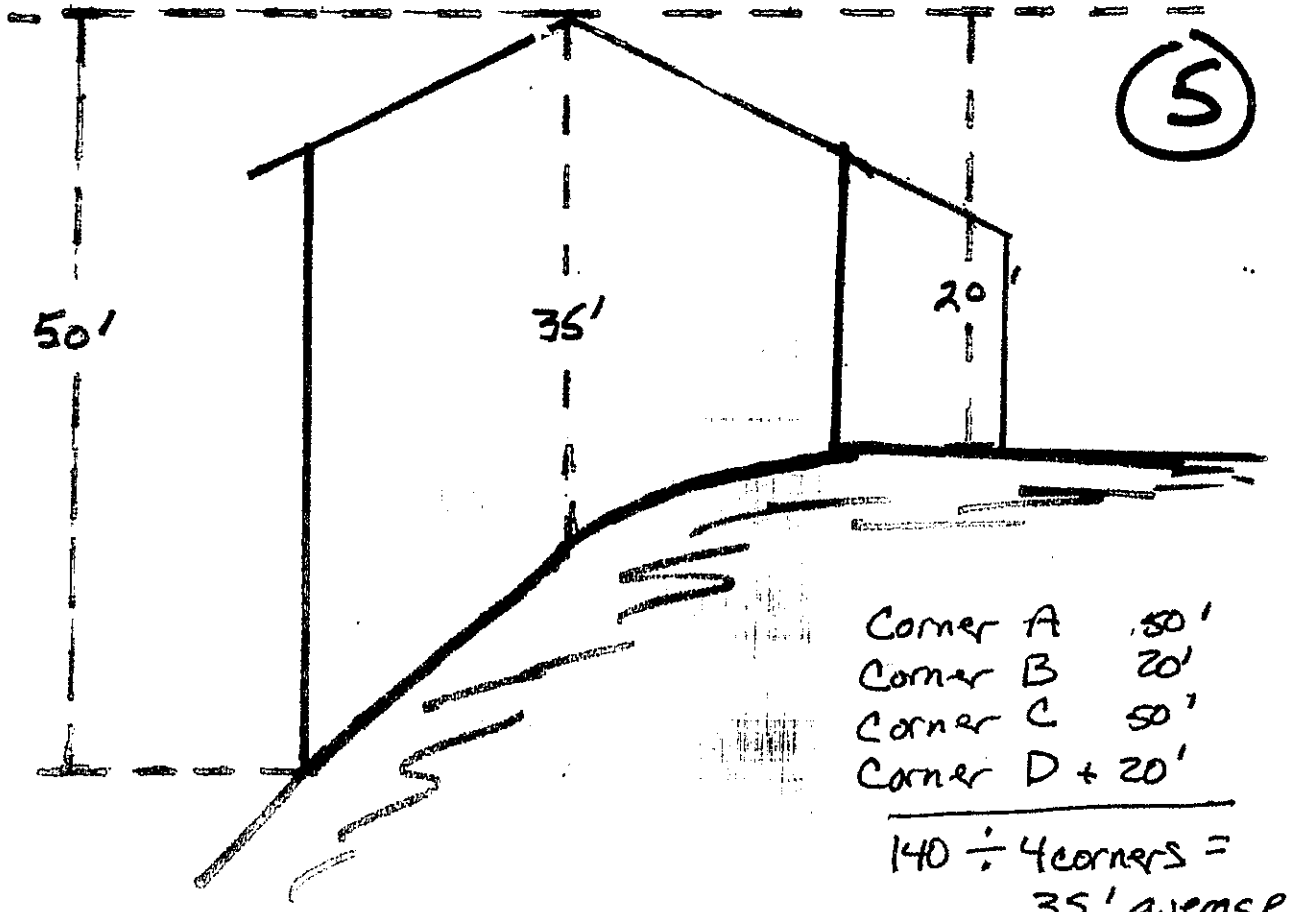
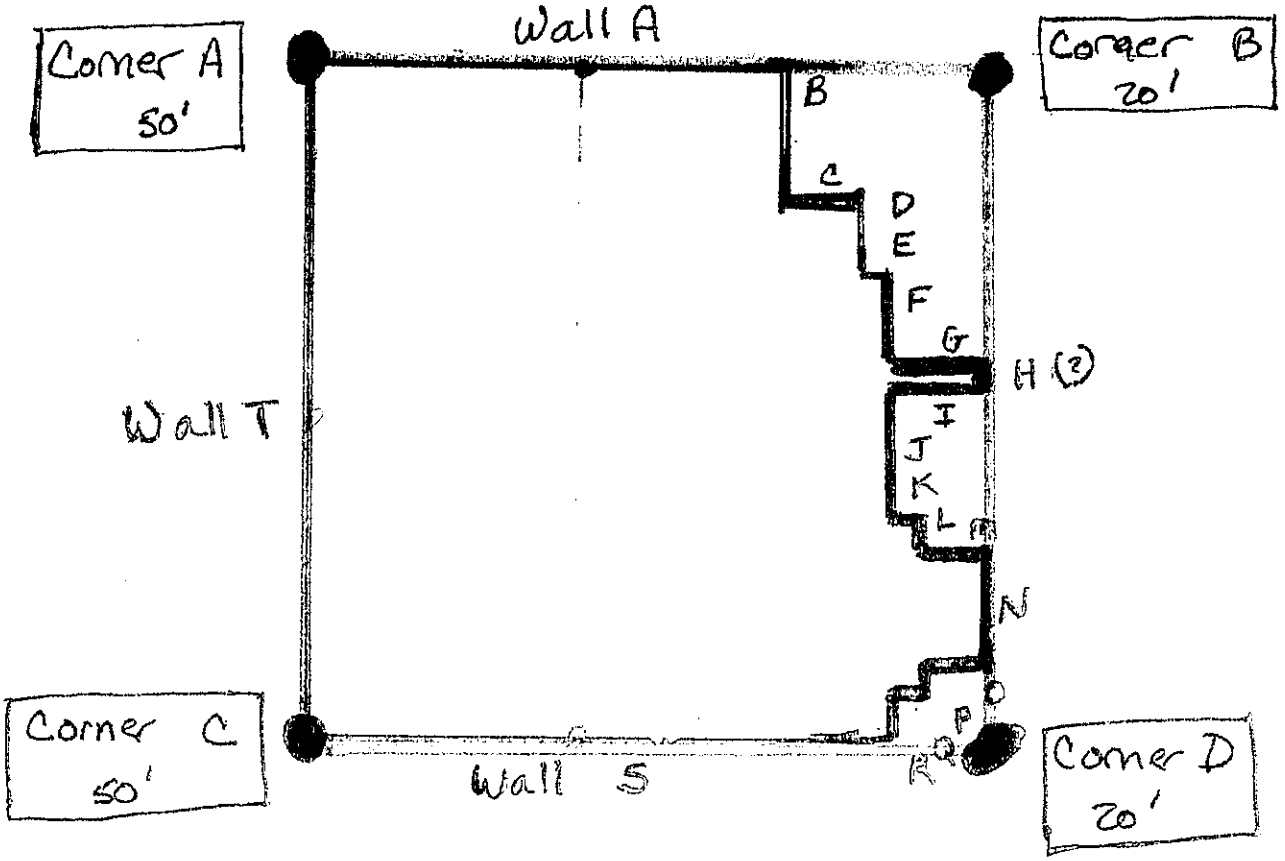






Corner A 50'
Corner B 20'
Corner C 50'
Corner D + 20'

140 ÷ 4 corners =
35' average



CURRENT OCEANSIDE AND COUNTY BUILDING HEIGHT ORDINANCES

Oceanside Residential Zone Ordinance Height Standard - Ord. 3.31(4)

(h) The maximum building height shall be 35 feet, except on ocean or bay frontage lots, where it shall be 24 feet. Higher structures may be permitted only according to the provisions of [Tillamook Land Use Ordinance] Article VIII.

(i) Structures shall not occupy more than 50% of the lot area.

(j) A property survey of the lot shall be performed including elevations, and all corners shall be monumented by a registered surveyor prior to land division and/or submittal of a permit for construction/location on lots containing less than 7,500 square feet. A copy of the survey shall be submitted with the application and other required material.

Tillamook Land Use Ordinance Section 11
Definitions – Applicable to Oceanside

BUILDING HEIGHT: The vertical distance of a building measured from grade to the highest point of the roof. (See grade)

GRADE: The average elevation of the existing ground at the centers of all walls of a building.

PROPOSED REVISION TO OCEANSIDE ORDINANCE

Oceanside Residential Zone Ordinance Height Standard - Ord. 3.310(4)

(h) Within the Oceanside Community Growth Boundary, the building height of any building shall not exceed the maximum building height. The maximum building height shall be 35 feet, except on ocean or bay frontage lots, where it shall be 24 feet. Higher structures may be permitted only according to the provisions of Tillamook County Land Use Ordinance, Article VIII ("Variances"), as supplemented by this section.

1. "Building height" means the vertical distance of a building measured from existing grade to the highest point of the structure.

2. "Existing grade" means the existing ground, prior to any grading, filling or other development activity that was conducted less than 50 years before the submission of the building permit for a proposed structure.

3. "Maximum building height" is determined by averaging the building height at the four corners of the grade rectangle.

4. "Grade rectangle" means the reference rectangle formed by connecting joining the four external corners of the building foundation at the point each of them meets the existing grade. If the foundation does not form a rectangle, then the grade rectangle is the smallest rectangle that can be drawn to encompass all corners of the foundation.

5. Unless specifically exempted, the height limit applies to all elements or portions of a structure, including dormers, gables, balconies, garages, covered carports, covered decks, deck railings and any other roofed structural element. Architectural elements that do not add floor area to a building, such as parapet walls, chimneys, antennas, vents, and comparable roof equipment, are excluded from the height calculation. (See also Oceanside Community Plan (2018), Section 12.4, for separate height limits applicable to alternative or renewable energy equipment.)

6. Applications for variances to this building height standard shall be subject to the criteria in Tillamook County Land Use Ordinance Article VIII, as supplemented by consideration of the extent to which the requested variance seeks approval of structural dimensions or components that:

   i. Contravene or materially impede the standards adopted in Sections 3.2 and12.5 of the Oceanside Community Plan (2018), incorporated by reference here, which – in pertinent part – implement the historical community policy to preserve Oceanside's "village character" by mandating that '[t]hose engaging in construction activities shall take maximally effective measures to reduce … view obstructions" (Section 12.5(d)). With regard to Oceanside, "village character" means the "intimate and unified character" resulting from the fact that "almost every property has a special relationship to the sea, cliffs and hillsides, and that these relationships are interdependent components of the community's relationship to its setting, notwithstanding the location of individual property lines." (Section 3.2)

   ii. Contravene or materially impede the development standards adopted in Tillamook County Land Use Ordinance Article IV, Section 5.005(2), (4) or (8) by materially obstructing preexisting air, light or view corridors between existing structures.

(i) Structures shall not occupy more than 50% of the lot area.

(j) Surveys:

- The department may require a topographic survey for any building permit application, and at least a site survey shall be performed on lots of less than 7500 square feet.

- All corners shall be monumented by a registered surveyor prior to land division and/or submittal of a permit.

- A fixed benchmark must also be established on or near the site and clearly identify the points used to establish the grade rectangle.

- A copy of the survey shall be submitted with the application and other required material.

- Prior to approval of a building permit for any structure that appears to be within 3 feet of the maximum building height, the applicant shall sign a legally binding statement prepared by the department that holds Tillamook County harmless should construction of approved plans result in a structure exceeding the height limit and needing to be removed or altered.

7. The requirements of this section shall apply to all new structures on which initial building permits are submitted or construction commences (whichever occurs first) on or after the date this ordinance is enacted. They shall also apply to all additions, remodels or repairs of structures on which construction commences or a building permit is submitted (whichever occurs first) prior to enactment, provided that they shall not apply to or require nonconforming use reviews of those portions of the preexisting structure that already exceed the restrictions of this provision.

[NOTE: *These revisions to Oceanside's building ordinance will override the definitions of "Grade" and "Building Height" in Section 11 of the Tillamook County Ordinance that currently applies to Oceanside.*]

PROPOSAL NO. 3

MAXIMUM BUILDING HEIGHT

- ONA Board Statement of Rationale (9/23/2021)
- Proposed Revisions to Oceanside Zone Ordinances
- ONA Minority Report

AN ADDITIONAL OPTION SUBMITTED FOR CONSIDERATION BY THE ONA BOARD:

REDUCING THE MAXIMUM BUILDING HEIGHT

Background

Tillamook County law generally limits building height in unincorporated communities (including Oceanside) to 35 feet, and 24 feet on oceanfront properties. In its research, the Building Height Team discovered that the Neahkahnie community applies a 24-foot limit to all buildings pursuant to a special exemption. Neither the Team nor the ONA Board had appreciated that such exemptions are available. Given its limited assignment, the Building Height Team refrained from making a recommendation on this issue. The ONA Board, however, decided to apprise the membership of this option based on the following considerations:

Oceanside will soon see significant, new construction, both residential and commercial. The county is currently processing applications to add more than 60 new building lots to our area, with more on the way. Moreover, new homes in Oceanside increasingly reflect designs that emphasize height and square-footage over the preservation of light and air between buildings or the stability of our steep slopes. We are also seeing more frequent requests for variances to avoid limits on set-backs and lot coverage, while new homes increasingly feature light-blocking cube designs with relatively flat roofs that maximize living space, but are often vulnerable to moisture damage and rot. These trends will only increase as the exploding prices of land and construction tempt those who build new structures to maximize living space for short term rental use in order to subsidize costs. A reduced height limit would at least moderate them.

Our Proposal

While Neahkahnie applies a 24-foot limit to all structures, its topography is relatively flat. That might be too dramatic a change for Oceanside, given our steep lots. The Board believes, however, that it would be reasonable and appropriate to consider the more moderate option of reducing the current 35-foot limit to a maximum of 30 feet, while retaining the current 24-foot limit on oceanfront structures. The Board welcomes written comment on this option and will provide

an opportunity to discuss it at future meetings. To avoid confusion, however, they will be kept separate from the discussion and vote on the Building Height Team's recommendation.

Pertinent Ordinance Revisions for this Board Option

Oceanside Residential Zone Ordinance Height Standard - Ord. 3.310(4)

(h) Within the Oceanside Community Growth Boundary, the building height of any building shall not exceed the maximum building height. The maximum building height shall be 30 feet, except on ocean or bay frontage lots, where it shall be 24 feet. Higher structures may be permitted only according to the provisions of Tillamook County Land Use Ordinance, Article VIII ("Variances"), as supplemented by this section.

Respectfully submitted,

Jerry Keene
ONA President

Minority Report

Immediately after the ONA membership voted to adopt the Board proposal to reduce Oceanside building heights on October 2, 2021, ONA President Jerry Keene invited local realtor Pam Zielinski to draft a minority report reflecting the views of those who opposed the measure. That report is attached.

To the Oceanside Neighborhood Association:

PLEASE VOTE NO to the proposal for the 30 ft height restriction.

Being asked to vote for this proposed amendment to the ordinance for calculating the allowable height of a structure in Oceanside is challenging when it is so difficult for us to understand how this will impact people who have not yet built on their steep lots in Oceanside, especially the lots which are 25' wide.

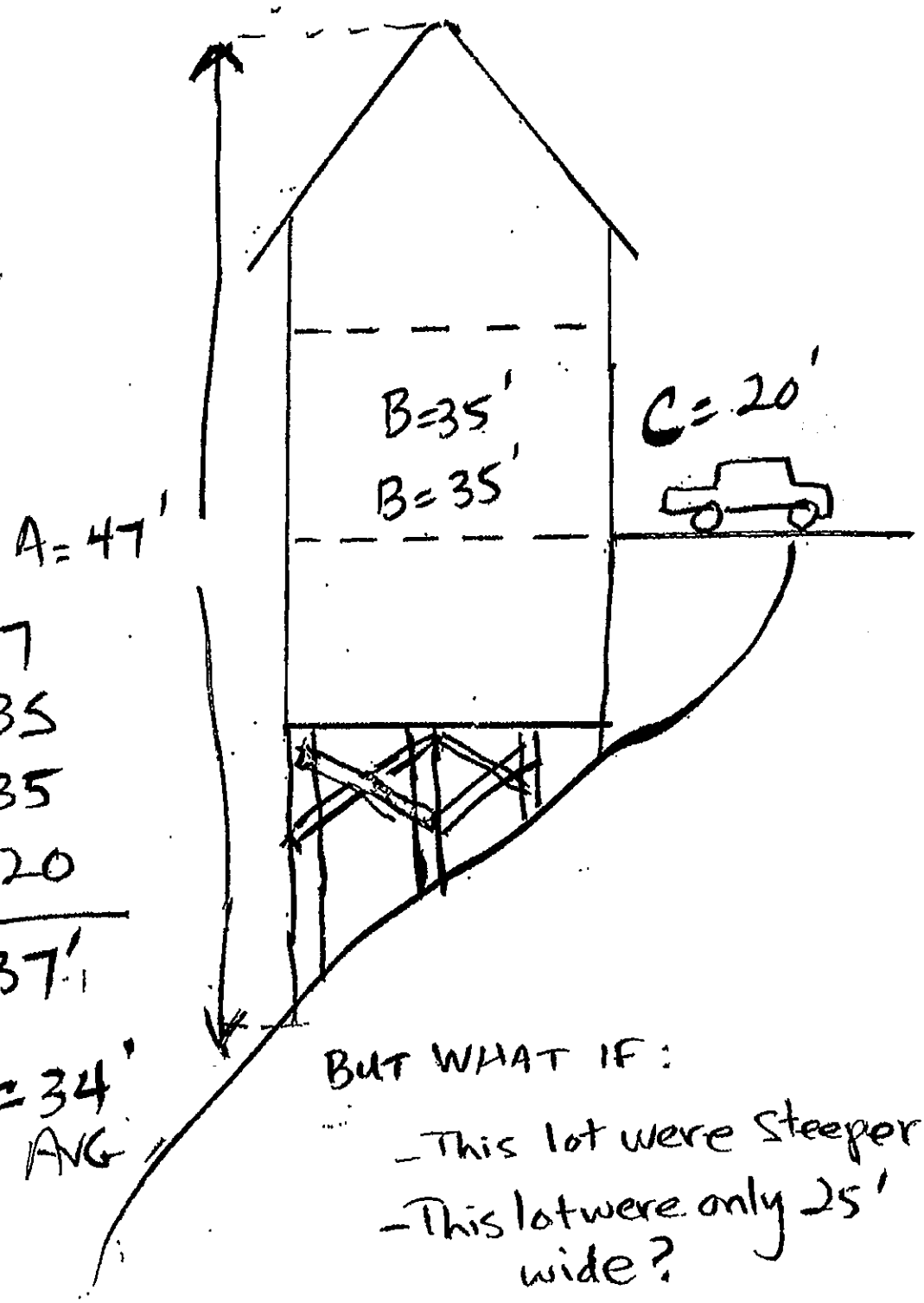
When I was a child, I recall my neighbor having coffee with my mother and discussing the upcoming presidential election. The neighbor said she was going to vote for Kennedy because she thought he was handsome and had a nice smile. I remember thinking to myself that if people did not understand what they were voting for, it seems like they should not vote at all.

That's how I feel about being asked to vote on this proposal without being presented with case studies of how this will impact individual property owners. It's very difficult to understand the impact this will have.

To try and understand it better, I used my own house as an example. I feel that my house, which was built under the existing guidelines, does fit the Oceanside "Village Character" that the Oceanside vision statement calls out. This is the streetside façade:

However, what you don't see from the street, is that it is built on piling on a very steep lot. The next page shows my very rudimentary ESTIMATE of how the height restriction might have been calculated when this was being built.

If the newly proposed changes had been in place at that time, the previous owner may have been tempted to have a flat roof as opposed to a steep gabled roof, because the top 5 feet of this house would have to be cut off. Would that have been more in keeping with "Village Character?" I suggest that it would not.



(N-WALL) A = 47
(E-WALL) B = 35
(W-WALL) B = 35
(S-WALL) C = 20
(137'

137 ÷ 4 = 34'
AVG

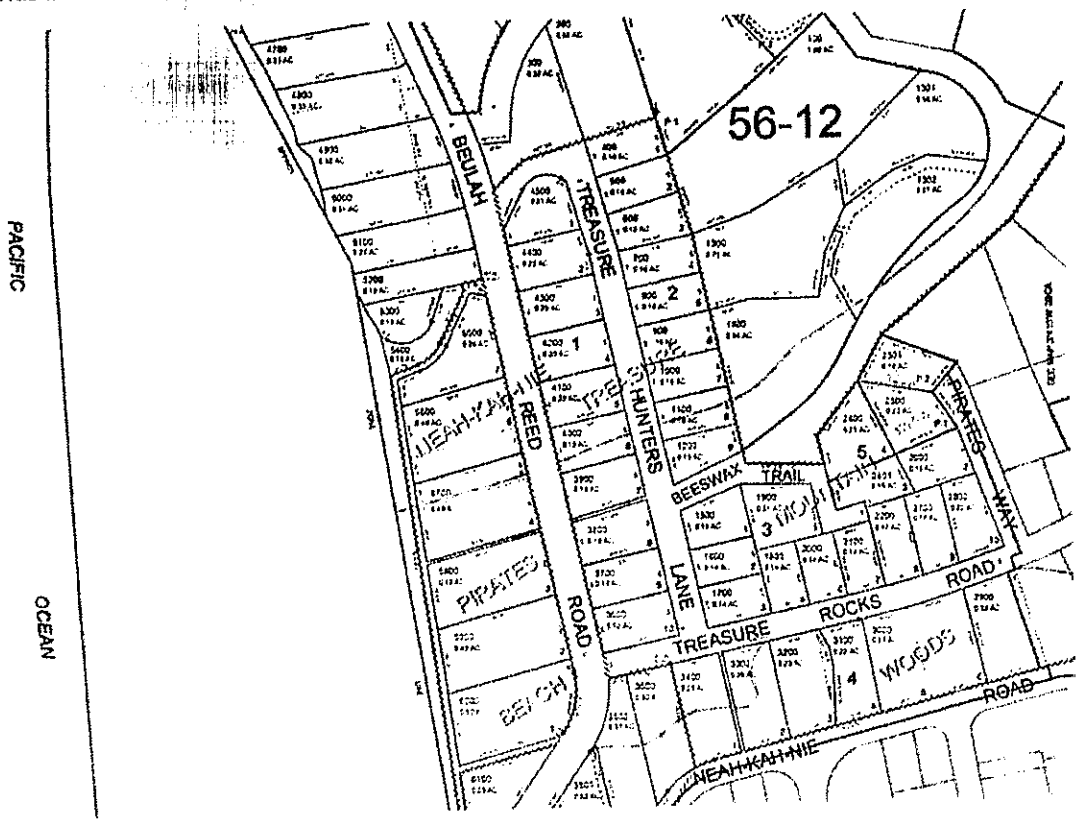
BUT WHAT IF:

- This lot were steeper?
- This lot were only 25' wide?

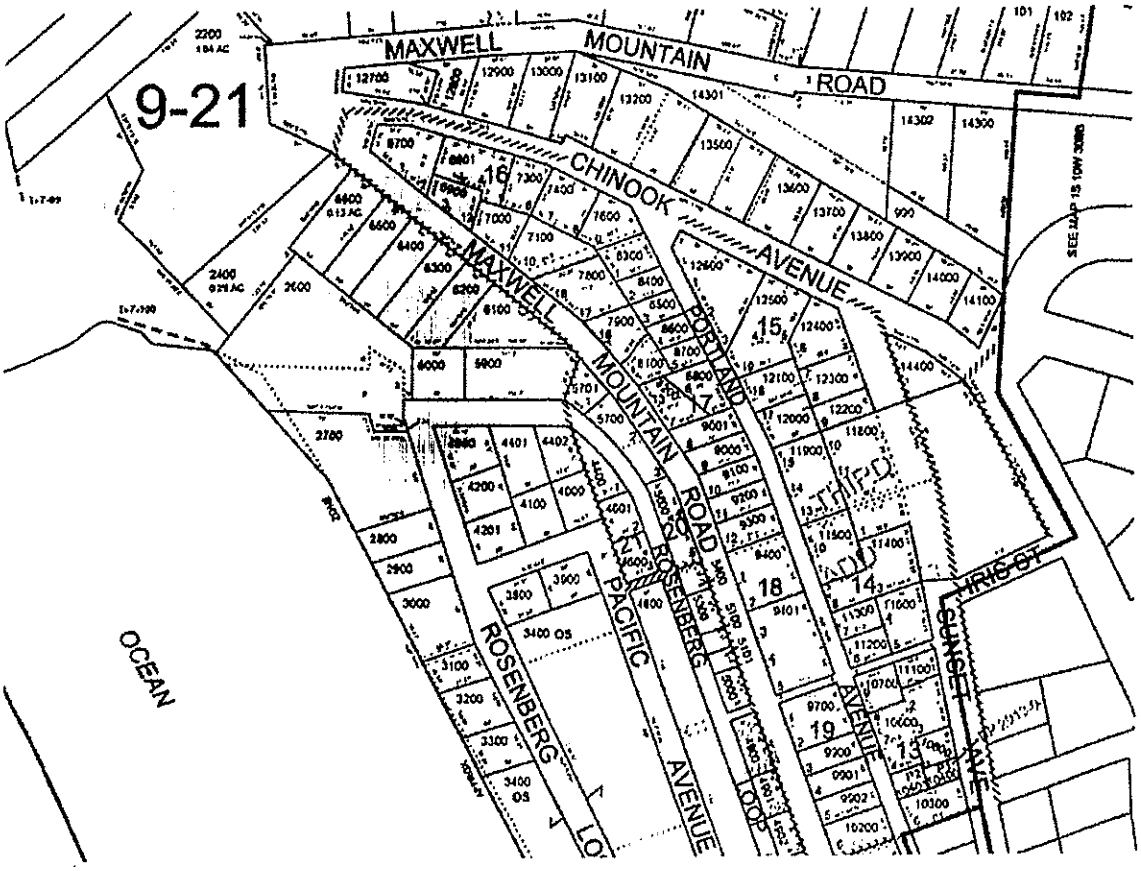
Could we end up with a tiny house downslope & parking on the roof? Is that an example of "Village Character?"

Jerry Keene brings up that NeaKahNie implemented a 30 ft height restriction without a lot of conflict. That is because NeahKahNie is very different from Oceanside. They have much larger lots allowing people to build wide and long houses with a lower height. Oceanside on the other hand has very small, narrow lots. A 30 ft height restriction in Oceanside would be a terrible burden to people who have not yet built, especially if they have a small lot. Also, while NeahKahNie is also set on a hillside as we are, their hillside is far less steep than Oceanside's. Consequently, higher rooflines in NeahKahNie would have more impact on the ocean view for houses uphill. I don't believe that what NeahKahNie went through should be any indicator of what Oceanside should do.

NeahKaNie has .25 acre to .33 acre lots on average. (Estimated)



The village of Oceanside has .08 acre lots on average. (Estimated)



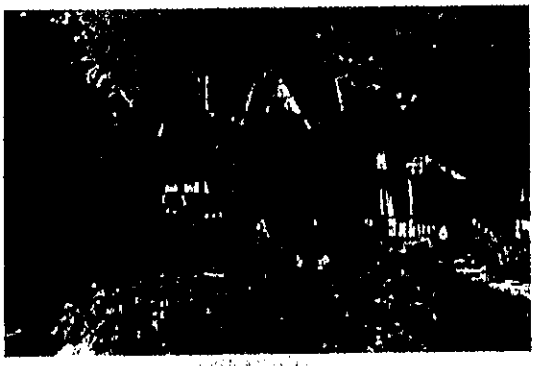
"Village Character" means different things to different people, apparently. Jerry Keene seems to suggest that it means a collection of small, short cottages. If you Google "Villages of the world" the images that come up are not dissimilar to what Oceanside looks like today, even with the tall multilevel homes built on the hillside. Here are some pics from the first page of my Google search, most of which show structures more than 3 and 4 stories tall. With our current height restriction, I suggest that we can still maintain a "Village Character" comparable to the most beautiful villages of the world.

Best Charming Villages and Towns in The ...
theactivetimes.com

15 Real-Life Fairy Tale Villages Around ...
demilked.com

25 of the Most Beautif...
pinterest.com

Wonderful Hilltop Towns and Villages
theworldgeography.com



10 of the Best Mountain Villages in the ...
thefairytaletraveler.com

25 of the Most Beautiful Villages in ...
roadaffair.com

25 of the Most Beautiful Villages in ...
roadaffair.com

40 Most Beautiful Pict...
pinterest.com

Best Charming Villages and Towns in The ...
theactivetimes.com

Most Beautiful Villages of the World ...
easemytrip.com

40 Most Beautiful Pict...
boredart.com

8 of the Most Beautiful Hidden Villages...
youramazingplaces.com

Most Instagrammed Villages
news18.com

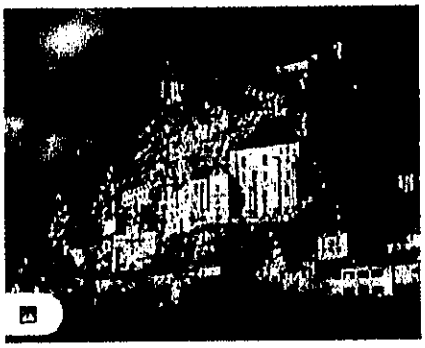
Most Beautiful Villages in the World ...
pinterest.com

The 13 Most Beautiful Villages In The World
luxurycolumnist.com

11 Picturesque Villages From Aroun...
lolwot.com

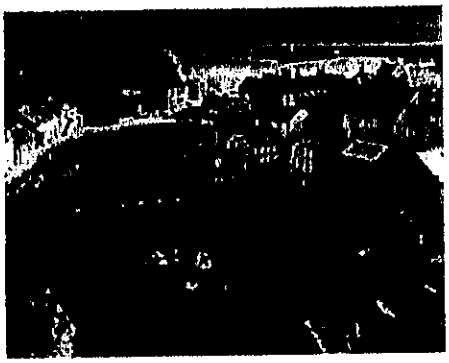
30 Best Christmas Villages...
oprahdaily.com

Most Beautiful Villages Around The ...
designgrapher.com



Rock Gorge Unesco World Stock Ph...
depositphotos.com

Beautiful Fairytale Villages Around ...
braverytravel.com



25 of the Most Beautiful Villages in ...
roadaffair.com

France travel ...
pinterest.com

If this change is implemented there would be an incentive for people to build box-like structures with 4 walls and flat roofs in order to maximize the interior space. I personally prefer the exterior appearance of houses with gable roofs and multi-faceted walls to a simple box. And, I suggest that the "Village Character" is much better enhanced by houses with gable roofs and multi-faceted walls than it would be with the ultra-modern box-like structures that this change would encourage.

My final point to consider is that Oceanside is more than just the village area. There are outlying parts of Oceanside where a 30 ft height restriction seems ridiculous. If there is no ocean view to be blocked, then why not be allowed a 3 story house on a flat lot? Or, as in the case of my own house and the 4 lots on either side of it which are also steep and not yet built, a 35 ft house cannot possibly impair the ocean view for any of the other homes above us. The hillside is simply too steep. That is also true on Norwester where there are several unbuilt lots. A 35 ft height restriction will not impact the ocean view for anyone located uphill from those lots.

If we must vote on something we really do not understand, I would like to see everyone vote NO on the suggestion of the 30 ft height restriction. On the simplification of the way the current height restriction is calculated, I would like to see this vote postponed until the committee can put before us a specfic explanation of how this will impact a random sampling of small steep lots in the village.

Please don't vote for Kennedy just because you like his smile!

Compromise?

If must be a compromise, why not exclude small lots from the rule (like the existing "Small Lot Exception.") The last revision shows that the committee wants to strike the clause about allowing a variance. I strongly believe that clause should remain, in order to cover the unforeseen possibilities we may not be aware of.

Or, what if the height restriction could allow at minimum for one story to be above street grade.

Or, restrict only commercial zoned property because the main street of Oceanside is what really creates the impression of a village versus a strip mall.

Thank you for your consideration of my opinion.

Pam Zielinski

Pam Zielinski

5680 Castle Drive

503.880.8034

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EXHIBIT D

Oceanside Neighborhood Association
www.oceansidefriends.com
oceansidefriends@gmail.com

November 23, 2021

Sarah Absher, Director
Tillamook County Department of
Community Development
sabsher@co.tillamook.or.us

Dear Sarah:

As you know, the Oceanside Neighborhood Association recently voted to approve and pursue enactment of three significant revisions of the building standards applicable to the Oceanside commercial and residential zones. We respectfully request that the necessary steps be taken to implement these revisions.

The measures would (1) adopt exterior lighting standards, (2) revise the formula for calculating building height and supplement the county criteria for approving height variances, and (3) revise the maximum building height limit. They represent over a year's worth of research and analysis by two separate ONA committees, whose proposals were then extensively advertised and continuously revised over a number of months in response to public input. They were then extensively discussed and debated at well-publicized public meetings, following which the members voted to adopt them. We can and will provide more details on the processes involved.

In addition, the Oceanside community is fortunate to enjoy the support of the Oceanside Protection Society, a 501(c)(3) community association whose mission includes funding efforts to improve Oceanside's livability. As President of the OPS, I can represent that the OPS is willing and able to fund the expenses of the public notice process and associated costs of presenting these amendments for approval by the Planning Commission and County Commissioners.

Please let me know when it is appropriate to share the text of these measures.

Best regards,

Jerry Keene
President
Oceanside Neighborhood Association

cc: ONA Board of Officers

EXHIBIT E

Revised Post 20 Oct. 2021 Vote

OCEANSIDE COMMUNITY LIGHTING STANDARDS

FOR PUBLIC AND PRIVATE PROPERTY

Introduction

Lighting affects our quality of life by reducing the visibility of night skies, and by negatively impacting wildlife. Many members of the Oceanside community cherish the dark night skies that allow stargazing that cannot be done in more populated areas. The Oceanside Rocks are a National Wildlife Refuge for a number of species of seabirds that are negatively impacted by light.

In accordance with the Oceanside Community Plan of 2018, section 4.7, and the Community plan review Section 11.2.a, Oceansiders seek to reduce the intrusion of harsh lighting. In 2010, the ONA submitted a draft lighting ordinance to Tillamook County for adoption in Oceanside zones under which excessive and intrusive lighting would be curbed. The initiative was prompted in part by a report from The Seabird Aware Project (see Appendix A), which illuminated concerns about the harmful effects of night light on seabirds, thousands of which inhabit the nearby Three Arch Rocks Wildlife Refuge. Similarly, the U.S. Fish & Wildlife Service noted the risks to wildlife associated with night lighting and requested cooperation from local communities to suppress it. The county took no action on the proposed ordinance.

ONA continues to support lighting regulation as one of its highest priorities and in this Plan reaffirms its application for the county to adopt that ordinance or alternatively to augment the current Oceanside ROS "Standards" to include outdoor lighting standards that will prohibit or curtail unshielded or intrusively bright lights in order to prevent light pollution, lighting trespass and skyglow to the greatest extent practicable.

Sections:

Section 1.0 Purpose.
Section 2.0 Definitions.
Section 3.0 Applicability.
Section 4.0 Exemptions.
Section 5.0 General standards.
Section 6.0 Prohibited.
Section 7.0 Submittals.
Section 8.0 Reserved for future.
~~Section 9.0 Figures of acceptable shielding and direction of outdoor light fixtures.~~
Appendix A Coastal Light Pollution and Wildlife
Appendix B Figures of acceptable shielding and direction of outdoor light fixtures.

Section 1.0 Purpose

The purpose of these lighting standards is to provide regulations that:

- Preserve and enhance the view of the dark sky.
- Protect wildlife from light pollution.
- promote health, safety, security, and productivity.
- protect natural resources.

The provisions of this chapter are intended to control glare and light trespass. It is the intent of this chapter to provide standards for appropriate lighting practices and systems that will enable people to see essential detail in order that they may undertake their activities at night, facilitate safety and security of persons and property, and curtail the degradation of the nighttime visual environment.

Section 2.0 Definitions

The following terms have the following definitions for purposes of this chapter:

A. "Accent lighting" means any luminaire that emphasizes a particular object or draws attention to a particular area for aesthetic purposes.

B. "Cut-off angle" (of a luminaire) means the angle, measured from the lowest point between a vertical line from the center of the lamp extended to the ground and the first line of sight at which the bare source is not visible.

C. "Fixture" (also called a "luminaire") means a complete lighting unit including the lamps, together with the parts required to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.

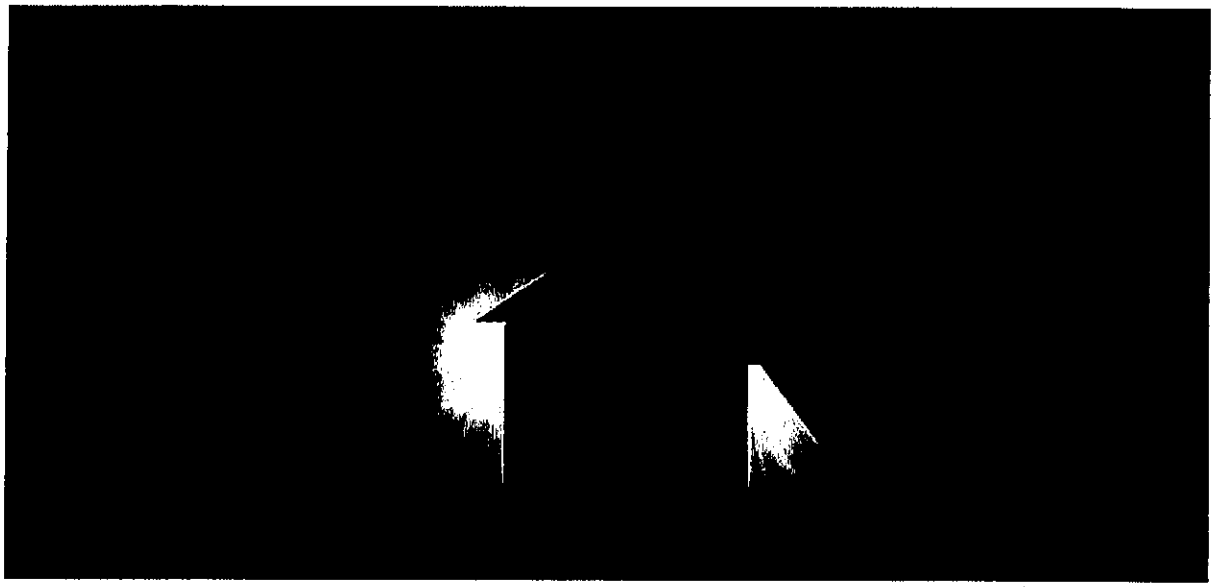
D. "Foot-candle" means a measure of illuminance or a measure of how bright a light appears to the eye. One foot-candle is equal to one lumen per square foot. As an example, a typical sixty-watt incandescent lamp (eight hundred forty lumens) produces an illuminance of 0.1 foot-candles at a distance of about twenty-five feet.

E. "Lamp" means the light-producing source installed in the socket portion of a luminaire.

F. "Light pollution" means general sky glow caused by the scattering of artificial light in the atmosphere and resulting in decreased ability to see the natural night sky.

G. "Light trespass" means any light emitted by an indoor or outdoor luminaire that shines directly beyond the property on which the luminaire is installed, or indirectly shines beyond the

property on which the luminaire is installed at a brightness (illuminance) that exceeds 0.1 foot-candles at the property line.



H. Luminaire. See definition for "fixture" (subsection C of this section).

I. "Outdoor lighting fixture" means a luminaire outside of an enclosed building or structure or any luminaire directed such that it primarily illuminates outdoor areas.

J. "Shielding" means that no light rays are emitted by a fixture above the horizontal plane running through the lowest point of the fixture.

K. "Spotlight" means any lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Section 3.0 Applicability

A. All outdoor lighting fixtures installed on private, public or commercial property shall comply with these standards. ~~Indoor lighting that creates a light trespass shall also comply with these standards.~~

Types of outdoor lighting to which this chapter applies include, but are not limited to, lighting for:

1. Buildings and structures including, but not limited to, overhangs and canopies.

2. Parking lot lighting.

3. Landscape lighting.

4. Lighting on docks and piers.

5. Street lighting.

Section 4.0 Exemptions

The following are exempt from the provisions of this chapter:

A. Traffic control signals and devices.

B. Street lights installed prior to the effective date of the ordinance codified in this chapter; provided, that when a street light fixture becomes inoperable, any replacement street light fixture shall be subject to the provisions of this chapter.

C. Temporary emergency lighting (i.e., fire, police, repair workers) or warning lights.

D. Moving vehicle lights.

E. Navigation lights (i.e., radio/television towers, docks, piers, buoys) or any other lights where state or federal statute requires lighting that cannot comply with this chapter. In such situations, lighting shall be shielded to the maximum extent possible, and lumens shall be minimized to the maximum extent possible, while still complying with state or federal statute.

F. Public sports and recreational facilities.

G. Seasonal decorations do not have to be shielded; provided, that they do not have a brightness of more than 0.1 foot-candles at the property line on which they are installed.

H. Outdoor lighting approved by the Oceanside Neighborhood Association for temporary or periodic events (e.g., fairs, nighttime construction).

Section 5.0 General standards

The following general standards shall apply to all nonexempt outdoor lighting fixtures and accent lighting:

A. All light trespass is prohibited.

B. Outdoor and indoor lighting fixtures and accent lighting must be shielded and aimed downward and shall be installed at the minimum height necessary. Examples of acceptable and unacceptable light pollution control shielding are shown in Figures 1 through 4 in Appendix B.

The shield must mask the direct horizontal surface of the light source. The light must be aimed to ensure that the illumination is only pointing downward onto the ground surface, with no escaping direct light permitted to contribute to light pollution by shining upward into the sky.

C. All outdoor lighting fixtures and accent lighting shall be designed, installed, located and maintained such that light trespass is nonexistent (see Appendix B, Figure 3).

D. Outdoor lighting fixtures and accent lighting shall not directly illuminate the beach, ocean or public waterways, unless it is a navigational light subject to state or federal regulations.

E. Accent lighting shall be directed downward onto the illuminated object or area and not toward the sky or onto adjacent properties (see Figure 4). Direct light emissions of such accent lighting shall not be visible above the roof line or beyond the building, structure, or object edge.

F. Spotlighting on landscaping and foliage shall be limited to one hundred fifty watts incandescent (two thousand two hundred twenty lumens output).

G. ~~All lighting fixtures must use the most energy efficient lighting technology available at the time of installation~~.

~~H.~~ All Outdoor lighting fixtures must be motion actuated wherever possible. However, this does not exempt them from the rules of light trespass.

Section 6.0 Prohibited

A. The following fixtures (luminaires) are prohibited for exterior lighting:

1. Searchlights for any purpose other than temporary emergency lighting or as allowed by a special event license.

2. Laser lights or any similar high-intensity light for outdoor use or entertainment, when projected above the horizontal plane.

3. Quartz lamps.

4. Mercury vapor lamps.

5. Sodium vapor lamps.

Section 7.0 Submittals

All building permit applications that include the installation of outdoor lighting fixtures shall demonstrate compliance with the requirements of this chapter by indicating the location and type of lighting used on the site plan submitted with the building permit application.

Section 8.0 Reserved for future use

Appendix A. Coastal Light Pollution and Wildlife

Coastal light pollution (caused by artificial lighting) has a negative impact on many seabirds, including some species that are already experiencing population declines on the Northern Oregon Coast. In the dark of night, seabirds use their keen senses and light from the moon and stars to navigate, find food, tend their nests, and avoid predators. Mariners and scientists have observed that bright lights from vessels or land can attract and disorient seabirds, causing injury or death - especially on moonless or foggy nights.

Drawn to or distracted by lights, seabirds can fly onto decks or land where they may be trapped, injured, or killed. Bright lights can illuminate nesting colonies on rocky coasts and islands, causing problems tending nests, abandonment of eggs or chicks, and increased predation by gulls or owls. Lights can distract birds from feeding, navigating, and other vital activities.

Seabirds are often active at night, which allows them to avoid natural avian predators. Seabirds of the Procellariforms order, which includes shearwaters, petrels and albatross, are especially reliant on nocturnal cover during their breeding and nesting season, when evasion of predators such as gulls and raptors is essential. Fledgling birds can be lured to artificial lighting as they attempt their first flights out to sea. If grounded, they are unlikely to become airborne again and often succumb to starvation and predation. Even fledglings that are not grounded may experience detrimental effects as they become distracted by artificial light sources and circle them for many hours reluctant to fly out into the open darkness. This activity carries with it energetic costs that may also have serious consequences for fledgling survival (BirdLife International, 2012).

Examples of seabirds in the Procellariforms order include Layson albatross, Black-footed albatross, Mottled petrel, Pink-footed shearwater, Flesh-footed shearwater, Buller's shearwater, and Short-tailed shearwater. Additional species include the Sooty shearwater, which is suffering severe population declines in the eastern Northern Pacific, and the Fork-tailed storm petrel and Leach's storm-petrel, both of which are designated State of Oregon Conservation Strategy species. *Strategy Species* are defined as having small or declining populations, are at-risk, and/or are of management concern. (Oregon Department of Fish & Wildlife, 2021).

Reducing coastal light pollution, including removing excessive illumination, reducing light intensity and eliminating unnecessary skyward and seaward light projection, is an important part of supporting vulnerable seabird populations.

Bibliography:

BirdLife International (2012). Light pollution has a negative impact on many seabirds including several globally threatened species. Downloaded from http://www.birdlife.org on 12/05/2021

Oregon Department of Fish & Wildlife (2021). Oregon wildlife species. https://myodfw.com/wildlife-viewing/species/loons-and-grebes on 5/10/202

Appendix B. Figures of acceptable shielding and direction of outdoor light fixtures.

The following four figures illustrate acceptable and unacceptable outdoor lighting fixtures in the village:

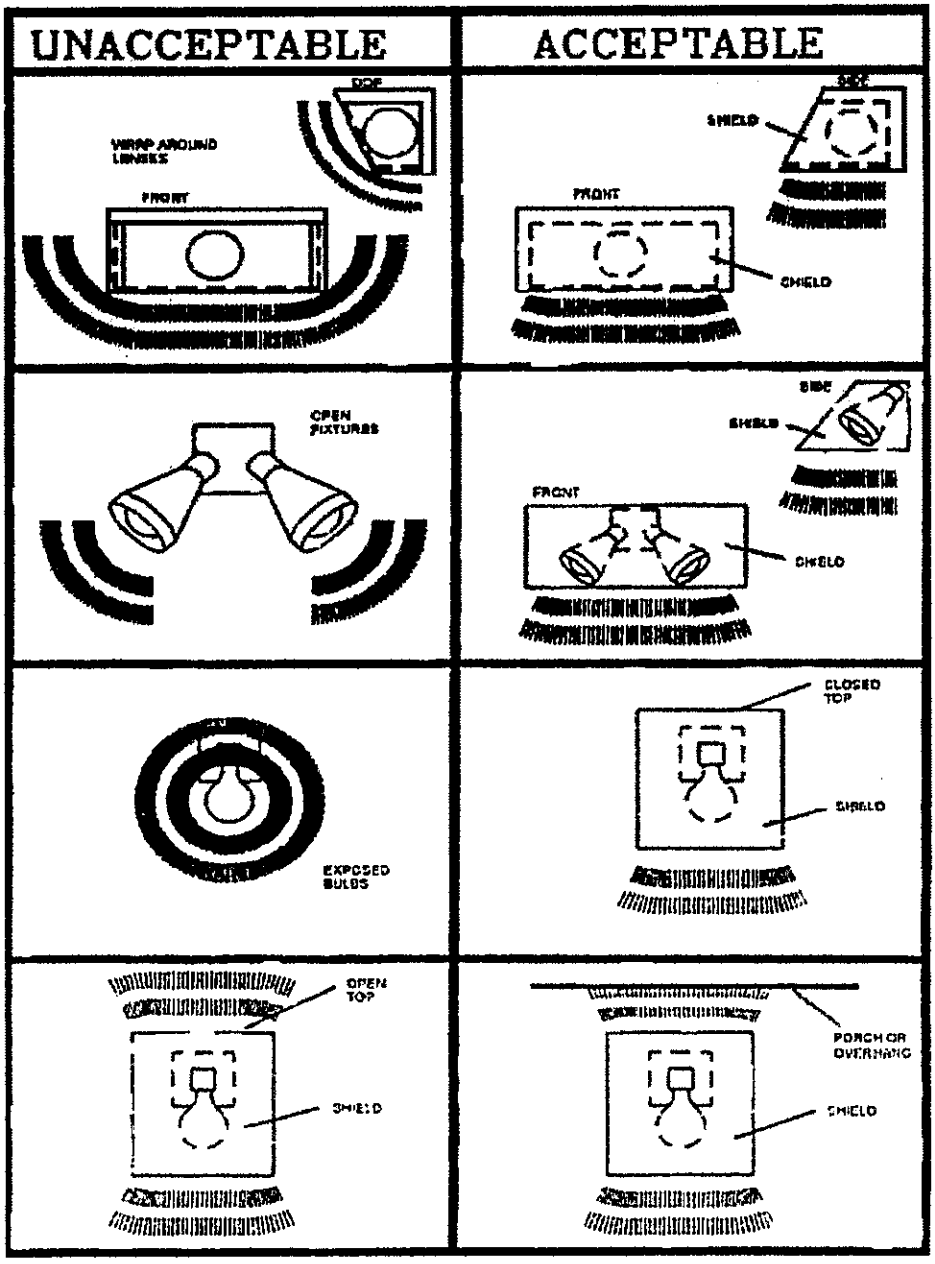


Figure 1: Wall-Mounted Lighting Fixtures

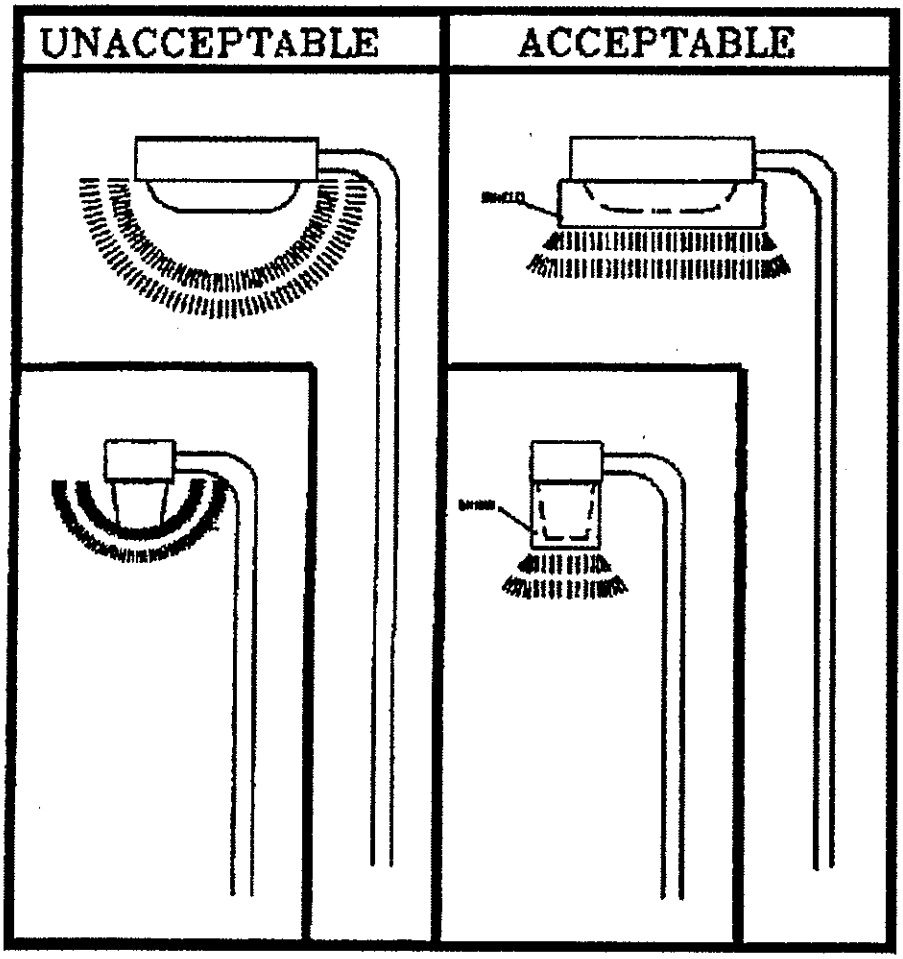


Figure 2: Freestanding Outdoor Lighting Fixtures

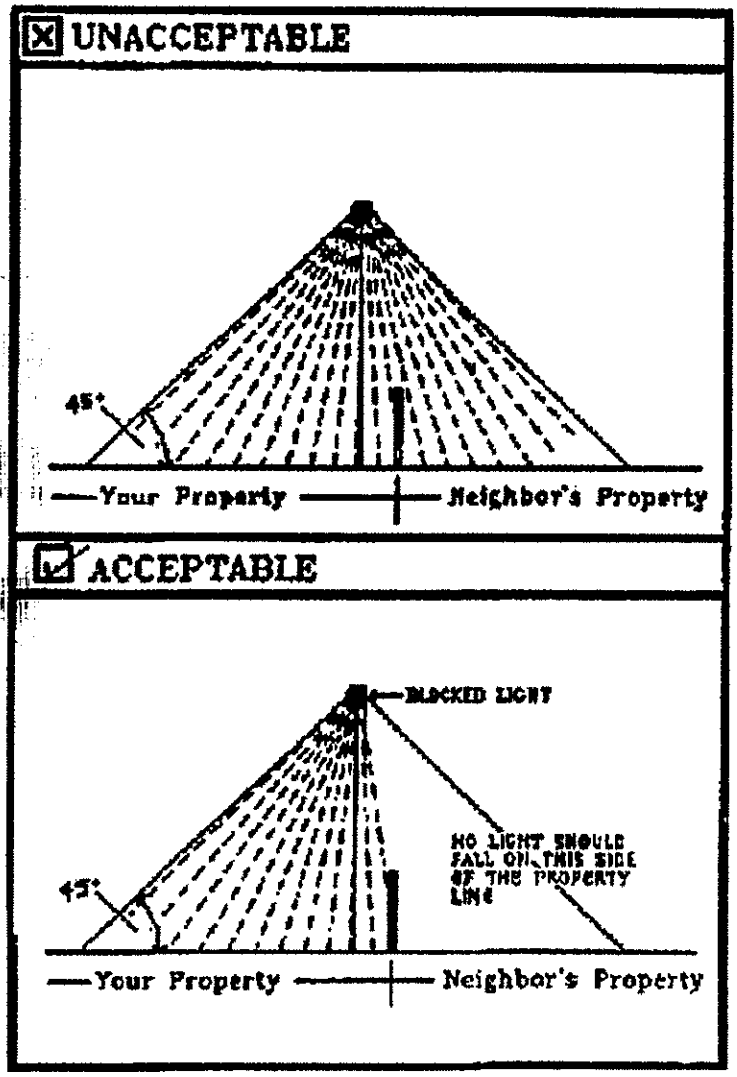


Figure 3: Outdoor Lighting Fixtures – Street and Lot Light Cut-Off at Property Line

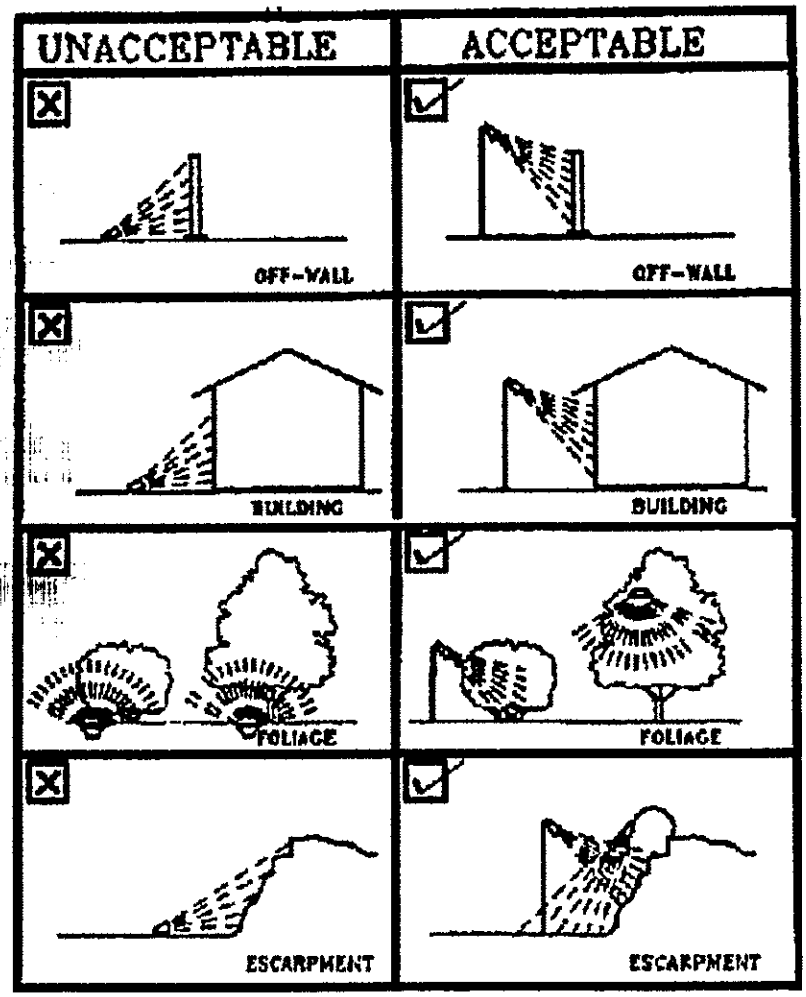


Figure 4: Accent Lighting

EXHIBIT F

DRAFT REPORT OF BUILDING HEIGHT TEAM

11 June 2021

Introduction

Oceanside is an unincorporated community generally regulated by the county and its elected County Commissioners. New buildings in Oceanside are generally subject to county wide development or "zoning" ordinances as supplemented by more restrictive ordinances the Commissioners have enacted specifically for Oceanside. In addition, the county permits Oceanside to assemble and communicate more detailed policy preferences and priorities in its "Oceanside Community Plan" or "ONA Plan," which the commissioners also formally approve. The County generally defers to the policies stated in the Community Plan when considering land use applications or building permit issues not specifically addressed in the applicable ordinances.

The County periodically invites Oceanside to update the policies and provisions in our specific building ordinances and Community Plan, and they have formally authorized the Oceanside Neighborhood Association to speak for the community on any proposed changes or updates. However, there are several other zoning subjects on which the current ordinances and Oceanside Community Plan are either silent, vague or incomplete. One of those subjects is Building Height Standards. After consulting and receiving support from the relevant Tillamook County officials, our team was asked, specifically, to:

(1) review the current provisions or language addressing Building Height Standards for Oceanside,

(2) research and survey the language or structure of standards used by other, comparable communities, and

(3) recommend ways to update the ONA Plan on that subject for the membership to consider at a future meeting.

Scope of problem

What is the back story as to why we are proposing a change to the current method of calculating structure height? The current system is difficult to explain, is open to interpretation, and is difficult to administer.

The current rule uses a formula that calculates the maximum height of a new structure by identifying and averaging the height of all of its external walls that are at least two feet wide. On sloped lots, this rule can be manipulated by incorporating extra "pop outs" or bays into the structure on the uphill side of the slope (where the walls are relatively short) and minimizing the number of walls on the downslope portion of the structure (which are relatively tall). This artificially increases or inflates the "average height" of all of the walls, which then inflates the permissible height of the entire structure. Some builders have also altered the slope of the lot prior to construction to maximize the height under this calculation.

County officials have expressed concern that the current system can be easily "gamed" to allow structures significantly higher than the legal limit of 35 feet.

In addition, some new builders have been taking advantage of vagueness in this rule by actually excavating and reconfiguring their lot to allow for structures that are technically within the limits, but actually result in some parts of the building that significantly exceed them.

Criteria for change

Our criteria for selecting a recommended method of clarifying the calculation of structure height were:

- The method needs to be easy to explain, to interpret, and to administer.
- The method needs to minimize the builder's ability to game the system.

Any changes will only be applied going forward, not retroactively.

Our approach

Our team researched the language and the structure of standards regarding building height used by communities of comparable size and/or sloped topography that we deemed comparable to Oceanside, including Astoria, Neskowin, Manzanita, Bend, the Portland West Hills and – most notably - Tacoma. Knowing that an ocean view is important to many residents, we focused on communities which include steeply sloped, view-sensitive building sites such as are often found in Oceanside. The team spent several meetings evaluating these examples in order to formulate a standard that we felt addressed Oceanside's particular circumstances consistent with our criteria. We then reviewed this formula with county planning staff and others for practical advice on its application.

Our recommendation for updating the current ONA plan

Based on our learning from this process, we recommend that the ONA plan be updated as described in the attached document. Key elements of the proposed changes include:

1. **Simplifying** the measurement of building height by calculating it from four base elevation points at the corners, rather by averaging all of the external walls.

2. **Clarifying** the definition of "existing grade" which forms the base of measurement to eliminate current ambiguities by specifying that the height must be measured using the pre-construction grade and also limiting the relevant time period to 50 years.

Our recommendation for ordinance revisions

Accompanying this report is an option for ONA's Board consideration that (1) sets out both the text of current ordinances that limit building height in Oceanside, and (2) how the language of those ordinances would be revised to accomplish the Team's recommendations.

The Committee appreciates the opportunity to work on this important issue and looks forward to comments from the community on how these recommendations might be refined or improved. Written comments may be sent to oceansidefriends@gmail.org.

Respectfully submitted,

ONA Building Height Issue Team[1]

Caroline Neunzert
Kathie Norris
Jerry Keene

A SEPARATE OPTION SUBMITTED FOR

[1] The Team would also like to acknowledge the contribution of former Oceansider Mary Beeks to this effort.

CONSIDERATION BY THE ONA BOARD:

REDUCING THE MAXIMUM BUILDING HEIGHT

Background

Tillamook County law generally limits building height in unincorporated communities (including Oceanside) to 35 feet, and 24 feet on oceanfront properties. In its research, the Building Height Team discovered that Neskowin applies a 24-foot limit to all buildings pursuant to a special exemption. Neither the Team nor the ONA Board had appreciated that such exemptions are available. Given its limited assignment, the Building Height Team refrained from making a recommendation on this issue. The ONA Board, however, decided to apprise the membership of this option based on the following considerations:

Oceanside will soon see significant, new construction, both residential and commercial. The county is currently processing applications to add more than 60 new building lots to our area, with more on the way. Moreover, new homes in Oceanside increasingly reflect designs that emphasize height and square-footage over the preservation of light and air between buildings or the stability of our steep slopes. We are also seeing more frequent requests for variances to avoid limits on set-backs and lot coverage, while new homes increasingly feature light-blocking cube designs with relatively flat roofs that maximize living space, but are often vulnerable to moisture damage and rot. These trends will only increase as the exploding prices of land and construction tempt those who build new structures to maximize living space for short term rental use in order to subsidize costs. A reduced height limit would at least moderate them.

Our Proposal

While Neskowin applies a 24-foot limit to all structures, its topography is relatively flat. That might be too dramatic a change for Oceanside, given our steep lots. The Board believes, however, that it would be reasonable and appropriate to consider the more moderate option of reducing the current 35-foot limit to a maximum of 30 feet, while retaining the current 24-foot limit on oceanfront structures. The Board welcomes written comment on this option and will provide an opportunity to discuss it at future meetings. To avoid confusion, however, they will be kept separate from the discussion and vote on the Building Height Team's recommendation.

Pertinent Ordinance Revisions

Oceanside Residential Zone Ordinance Height Standard - Ord. 3.310(4)

(h) Within the Oceanside Community Growth Boundary, the building height of any building shall not exceed the maximum building height. The maximum building height shall be 30 feet, except on ocean or bay frontage lots, where it shall be 24 feet. Higher structures may be permitted only according to the provisions of Tillamook County Land Use Ordinance, Article VIII ("Variances"), as supplemented by this section.

Please submit written comments to oceansidefriends@gmail.com

Respectfully submitted,

Jerry Keene
ONA President

INDEX TO EXHIBITS

The Team selected these homes merely to provide examples of recent construction trends. We do not intend to embarrass their owners or to be critical in any way. We understand that they complied with all current legal requirements.

EXHIBIT 1:

The uphill side of this relatively recent home on a sloped lot in Oceanside features a high number of nooks and pop-outs on the uphill side compared to the downhill side with the result that there are many more short "walls" than tall "walls." When all walls are averaged, this technique skews the average downward, which in turn inflates maximum allowed height. Combined with a shallow roof, this design accommodates a 5-story structure. The top four stories encompass a 4-bedroom unit / 4-bath short term rental that sleeps 10 people, while the bottom story houses a rental apartment.

Exhibit 1A: Uphill side

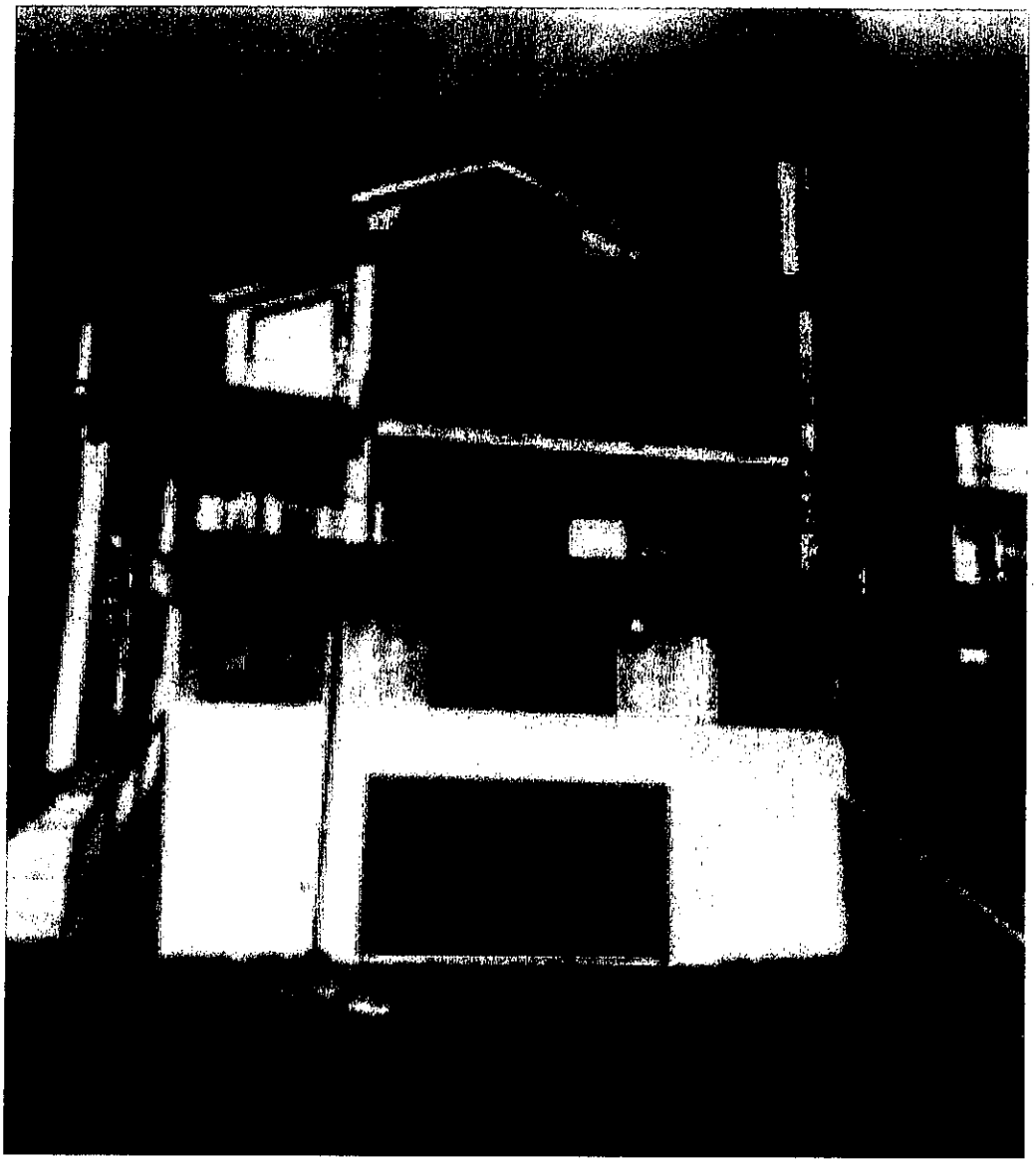


Exhibit 1B: Downhill side of the same house

EXHIBITS 2 & 3:

These two new homes in the Village are on flat lots. They reflect an increasingly common design trend for structures with low-profile or flat roofs and corners built at near maximum height. The result is a blockhouse design that maximizes living space but blocks more air, light and neighboring views than a conventionally sloped roof.

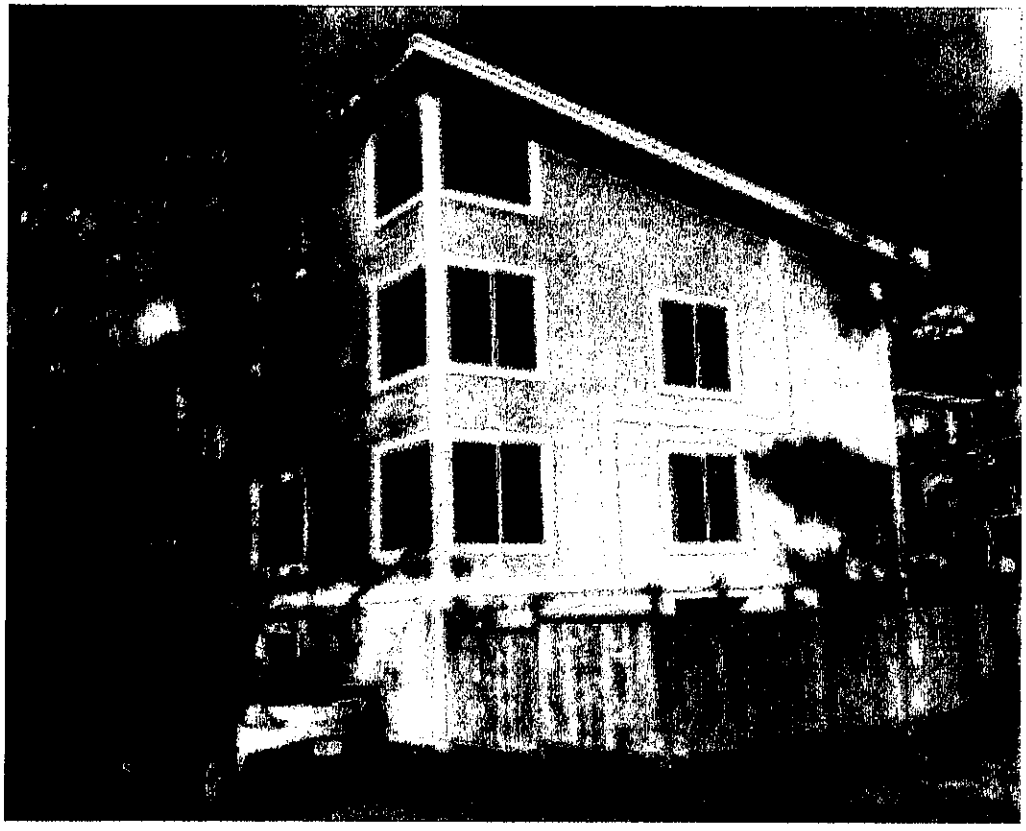


EXHIBIT G

View this email in your browser

Oceanside Neighborhood Association

Oceanside Neighborhood Association Election Results from May 18, 2025

Thank you for your patience as the credentialing committee finalized their work on the vote count from our May 18 meeting. Votes took place on the following items, with results in red following the question

VOTING ITEM NO. 1

FOR SINGLE-FAMILY HOMES, DUPLEXES and TRIPLEXES, should the minimum lot size for new structures be reduced from 7500 square-feet and at least 60 feet wide (the current rule) to 5000 square feet and at least 50 feet wide?
Yes: 78
No: 83
Final vote: No

VOTING ITEM NO. 2

FOR QUADPLEXES and COTTAGE CLUSTERS, should the minimum lot size be established as 7000 square-feet?

Yes: 95
No: 66
Final vote: Yes

VOTING ITEM NO. 3

Should the current setback requirement on all CORNER LOTS be reduced from 15 feet to 10 feet?
Yes: 76
No: 84
Final vote: No

VOTING ITEM NO. 4

Should all new TOWNHOME lots meet these requirements: (a) minimum lot width of 15 feet (b) minimum lot size of 1500 square-feet, and (c) minimum average lot size of 1750 square-feet (higher for steep lots)?
Yes: 67
No: 90
Final vote: No

VOTING ITEM NO. 5

LIMITED DESIGN STANDARDS for TRIPLEXES, QUADPLEXES and COTTAGE CLUSTERS. (These are shaded GREEN in the Draft ROS Code Language document accompanying the ONA Meeting Notice.)

Should these types of residences generally be required to locate front entries near streets and include a minimum number of windows on street frontage?
Yes: 72
No: 82

Final vote: No

VOTING ITEM NO. 6a.

BROADER DESIGN STANDARDS for ALL RESIDENCES. (These are shaded BLUE in the Draft ROS Code Language document.)

Should all new residences meet broader design standards that generally include: (1) architectural detail and articulations; (2) roof slopes with a minimum 4/12 pitch, and (3) minimum open space and landscaping requirements?

For this question, assume the county WILL ALLOW the ZAPR Committee's request to EXEMPT existing homes from being declared "nonconforming uses." (See Section 9 of the Draft ROS Code in the voting materials.)
Yes: 53
No: 107
Final vote: No

VOTING ITEM NO. 6b

BROADER DESIGN STANDARDS for ALL RESIDENCES. (These are shaded BLUE in the Draft ROS Code Language document.)

Should all new residences meet broader design standards that generally include: (1) architectural detail and articulations; (2) roof slopes with a minimum 4/12 pitch, and (3) minimum open space and landscaping requirements?

For this question, assume the county WILL NOT ALLOW the ZAPR Committee's request to exempt existing homes from being declared "nonconforming uses."
Yes: 43

No: 111
Final vote: No

VOTING ITEM NO. 7a.

BUILDING SIZE LIMITATION - FLAT LIMIT

If the county permits it, should all new residential structures be limited to 5000 square feet in total area (6000 square feet for townhomes)?

For this question, assume the county WILL ALLOW the ZAPR Committee's request to EXEMPT existing homes from being declared "nonconforming uses."
Yes: 72
No: 84
Final vote: No

VOTING ITEM NO. 7b

ALTERNATIVE BUILDING SIZE LIMITATION - "FAR" method.

If the county disallows the flat square foot limit in Item No. 7a, should new buildings comply with an alternative "floor area ratio" limit of ".08 (or 80%) and .9 (or 90%) for new townhomes?

For example, a new residence on a 5000 square-foot lot would be limited to 4000 square feet (80% of 5000) - excluding basements and certain other areas. (The FAR would be .9 (or 90%) for new townhomes.)

For this question, assume the county WILL ALLOW the ZAPR Committee's request to EXEMPT existing homes from being declared "nonconforming uses."
Yes: 70
No: 86
Final vote: No

VOTING ITEM NO. 7c

BUILDING SIZE LIMITATIONS ASSUMING NO "NONCORMING USE" EXEMPTION.

Regardless of how you voted on Voting Item No. 7a or 7b, should new residences comply with one or the other of these size limitations, EVEN IF the county does NOT ALLOW the ZAPR Committee's request to exempt existing homes from being declared "nonconforming uses"?
Yes: 59
No: 95
Final vote: No

VOTING ITEM NO. 8a

"VISITABILITY" STANDARDS (assuming a county-approved "nonconforming use" exemption).

For TRIPLEXES, QUADPLEXES, TOWNHOMES and COTTAGE CLUSTERS, should at least one unit generally be required to meet "visitability standards" that render them more accessible and livable for seniors or other differently abled persons?

These generally include features such as wider entry doors, ground floor bathrooms and larger living areas.

For this question, assume the county WILL ALLOW the ZAPR Committee's request to EXEMPT existing homes from being declared "nonconforming uses." (See Section 9).
Yes: 70
No: 86
Final vote: No

VOTING ITEM NO. 8b

"VISITABILITY" STANDARDS (assuming NO county-approved "nonconforming use" exemption).

For TRIPLEXES, QUADPLEXES, TOWNHOMES and COTTAGE CLUSTERS, should at least one unit generally be required to meet "visitability standards" that render them more accessible and livable for seniors or other differently abled persons?

These generally include features such as wider entry doors, ground floor bathrooms and larger living areas. For this question, assume the county WILL NOT ALLOW the ZAPR Committee's request to EXEMPT existing homes from being declared "nonconforming uses." (See Section 9).

Yes: 54
No: 99
Final vote: No

VOTING ITEM NO. 9

COTTAGE CLUSTERS - MINIMUM UNIT RULE

Should new cottage clusters be required to include at least 3 units?

This is less than the state "model" code minimum of 4 units. ZAPR recommended this item to encourage the construction of cottage clusters, and also to conform with the rule being proposed in other Tillamook County communities.

Yes: 94
No: 62
Final vote: Yes

My thanks go out to Jerzy Rub, Melissa Farlow and Leslie Kay who served on the credentialing committee. Also many thanks to Paul Brey, ONA Secretary, who registered many people to vote and took such care with voting tabulation. My sincere thanks to Tom Kemper, ZAPR committee chair for a year's work as well as all members of the ZAPR committee. The Oceanside community has spoken.

Terri Warren, ONA President, 2024-2025

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You are receiving this email because you are a part of the Oceanside community or signed up on our website.

Our mailing address is:
Oceanside Neighborhood Association
PO Box 232
Oceanside, OR 97134

Add us to your address book

Want to change how you receive these emails?
You can update your preferences or unsubscribe from this list.

EXHIBIT H

Enrolled
Senate Bill 406

Sponsored by Senator WEBER, Representative JAVADI; Senator SMITH DB, Representatives DEXTER, GAMBA, HELFRICH (Presession filed.)

CHAPTER .....

AN ACT

Relating to housing in Tillamook County; creating new provisions; and amending ORS 197.286, 197.758, section 3, chapter 639, Oregon Laws 2019, and sections 1, 4, 5 and 9, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001).

Be It Enacted by the People of the State of Oregon:

SECTION 1. If House Bill 2001 becomes law, ORS 197.286, as amended by section 5, chapter 54, Oregon Laws 2022, and section 12, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001), is amended to read:

197.286. As used in ORS 197.286 to 197.314 and 197.475 to 197.490:

(1) "Allocated housing need" means:

(a) For a city outside Metro, the housing need allocated to a city under section 2 (2), **chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001),** [*of this 2023 Act*] as segmented by income level under section 2 (4), **chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001),** [*of this 2023 Act*]; or

(b) For a city within Metro, the housing need allocated to the city by Metro under ORS 197.303 (3).

(2) "Buildable lands" means lands in urban and urbanizable areas that are suitable, available and necessary for the development of needed housing over a 20-year planning period, including both vacant land and developed land likely to be redeveloped.

(3) "City" and "city with a population of 10,000 or greater" includes, regardless of size, any city within Tillamook County and the communities of Barview/Twin Rocks/Watseco, Cloverdale, Hebo, Neahkahnie, Neskowin, Netarts, Oceanside and Pacific City/Woods.

[*(3)*] **(4)** "Government assisted housing" means housing that is financed in whole or part by either a federal or state housing agency or a housing authority as defined in ORS 456.005, or housing that is occupied by a tenant or tenants who benefit from rent supplements or housing vouchers provided by either a federal or state housing agency or a local housing authority.

[*(4)*] **(5)** "Housing capacity" means the number of needed housing units that can be developed on buildable lands within the 20-year planning period based on the land's comprehensive plan designation and capacity for housing development and redevelopment.

[*(5)*] **(6)** "Housing production strategy" means a strategy adopted by a local government to promote housing production under ORS 197.290.

[*(6)*] **(7)** "Manufactured dwelling," "manufactured dwelling park," "manufactured home" and "mobile home park" have the meanings given those terms in ORS 446.003.

[*(7)*] **(8)** "Periodic review" means the process and procedures as set forth in ORS 197.628 to 197.651.

[*(8)*] **(9)** "Prefabricated structure" means a prefabricated structure, as defined in ORS 455.010, that is relocatable, more than eight and one-half feet wide and designed for use as a single-family dwelling.

SECTION 2. ORS 197.758 is amended to read:

197.758. (1) As used in this section:

(a) "City" or "city with a population of 25,000 or greater" includes, regardless of size, any city within Tillamook County and the communities of Barview/Twin Rocks/Watseco, Cloverdale, Hebo, Neahkahnie, Neskowin, Netarts, Oceanside and Pacific City/Woods.

[*(a)*] **(b)** "Cottage clusters" means groupings of no fewer than four detached housing units per acre with a footprint of less than 900 square feet each and that include a common courtyard.

[*(b)*] **(c)** "Middle housing" means:

(A) Duplexes;

(B) Triplexes;

(C) Quadplexes;

(D) Cottage clusters; and

(E) Townhouses.

[*(c)*] **(d)** "Townhouses" means a dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit.

(2) Except as provided in subsection (4) of this section, each city with a population of 25,000 or [*more*] **greater** and each county or city within a metropolitan service district shall allow the development of:

(a) All middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings; and

(b) A duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings.

(3) Except as provided in subsection (4) of this section, each city not within a metropolitan service district with a population of more than 10,000 and less than 25,000 shall allow the development of a duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings. Nothing in this subsection prohibits a local government from allowing middle housing types in addition to duplexes.

(4)**(a) Except within Tillamook County,** this section does not apply to:

[*(a)*] **(A)** Cities with a population of 1,000 or fewer, **except inside of Tillamook County**;

[*(b)*] **(B)** Lands not within an urban growth boundary;

[*(c)*] **(C)** Lands that are not incorporated and also lack sufficient urban services, as defined in ORS 195.065; **or**

[*(d) Lands that are not zoned for residential use, including lands zoned primarily for commercial, industrial, agricultural or public uses; or*]

[*(e)*] **(D)** Lands that are not incorporated and are zoned under an interim zoning designation that maintains the land's potential for planned urban development.

(b) This section does not apply to lands that are not zoned for residential use, including lands zoned primarily for commercial, industrial, agricultural or public uses.

(5) Local governments may regulate siting and design of middle housing required to be permitted under this section, provided that the regulations do not, individually or cumulatively, discourage the development of all middle housing types permitted in the area through unreasonable costs or delay. Local governments may regulate middle housing to comply with protective measures adopted pursuant to statewide land use planning goals.

(6) This section does not prohibit local governments from permitting:

(a) Single-family dwellings in areas zoned to allow for single-family dwellings; or

(b) Middle housing in areas not required under this section.

SECTION 3. Section 3, chapter 639, Oregon Laws 2019, is amended to read:

Sec. 3. (1) Notwithstanding ORS 197.646, a local government shall adopt land use regulations or amend its comprehensive plan to implement [*section 2 of this 2019 Act*] **ORS 197.758** no later than:

(a) June 30, 2021, for each city subject to [*section 2 (3) of this 2019 Act*] **ORS 197.758 (3)**; [*or*]

(b) June 30, 2022, for each local government subject to [*section 2 (2) of this 2019 Act.*] **ORS 197.758 (2) except as provided in paragraph (c) of this subsection; or**

(c) July 1, 2025, for each city, as defined in ORS 197.758, in Tillamook County.

(2) The Land Conservation and Development Commission, with the assistance of the Building Codes Division of the Department of Consumer and Business Services, shall develop a model middle housing ordinance no later than December 31, 2020.

(3) A local government that has not acted within the time provided under subsection (1) of this section shall directly apply the model ordinance developed by the commission under subsection (2) of this section under ORS 197.646 (3) until the local government acts as described in subsection (1) of this section.

(4) In adopting regulations or amending a comprehensive plan under this section, a local government shall consider ways to increase the affordability of middle housing by considering ordinances and policies that include but are not limited to:

(a) Waiving or deferring system development charges;

(b) Adopting or amending criteria for property tax exemptions under ORS 307.515 to 307.523, 307.540 to 307.548 or 307.651 to 307.687 or property tax freezes under ORS 308.450 to 308.481; and

(c) Assessing a construction tax under ORS 320.192 and 320.195.

(5) When a local government makes a legislative decision to amend its comprehensive plan or land use regulations to allow middle housing in areas zoned for residential use that allow for detached single-family dwellings, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility.

SECTION 4. If House Bill 2001 becomes law, section 1, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001), is amended to read:

Sec. 1. (1) There is established within the Oregon Department of Administrative Services the Oregon Housing Needs Analysis. The purposes of the Oregon Housing Needs Analysis are to further the:

(a) Production of housing to meet the need of Oregonians at all levels of affordability; and

(b) Production of housing in a way that creates more housing choice by affirmatively furthering fair housing, as defined in ORS 197.290.

(2) The Oregon Housing Needs Analysis consists of three components as follows:

(a) The annual statewide housing analysis under section 2 (1), **chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001)** [*of this 2023 Act*];

(b) The allocated housing need under section 2 (2), **chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001)** [*of this 2023 Act*]; and

(c) The housing production targets under section 3, **chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001)** [*of this 2023 Act*].

(3) Actions taken by the department under sections 1 to 3, **chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001)** [*of this 2023 Act*], are not subject to ORS 197.180 and are not land use decisions.

(4) The Department of Land Conservation and Development and the Housing and Community Services Department:

(a) Shall assist the Oregon Department of Administrative Services with its duties under sections 1 to 3, **chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001)** [*of this 2023 Act*].

(b) May study and recommend methodological changes to the Oregon Department of Administrative Services to improve the Oregon Housing Needs Analysis' functions and suitability for its purposes under subsection (1) of this section. The departments may solicit written and oral public testimony to inform their recommendations.

(5) As used in sections 1 to 3, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001), "city" or "city with a population of 10,000 or greater" has the meaning given the term in ORS 197.286.

SECTION 4a. If House Bill 2889 becomes law, section 4 of this 2023 Act (amending section 1, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001)) is repealed and section 1, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001), as amended by section 1, chapter ___, Oregon Laws 2023 (Enrolled House Bill 2889), is amended to read:

Sec. 1. (1) There is established within the Oregon Department of Administrative Services the Oregon Housing Needs Analysis. The purposes of the Oregon Housing Needs Analysis are to further the:

(a) Production of housing to meet the need of Oregonians at all levels of affordability; and

(b) Production of housing in a way that creates more housing choice by affirmatively furthering fair housing, as defined in ORS 197.290.

(2) The Oregon Housing Needs Analysis consists of three components as follows:

(a) The annual statewide housing analysis under section 2 (1), chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001);

(b) The allocated housing need under section 2 (2), chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001); and

(c) The housing production targets under section 3, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001).

(3) Actions taken by the department under sections 1 to 3, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001), are not subject to ORS 197.180 and are not land use decisions.

(4) The Department of Land Conservation and Development and the Housing and Community Services Department:

(a) Shall assist the Oregon Department of Administrative Services with its duties under sections 1 to 3, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001).

(b) May study and recommend methodological changes to the Oregon Department of Administrative Services to improve the Oregon Housing Needs Analysis' functions and suitability for its purposes under subsection (1) of this section. The departments shall solicit written and oral public testimony to inform their recommendations.

(5) As used in sections 1 to 3, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001), "city" or "city with a population of 10,000 or greater" includes **cities, as defined in ORS 197.286, and** urban unincorporated communities in Metro, as defined in ORS 197.015.

SECTION 5. If House Bill 2001 becomes law, section 4, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001), is amended to read:

Sec. 4. (1) The Housing and Community Services Department may adopt rules to implement this section and section 5, **chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001)** [*of this 2023 Act*].

(2) On an annual basis the Housing and Community Services Department shall update a publicly available statewide housing production dashboard.

(3) The dashboard shall include, for each city with a population of 10,000 or greater, **as defined in ORS 197.286:**

(a) Progress toward housing production by affordability levels, as described in section 2 (4), **chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001),** [*of this 2023 Act*] and total housing targets; and

(b) A comparative analysis of progress in comparison to the region and other local governments with similar market types.

(4) Information in the dashboard must be based on:

(a) Inventory of publicly supported housing, as defined in ORS 456.250, that is maintained by the department; and

(b) Information submitted to the department under section 37 (3), **chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001)** [*of this 2023 Act*].

SECTION 5a. If House Bill 2889 becomes law, section 5 of this 2023 Act (amending section 4, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001)) is repealed.

SECTION 6. If House Bill 2001 becomes law, section 5, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001), is amended to read:

Sec. 5. (1) On an annual basis the Housing and Community Services Department shall update publicly available statewide housing equity indicators.

(2) The indicators shall include, for each city **under section 4, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001)**, quantifiable data, to the extent that the department can determine, define or estimate it, displaying:

(a) Housing outcomes, such as cost burden and availability of housing units to own or to rent, and housing condition for various demographics, including race or ethnicity, disability status, English proficiency and age;

(b) Housing types produced and overall land efficiency of housing production;

(c) New housing units built to standards, as defined by the Department of Consumer and Business Services by rule, relating to accessibility and visitability;

(d) Risk of gentrification and displacement;

(e) Housing segregation by race and income;

(f) Environmentally just housing outcomes, informed by the environmental justice mapping tool, developed by the Environmental Justice Council under section 12, chapter 58, Oregon Laws 2022;

(g) Residential tenants who spend more than 50 percent of their household income on gross rent for housing; and

(h) Other measurable factors or indicators identified by the department.

SECTION 7. If House Bill 2001 becomes law, section 9, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001), is amended to read:

Sec. 9. (1) The Land Conservation and Development Commission shall adopt rules and amendments to rules related to urbanization as follows:

(a) On or before June 30, 2024, adopt a schedule by which cities, as defined in ORS 197.286, in Tillamook County shall demonstrate sufficient buildable lands.

[(a)] **(b)** On or before January 1, 2025, to implement ORS 197.290, 197.291, 197.293, 197.319 (4), 197.320 (13) and 197.335 (6); and

[(b)] **(c)** On or before January 1, 2026, to implement ORS 197.286 to 197.314, except as provided in paragraph *[(a)]* **(b)** of this subsection.

(2) In adopting rules under this section, the commission shall prioritize:

(a) Facilitating and encouraging housing production, affordability and housing choice on buildable lands within an urban growth boundary;

(b) Providing greater clarity and certainty in the adoption and acknowledgement of housing capacity analyses, urban growth boundary amendments, urban growth boundary exchanges or urban reserves to accommodate an identified housing need;

(c) Reducing analytical burden, minimizing procedural redundancy and increasing legal certainty for local governments pursuing urban growth boundary amendments, urban growth boundary exchanges or urban reserves where a housing need is identified, especially for smaller cities, consistent with the appropriate protection of resource lands; and

(d) Supporting coordinated public facilities planning, annexation, and comprehensive plan amendments to facilitate the development of lands brought into an urban growth boundary.

(3) In adopting rules under subsection *[(1)(a)]* **(1)(b)** of this section, the commission shall:

(a) Consult with the Housing and Community Services Department, Department of Transportation, Department of Environmental Quality, Department of State Lands, Oregon Business Development Department and Department of Consumer and Business Services;

(b) Provide clear parameters on the types and extent of actions needed or allowed under ORS 197.290 (3) that are consistent with the technical and resource capacities of varying sizes of local governments; and

(c) Recognize actions already taken by local governments.

(4) To avoid interference with current planning activities or to avoid unjust or surprising results, the Land Conservation and Development Commission may postpone, for cities specified by the commission, the applicability of section 13, 21, 22 or 23, **chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001),** [*of this 2023 Act*] and the amendments to ORS 197.286, 197.290, 197.296, 197.297 and 197.303, by sections 12 and 25 to 28, **chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001)** [*of this 2023 Act*], until a date that is not later than January 1, 2026.

(5) To provide for flexibility and coordination of county resources, the commission may adopt any policies or rules necessary to allow cities, as defined in ORS 197.286, in Tillamook County to cooperate with the county in fulfilling any of the cities' duties under ORS 197.286 to 197.314 or coordinating the distribution of any funds to the cities for such purposes.

Passed by Senate April 13, 2023

Repassed by Senate June 15, 2023

.....
Lori L. Brocker, Secretary of Senate

.....
Rob Wagner, President of Senate

Passed by House May 25, 2023

.....
Dan Rayfield, Speaker of House

Received by Governor:

.....M.,....., 2023

Approved:

.....M.,....., 2023

.....
Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2023

.....
Secretary of State

EXHIBIT I

Sarah Thompson

From: Pam Zielinski <pzielinski@bhhsnw.com>
Sent: Monday, August 4, 2025 3:55 PM
To: Sarah Thompson
Subject: EXTERNAL: Letter to Tillamook County Planning Commission

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hello, Sarah.

Please provide my opinion to the Planning Commission for consideration as they address the Oceanside CAC request for reducing the current height limit of 35 feet to 30 feet, and changing the method of calculating the height of a residential structure.

To the Planning Commission:

Please do not approve the request to reduce the 35 ft height restriction for non-waterfront structures in the Oceanside zoning area. Also, please do not approve the request by the same body to change the method of calculation of the height of a residential structure.

The recommendations will serve to severely damage and reduce the value of investments people have made in Oceanside real estate, particularly for the many owners of steep lots.

The height limit has been proposed and promoted mostly by people who understandably are wanting to protect their own views. However, in my opinion, it is not right to diminish another person's value for the sole purpose of increasing the value of your own property.

Regarding the method of calculation, the proposal really needs more study of how it will work in different situations.

Please do not approve either of these requests.

Thank you,
Pam Zielinski
Oceanside Resident
PO Box 423
Oceanside, OR 97143

8/4/2025

For consideration by the Tillamook County Planning Commission, and by the Tillamook County Board of Commissioners, regarding Legislative Text Amendments:

- #851-25-000262-PLNG
- #851-25-000269-PLNG
- #851-25-00270-PLNG

Below are some of my objections concerning the ONA (Oceanside Neighborhood Association) ZAPR Committee's rationale pertaining to reduction of building heights -- ONA quotes and my response.

ONA: "Oceanside will soon see significant, new construction, both residential and Commercial."

This is no reason to panic and call for rash changes to our codes and regulations that already exist. Oceanside as a community has both residential and commercial zoning. Growth through new construction is a sign of economic strength and vitality. That growth is "change" which can be intimidating to existing residents. Oregon's Land Use laws encourage all communities to plan for growth as Oregon continues to be a very desirable environment to live. Oceanside as a 100-year-old hamlet was never planned and platted to be a designed homogenous community. To now institute design restrictions on the remaining developable land and infill lots seems out of character with the small community. The existing codes and regulations are fair and equitable. To impose additional restrictions seems like a desperate attempt to create a community that has never existed.

ONA: "We are also seeing more frequent requests for variances."

The variance process is a valid tool available to permit applicants in a increasing regulatory environment. The variance process allows for an individualized review of specific site elements. This process affords fairness in applying regulations.

ONA: "Moreover, new homes in Oceanside increasingly reflect designs that emphasize height and square-footage over the preservation of light and air between buildings or the stability of our steep slopes."

Adequate light and air regulations exist in our residential Building Codes and Land Use Regulations. These regulations were instituted historically in reaction to tenement buildings in New York City, where building codes originated, from immigration's early years and have been adopted, refined over many decades to meet modern day construction, so the above argument is just an emotional reaction and is only groping for reason.

As far as slope stability is concerned, homes constructed on steep slopes require extensive soils and structural analysis and solution-based designs. This type of construction is science based with the latest technologies and materials available. The Oceanside committee once again lacks sound reasoning and is offering an emotionally based argument.

ONA: "while new homes increasingly feature light-blocking cube designs with relatively flat roofs that maximize living space, but are often vulnerable to moisture damage and rot. "

Flat roof design is highly regulated by The Residential Building Code. Materials for flat roof design are very restrictive and must be approved for that application. Roofs are made up of assemblies of approved products all designed

for strength and durability. I fail to see where choosing to maximize living space in design and construction is a problem that needs to be corrected.

ONA: "These trends will only increase as the exploding prices of land and construction tempt those who build new structures to maximize living space for short term rental use in order to subsidize costs. A reduced height limit would at least moderate them."

Flat roofs and maximized living space creates = vacation rentals? Therefore, additional burdensome regulation will defeat temptation? I am not following the reasoning in these statements.

In conclusion much of the ONS's background arguments are not "well-reasoned" and is mostly an emotional reaction to the growth that is occurring in our coastal community as well as the State of Oregon. The existing building codes and land use regulations are sufficient unto the day.

Craig Wakefield

1605 Oceanside Lane, Oceanside OR 97134

503-761-1829

Sarah Thompson

From: Sean Aiken <seaaiken@gmail.com>
Sent: Monday, August 4, 2025 12:38 PM
To: Sarah Thompson
Subject: EXTERNAL: Oceanside zoning proposals

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hello Sarah, I am writing today to oppose any zoning or design standard changes to Oceanside. I have been attending most every meeting and the larger majority of the community does not want the changes as shown by all the failed measures of the last vote in May. All but one failed. There is a very small group of special interest folks that are driving this and continue to create new committees with the same folks and goals that are most often, almost always voted down.
I specifically oppose the height and design standards they are trying to push through based on an over 4 year old vote where there was never proper notice given to each property owner. It was a word of mouth campaign which did not take into consideration all the non-resident owners. The group had a chance to cast another vote recently and instead they decided against the public outcry and to push it through behind the backs of its own residents.
I would like to urge no action taken on any zoning, design or planning recommendations by any committee of Oceanside. They are out of touch with the wants and needs and how to go about them with regards to the Oceanside community.
Thank you for your time.
Sean Aiken
1845 Maxwell Mt Rd, Oceanside, OR

Sarah Thompson

From: Brenton Paul Danieli <bpd.ivy@gmail.com>
Sent: Monday, August 4, 2025 12:11 PM
To: Sarah Thompson
Subject: EXTERNAL: Comments on upcoming Measure 56 Hearing

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hello Sarah,

My wife and I own Lot 9 on Reeder St in Oceanside OR.

I do **NOT** support Measure 56 and the following land use changes proposed by the Oceanside Neighborhood Association. **#851-25-000262-PLNG** Residential Building Height to 30', **#851-25-000269-**PLNG Variance Request Modification, **#851-25-000270**-PLNG Commercial Building Height to 30'.

I feel that the existing Tillamook County unincorporated zoning and building codes are fair and sufficient.

Since March 1998 Oceanside property owners have had the opportunity to buy or build their homes under the same County Ordinances. During the due diligence process of their lot or home purchase, they had every opportunity to see how the potential build or purchase would affect their view. Individuals that bought and built houses that didn't maximize the view can't fault others. That was a choice they made. Mitigating the ramifications of their decisions by passing stricter ordinances for those that haven't built yet is at best self-serving and at worst negligent.

If this height restriction passes, how much monetary value would be transferred from lot owners directly to those that have houses built under the higher 35 ft. rule? This proposal will diminish the value of the undeveloped Land (and subsequent lower height houses built on that land), while transferring that value, in perpetuity, to the property owners with developed housing under the old higher height restriction.

I appreciate you adding my comments in the records for the upcoming hearing.

Thank you,

Brenton & Bonnie Danieli

Sarah Thompson

From: Tom Kearney <tkearney2@hotmail.com>
Sent: Monday, August 4, 2025 10:53 AM
To: Sarah Thompson
Subject: EXTERNAL: Measure 56 Notice - Homeowner and Local Builder Comments for the Record

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hello Sarah,

I live at 170 Reeder St Oceanside OR. Over the past 20 years I have designed and obtained building permits for 10 properties in Oceanside. Eight of the building are completed or near completion.

I do not support Measure 56 the following land use changes proposed by the Oceanside Neighborhood Association. Existing Tillamook County unincorporated zoning and building codes are sufficient and sensible.

#851-25-000262-PLNG Residential Building Height to 30'
#851-25-000269-PLNG Variance Request Modifications
#851-25-000270-PLNG Commercial Building Height to 30'

Appreciate your placing my comments in the records for the upcoming hearings

Thanks,
Tom
503-475-1406 (cell)

Sarah Thompson

From: Ron Brown <ron@cjkkr.com>
Sent: Sunday, August 3, 2025 6:03 PM
To: Sarah Thompson
Subject: EXTERNAL: Testimonial against Oceanside zoning change

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Hi Sarah,

I received a call to action email from an organizer opposed to zoning changes in Oceanside, with your email address, saying that written testimony is due tomorrow. I apologize if this is not the right way to submit a testimonial – I can't find the August 14 meeting referenced in the email on your website. I recall receiving a notice from the county, but now I can't find that either. My testimony is pretty short:

I am opposed to the proposed zoning changes to reduce height limits in Oceanside simply because I don't believe the current allowances and restrictions are unfair or cause problems. The dimensional limits have been in place for a long time. Property owners and purchasers buy in good faith under a set of rules, and changing those rules is unfair to current property owners. It also exposes the county to reduced value lawsuits and unnecessary work to grant variances, which costs everyone.

If you're able to include this testimony, that would be wonderful. You can attribute it to Ron Brown, Norwester Road. Our street address is 5535 Norwester Road. We do own a vacant lot that would be impacted by this change, and we would be forced to seek a variance to built on it due to how steep it is and the way the height of a house on a slope is calculated in Tillamook County.

Best Regards,
Ron.

AUG 0 1 2025

July 31, 2025

Department of Community Development

1510-B 3rd Street

Tillamook, Or 97141

Dear Tillamook Planning Commission,

As property owners in the Oceanside Village in Tillamook County since 2013, We have been vested in this community village and members of the Oceanside Neighborhood Association (ONA).

Five years ago, our ONA spent much time and effort by many committees of homeowners to review and research other communities in making recommendations regarding amending text in Article 3, Secion 3.310 and 3.312. to enhance the livability in our community regarding determining maximum buiding heights allowed, the county's existing formula used for determining building heights and lighting standards in Oceanside. Due to the county's lack of reviewing this request in a timely manner, it is just now being considered by the planning commission.

As homeowners, we are in support of the changes proposed within the Unincorporated Community of Oceanside being presented to this commission.

An example of why we feel the change in height calculations needs to be amended is a home on Pacific Avenue in Oceanside, that was constructed with a maximum height restriction of 35' yet with the formula the county is currently using, allowed the home to be built to 52' in height, 17' highter than the maximum height limit, which has unfairly affected many neighboring homes views of the ocean they once had. We support limiting the height restrictions to the 30' being proposed for your consideration. We also suport the different calculation method being requested by the ONA so that construction heights truly comply with the maximum height allowed.

We are also in support of the lighting standards being proposed in Unincorporated Oceanside. We want the planning commission to approve the Oceanside Neighborhood Associations recommendations that are being proposed to amend existing standards, where shielded downward facing lights will preserve dark skies, promote responsible outdoor lighting and make it ideal for stargazing in our community.

Please adopt these land use regulations for our Unincorporated Oceanside Community as proposed by the ONA.

Regards,

Robert & Marcella Semet

1475 Tillamook Avenue

Ocanside, Oregon 97134

JUL 3 1 2025

Measure 56 Notice

Folks,

I am a poor typist and a lazy person!

I am Paul Ferris, house owner in Oceanside since 2007.
I am in favor of structuring growth, limiting lighting to keep Oceanside quaint now and for the future.

With this in mind:

Yes to ALL

- Adjust new building maximum heights , both commercial and residential) up to 30';
- light limitations, to allow star gazing;
- Middle housing types, with whatever criteria.

Can you keep tally and let the results be known.
Thank you.

Paul Ferris
5375 Norwester Rd.
Oceanside, OR 97134
pferris1946@gfmail.com

Mailing:
P.O.Bx 308
Oceanside, OR 97134-0308

Pat Himes
PO Box 308
Oceanside, OR 97134

JUL 30 2025

23rd July 2025

Tillamook County Department of Community Development
1510-B Third Street
Tillamook, OR, 97141

Re: Oceanside Measure 56 Land Use Notice

To Whom it May Concern,

As an over 20 year property owner in Oceanside, I am writing today in support of the proposed land use requests which are currently under review by Tillamook County. The proposed changes have been thoroughly researched, discussed and approved by the members of the Oceanside Neighborhood Association regarding building height standards. The standards developed by the ONA would simplify the building height calculations and assure that our community has control over future development which might inadvertently adversely impact views and property values.

In addition, the lighting standards developed by members of the Oceanside community will reduce unnecessary light intrusion from neighboring buildings, reduce light pollution, and protect birds and other animals from unnatural interference with migratory efforts.

Members of the Oceanside community spent many hours researching the most environmentally sensitive and cost productive methods to enact these policies. There were extensive discussions with and feedback from members of the community. The Neighborhood Association members at the time voted to approve these policies.

These new regulations will undoubtedly improve livability for members of our community and protect the character of our unique region.

Sincerely,

Pat Himes

Sarah Thompson

From: Platinum Select Realty <platinumselectrealty@gmail.com>
Sent: Monday, July 21, 2025 7:39 AM
To: Sarah Thompson
Subject: EXTERNAL: My zoning testimony for Oceanside
Attachments: Melanie_Tillamook County Letter.pdf

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hi Sarah,

This is my zoning concern testimony for Oceanside to be included in the packet for Tillamook County Planning Commission hearing on August 14, 2025. Thanks!
-Melanie

To: Sarah Thompson

Tillamook County Planning Commission

Email: sarah.thompson@tillamookcounty.gov

Subject: Testimony Opposing ROS Zoning Height Reduction and Overreach by ONA

Dear Planning Commission Members,

I am writing to respectfully request that the Commission deny the proposed reduction in allowable building height from 35 feet to 30 feet in Section 3.310 Residential Oceanside (ROS) Zone, (4)(k).

This proposal stems from a 2021 vote by the Oceanside Neighborhood Association (ONA), conducted without adequate community participation and lacking transparency. Many Oceanside property owners were unaware at the time that this change would render numerous homes non-conforming. Despite repeated calls from the community for a re-vote, especially after recent votes on other zoning matters, the ONA Board has refused to revisit this issue, even though resident sentiment has clearly shifted.

The outcome of the most recent community-wide voting speaks volumes. With significantly higher participation than in 2021, Oceanside residents overwhelmingly voted down nearly every proposed zoning change particularly those with serious impacts like non-conformance. The proposal to reduce height restrictions is no longer supported by the community and should not be legitimized through outdated or selectively applied ONA actions.

Moreover, this proposed restriction could result in a de facto taking of property value and use by imposing significant limits on design flexibility and redevelopment, especially in a hilly community like ours where elevation plays a crucial role in livability. Property rights deserve consistent and fair protection not to be chipped away by policies born of limited consensus.

I also strongly urge the Commission to reject any zoning language that grants the ONA authority over individual homeowners, as proposed in Section 3.310 ROS Zone, (5)(c)(iii). The ONA is a volunteer neighborhood group, not an HOA, and should not be granted approval power over private property improvements or development. This sets a troubling precedent that reaches beyond Oceanside and could affect the rights of property owners in other Tillamook communities.

Thank you for your attention and for considering the voices of Oceanside residents who are invested in a balanced, fair, and future-facing approach to zoning.

Sincerely,

Melanie Siegel

1355 Sunset Ave, Tillamook, OR 97141

platinumselectrealty@gmail.com

Stephen Leflar and Mary Real-Leflar

3404 SW 1st Avenue

Portand, OR 97239

JUL 2 1 2025
BY: SAT

Concerning Tillamook County Ballot Measure 56 (now ORS 227.186) Amendments:

We strongly support and encourage Tillamook County to endorse all five of the proposed amendments to Measure 56.

If accepted, these five amendments will improve quality of life in the town of Oceanside as well as enhancing the economic viability of Tillamook County. Just as the timber and dairy industries merit certain protections, so do the coastal communities. All five of these amendments are reasonable and desirable. They will not harm, but rather will benefit the County by enhancing and protecting this unique and beautiful part of the county.

We will all, as public and private partners, benefit from your endorsement.

Thank you very much.

Stephen Leflar

Mary Real-Leflar

(Owners of property at 1740 Portland Avenue, Oceanside, Oregon)

Sarah Thompson

From: J Waterman <jadewaterman@gmail.com>
Sent: Sunday, July 20, 2025 8:38 PM
To: Sarah Thompson
Subject: EXTERNAL: Tillamook Planning Commission Letter
Attachments: Tillamook County Letter.pdf

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hi Sarah,

I want to submit the attached letter to the Tillamook County Planning Commission. These are my concerns and testimony for the proposed Oceanside changes being heard on August 14th, 2025

Thanks!

Good Things,
Jade Waterman
480-430-5233

To: Sarah Thompson

Tillamook County Planning Commission

Email: sarah.thompson@tillamookcounty.gov

Subject: Testimony Opposing Proposed Height Reduction in Oceanside ROS Zoning

Dear Planning Commission Members,

I'm writing to respectfully urge the County to reject the proposed single-family home height reduction from 35ft to 30ft in Section 3.310 Residential Oceanside (ROS) Zone, (4)(k).

This proposal is based on a highly contested 2021 vote held by the Oceanside Neighborhood Association (ONA). That vote included very limited resident participation and did not transparently disclose that the proposed height reduction would make many existing homes non-conforming. When community members recently requested a re-vote with proper context and updated participation, the ONA Board refused, despite voting on numerous other items. This inconsistency undermines the legitimacy of the original 2021 vote.

Recent community sentiment clearly reflects a shift: in 2025, when Oceanside residents were made fully aware of the non-conformance implications, they overwhelmingly voted against nearly all the proposed zoning changes-especially the significant ones. The fact that these measures were voted down with such high turnout indicates that the current proposals no longer reflect the will or best interests of the Oceanside community.

Additionally, I ask the Commission to reject any zoning language that grants the ONA governance powers over individual property owners, as proposed in Section 3.310 ROS Zone, (5)(c)(iii). The ONA is not an HOA and was never intended to serve in an enforcement or approval role over private property. Codifying such authority would set a troubling precedent that goes beyond ONA and could affect other unincorporated communities in Tillamook County.

I value smart, community-driven planning that respects both long-time residents and evolving neighborhood needs. These proposed changes do not meet that standard and should not move forward.

Thank you for your time and consideration.

Sincerely,

Jade Waterman

1355 Sunset Ave, Tillamook, OR 97141

jadewaterman@gmail.com

Sarah Thompson

From: Nancy Green <nancdec@comcast.net>
Sent: Thursday, July 17, 2025 10:16 AM
To: Sarah Thompson
Cc: Rory Green ICE
Subject: EXTERNAL: Re: Measure 56 Notice opposition

[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Hello Sarah,

I, too, oppose the ONA advisory committee proposal to reduce building height for new builds/remodels in Oceanside, Oregon from 35 to 30 feet.

The ONA advisory committee has consistently sought to change building standards on minimum lot size, maximum building height, lot coverage, size of home, and roof type without the stake-holding of the entire community resulting in a very small percentage of Oceanside community members participating in a 2021 vote for the proposal. The proposal for the height restriction was placed on a 2021 vote without notice until briefly before the vote took place. ONA uses a "private" on-line newsletter where one must give the administrator one's email information to receive the newsletter. In 2021, there was no other communication about the ONA activity other than word of mouth and the ONA meetings. However, as there was no public notice about the ONA meetings resulting in an Oceanside homeowner not getting informed about the ONA meeting dates, times, and issues. In addition, other than word of mouth, there is no way for a property or home owner to know to submit their email address for the newsletter. As a result, Oceanside property and home owners were not given notice depriving community members an opportunity to vote and adequate time to contemplate or ask questions about the height restriction prior to the vote.

In addition to this proposal being based on a opaque and disenfranchised process, the outcome of this proposal will set limits that are restrictive and place most of the village homes in a non-conforming state that negatively impacts the value of one's home. In addition, the homeowner faces very expensive remodeling to reduce a home to meet the proposed changes. Many homeowners will lose their living space. Of course, a homeowner can go through the process of a non-conforming review, but this too is a very expensive and timely process. And, other than a lawsuit process, should the proposal be authorized, home and property owners have no other recourse to seek compensation for their losses. This too is an expensive and timely process to endure.

Had the ONA committee done their job to canvas the community input and communicate information openly about the height restriction, where the vote was based on transparency, voter inclusion, and equal access, I would not be writing about my opposition. Due to my concerns of the negative impact onto a home's value and homeowner's lifestyle, I would not agree with a "yes" vote, however, I would respect the outcome as it would have been done in transparency and a fair and honest manner that followed procedural voting rules. Unfortunately, this not the case in how this proposal for height restriction is being brought forward.

As someone who values honesty, fairness, and democratic principles, I cannot in good conscience support the ONA proposal restricting building height in Oceanside, Oregon to 30 feet.

Respectfully,
Nancy Green

[redacted]

Sarah Thompson

From: Bruce Jaeger <nguyenjaeger@gmail.com>
Sent: Wednesday, July 16, 2025 5:59 PM
To: Sarah Thompson
Subject: EXTERNAL: Public Hearing Testimony Aug 4, 2025 7:00 pm

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hello Members of the County Planning Commission. I would like to offer my written testimony regarding #851-25-000262-PLNG, #851-25-000268-PLNG, #851-25-000269-PLNG, and #851-25-000270-PLNG. I strongly encourage you to reject these legislative text amendments, as the proposed amendments are at the request of a few of the Oceanside Neighborhood Association members, and do not represent the voice of Oceansiders today.

We Oceansiders today have been told that the voters in 2021 voted to approve these changes. However, nothing happened at that time with further approval to amend these actions, and the action rotted on the vine without county support. Now, in 2025, the County is prepared to review these items with the community. 72% of the community today demonstrated against approving these changes Yet the ONA Board has chosen to press forward the 2021 vote instead of the current representation.

There are many various reasons for the community change in support. These include a much more informed community, community disclosure of what "non-conforming" means and how it could affect homeowners, and a significantly larger ONA membership. Nonetheless, the membership today does not support these wishes that are being presented to you. The ONA Board knew this, and pushed it through to you without a vote, "to honor those who worked so hard on this process". .

The ONA Board is clearly acting on its own behalf in this effort and not representing the voice of Oceansiders. Please reject the legislative text amendments.

Bruce Jaeger
5372 Woodlawn St W, PO Box 162
Oceanside, OR 97134
(503) 317-6150

Sarah Thompson

From: angela wiek <frogwiek@gmail.com>
Sent: Wednesday, July 16, 2025 2:31 PM
To: Sarah Thompson
Subject: EXTERNAL: Oceanside Oregon proposals

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Chair and Planning Commission Members,

My name is Seth Wiek, I'm a homeowner and full time resident of a home & property with both Tillamook and Oceanside addresses listed.

I'm writing to express my strong opposition to two major proposed zoning/ROS document language changes in Oceanside.

Specifically, I oppose:

1) Single Family homes height reduction from 35ft to 30ft: Proposed language in Section 3.310 Residential Oceanside (ROS) Zone, (4)(k).

In May of 2025, Oceanside Neighborhood Association (ONA) held a vote on about a dozen proposed zoning changes in Oceanside. All proposed changes that would introduce non-conformance & probable unconstitutional takings were soundly rejected by ONA Members. Sadly, ONA Board chose to block current voting specifically on the proposal of height reduction in Oceanside, instead using a smaller & outdated ONA vote from 2021 to justify blocking a current vote & pushing the proposal to county against our community input. A current vote would be inclusive of the entire current community of Oceanside and at a time when the community of Oceanside is more informed of the negative impacts associated with this proposal. The 2021 ONA vote was extremely deficient in how then-ONA President introduced the height reduction proposal for the membership vote.

Back in 2021, the community was misinformed. Specifically,

a) No disclosure of special or financial interest by ONA President was made/recorded in minutes before the vote was taken, as required by ONA bylaws,

b) ONA President did not disclose to Oceansiders the non-conformance and unconstitutional takings issues this vote would cause. Impacts that can create unnecessary loss or difficulty to homeowners & property owners, for no other reason but the aesthetic preferences of a few people on the ONA committee. There are no safety concerns or major land use change needs seen in other Oregon case precedents to justify imposing nonconformity on homeowners.

We have seen a dramatic vote reversal between 2021 (non-conformance not disclosed) and 2025 (non-conformance explained to the community) on proposed zoning changes that would make many properties in Oceanside non-conforming. 2021 ONA vote, non-conformance not

disclosed vs. 2025 ONA vote, non conformance disclosed, votes reversal after nonconformance disclosure:

• Yes 63% • No 38%

• Yes 285% * No 72%

Prior to the May 2025 ONA voting, now fully understanding the shortcomings of the 2021 ONA vote on height reduction, Oceanside community members created a petition asking the ONA Board to allow a fresh vote on height reduction to occur along with the rest of the proposal votes, and 65 Oceansiders signed it. Please, see Exhibits 1-4. The petition was rejected by the ONA Board, who stated they chose to recognize the efforts of the 2021-ONA President in writing height the reduction proposal in 2021 and to respect (mis-informed & limited) 2021 ONA Members' vote, blocking current community input & voting.

-The height reduction from 35ft to 30 ft is now in the document for your consideration, and we respectfully ask you to reject it.

2) Inclusion of language that gives ONA powers over property owners: Proposed language in Section 3.310 Residential Oceanside (ROS) Zone, (5)(c)(iii).

ONA was established by the Order of Tillamook County Board of Commissioners to serve as a community voice in advisory capacity to the BOC. ONA is not an HOA. The BOC order does not give and was never intended to give ONA Board powers in any capacity over Oceanside property owners. The 2021 language

introduced by then-ONA President (Outdoor lighting approved by Oceanside Neighborhood Association....) establishes a precedent of giving such powers to ONA.

This affects not just ONA, but all other citizen advisory associations across all unincorporated communities in Tillamook County.

-We strongly oppose this language and ask you to reject it in the proposed document.

Thank you very much for your consideration.

Sincerely,

Seth Wiek

150 Breezee Way

Tillamook, OR 97141

&

150 Breezee Way

Oceanside, OR 97134

Sarah Thompson

From: Angela Wiek <angela.wiek@gmail.com>
Sent: Wednesday, July 16, 2025 2:26 PM
To: Sarah Thompson
Subject: EXTERNAL: Oceanside Oregon proposals

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Chair and Planning Commission Members,

My name is Angela Wiek, I'm a homeowner and full time resident of a home & property with both Tillamook and Oceanside addresses listed.

I'm writing to express my strong opposition to two major proposed zoning/ROS document language changes in Oceanside.

Specifically, I oppose:

1) Single Family homes height reduction from 35ft to 30ft: Proposed language in Section 3.310 Residential Oceanside (ROS) Zone, (4)(k).

In May of 2025, Oceanside Neighborhood Association (ONA) held a vote on about a dozen proposed zoning changes in Oceanside. All proposed changes that would introduce non-conformance & probable unconstitutional takings were soundly rejected by ONA Members. Sadly, ONA Board chose to block current voting specifically on the proposal of height reduction in Oceanside, instead using a smaller & outdated ONA vote from 2021 to justify blocking a current vote & pushing the proposal to county against our community input. A current vote would be inclusive of the entire current community of Oceanside and at a time when the community of Oceanside is more informed of the negative impacts associated with this proposal. The 2021 ONA vote was extremely deficient in how then-ONA President introduced the height reduction proposal for the membership vote.

Back in 2021, the community was misinformed. Specifically,

a) No disclosure of special or financial interest by ONA President was made/recorded in minutes before the vote was taken, as required by ONA bylaws,

b) ONA President did not disclose to Oceansiders the non-conformance and unconstitutional takings issues this vote would cause. Impacts that can create unnecessary loss or difficulty to homeowners & property owners, for no other reason but the aesthetic preferences of a few people on the ONA committee. There are no safety concerns or major land use change needs seen in other Oregon case precedents to justify imposing nonconformity on homeowners.

We have seen a dramatic vote reversal between 2021 (non-conformance not disclosed) and 2025 (non-conformance explained to the community) on proposed zoning changes that would make many properties in Oceanside non-conforming. 2021 ONA vote, non-conformance not

disclosed vs. 2025 ONA vote, non conformance disclosed, votes reversal after nonconformance disclosure:

• Yes 63% • No 38%

• Yes 285% * No 72%

Prior to the May 2025 ONA voting, now fully understanding the shortcomings of the 2021 ONA vote on height reduction, Oceanside community members created a petition asking the ONA Board to allow a fresh vote on height reduction to occur along with the rest of the proposal votes, and 65 Oceansiders signed it. Please, see Exhibits 1-4. The petition was rejected by the ONA Board, who stated they chose to recognize the efforts of the 2021-ONA President in writing height the reduction proposal in 2021 and to respect (mis-informed) 2021 ONA Members' vote", blocking current community input & voting.

-The height reduction from 35ft to 30 ft is now in the document for your consideration, and we respectfully ask you to reject it.

2) Inclusion of language that gives ONA powers over property owners: Proposed language in Section 3.310 Residential Oceanside (ROS) Zone, (5)(c)(iii).

ONA was established by the Order of Tillamook County Board of Commissioners to serve as a community voice in advisory capacity to the BOC. ONA is not an HOA. The BOC order does not give and was never intended to give ONA Board powers in any capacity over Oceanside property owners. The 2021 language

introduced by then-ONA President (Outdoor lighting approved by Oceanside Neighborhood Association....) establishes a precedent of giving such powers to ONA.

This affects not just ONA, but all other citizen advisory associations across all unincorporated communities in Tillamook County.

-We strongly oppose this language and ask you to reject it in the proposed document.

Thank you very much for your consideration.

Sincerely,

Angela Wiek

150 Breezee Way

Tillamook, OR 97141

&

150 Breezee Way

Oceanside, OR 97134

Sarah Thompson

From: Rory Green <maoridoctor@yahoo.com>
Sent: Wednesday, July 16, 2025 12:16 PM
To: Sarah Thompson
Cc: Nancy Green
Subject: EXTERNAL: Measure 56 Notice opposition

[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Hi Sarah,
I am writing in opposition to the proposal brought forth by members of the ONA advisory committee to reduce building height for new builds/remodels from 35 to 30 feet.
As you are likely aware, there was recently a committee in Oceanside called ZAFR in which there were attempts to make changes in new buildings, remodels, etc.
When these were voted on recently, the vast majority of the proposals were suddenly defeated.
It was hoped that in the ONA meetings that they would also vote again on the building height proposal, which was voted in 2021.
Unfortunately, the committee members refused to vote on this and instead send it to the county commissioners to review. My understanding through Sara Absher in these meetings, is that the legal counsel for Tillamook County did not recommend this as it is a removal of property rights.
I'm writing in opposition to this request to lower the building height from 35 to 30 feet.
This would affect both new properties as well as remodels and it is clearly a loss of property rights.
I am quite confident had there been a vote for this,It would've been resoundly defeated. There was much greater representation in the meeting this past May, at least double the number of people represented in the 2021 meeting for which I was present for as well.
Additionally, the 2021 vote was literally "slipped in" at the last minute with little to no previous discussion and outreach to the community.
Thank you for reading this.
Regards,
Rory Green
Oceanside homeowner

Sent from my iPhone

Dear Chair and Planning Commission Members,

My name is Yuriy Chanba; I'm a resident of Oceanside.

I'm writing to express my strong opposition to two major proposed zoning/ROS document language changes in Oceanside.
Specifically, I oppose:

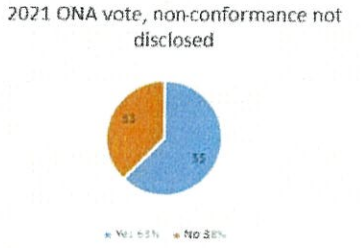
1) **Single Family homes height reduction from 35ft to 30ft: Proposed language in Section 3.310 Residential Oceanside (ROS) Zone, (4)(k).**

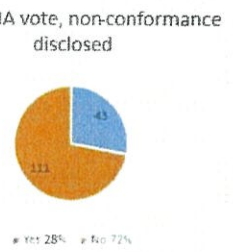
In May of 2025, Oceanside Neighborhood Association (ONA) held a vote on about a dozen proposed zoning changes in Oceanside. All proposed changes that would introduce non-conformance or hint at unconstitutional taking were soundly rejected by ONA Members.

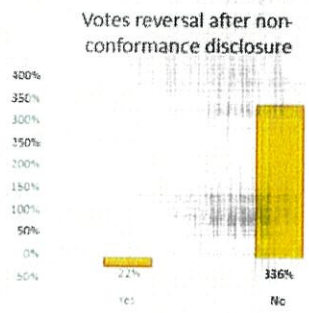
At the same time, ONA Board voted to include request for height reduction in Oceanside ROS based on a 2021 ONA vote and refused to introduce a new ONA member vote on this topic. The 2021 ONA vote was extremely deficient in how then-ONA President introduced the height reduction proposal for the membership vote.

Back in 2021, the community was misinformed. Specifically,
a) No disclosure of special or financial interest by ONA President was made/recorded in minutes before the vote was taken, as required by ONA bylaws,
b) ONA President did not disclose to Oceansiders non-conformance and unconstitutional taking issues.

We have seen a dramatic vote reversal between 2021 (non-conformance not disclosed) and 2025 (non-conformance explained to the community) on proposed zoning changes that would make many properties in Oceanside non-conforming.







Prior to the May 2025 ONA voting, now fully understanding the shortcomings of the 2021 ONA vote on height reduction, Oceanside community members created a petition asking ONA Board for a fresh vote on height reduction, and 65 Oceansiders signed it. Please, see Exhibits 1-4.

The petition was rejected by the ONA Board, arguing the Board "wanted to recognize all the efforts then-ONA President expanded on writing height reduction proposal in 2021 and to respect (mis-informed) 2021 ONA Members' vote".

The height reduction from 35ft to 30 ft is now in the document for your consideration, and I respectfully ask you to reject it.

2) **Inclusion of language that gives ONA powers over property owners: Proposed language in Section 3.310 Residential Oceanside (ROS) Zone, (5)(c)(iii).**

ONA was established by the Order of Tillamook County Board of Commissioners to serve as a community voice in advisory capacity to the BOC.

ONA is not an HOA. The BOC order does not give and was never intended to give ONA Board powers in any capacity over Oceanside property owners. The 2021 language introduced by then-ONA President (*Outdoor lighting **approved** by Oceanside Neighborhood Association....*) establishes a precedent of giving such powers to ONA.

This affects not just ONA, but all other citizen advisory associations across all unincorporated communities in Tillamook County.

I strongly oppose this language and ask you to reject it in the proposed document.

Thank you very much for your consideration.

Sincerely,

Yuriy Chanba
5378 Woodlawn St, Oceanside, OR

Exhibit 1. May 6, 2025 letter to ONA President and ZAPR Committee Chair

Yuriy Chanba
5378 Woodlawn St
Oceanside, OR

To

Terry Warren, Oceanside Neighborhood Association (ONA) President
Thomas Kemper, Zoning and Plan Review Committe Chair
CC: Sarah Absher, Tillamook County Director of Community Development

Subject: Request for Acceptance of Petition and introduction of an ONA Membership vote on height reduction

Dear Terry and Tom,

I hope this letter finds you well. I am writing to formally submit a petition on behalf of Oceansiders who would appreciate a chance to vote on the height reduction proposal the ZAPR Committee adopted on April 21, 2025 bypassing ONA's current Membership vote. I respectfully request that the ONA Board and ZAPR Committe consider and accept this petition for review and discussion.

The 35ft to 30ft height reduction for single family homes is a significant zoning change that negatively affects many families in Oceanside, due to the creation of a non-conforming status for many properties and potentially unconstitutional taking for the owners of undeveloped lots.

The petition addresses Oceansiders' concerns that ZAPR Committee made the decision to include height reduction proposal for single family housing based on a closed, in-committee vote, in opposition to the feedback provided by Oceansiders during ZAPR committee meetings and without our current ONA Membership vote. ZAPR Committee argument for inclusion was an ONA vote 4 years ago on October 2, 2021 by 88 Oceansiders, with 55 ONA Members voting for it, and 33 - against.

However, ONA Membership today is very different from ONA in October of 2021, both in numbers and in composition. For comparison, ONA Membership today stands at over 460 strong.

Moreover, Oceansiders today are much better educated in the ill effects of a non-conforming property status. ONA official minutes from October 2, 2021 meeting reflect no discussion of non-conformity and unconstitutional taking.

Owners of 65 Oceanside properties put their names behind this petition asking ONA Board to allow the height reduction vote by ONA general Membership on May 18, 2025. Enclosed please find the petition language, list of Oceansiders in support of the petition and a few comments by the petitioners.

I trust that you will give due attention to this matter and allow for a fair and timely consideration.

Thank you for your time and efforts to make the process more inclusive.

Sincerely,

Yuriy Chanba

Exhibit 2. Petition Language

Require ONA ZAPR Committee to Allow ONA Vote on Proposed Single Family Housing Height Reduction

Please sign and ask your neighbors in ensuring that ONA ZAPR Committee and ONA Board respect Duwamish's desire to have voice in what ZAPR plans to propose to the County.

Name

Address

E-mail

Exhibit 3. Oceansiders signed the petition.

#	Submission Da	Name	Address
1	May 5, 2025	Linda Anderson	2700 Cape Meares Loop Tillamook, Oregon, 97141
2	May 4, 2025	Leann Bennett	5475 Birch ST Oceanside, OR, 97134
3	May 4, 2025	Elaine Sullivan	3090 Maxwell Mt. Rd. Oceanside, OR, 97134
4	May 4, 2025	Robert Sulivan	3090 Maxwell Mt. Rd. Oceanside, OR, 97134
5	May 4, 2025	Brenton Danieli	Land Owner
6	May 3, 2025	Clyde Pinkstaff	5376 Woodlawn St Oceanside, Oregon, 97134
7	May 3, 2025	Marlene Pinkstaff	5376 Woodlawn st. Oceanside, OR, 97134
8	May 3, 2025	Gail Chun-Deduonni	1065 Hillsdale St. W Tillamook, Oregon, 97141
9	May 3, 2025	Gerald Deduonni	1065 Hillsdale St W Tillamook, OR, 97141
10	May 3, 2025	Tony MacDonald	5545 grand Ave Tillamook, 97141
11	May 3, 2025	Tony MacDonald	5500 South Ave NW Tillamook, 97141
12	May 2, 2025	Paul Newman	5580 CASTLE DR W TILLAMOOK, OR, 97141-8370
13	May 1, 2025	Elissa Minor	5515 Castle Dr Tillamook, OR, 97141
14	May 1, 2025	Ashley Miller	P.O. Box 361 Oceanside, OR, 97134
15	May 1, 2025	Karen Allen	715 Ridgewood Rd W Tillamook, OR, 97141
16	May 1, 2025	Monty Rosbach	1100 Mordred Ct Tillamook, OR, 97141
17	May 1, 2025	Kathy Denison	255 Hillsdale St, PO Box 212 Oceanside, OR, 97134
18	May 1, 2025	Brett Hardt	1645 Rosenberg loop Oceanside, OR, 97134
19	May 1, 2025	Randall Killion	1060 Mordred Oceanside, OR, 97141
20	May 1, 2025	Alexander Chanba	5378 Woodlawn Street W Tillamook, OR, 97141
21	May 1, 2025	Oleg Chanba	5378 Woodlawn Street W Tillamook, OR, 97141
22	Apr 30, 2025	Melanie Siegel	1355 Sunset Oceanside, OR, 97141
23	Apr 30, 2025	Bruce Broswick	5365 Woodlawn Dr S Tillamook/Oceanside, OR, 97141
24	Apr 30, 2025	Kenneth Marlow	4730 Lee Ave La Mesa, Ca, 91942
25	Apr 30, 2025	Marilyn Marlow	4730 Lee Ave La Mesa, CA, 91942
26	Apr 30, 2025	Janice Mason	600 Ridgewood Rd. W. Tillamook, OR, 97141
27	Apr 30, 2025	Jeffrey Mason	600 Ridgewood Rd W Tillamook, OR, 97141
28	Apr 30, 2025	Nicky Jaeger	5372 Woodlawn St W, Box 162 Oceanside, OR, 97134
29	Apr 30, 2025	Bruce Jaeger	5372 Woodlawn St W, Box 162 Oceanside, OR, 97134

30	Apr 30, 2025	Joan West	960 Castle Place Oceanside, OR, 97134
31	Apr 30, 2025	Gregory West	960 Castle Place Oceanside, OR, 97134
32	Apr 30, 2025	Kelly Grant	2630 Radar Road Tillamook, OR, OR, 97141
33	Apr 30, 2025	Chris Grant	2630 Radar Road Tillamook, OR, OR, 97141
34	Apr 29, 2025	Vern Needles	135 Crescent St. W Oceanside, OREGON, 97134
35	Apr 29, 2025	Rhonda Patten	1582 Sunset Oceanside, OR, 97134
36	Apr 29, 2025	Sarah MacDonald	5500 South Ave. NW TILLAMOOK, OR, 97141
37	Apr 29, 2025	Sean Aiken	1845 maxwell mt rd oceanside, or
38	Apr 29, 2025	Nancy Green	1510 Sunset Ave Oceanside, OR, 97134
39	Apr 29, 2025	Sally Tuttle	6030 Huckleberry Ln Tillamook, OR, 97141
40	Apr 29, 2025	Chandra Allen	161 Reeder Street, P.O. Box 153 (Netarts) Oceanside, OR, 97134
41	Apr 29, 2025	Vern Needles	135 Crescent St. W Oceanside, OREGON, 97134
42	Apr 29, 2025	D Coggn	115 Reeder st Tillamook, OR, 97141
43	Apr 29, 2025	Shaun R DesJardins	110 Breezee Way Tillamook, OR, 97141
44	Apr 29, 2025	Robert Heiney	45354 NW Harteick Rd. Banks, Or, 97106
45	Apr 29, 2025	Diane Niflis	1605 Oceanside Lane Oceanside, OR, 97134
46	Apr 29, 2025	Robert Ault	165 Reeder St OCEANSIDE, Oregon, 97134-0193
47	Apr 29, 2025	Jackie Rosbsch	1100 Mordred Court Tillamook, Oregon, 97141
48	Apr 29, 2025	Cynthia Miller	735 Ridgewood Road W Tillamook, Oregon, 97141
49	Apr 29, 2025	Rick Miller	735 Ridgewood Road W Tillamook, Oregon, 97141
50	Apr 29, 2025	Gary Allen	14681 SW Spirit Rock Dr Powell Butte, OR, 97753
51	Apr 29, 2025	Susan Allen	14681 SW Spirit Rock Dr Powell Butte, OR, 97753
52	Apr 29, 2025	Edward Gorzynski	1520 Alder St., P.O. Box 304 Oceanside, Or, 97134
53	Apr 29, 2025	Gary Ciment	2690 Radar Road Tillamook, OR, 97141
54	Apr 29, 2025	Justin Matkin	1415 Pacific Ave. Oceanside, OR, 97134
55	Apr 29, 2025	Seth Wiek	150 Breezee Way Oceanside, OR, 97134
56	Apr 29, 2025	Dean Hamilton	5380 Woodlawn St W Tillamook, O7141R, 97141
57	Apr 29, 2025	Angela Wiek	150 Breezee Way Oceanside, OR, 97134
58	Apr 29, 2025	Leonard Chaitin	5660 Castle Drive Tillamook, Oregon, 97141
59	Apr 29, 2025	Charles Reeder	5450 South Ave NW Tillamook, OR, 97141
60	Apr 29, 2025	Christy Reeder	5450 South Ave NW Tillamook, OR, 97141
61	Apr 29, 2025	Jade Waterman	1355 Sunset Tillamook, OR, 97141
62	Apr 29, 2025	Pam Zielinski	5680 Castle Dr Oceanside, OR, 97134
63	Apr 29, 2025	Rory Green	1510 Sunset ave oceanside, or, 97134
64	Apr 29, 2025	Evgenia Karpenko	5378 Woodlawn Street W Tillamook, OR, 97141
65	Apr 29, 2025	Yuriy Chanba	5378 Woodlawn Street West Tillamook, OR, 97141

Exhibit 4. Oceansiders' comments to ZAPR Committee

Comments:

Pam Zielinski	This proposal is damaging to many people who have not been properly informed what this group is promoting. Please find ways to include more people in the decisionmaking process.
Leonard Chaitin	We like Oceanside just the way it is, no changes needed.
Angela Wiek	I don't think additional proposals outside the scope of middle housing should be pushed through with the middle housing bill efforts, that represent constitutional takings from Oceanside homeowners, lowering their home values and creating difficulties in insurance, sale, and damage rebuild potentially. The majority of Oceansiders at ONA meetings have voiced disapproval for such changes. ONA moving ahead with it anyway based on a vote in 2021 seems inappropriate & inequitable because many new Oceansiders moved here since 2021 and should have a voice on things that affect them as homeowners. Also 2021 ONA voters (only 88) did not know in 2021 that constitutional takings from Oceanside homeowners was involved. Thank you
Gary Ciment	Residents deserve the right to vote on recommendations to the county. Otherwise a small, like-thinking committee could make recommendations that don't serve the community as a whole.
Cynthia Miller	Please recognize the inclusiveness of giving the residents and property owners of Oceanside the ability to participate in all of the issues that are being discussed now.
Jackie Rosbsch	Thank you for creating this petition. We need to look out for our own rights as well as those of our neighbors.
Seth Wiek	I do not think it's appropriate to move forward with proposals that can cause constitutional takings and home value loss to Oceansiders. I think all Oceansiders deserve a voice on this. Newer residents to Oceanside within the last four years deserve a voice & vote on decisions that impact them. Residents who were here during the 2021 vote but did not know that it represented constitutional takings and home value losses for Oceansiders deserve a voice and vote on what we do now that can impact them. Only 88 voted in 2021 and we weren't even aware of ONA or extra restrictions proposals until very recently when citizens tried to let people know on their own. Many Oceansiders aren't aware of the nonconformity & constitutional takings implications involved. The community needs to be better informed about what's going on and everyone given an equitable voice on what the community moves forward with.
Rhonda Patten	It is critical that ALL property owners in the Village have a say in these sorts of changes to code - which affect all of the property owners. Despite good intentions: ONA seems poised to take votes on issues that affect all property owners ... based on opaque systems and without actually working to contact all property owners.
Chris Grant	Tell them to leave Radar Road out of it all.
Linda Anderson	Decisions regarding and surrounding my home and the area where I reside should never be made without my knowledge, consent and input.

EXHIBIT J

Reeve Kearns PC

Attorneys at Law

P.O. Box 13015
Portland, Oregon 97213
Email: dan@reevekearns.com

Daniel H. Kearns
Direct Dial: 503-997-6032

To: Sarah Absher, Tillamook County Community Development Director
From: Daniel Kearns, Land Use Counsel
Re: Oceanside Legislative Text Amendment Proposals
Date: July 31, 2025

The Tillamook County Planning Commission is considering two proposed text amendments to the County's Land Use Ordinance ("LUO") that would be unique to the Oceanside Unincorporated Community and no other area of Tillamook County or sections of the LUO. In this memo, I discuss the few legal issues raised by these amendments and identify potential problems with certain aspects of these legislative text amendment proposals.

A. Section 3.310, Residential Oceanside (ROS) Zone. This proposed revision is designed to do two things: (1) codify changes to state law from SB 406 (2023) governing zoning, review and approval of housing and (2) adopt a host of development restrictions uniquely tailored to Oceanside, including reduced building heights and a unique methodology for measuring building height, exterior "dark sky" lighting standards, unique nonconforming use provisions and unique variance provisions. SB 406 (2023) was adopted by the 2023 Oregon Legislature to simplify and expedite the approval of more housing on smaller lots as a way to increase housing availability and affordability. The Legislature identified a critical shortage of housing throughout Oregon, especially at affordable prices, and adopted these measures to expedite the permitting and construction of more housing on smaller lots under "clear and objective" standards to satisfy this need – the so-called missing middle housing. SB 406 (2023) contained numerous provisions specific to Tillamook County, including its unincorporated communities of Barview/Twin Rocks/Watseco, Cloverdale, Hebo, Neahkahnie, Neskowin, Netarts, Oceanside and Pacific City/Woods.

The expansion of housing types allowed outright and the reduction in minimum lot sizes respond to the Legislature's direction to expedite the creation of the Missing Middle Housing type. The other provisions in this proposed amendment are requested by a few Oceanside residents, are unrelated to increasing the supply of affordable housing, and include the following:

1. Reduced building heights and a unique methodology for measuring building height. Building height is currently capped in the ROS Zone at 35 feet inland, and 24 feet on "ocean or bay frontage lots." This proposal would lower the maximum house height to 30 feet inland and increase it to 25 feet on bay frontage lots. That much is lawful and a standard part of many zoning codes. Maximum building height is purely a policy matter for the County to decide; in other words, to decide how high is too high in any given circumstance. The imposition of any such dimensional limitation, while lawful, is one more regulation and potential impediment to permitting and constructing housing, especially when this particular community is proposing a unique building height standard, instead of maintaining the

universal height limitation applicable throughout the County. Any preexisting structures that exceed the new height limit would become "nonconforming," which is a subject discussed below.

2. Exterior "dark sky" lighting standards. This provision reflects an increasingly common aesthetic objective of preserving a dark night sky and reducing transient light pollution from outside light fixtures. Some cities have adopted similar provisions, but the dark sky objective is really best obtained in rural unincorporated areas. While these objectives are laudable and the proposed measures relatively standard, they should not be unique to Oceanside. The County should consider adopting these, or similar, dark sky lighting standards county-wide. At a minimum, the County should avoid any risk that Oceanside would have its own dark sky lighting standards that are different from what might be adopted county-wide. Aside from this consistency issue, these provisions do not raise any particular legal concerns.

3. Unique nonconforming use provisions. The adoption of any new development limitations will invariably create nonconforming uses, which are preexisting, lawfully established uses that do not comply with the new regulations. Nonconforming uses are already regulated in counties by ORS 215.130, which imparts certain property rights for such lawful preexisting nonconforming uses. ORS 215.130 has a preemptive effect, in that individual county regulations must be at least as protective of nonconforming use rights as the statute and cannot be any more restrictive. The law and regulation of nonconforming uses is fairly complicated in that ORS 215.130 also regulates how nonconforming uses can be altered, expanded, terminated and transferred with title to property. Any local nonconforming use regulation that is contrary to ORS 215.130 is preempted and unenforceable. Additionally, LUO Article 7 contains the County's generally applicable regulations for nonconforming uses and structures. I do not recommend adopting zone-specific nonconforming use regulations because there is legal danger in having multiple sets of disparate regulations governing the same topic scattered throughout the LUO. Instead, I recommend the County carefully consider amending LUO Article 7 to reflect any amendments to its nonconforming use procedures and criteria that are warranted, but they must be consistent with ORS 215.130 and generally applicable throughout unincorporated Tillamook County.

In particular, the new nonconforming use provisions appear to apply to lot area, coverage, building height, yards, location on the lot, "or other requirements concerning the structure." The new requirements provide that "no such nonconforming structure may be enlarged or altered in a way that increases its nonconformity, but any structure or portion thereof may be altered in a way that will not change or will decrease its nonconformity." By contrast, ORS 215.130(5) and (9) collectively provide the following protections to nonconforming uses and request to alter or enlarge them:

> (5) The lawful use of any building, structure or land at the time of the enactment or amendment of any zoning ordinance or regulation may be continued. Alteration of any such use may be permitted subject to subsection (9) of this section.
> (9) As used in this section, "alteration" of a nonconforming use includes:
> (a) A change in the use of no greater adverse impact to the neighborhood; and

(b) A change in the structure or physical improvements of no greater adverse impact to the neighborhood.

The only limitation on altering or expanding a nonconforming use under state law is that the change will cause "no greater adverse impact to the neighborhood."

Any local restrictions on nonconforming uses that exceed what ORS 215.130 allows are preempted.[1] It appears that the proposed nonconforming use language places additional restrictions on the alteration and expansion of nonconforming uses beyond what state law allows and is therefore preempted. This preemption does not apply to cities, however, because ORS chapter 215 applies only to counties not cities, and ORS chapter 227 contains no similar nonconforming use provisions.[2] Consequently, Oceanside could potentially adopt these nonconforming use restrictions if it were to incorporate.

4. Unique variance provisions. Similar to nonconforming use regulations that are unique to the ROS Zone, the proposed text amendment contains a unique set of standards for variances to the ROS Zone regulations. Unlike the law of nonconforming uses, state law does not dictate variance criteria, so there is no risk of inconsistency with or preemption by state law. However, LUO Article 8 contains the County's generally applicable Variance Procedures and Criteria. As with nonconforming use regulations, I do not recommend adopting zone-specific variance criteria because there is legal danger in having multiple sets of disparate regulations governing the same topic scattered throughout the LUO. Instead, I recommend the County consider amending LUO Article 8 to reflect any amendments to its variance procedures and criteria that are warranted, but they should be generally applicable throughout unincorporated Tillamook County.

As proposed, the new variance requirements are intended to augment the general criteria in LUO Article 8 by providing multiple new and extremely subjective standards. First, the new variance standards incorporate by reference elements of the Comprehensive Plan – Sections 3.2 and 12.5 of the Oceanside Community Plan (2018). Second, the new standards then restate some of the elements of the Oceanside Community Plan by setting an extremely unclear, but nearly impossible standard for exceeding the maximum building height: "[t]hose engaged in construction activities shall take maximally effective measures to reduce ... view obstructions." Third, the new standards specifically reference the ambiguous Oceanside "village character" as an additional requirement for anyone seeking to exceed the new building height limits. The new variance standards explain "village character" as "the 'intimate and unified character' resulting from the fact that 'almost every property has a special relationship to sea, cliffs, and hillsides, and that these relationships are interdependent components of the community's relationship to its setting, notwithstanding the location of individual property lines'." Despite the attempt to elucidate the subjective operative terms in these new variance requirements, it remains unclear what if any sort of building height exceedance would be allowed, *i.e.*, what exceedance would preserve Oceanside's "village

1 *Briggs v. Lincoln County*, __ Or LUBA __ (LUBA No. 2021-118, Aug 8, 2022).
2 *ODOT v. City of Mosier*, 41 Or LUBA 73 (2001).

character." The only thing clear about the new standard is its intent to prohibit new buildings over 30 feet. If that is the intent, the new height standard should simply state that no variances are allowed, and not imply the false hope that a new building taller than 30 feet is possible (or 25 feet for ocean or bay frontage lots).

An additional issue warrants comment. SB 406 (2023), which amended the state's needed housing requirements under State-wide Goal 10 (Housing), were codified in ORS Chapter 197A. The provisions specific to housing in urban areas, which include Tillamook County's Unincorporated Communities, are ORS 197A.395 to 197A.470. In short, these statutes severely limit local authority to regulate housing by any subjective or aesthetic regulation. Instead, regulation of housing must be by "clear and objective" standards that do not entail any subjectivity. The County's current variance criteria in Article 7 and the new proposed variance standards are extremely subjective. LUBA has held that the "clear and objective" requirement housing siting standards do not apply to variance standards that might be applied to housing.[3]

B. Section 3.312 Commercial Oceanside (COS) Zone. The amendments proposed for the County's Commercial Oceanside ("COS") Zone are unrelated to any state law changes. Rather, the proposed amendments are requested by a few Oceanside residents and limited to the same building height limitations, nonconforming use and variance changes discussed above for the ROS Zone. Additionally, there is no overriding state policy related to commercial zones or uses the way there is for availability and affordability of housing.

The proposed COS Zone amendments are still subject to the nonconforming use requirements of ORS 215.130 and must be consistent with (no more stringent than) this statute. Moreover, the problem of having multiple methodologies for measuring building height, regulating nonconforming uses and allowing variances scattered throughout the code makes land use permitting, regulation and enforcement unnecessarily difficult, confusing and potentially contradictory.

C. Conclusions. Any restrictions on the permitting, design or construction of housing that these ROS Zone amendments might entail would be contrary to (possibly a violation of) the new housing regulations codified in ORS 197A.395 to 197A.470 if they are not "clear and objective." The County should be careful about the adoption of any regulations applicable to housing that could be challenged as not being "clear and objective." At a minimum, the new nonconforming use regulations proposed for both the ROS and COS Zones appear to conflict with, and would be preempted by, ORS 215.130. The adoption of special, unique variance criteria, nonconforming use standards, and a methodology for measuring house height in the ROS and COS Zones will invariably lead to conflicting, contradictory and at least a confusing regulatory system for houses and other structures in Oceanside where such regulations already exist elsewhere in the LUO. The proposed exterior lighting ("dark sky") regulations do not present any conflicts with state law, but should be considered for county-wide application, not just in Oceanside.

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3 *Linstromberg v. City of Veneta*, 47 Or LUBA 99, 108-09 (2004) and *Parkview Terrace Dev. LLC v. City of Grants Pass*, 70 Or. LUBA 37, 48 (2014).

EXHIBIT K

Sarah Thompson

From: Sarah Absher
Sent: Tuesday, August 5, 2025 11:51 AM
To: Sarah Thompson
Subject: FW: Building Height Reduction & Non-Conforming Status Discussion
Attachments: Barnes v. Hillsboro LUBA opn.pdf

Importance: High

Good Morning Sarah,

Please make copies of this email and the attached LUBA opinion for the August 14, 2025, Planning Commission hearing packets.

Thank You,

Sarah Absher, CBO, CFM, Director
TILLAMOOK COUNTY | Community Development
1510-B Third Street
Tillamook, OR 97141
Phone (503) 842-3408 x3412
Sarah.Absher@tillamookcounty.gov

From: Sarah Absher <Sarah.Absher@tillamookcounty.gov>
Sent: Tuesday, April 1, 2025 1:10 PM
To: ONA ZAPR Committee Members
Subject: Building Height Reduction & Non-Conforming Status Discussion
Importance: High

Dear Committee Members,

In preparation for our meeting this evening, below is a summary of my conversation with County Counsel and the consulting team. Please note that the findings below do not prohibit the committee and community from proposing the "extra" code changes to the Board of County Commissioners. In the event that the ZAPR committee and ONA feel these code changes should go before the Board of County Commissioners for consideration, the information provided below will become part of the record and may factor into any decision-making process.

Building Height Reduction Proposal & Non-Conforming Structures:

A reduction in allowed building height will have two impacts:
1. It will render existing structures that are taller than the new max height nonconforming and subject them to limits on alteration, expansion and replacement under either ORS 215.130 and the local development code. The Board of County Commissioners could consider new/unique non-conforming use regulations for this specific nonconforming situation, but would still have to comply with state non-conforming use law, most notably ORS 215.130(5), (6) & (7) – set out below.

2. Reduction of the maximum building height will eliminate expansion and use rights for vacant properties that do not currently have structures exceeding the new building height. This would be an uncompensated taking of a private property right for a public purpose in violation of the Fifth Amendment Takings clause – See Barnes v. City of Hillsboro, LUBA No. 2010-011 (slip op June 30, 2010), aff'd 239 Or. App. 73, 75, 243 P.3d 139, 140 (2010) attached.

ORS 215.130 Application of ordinances and comprehensive plan; alteration of nonconforming use: https://www.oregonlegislature.gov/bills_laws/ors/ors215.html

(5) The lawful use of any building, structure or land at the time of the enactment or amendment of any zoning ordinance or regulation may be continued. Alteration of any such use may be permitted subject to subsection (9) of this section. Alteration of any such use shall be permitted when necessary to comply with any lawful requirement for alteration in the use. Except as provided in ORS 215.215, a county shall not place conditions upon the continuation or alteration of a use described under this subsection when necessary to comply with state or local health or safety requirements, or to maintain in good repair the existing structures associated with the use. A change of ownership or occupancy shall be permitted.
(6) Restoration or replacement of any use described in subsection (5) of this section may be permitted when the restoration or replacement is made necessary by fire, other casualty or natural disaster. Restoration or replacement must be commenced within one year from the occurrence of the fire, casualty or natural disaster. If restoration or replacement is necessary under this subsection, restoration or replacement must be done in compliance with ORS 195.260 (1)(c).
(7)(a) Any use described in subsection (5) of this section may not be resumed after a period of interruption or abandonment unless the resumed use conforms with the requirements of zoning ordinances or regulations applicable at the time of the proposed resumption.

Responses to other questions raised at committee meetings:

Some questions were discussed at the Thursday night meeting. I am unable to provide responses to some of the questions without a deeper analysis into real estate and economic data that will not be completed within our timeframe of the middle housing code updates, specifically questions regarding potential impacts to property values. As shared at the Thursday meeting, many questions related to non-conforming status and "what-if's" are site specific to properties and what is proposed for development.

Does Senate Bill 406 force any properties in Oceanside into non-conforming status? Senate Bill 406 establishes new use opportunities for middle housing options with clear and objective standards through permitting.
How many properties in Oceanside are currently non-conforming? Each property in Oceanside would have to be evaluated individually to determine how many properties in Oceanside are currently non-conforming. For this reason, the number is unknown.
In your estimation, how many existing properties in Oceanside become non-conforming per proposed restrictions? Each property in Oceanside would have to be evaluated individually following adoption of the building height reduction and floor area ratio standard to determine how many properties in Oceanside are currently non-conforming. For these reasons, the number is unknown.
Can you disclose whose committee members' properties become non-conforming per proposed restrictions? Research not done.
Can you disclose which committee members have undeveloped lots adjacent to/in front of their properties? Research not done.

Recommendation is to complete the FAQ following tonight's meeting and in preparation for Saturday's meeting and the special meeting on May 18th.

Sincerely,

Sarah Absher, CBO, CFM, Director
TILLAMOOK COUNTY | Community Development
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2010 Ore. Land Use Bd. App. LEXIS 68

Oregon Land Use Board of Appeals

June 30, 2010

LUBA No. 2010-011

State of Oregon Land Use Board of Appeals

Reporter
2010 Ore. Land Use Bd. App. LEXIS 68 *

MICHELLE BARNES, Petitioner, vs. CITY OF HILLSBORO, Respondent, and THE PORT OF PORTLAND, Intervenors-Respondent

Prior History:

[*1] Appeal from City of Hillsboro.

Disposition: REVERSED

Core Terms

zone, city, airport, ordinance, easement, section, ***aviation***, port, facial, assigned error, delegate, rezone, transportation facilities, private property, land use, compliance, has, was, notice, air, master plan, proportionality, facial challenge, rough, airport property, transport, freight, doctrine, trigger, remand

Synopsis

NATURE OF THE DECISION

Petitioner appeals a city ordinance that amends the city zoning map to apply the city's Airport Use (AU) zone to the Hillsboro Airport and the city's Airport Safety and Compatibility Overlay (ASCO) zone to surrounding properties.

MOTION TO FILE REPLY BRIEF

Petitioner moves to file a reply brief to respond to five alleged "new matters" raised in the response brief, pursuant to OAR 661-010-0039. The city and intervenor-respondent Port of Portland (intervenor or Port) object that **[*2]** the last two alleged new matters are not "new matters" within the meaning of OAR 661-010-0039.

Both disputes involve the third assignment of error, in which petitioner alleges that the city "failed to comply" with Statewide Planning Goal 12 (Transportation) and the Transportation Planning Rule (TPR). Petition for Review 21. In the response brief, respondents argue that the third assignment of error is limited to a challenge to the adequacy of the city's findings regarding Goal 12 and the TPR, and point out that there is no generally applicable obligation to adopt findings supporting a legislative land use decision. The response brief then argues that even without specific findings addressing the TPR, the challenged decision is consistent with the rule, for the reasons set out in the response brief. The reply brief disputes that the third assignment of error is limited to a findings challenge, and contends that even in the absence of a general findings obligation the city must at least cite to evidence in the record demonstrating compliance with applicable criteria.

Daniel Kearns

We agree with petitioner that the dispute raised in the response brief over the nature of an assignment of error and hence [*3] LUBA's scope of review is an appropriate subject for a reply brief. The reply brief is allowed.

Counsel

William K. Kabeiseman filed the petition for review and argued on behalf of petitioner. With him on the brief was Jennifer M. Bragar and Garvey Schubert Barer.

David F. Doughman, Portland, filed the joint response brief and argued on behalf of respondent. With him on the brief was Dana Krawczuk and Beery Elsner and Hammond, LLP.

Dana Krawczuk, Portland, filed the joint response brief on behalf of intervenor-respondent. With her on the brief was David F. Doughman and Beery Elsner and Hammond, LLP. Misti K. Johnson, Portland, argued on behalf of intervenor-respondent.

Panel: BASSHAM, Board Member; RYAN, Board Member, participated in the decision

Opinion By: BASSHAM

Opinion

FINAL OPINION AND ORDER

You are entitled to judicial review of this Order. Judicial review is governed by the provisions of ORS 197.850.

FACTS

In 2005, the city commissioned a study that recommended adoption of new zones for the Hillsboro Airport, which is owned and operated by intervenor Port of Portland. Accordingly, in 2009, the city adopted ordinances 5925 and 5926, which amended the Hillsboro Comprehensive Plan and the Hillsboro Zoning Ordinance (HZO), respectively, to create two new zones, the AU and ASCO zones. The new AU zone allows a variety of airport related uses. The ASCO zone is intended to be applied to property within 6,000 feet of the airport, and imposes various limitations on uses and new development within six subzones, depending on proximity to the airport and its runways.

Under Ordinance 5926, development in ASCO subzones 2, 3, 4, and 5 and 6 is subject to the obligation to provide an "***avigation*** easement" to the Port prior to recording land division plats or issuing certificates of occupancy. [1] Ordinance 5926, Section 135B(C)(6) defines "***avigation*** easement" [*4] as:

"A type of easement which conveys the following rights:

> "[1] A right-of-way for free and unobstructed passage of aircraft through the airspace over the property at any altitude above a surface specified in the easement (set in accordance with Federal Aviation Regulations Part 77 criteria).

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[1] For example, under Ordinance 5926, Section 135B(G)(2)(e), governing subzone 2, states:

"Land use or limited land use approvals by the City shall be conditioned to provide an ***avigation*** easement and an Airport Activity Disclosure Statement to the Port of Portland prior to recordation of land division plats or Certificates of Occupancy, as applicable."

Similar provisions govern subzones 3, 4, 5 and 6.

"[2] A right to subject the property to noise, vibrations, fumes, dust, and fuel particle emissions associated with normal airport activity.

"[3] A right to prohibit the erection or growth of any structure, tree, or other object that would penetrate the imaginary surfaces as defined in this ordinance.

"[4] A right-of-entry onto the property, with proper advance notice, for the purpose of marking or lighting any structure or other object that penetrates the imaginary surfaces as defined in this ordinance.

"[5] A right to prohibit electrical interference, glare, misleading lights, visual impairments, and other hazards to aircraft flight as defined in this ordinance from being created on the property."

[*5]

Ordinances 5925 and 5926 did not, however, apply the AU or ASCO zones to any property in the city when those ordinances were adopted in 2009. Following adoption and acknowledgment of Ordinances 5925 and 5926, the city initiated a legislative zoning map amendment process to apply the AU and ASCO zones to approximately 7,000 properties located in or near the Hillsboro Airport. The city proposed to rezone the Airport from the current M-2 Industrial and MP Industrial Park zoning, in which the Airport is a nonconforming use, to the AU zone. The city proposed applying the ASCO zone to a number of properties within 6,000 feet of the Airport. On January 19, 2010, the city council adopted Ordinance 5935, which amends the city zoning map to apply the AU and ASCO zones as proposed. This appeal of Ordinance 5935 followed.

MOTION TO STRIKE

Petitioner moves to strike Exhibit 2 and Appendix G to the joint response brief. Exhibit 2 consists of two notices from the Department of Land Conservation and Development that the city had adopted Ordinances 5925 and 5926. Appendix G consists of two tables created by respondents' counsel that compares the uses allowed in the M-2 and MP zones with the [*6] uses that are allowed in the AU zone, with commentary and explanations. Petitioner argues that the documents in Exhibit 2 and Appendix G are not part of the record in this appeal, and that respondents have not offered any basis for LUBA to consider those extra-record documents.

The city and intervenor respond that Exhibit 2 simply demonstrates that Ordinance 5926 was acknowledged in October 2009 to comply with the statewide planning goals. However, that response does not explain why it is permissible for LUBA to consider materials outside the record. With exceptions not invoked here, ORS 197.835(2)(a) confines our review to the documents and evidence in the record. [2]

[*7]

With respect to Appendix G, respondents argue that the tables comparing uses under the M-2, MP and AU zones are simply extensions of respondents' arguments in their brief that the uses in the new AU zone are not substantively different or more intense than the uses allowed in the old M-2 and MP zones, in response to petitioner's arguments under the third assignment of error that the city has not demonstrated that rezoning the airport to AU complies with Goal 12 and the TPR. As explained below, the TPR is concerned in part with plan and zoning amendments allowing uses that generate more traffic than uses allowed under unamended plan and zoning designations.

The comparisons in Appendix G can be understood to constitute legal arguments: the views of respondents' legal counsel regarding the legal effect of rezoning the airport. However, even if so understood, OAR 661-010-0030(4)(d)

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[2] Respondents do not argue that the DLCD notices of adoption are subject to official notice under ORS 40.090(2) and Oregon Evidence Code 202(2). We have previously expressed uncertainty whether a DLCD notice of adoption is subject to official notice. *Media Art v. City of Tigard, 46 Or LUBA 61, 63 (2003), aff'd* ***192 Or App 602, 89 P3d 95 (2004)***. However, even assuming the DLCD notice is not subject to official notice, petitioners do not dispute that Ordinance 5926 is acknowledged to comply with the statewide planning goals, which is the proposition that respondents rely on Exhibit 2 to establish in this appeal. Therefore, for what it is worth, for purposes of this opinion we will assume that Ordinance 5926 is acknowledged.

and OAR 661-010-0035(3) require, in effect, that argument in support of or in opposition to an assignment of error be set forth in the body of the brief, and does not provide for the attachment of *additional* argument in an appendix to the brief. One reason for that requirement is that OAR 661-010-0030(2)(b) **[*8]** restricts the body of the brief to 50 pages, while there is no restriction on the number of pages that can be attached in appendices. Here, however, the body of the response brief is 38 pages, while the two tables total 10 pages, which is seemingly consistent with the 50-page limit. Therefore, we treat respondents' violation of OAR 661-010-0030(4)(d) and OAR 661-010-0035(3) as a "technical violation" of our rules under OAR 661-010-0005 that will not affect our review unless that violation prejudices the substantial rights of the parties. Petitioners do not argue that treating the legal arguments in Appendix G as part of a 48-page response brief otherwise consistent with our rules prejudices their substantial rights, and we do not see that it does. Accordingly, we shall consider the arguments in Appendix G.

The motion to strike is sustained in part. The Board shall not consider Exhibit 2.

FIRST ASSIGNMENT OF ERROR

Ordinance 5926, creating the AU zone and ASCO zone, is codified at HZO chapters 135A and 135B. Petitioner argues that Ordinance 5935, the decision challenged in this appeal, rezones over 7,000 properties to make new development on those properties subject to HZO 135B **[*9]** and, in particular, subject to the obligation for the landowner to provide the Port of Portland with an ***avigation*** easement as a condition of development. According to petitioner, the HZO 135B easement requirement is facially inconsistent with the Fifth Amendment to the United States Constitution, which prohibits ***taking*** private property for public use, without just compensation, and with the similar provisions of Article I, section 18 of the Oregon Constitution. [3] Petitioner contends that in all circumstances in which the ***avigation*** easement is applied the city will violate the Takings Clauses. [4]

[*10]

In advancing a facial constitutional claim to an ordinance, petitioner must demonstrate that the ordinance is incapable of any constitutionally permissible application. Lincoln City Chamber of Comm. v. City of Lincoln City, 164 Or App 272, 276, 991 P2d 1080 (1999). If the disputed ordinance provision is capable of being applied in a constitutionally permissible manner, then that provision can be challenged only on an "as-applied" basis, and the ordinance cannot be declared invalid on its face. *Id.* (citing Cope v. City of Cannon Beach, 317 Or 339, 855 P2d 1083 (1993)).

HZO 135B requires a property owner in the ASCO zone to transfer a property interest, an ***avigation*** easement, as a condition of development approval. Petitioner argues that the city can avoid the obligation to pay just compensation for exacting that property interest only if the city demonstrates that (1) there is an "essential nexus" between the exaction and a substantial government purpose, under Nollan v. California Coastal Comm'n, 483 US 825, 107 S Ct 3141, 97 L Ed 2d 677 (1987), **[*11]** and (2) the exaction is "roughly proportional" to the impacts of the proposed development, under Dolan v. City of Tigard, 512 US 374, 114 S Ct 2309, 129 L Ed 2d 304 (1994). According to petitioner, because in all circumstances in which the ***avigation*** easement is applied the exaction will have nothing to do with the impacts of proposed development of property in the ASCO zone, the HZO 135B ***avigation*** easement requirement fails both *Nollan* and *Dolan* and is unconstitutional on its face.

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[3] The Fifth Amendment of the United States Constitution provides in relevant part that "private property [shall not] be ***taken*** for public use, without just compensation." Similarly, Article I, section 18 of the Oregon Constitution provides as relevant here that "Private property shall not be ***taken*** for public use, * * * without just compensation."

[4] Petitioner also argues under the first assignment of error that the HZO 135B easement requirement is inconsistent with the Due Process clause of the Fourteenth Amendment to the United States Constitution, the doctrine of "unconstitutional conditions," and Article I, section 20 of the Oregon Constitution. Because we agree with petitioners that the HZO 135B easement requirement is facially inconsistent with the federal and state Takings Clauses, we see no point in addressing petitioners' alternative theories of constitutional infirmity. *See* West Coast Media, LLC v. City of Gladstone, 192 Or App 102, 108, 84 P3d 213 (2004) (affirming LUBA's holding that the city's sign ordinance is inconsistent with Article 1, section 8 of the Oregon Constitution and, for that reason, declining to address challenges to LUBA's holdings with respect to Article 1, section 20).

A. Collateral Attack

The city and intervenor respond, initially, that petitioner's constitutional challenge to the HZO 135B ***avigation*** easement requirement is in essence an impermissible "collateral attack" on Ordinance 5926, which is not before LUBA in this appeal. According to respondents, the decision that is before LUBA in this appeal, Ordinance 5935, simply amends the city's zoning map to apply the AU zone and ASCO zone to various properties within the city. Respondents argue that Ordinance 5935 did not amend HZO 135B in any way, and that petitioner cannot advance a facial constitutional challenge to HZO 135B in an appeal of **[*12]** Ordinance 5935. We understand respondents to argue that the HZO 135B ***avigation*** easement requirement could be challenged only by filing a timely appeal of Ordinance 5926, or by appealing a quasi-judicial land use decision that actually applies HZO 135B to approve or deny an application to develop property within the ASCO zone.

We disagree with respondents that petitioner are precluded from advancing a facial constitutional challenge to the HZO 135B ***avigation*** easement requirement in the present appeal, as an impermissible "collateral attack" on Ordinance 5926. The only support that respondents cite for that proposition is *Butte Conservancy v. City of Gresham, 47 Or LUBA 282, aff'd 195 Or App 763, 100 P3d 218 (2004)*, in which we held that in an appeal of a final subdivision plat decision the petitioner could not challenge the correctness of an earlier, final decision that modified the tentative subdivision plat approval. However, *Butte Conservancy* did not involve separate legislative decisions that adopt and then apply zoning regulations, nor constitutional challenges to such regulations. Respondents are **[*13]** correct that, because the ASCO zone is deemed acknowledged to comply with the statewide planning goals, if petitioner attempted in this appeal to argue that the ASCO zone is inconsistent with one or more statewide planning goals, such a challenge would be precluded by acknowledgment. However, acknowledgment of the ASCO zone does nothing to insulate that zone from challenge on statutory or constitutional grounds. We see no principled reason why such statutory or constitutional challenges cannot be advanced in an appeal of a subsequent legislative ordinance that, for the first time, applies the ASCO zone to specific properties in the city.

Further, adoption of new zones and associated zoning regulations can, as in the present case, be effected in two separate ordinances, one that adopts the new zone but does not apply it to any property, and a second that actually applies the new zone to specific properties. In that circumstance, the second decision is almost certainly the first time that the city notifies property owners that their property is now subject to the new zone and its requirements. ORS 215.503, also known as "Ballot Measure 56," requires counties to provide notice to affected **[*14]** property owners when "rezoning" their property. ORS 215.503 did not require the city to provide its citizens Ballot Measure 56 notice of Ordinance 5926, and the city presumably did not provide such notice. As a practical matter, then, an appeal of the ordinance that applies the new zone to specific properties is the first reasonable opportunity many affected or concerned persons affected would have to raise a facial constitutional challenge to the zone. Accordingly, we decline respondents' invitation to extend the reasoning in *Butte Conservancy*, because in many cases the consequences of that extension would be that affected persons would essentially be precluded from advancing a facial challenge to the new zone, and would be limited to as-applied challenges when the city ultimately applied the new zoning requirements to deny or condition proposed development.

B. The Applicability of *Dolan* to a Facial Takings Challenge

Respondents next argue that the "rough proportionality" test in *Dolan* cannot, by its nature, be applied in a facial takings claim. *See Garneau v. City of Seattle, 147 F3d 802, 811 (9th Cir 1998)* (the *Dolan* analysis **[*15]** cannot be applied in facial takings claims). According to respondents, much of petitioner's facial challenge to HZO 135B rests on the premise that the ***avigation*** easement required under that provision will not be "roughly proportional" to the impacts of proposed development of land allowed in the base zone, and thus the exaction of the easement will violate the requirements of *Dolan*.

We generally agree with respondents that because the *Dolan* "rough proportionality" analysis requires evaluation of the specific impacts of specific proposed development, the rough proportionality analysis will play little or no direct role in a facial takings challenge. That does not mean, however, that *Dolan* is completely inapposite to a facial takings challenge of the kind advanced here. *Dolan* is a refinement of the reasoning in *Nollan*, and is part of a closely related two-prong test for determining under what circumstances a local government can ***take*** private

property for public use without paying the just compensation otherwise required by the federal Takings Clause. While petitioner relies on *Dolan* in part to argue that the HZO 135B ***avigation*** easement requirement facially violates **[*16]** the Takings Clauses, because petitioner believes that in all cases in which it is exacted the easement will have no relationship to the impacts of any proposed development, that argument is based as much on *Nollan* as *Dolan*. To the extent the reasoning in *Dolan* illuminates the requirements of *Nollan* or otherwise has some bearing on a facial takings challenge in the posture of the case before us, we see no error in considering that reasoning.

C. Petitioner's Standing to Present a Facial Challenge

Although respondents do not dispute petitioner's standing to bring this appeal under ORS 197.620(1) and 197.830(2), respondents note that at no place in the record or in their brief does petitioner assert that Ordinance 5935 applies the ASCO zone to property she owns. Respondents argue that if petitioner does not own property subject to the ASCO zone, then petitioner's arguments based on *Dolan* are particularly inappropriate, since petitioner will never be subject to the requirement to provide an ***avigation*** easement and could never advance an as-applied challenge under *Dolan*. Further, we understand respondents to argue that, in order to advance a *facial* challenge **[*17]** to the HZO 135B ***avigation*** easement requirement, petitioner must demonstrate that she owns property subject to the ASCO zone and therefore is potentially subject to HZO 135B.

As explained above, the reasoning in *Dolan* may have some bearing in evaluating a facial challenge based on *Nollan*, even if the *Dolan* rough proportionality test is not itself applicable. We are not sure what to make of respondents' suggestion that petitioner's failure to allege that she owns property that is subject to the ASCO zone precludes her from advancing a facial takings challenge to HZO 135B. Respondents cite to *Carson Harbor Village, Ltd. v. City of Carson, 37 F3d 468, 476 (9th Cir 1994)*, for the proposition that persons bringing a facial takings challenge must demonstrate that they owned property subject to the challenged regulations at the time the regulations were enacted. Subsequent cases have recognized standing even for later purchasers. *Guggenheim v. City of Goleta, 582 F3d 996, 1005-06 (9th Cir 2009)*. However, respondents are generally correct that, in order to invoke an Article III Court's jurisdiction over a facial challenge **[*18]** under the federal Takings Clause, the challenger must usually show that a justiciable controversy exists, *i.e.*, that the disputed legislation causes the challenger to suffer an injury, the invasion of a legally protected interest. *Id. at 1004*.

LUBA is not a court and is not necessarily subject to the same standing requirements that may limit judicial review. *See Just v. City of Lebanon, 193 Or App 132, 147, 88 P3d 312 (2004)* (LUBA's review and standing to invoke review is governed by statute, and those statutes do not require LUBA to apply justiciability doctrines applicable to courts, such as the requirement that the person invoking review demonstrate that review will have a practical effect on that person). Standing to appeal a post-acknowledgment plan amendment to LUBA is governed by statute, specifically, ORS 197.620(1), which requires only that the petitioner participate in the proceedings below. Respondents cite to no statute or other authority imposing standing requirements on a petitioner advancing a claim that a land use decision is unconstitutional, or that limits LUBA's review of such claims. **[*19]** Absent a more developed argument, respondents have not demonstrated that petitioner's failure to allege that she owns property subject to the ASCO zone means that she has not established standing before LUBA to advance a facial takings challenge to HZO 135B.

D. HZO 135B *Avigation* Easement

Turning to the merits, respondents argue first that petitioner has not demonstrated either that adoption of Ordinance 5935 resulted in the ***taking*** of any property interest or that, as applied in all future circumstances, HZO 135B will ***take*** property without just compensation, contrary to the Takings Clauses. Therefore, respondents argue, petitioners have not demonstrated that the HZO 135B ***avigation*** easement requirement is invalid on its face.

Respondents cite *Carson Harbor Village, Ltd.*, again, for the proposition that a facial takings claim can succeed only if the challenger demonstrates that the mere *enactment* of the legislation itself results in a ***taking*** of private property for public use. *37 F3d at 476*. Because neither the initial adoption of the ASCO zone nor the zoning map amendment that applied the zone to private property in themselves exacted an ***avigation*** **[*20]** easement from any

property owner or otherwise effected any ***taking*** of property, respondents argue that petitioner's facial challenge must fail.

Carson Harbor Village, Ltd. is a regulatory takings case in which the plaintiffs argued that ordinances limiting mobile home park rents and imposing other restrictions constituted a facial ***taking*** of property from park owners. In analyzing the park owners' standing to bring a facial takings claim, the Ninth Circuit concluded that because the park owners acquired the property after the enactment of the ordinances, they could not demonstrate injury to themselves, and therefore did not have standing to challenge the ordinances. *Id.* As explained above, standing requirements that govern the jurisdiction of an Article III court do not apply to LUBA's review. In addition, it is not clear to us that the proposition cited in *Carson Harbor Village, Ltd.* applies outside the context of a regulatory takings challenge, where the landowner argues that the challenged law constructively "***takes***" property by *regulating* the landowner's use of the property to such a degree that little or no economically beneficial use remains. In the present case, **[*21]** petitioners argue that the HZO 135B ***avigation*** easement requirement will, in every case in which it is applied, result in an actual "***taking***" of property, the legal acquisition of property interests, in a manner inconsistent with the state and federal Takings Clauses. We are cited to no cases suggesting that, where a law is challenged on such grounds, the petitioner must demonstrate that the mere enactment of the law itself results in a ***taking*** of property.

On the contrary, at least where Article I, section 18 of the Oregon Constitution is concerned, the Court of Appeals has allowed a facial challenge to an ordinance in circumstances where the mere adoption of the ordinance itself clearly did not immediately result in a ***taking*** of private property. *Ferguson v. City of Mill City, 120 Or App 210, 852 P2d 205 (1993)*, involved a declaratory judgment action against a city ordinance that required property owners to (1) obtain a city permit and connect to city sewers, by installing an interceptor tank on their property, and (2) grant the city an easement to accommodate and maintain the city-owned interceptor tank and related sewer lines. The Court **[*22]** held that the ordinance mandated a "physical occupation" of private property for public use, without provision for just compensation, and therefore facially violated Article I, section 18. *Id. at 214-15* (citing *Loretto v. Teleprompter Manhatten CATV Corp., 458 US 419, 102 S Ct 3164, 73 L Ed 2d 868 (1982)*. While the present case does not involve a "physical occupation," that is, exclusive occupation of private property by or at the behest of government as in *Loretto* and *Ferguson*, petitioner alleges that the ***avigation*** easement requires a similar "physical invasion" of private property, and the actual acquisition of private property. We agree that a facial challenge to a law that allegedly requires physical invasion of private property and acquisition of property is similar to the "physical occupation" challenge advanced in *Ferguson*. In such circumstances, we do not believe a facial challenge to such a law fails unless the challenger demonstrates that the mere enactment of the law itself effects a physical invasion or acquisition of property.

Finally, respondents argue **[*23]** that petitioners have not demonstrated that, in every circumstance in which the HZO 135B ***avigation*** easement is required as a condition of development, that exaction of property will violate the state or federal Takings Clauses. Respondents argue:

> "To the extent the City must demonstrate rough proportionality if an ***avigation*** easement is required in a future development proposal, the City will have a range of options available to it. First, it may find based upon the facts in a given case that the requirement would be roughly proportional. Second, an applicant could seek a variance to the standard. Third, the City could elect not to apply the standard. *See Columbia Riverkeepers v. Clatsop County, 58 Or LUBA 235 (2009)* (When *Dolan* applies, it can function as a variance, and a local government may choose not to exact property as a condition of development approval that it would otherwise be entitled to exact under its land use regulations, as an alternative to compensating the landowner for the ***taking***). Finally, the City and/or the Port could compensate the landowner." Response Brief 13.

As we understand it, petitioner's arguments are based as much **[*24]** or more on the *Nollan* essential nexus requirement as they are on the *Dolan* rough proportionality requirement. Petitioner contends that there is no "nexus between the impacts of the developing property owner and the easement requirements." Petition for Review 11. Under *Nollan*, it is insufficient that an exaction of property serve some governmental objective. The exaction must in some way mitigate the impacts of proposed development *on* the identified governmental objective. In *Nollan*, the Coastal Commission required a lateral public easement along a private property's ocean frontage between mean

high tide and a seawall, allegedly to mitigate the impacts of the proposed dwelling on the public's ability to view the ocean from vantage points landward of the dwelling. The Court held that, while the Commission might have constitutionally required some easement or exaction of property right that in fact mitigated such visual impacts, such as providing a public viewing point on the property, the lateral beach easement required in that case had nothing to do with mitigating such visual impacts, or the governmental interest in preserving public views of the beach from upland **[*25]** viewing spots, and therefore the Commission could not ***take*** the beach easement without providing just compensation.

In the present case, petitioners argue that in all conceivable applications of the HZO 135B ***avigation*** easement, there will be a similar disconnect between the easement, the impacts of development and the governmental objective, because the easement is not intended to mitigate, and does nothing to mitigate, the impacts of any development on the city's presumed governmental interest in protecting airport operations.

On appeal, respondents argue that the ***avigation*** easement requirement is intended to address airport compatibility issues and avoid land use conflicts in areas surrounding airports. [5] Reducing land use conflicts with the airport is certainly a legitimate governmental objective. The ***avigation*** easement requirement presumably attempts to further that objective by requiring as a condition of development that surrounding property owners convey a property interest to the Port, allowing, among other things, the Port "free and unobstructed passage of aircraft through the airspace over the property" above a certain height, and the "right to subject the property to noise, **[*26]** vibrations, fumes, dust and fuel particle emissions associated with normal airport activity." [6] However, as in *Nollan,* the exaction of property does not advance the purported governmental interest, because granting the Port an easement to physically invade private property would do nothing to actually reduce conflicts between the Airport and surrounding land uses. The same conflicts (noise, etc.) would exist to the exact same degree, with or without the easement. The only arguable effect of requiring property owners to grant such an easement as a condition of land use approval is to make it more difficult for property owners to advance a successful inverse condemnation or other legal action against the Port, based on trespass or the externalized impacts of the airport operations on surrounding uses. We think it highly doubtful that ***taking*** private property for that purpose constitutes a legitimate government objective. [7]

[*27]

Moreover, requiring an easement to allow for passage of aircraft over the property and the right to subject the property to airplane noise, etc., appears to have no connection whatsoever to the development of property

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[5] The purpose of the ASCO zone is to "establish compatibility and safety standards to promote air navigational safety and reduce potential safety hazards for persons living, working or recreating near the Hillsboro Airport, thereby encouraging and supporting its continued operation and vitality." HZO 135B(A).

[6] We repeat the definition of "***avigation*** easement" at HZO 135B(C)(6):

"[1] A right-of-way for free and unobstructed passage of aircraft through the airspace over the property at any altitude above a surface specified in the easement (set in accordance with Federal Aviation Regulations Part 77 criteria).

"[2] A right to subject the property to noise, vibrations, fumes, dust, and fuel particle emissions associated with normal airport activity.

"[3] A right to prohibit the erection or growth of any structure, tree, or other object that would penetrate the imaginary surfaces as defined in this ordinance.

"[4] A right-of-entry onto the property, with proper advance notice, for the purpose of marking or lighting any structure or other object that penetrates the imaginary surfaces as defined in this ordinance.

"[5] A right to prohibit electrical interference, glare, misleading lights, visual impairments, and other hazards to aircraft flight as defined in this ordinance from being created on the property."

[7] *See* *McCarran Int'l Airport v. Sisolak, 122 Nev 645, 661, 137 P3d 1110 (2006)* (requiring an uncompensated ***avigation*** easement as a condition of development was improper and therefore no defense to an inverse condemnation action).

surrounding the airport or the impacts of development. It is difficult to understand how allowing the Port to externalize adverse impacts onto property surrounding the airport could be "roughly proportional," or related at all, to the impacts of any kind of development on that property. Respondents offer no scenario or argument under which such an exaction could possibly be proportional to the impacts of *any* potential development allowed in the base zone and ASCO zone.

In sum, we conclude that at least the first two elements of an ***aviqation*** easement required under HZO 135B are facially inconsistent with the state and federal Takings Clauses, under the reasoning in *Nollan* and *Dolan*, and are incapable of any constitutionally permissible application. Whether the three remaining elements of an ***aviqation*** easement are also unconstitutional for the reasons set out above is less clear, since those elements arguably function to actually reduce airport/land use conflicts, **[*28]** have some bearing on the city's presumed objective in reducing land use conflicts, and could have, at least in some cases, some relationship to the impacts of developing property. If the ***aviqation*** easement requirement included only those three elements, we might well conclude that it would survive a facial challenge, and could be challenged only on an as-applied basis. However, the ***aviqation*** easement requires all five elements, and therefore even if an easement that included only the three remaining elements would pass facial scrutiny, the ***aviqation*** easement required under HZO 135B is still unconstitutional.

The first assignment of error is sustained, in part.

SECOND ASSIGNMENT OF ERROR

Petitioner argues that several provisions of HZO 135A governing the AU zone violate Article I, section 21 of the Oregon Constitution, which prohibits the delegation of legislative authority.

In relevant part, Article I, section 21 prohibits passing any law "the ***taking*** effect of which shall be made to depend upon any authority, except as provided in this Constitution." Article I, section 21 has been construed to prohibit laws that delegate the power of amending legislation to another governmental **[*29]** entity, so-called "prospective" delegation. *Advocates for Effective Regulation v. City of Eugene, 160 Or App 292, 981 P2d 368 (1999)*. In *Advocates*, the Court of Appeals addressed a citizen initiative that characterized "hazardous substance" as any substance that was included on several lists of federally-regulated hazardous materials, as well as "any substances added, subsequent to the effective date of this Act, to the lists described." *Id. at 295-96*. The plaintiffs argued that the initiative violated Article I, section 21 because it prospectively delegated authority to amend city legislation to the federal government. The Court agreed, holding that municipal legislation cannot incorporate into its definitions federal regulations not promulgated at the time the legislation is adopted.

Respondents argue, initially, that the Article I, section 21 delegation doctrine does not apply to legislative decisions amending comprehensive plans and zoning ordinances, but should be limited to the context addressed in *Advocates*, that of initiative amendments to city charters. Respondents cite to **[*30]** *Allison v. Washington County, 24 Or App 571, 548 P2d 188 (1976)*, which addressed whether legislative actions related to comprehensive plans and zoning ordinances are subject to initiative and referendum, to argue that zoning ordinance amendments are different from initiatives and referenda, and therefore not subject to Article I, section 21. However, in *Advocates* the Court of Appeals addressed the inverse of that argument, holding that Article I, section 21 applied to an initiative that amended a city charter, because a city charter is a "law" and thus subject to Article I, section 21. The Court rejected the argument that Article I, section 21 applies only to legislative acts such as statutes adopted by the legislature or "an ordinance adopted by a city council." *160 Or App at 312*. Respondents have not cited any authority suggesting that zoning ordinance amendments are not "laws" for purposes of Article I, section 21.

A. HZO 135A(D)(7) "Environmental Laws"

HZO 135A(D)(7) identifies "Hazardous Substance" in part as "[a]ny and all substances *** in or under any Environmental Laws." In turn, **[*31]** HZO 135A(D)(6) defines "Environmental Laws" to include "[a]ny and all federal, state and local statutes, regulations, rules, permit terms and ordinances now *or hereafter in effect, as the same may be amended from time to time*, which in any way govern materials, substances, regulated substances and wastes, emissions, pollutants, animals or plants, noise, or products and/or relate to the protection of health,

safety or the environment." (Emphasis added.) Petitioner contends that in requiring compliance with environmental laws as they "may be amended from time to time," HZO 135A(D)(6) clearly violates the prohibition on prospective delegation, as explained in *Advocates.*

Respondents argue that HZO 135A(D)(7) should be narrowly construed to avoid any constitutional violation, by understanding the provision to require compliance only to environmental laws that are in effect on the date the ordinance was enacted, and not to require compliance with laws that may be adopted by other governmental bodies in the future. According to respondents, the Court of Appeals recently ***took*** that approach in *Olson v. State Mortuary and Cemetery Board, 230 Or App 376, 388, 216 P3d 325 (2009).* [*32] *Olson* concerned a statute providing a cause for disciplinary action against funeral services providers that fail to comply with "regulations adopted by the Federal Trade Commission regulating funeral industry practices." The Court held that that language did not violate Article I, section 21 because it could be construed to refer only to the federal rule "as it was then written" and not to future regulations that may be adopted. *Id. at 388.*

Petitioner argues, and we agree, that the present circumstance are much closer to those in *Advocates* than to those in *Olson.* The statute at issue in *Olson* included no references to prospective amendments to another entity's regulations, while the legislation at issue in both *Advocates* and in the present case explicitly and unambiguously require compliance with other entity's regulations as they may subsequently be amended. It is impossible to construe the language of HZO 135A(D)(6) to require compliance only with environmental regulations in effect when the ordinance was adopted. HZO 135A(D)(6) expressly requires compliance with future regulations not promulgated at the time of adoption, [*33] and therefore violates the Article I, section 21 prohibition on delegation of the power to amend the city's legislation.

B. HZO Section 135A(K) - "Currently Applicable" Standards

HZO Section 135A(K) provides:

> "All uses and activities permitted outright within the AU Airport Use Zone shall be reviewed for compliance with, *and shall comply with currently applicable Port of Portland standards* as follows:
>
> "1. Hillsboro Airport Standards for Development;
>
> "2. General Aviation Minimum Standards for the Hillsboro Airport; and
>
> "3. Wildlife Hazard Management Plan for the Hillsboro Airport" (Emphasis added.)

Petitioner argues that HZO Section 135A(K) also violates Article I, section 21, by requiring that the city evaluate land use applications for uses and activities permitted within the AU Airport Zone for compliance with the "currently applicable Port of Portland standards," as they exist at the time approval is being sought.

The city and intervenor respond that the phrase "currently applicable" should be understood to refer only to the three listed sets of Port of Portland standards and plans as they "currently" existed on the date HZO 135A(K) was adopted, not as they may exist [*34] at the time development approval is sought. Respondents argue that, because HZO 135A(K) can be interpreted in a manner that does not run afoul of Article I, section 21, under *Olson* LUBA should so interpret the code provision and thus avoid any problem with prospective delegation.

HZO 135A(K) is less explicit than HZO 135A(D)(6), and can be read to refer only to Port standards as they existed on the date the code provision was adopted. The clause "shall comply with currently applicable Port of Portland standards" is part of a compound sentence the first element of which provides that "[a]ll uses and activities permitted outright within the AU Airport Use Zone shall be reviewed for compliance with" Port standards. Because that first element of the sentence is clearly referring to a post-adoption time frame when land use applications are filed, an inference arises that the second element of the sentence is also referring to the same time frame, the standards that are applicable when land use applications are filed. On the other hand, when the city intends to refer to standards as they may be amended from time to time, as it explicitly did in HZO 135A(D)(6), it knows how to express [*35] that intent unambiguously. Because the city chose to use different language in HZO 135A(K), that suggests a different intent. Although it is a close call, we agree with respondents that the narrowing construction applied in *Olson* should be extended to circumstances where, as here, the text of the code language can be

interpreted to refer to legislation as it exists on the date the code language is adopted. This subassignment of error is denied.

C. HZO Section 135A(E)(2) -- Uses and Activities Permitted Outright within the Master Plan for the Hillsboro Airport

HZO 135A(E) sets out the uses permitted outright in the AU zone. HZO 135A(E)(2) provides for "[a]ir passenger and air freight services and facilities that are consistent with levels identified in the most current, adopted Master Plan for the Hillsboro Airport." Petitioner notes that at the present time no air passenger or air freight services are present at the Hillsboro Airport and those services are not identified in the existing airport master plan, which means that any future expansion of the airport to allow such uses will require an amendment to the airport master plan. According to petitioner, the airport master **[*36]** plan is not a city planning document, but a document that the Port has adopted for its own purposes and that the Port can amend at its discretion. Again, petitioner argues that the city has violated Article I, section 21 by simply delegating to the Port the ability to determine what uses are allowed at the airport, and at a what level of intensity.

Respondents offer no specific response to petitioner's arguments regarding HZO 135A(E)(2). As noted, Article I, section 21 prohibits passing any law "the ***taking*** effect of which shall be made to depend upon any authority, except as provided in this Constitution." We agree with petitioner that HZO 135(E)(2) presents an even clearer violation of Article I, section 21 than the provisions discussed above. Under HZO 135(E)(2), the city has delegated to the Port not only the authority to effectively *amend* the city standards that govern land uses in the AU zone (prospective delegation), the city has actually delegated to the Port the authority to determine what uses are in fact allowed in the AU zone. Because the existing Port master plan apparently does not provide for air passenger or air freight services, under HZO 135A(E)(2) those uses **[*37]** are not allowed at all, unless and until the Port amends its plan to provide for them. In the words of Article I, section 21, the city has made the "***taking*** effect" of HZO 135(E)(2) depend upon the authority of the Port. Respondents do not argue that that delegation of authority is provided for under the Oregon Constitution, or any other basis to conclude that HZO 135(A)(E)(2) does not violate Article I, section 21.

D. Severance

As a final general defense, respondents argue that if LUBA concludes that any provisions of HZO 135A violate Article I, section 21, LUBA should simply sever those provisions. Respondents note that in an appeal of the decision on remand in *Advocates,* the Court of Appeals held that even where there is no express severability clause included in an ordinance, the law provides a presumption of severability, which may be overcome based on three considerations. *Advocates for Effective Regulation v. City of Eugene, 176 Or App 370, 376, 32 P3d 228 (2001) (Advocates II).* [8] Respondents argue that because the three considerations discussed in *Advocates II* are not present here, LUBA should apply the presumption **[*38]** of severability, sever any offending provisions from HZO 135A, and thus deny the second assignment of error.

The doctrine of severance does not work in the manner respondents argue, at least for **[*39]** purposes of LUBA's review. In *Advocates I,* the Court of Appeals remanded the decision to the circuit court to consider, among other things, whether the offending provisions could be severed. On remand, the circuit court applied the severance

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[8] The Court in *Advocates II* explained:

> "If there is no express severability clause, the law provides a presumption of severability, which may be overcome only if (1) the enactment provides that the remaining parts shall not remain in effect; (2) the remaining parts are so dependent on the invalid part that the remaining parts would not have been enacted without the invalid part; or (3) the remaining parts, standing alone, are incomplete and incapable of being executed in accordance with legislative intent. ORS 174.040." *Id at 376.*

The Court noted that the same severability principles embodied in ORS 174.040 also apply to municipal ordinances, citing *D.S. Parklane Development, Inc. v. Metro, 165 Or App 1, 16, 994 P2d 1205 (2000).*

doctrine and severed the disputed provisions. In *Advocates II*, the Court of Appeals rejected challenges to the decision on remand and therefore ultimately affirmed the circuit court's decision. However, respondents do not cite to any case where the Court of Appeals or LUBA applied the severance doctrine to the decision on appeal, severed offending provisions, and thereby denied the assignment of error and affirmed the decision. On the contrary, in the only LUBA decision we find in which the Board has applied the severance doctrine, LUBA used the doctrine only to determine whether the Board must reverse as unconstitutional the challenged ordinance *in its entirety*, or whether LUBA could go on to address sub-constitutional challenges to the remaining portions of the ordinance that were not subject to severance. Riverbend Landfill Company v. Yamhill County, 24 Or LUBA 466, 470 (1993). [9]

[*40]

The second assignment of error is sustained, in part.

THIRD ASSIGNMENT OF ERROR

Petitioner argues under this assignment of error that Ordinance 5935, which applies the AU zone to the airport property, fails to comply with Goal 12 and the Transportation Planning Rule (TPR), at OAR 660-012-0060. [10] According to petitioner, in rezoning the airport property from industrial uses to AU, the city authorized new uses that must be analyzed under the TPR, because those new uses could have a "significant effect" on the city's transportation system. However, petitioner argues, the city did not address or consider compliance with the TPR.

[*41]

As a threshold issue, respondents assert that the third assignment of error fails, because it is limited to an argument that the city was required to adopt findings addressing the TPR and failed to do so, and fails to contend that adoption of Ordinance 5935 in fact "significantly affects" any transportation facility and thus triggers compliance with the TPR. Respondents note, correctly, that Ordinance 5935 is a legislative decision, and that there is no generally applicable requirement that legislative decisions be supported by findings demonstrating compliance with applicable approval standards. Witham Parts and Equipment Co. v. ODOT, 42 Or LUBA 435, 451, *aff'd 185 Or App 408, 61*

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[9] Our reasoning in *Riverbend Landfill Company* was likely unnecessary since ORS 197.835(11)(a) expressly authorizes LUBA to consider all issues "when reversing or remanding a land use decision." Identical statutory authority was codified at ORS 197.835(9)(a) (1993) when *Riverbend Landfill Company* was decided in 1993.

[10] OAR 660-012-0060(1) provides:

"Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

"(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

"(b) Change standards implementing a functional classification system; or

"(c) As measured at the end of the planning period identified in the adopted transportation system plan:

"(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

"(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

"(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan."

P3d 281 (2002); *Redland/Viola/Fischer's Mill CPO v. Clackamas County, 27 Or LUBA 560, 563-64 (1994)*. *But see Home Builders Association v. City of Eugene, 59 Or LUBA 116, 133 (2002)* (citing *Citizens Against Irresponsible Growth v. Metro, 179 Or App 12, 16, n 6, 38 P3d 956 (2002)* (even without a findings obligation for legislative [*42] decisions, to allow LUBA and the appellate courts to perform their review function, there must be enough in the way of findings or accessible material in the legislative record to show that applicable criteria were applied and that required considerations were indeed considered).

Petitioner replies, and we agree, that fairly read the third assignment of error includes a substantive challenge that Ordinance 5935 triggers the need to demonstrate compliance with TPR and the city failed to do so. The third assignment of error is that "The City's Decision Ignored Applicable Law and Failed to Comply with Goal 12 and the Transportation Planning Rule." Petition for Review 21. Petitioner argues in relevant part that rezoning the Airport property from the MP and M-2 zones, which do not allow an airport and under which the existing airport is a nonconforming use, to AU, which according to petitioner allows airports at greater levels of intensity than the existing airport, might allow uses with increased traffic impacts sufficient to "significantly affect" surrounding transportation facilities within the meaning of OAR 660-012-0060(1). Although petitioner's argument understandably focuses on [*43] the complete absence of findings addressing the TPR, we decline to read the third assignment of error as challenging merely the absence of findings.

On the merits, respondents argue that rezoning the airport property to AU in fact represents a "down-zone" in the intensity of uses allowed on the airport property compared to the previous MP and M-2 zones, and therefore the rezoning could not possibly allow land uses whose traffic impacts could "significantly affect" any transportation facility within the relevant planning period. However, respondents cite to nothing in the record supporting their view that the effect of rezoning the Airport from MP and M-2 to the new AU zone represents a "down-zone" with respect to potential for impacts on transportation facilities near the airport, and therefore the TPR is not triggered. As noted above, to allow meaningful review, there must be enough in the way of findings or accessible material in the legislative record to show that applicable criteria were applied and required considerations were indeed considered. Respondents' arguments rest entirely on Appendix G to the Response Brief. As far as the *record* reflects, the city apparently gave [*44] no consideration to the TPR during the legislative proceedings below. In that circumstance *(i.e.,* a legislative decision that does not consider the TPR and includes no findings addressing the TPR), we believe that the city can avoid remand on this issue only if it can demonstrate, essentially as a matter of law, that the TPR does not apply to the challenged rezoning, in other words, that the TPR is not a "required consideration." *Citizens Against Irresponsible Growth, 179 Or App at 16, n 6*.

The response brief falls short of making that demonstration. The AU zone is the only city zone that allows an airport and airport related facilities. The challenged decision applies the AU zone to property developed with a regional airport that is a nonconforming use under the preexisting zoning. Generally, restrictions apply to expansions or alterations of nonconforming uses. *See* HZO 99 (allowing expansion of a nonconforming use in cases of "practical difficulty or unnecessary hardship"). An airport is an outright permitted use in the AU zone and, as discussed above, the city has largely delegated to the Port of Portland the ability to determine [*45] what intensity of airport uses is allowed. Under that view, rezoning the Airport property to AU certainly could allow new or expanded airport operations, with consequent traffic impacts that might well "significantly effect" nearby transportation facilities over the relevant planning period, within the meaning of OAR 660-012-0060(1).

The city's argument that the TPR does not apply as a matter of law is based on a comparison of the most-intensive uses potentially allowed in the MP and M-2 zones against the most-intensive uses allowed in the AU zone (an airport). The MP and M-2 zones allow a number of potentially traffic-intensive uses, including drive-in restaurants, stores, offices, etc. The city argues that if the airport property were redeveloped with such traffic-intensive commercial uses, the impacts on nearby transportation facilities would necessarily be greater than an airport allowed under AU zone. The city is correct that determining whether a zoning map amendment "significantly affects" a transportation facility can often be accomplished by comparing the most traffic-intensive uses allowed in the old zone against the most-traffic intensive uses allowed in the new zone. If [*46] the record supports a determination that a reasonable "worst-case" scenario based on the uses allowed under the new zone would result in fewer impacts on transportation facilities than the reasonable "worst-case" scenario based on uses allowed under

the old zone, such a determination could support a conclusion that that the rezoning does not "significantly affect" a transportation facility under OAR 660-012-0060(1)(c).

The presumption underlying that comparison approach is that the local government's acknowledged transportation system plan (TSP) was originally developed with the goal of accommodating the transportation needs potentially generated by uses allowed under the old zone, within the relevant planning period. The TSP obviously would not ***take*** into account rezonings that allow new uses with potentially more significant traffic impacts. Hence, a hypothetical comparison of reasonable worst-case traffic scenarios between the uses allowed under the old and new zones can be a reliable and appropriate method of making a threshold determination whether a rezoning decision triggers the TPR. In Appendix G and in supporting argument, respondents attempt to conduct just such a hypothetical **[*47]** comparison. However, it is not clear to us in the present circumstances that a hypothetical comparison of the relative traffic-intensity of uses allowed in the MP, M-2 and AU zones is necessarily an appropriate and reliable method of determining whether the TPR is triggered. That is because the airport property has long been developed with an important regional airport, and it seems highly unlikely that the city's TSP was developed with the understanding that the airport would be demolished during the planning period and the airport property redeveloped with various commercial uses nominally allowed on that property under the MP and M-2 zones. It seems far more likely that the surrounding transportation system is planned and designed to accommodate the existing airport, notwithstanding that it is a nonconforming use in the MP and M-2 zones. In other words, the hypothetical "worst-case" scenario posited by respondents under the prior industrial zoning may well not be a *reasonable* scenario under these circumstances, which casts into doubt whether a simple comparison of uses nominally allowed in the MP, M-2 and AU zones would yield a meaningful determination that the TPR is or is **[*48]** not triggered. The most meaningful approach in the present case, as petitioner suggests, may be a comparison of the airport use as planned under the city's TSP and comprehensive plan, with the airport as it may reasonably be expanded under the AU zone.

In sum, we cannot tell from the present record and pleadings whether the TPR is a "required consideration" in rezoning the airport to AU, and the present record does not include any indication that the city in fact considered whether the rezoning triggers the TPR.

The third assignment of error is sustained.

CONCLUSION

For the reasons set out under the first and second assignments of error, the adoption of Ordinance 5935 is unconstitutional, and the city cannot lawfully apply the AU zone and ASCO zone to property within the city unless and until the city amends HZO 135A and 135B to remove the unconstitutional provisions identified in this opinion. Under that reasoning, the proper disposition is reversal of Ordinance 5935. OAR 661-010-0071. [11] If the county

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[11] OAR 661-010-0071 provides:

"(1) The Board shall reverse a land use decision when:

"(a) The governing body exceeded its jurisdiction;

"(b) The decision is unconstitutional; or

"(c) The decision violates a provision of applicable law and is prohibited as a matter of law.

"(2) The Board shall remand a land use decision for further proceedings when:

"(a) The findings are insufficient to support the decision, except as provided in ORS 197.835(11)(b);

"(b) The decision is not supported by substantial evidence in the whole record;

"(c) The decision is flawed by procedural errors that prejudice the substantial rights of the petitioner(s); or

"(d) The decision improperly construes the applicable law, but is not prohibited as a matter of law."

elects to readopt Ordinance 5935 after removing from HZO 135A and 135B the unconstitutional provisions identified in this opinion, it will also need to address our disposition **[*49]** of the third assignment of error.

The city's decision is reversed.

Concur By: HOLSTUN

Concur:

Holstun, Board Chair, concurring.

In relevant part, Article I, section 21 of the Oregon Constitution prohibits passing any law "the ***taking*** effect of which shall be made to depend upon any authority, **[*50]** except as provided in this Constitution." In section C under the second assignment of error, the majority concludes that HZO 135A(E) runs afoul of Article I, section 21. Among the uses permitted outright in the AU zone are "[a]ir passenger and air freight services and facilities that are consistent with levels identified in the most current, adopted Master Plan for the Hillsboro Airport." I do not believe that language in HZO 135A(E) runs afoul of the Article I, section 21 prohibition against the city delegating its lawmaking power.

City land use regulations commonly allow specified development but require that development first be served by sewer or water services that are often provided by a special district or other governmental unit. That is not a delay or delegation of the "***taking*** of effect" of the regulation. Rather, such regulations immediately ***take*** effect and authorize applications for approval of the specified development but require certain factual predicates (availability of water and sewer) before such development can be approved by the city. Such regulations do not delegate to the sewer or water district or other governmental unit the power to determine when the regulation **[*51]** will "***take***[] effect," within the meaning of Article I, section 21.

Similarly, a regulation like HZO 135A(E) that requires that any air freight services and facilities in the AU zone must be consistent with the "levels identified" in the airport master plan simply imposes a condition predicate to development of air freight services and facilities in the AU zone. The precise meaning of "levels identified" in the airport master plan is not clear to me, but presumably it requires that construction of air freight services and facilities in the AU zone must be consistent with the demand for such facilities identified in the airport master plan. While I will concede it may be possible to characterize that understanding of HZO 135A(E) as unlawfully delegating lawmaking authority to the port, it is also possible to characterize HZO 135A(E) as doing something different. The condition predicate in HZO 135A(E) (that air passenger and freight services be consistent with the "levels identified" in the airport master plan) is not unlike zoning standards that are commonly encountered and require a "public need" for development before the development authorized in a zoning district may be approved. **[*52]** Just as the city may have little or no control over the "levels" of air freight services and facilities identified in the airport master plan, a city may have little or no control over the level of public need for development. In neither case is there an improper delegation of lawmaking power under Article I, section 21. I would reject petitioner's challenge to HZO 135A(E)(2) under the second assignment of error.

State of Oregon Land Use Board of Appeals

End of Document

EXHIBIT L

SUMMARY OF 2018 REVISIONS TO
2010 OCEANSIDE COMMUNITY PLAN

The 2018 Land Use and Community Plan Review Committee reviewed the text of the Community Plan that was completed in 2010 and approved the ONA membership in 2011 in order to update it and resume the process of seeking approval and implementation by Tillamook County. Out of respect for the work accomplished in 2010 and adopted by a formal vote in 2011, the current Plan Committee mostly limited its effort to streamlining and updating factual material in the Community Plan. The committee noted, however, that Oceanside did experience important demographic changes between 2012 and 2018:

- Twelve building permits were issued
- The population of full-time residents *decreased* from 361 to 317
- The number of short term rental licenses increased from 52 to 104.

While these changes reflect a "snapshot" and may or may not indicate trends, the 2018 Committee recommends that they be considered when the ONA commences work on the next version of the Community Plan.

Revisions to the 2010 Community Plan

The 2018 Committee made numerous, minor edits to the text of the 2010 Plan to streamline, correct or reorganize its provisions in ways that did not significantly alter their substance. Listing those minor revisions is not practical here but can be viewed by comparing the original and current versions of the Community Plan available online at www.oceansidefriends.org.

The committee did determine that some substantive revisions were also appropriate. This summary below includes committee recommendations for changes to the Plan that may be considered substantive.

CHAPTER I – PURPOSE AND VISION

The committee recommended no substantive revisions to this section. It retains the original "vision statement" adopted in the 1995 plan and re-affirmed by ONA members in 2011:

> "Oceanside's ideal is to safeguard our natural resources and preserve those elements of our community that enrich the spirit and quality of life for those living and visiting there."

CHAPTER 2 – BRIEF HISTORY OF OCEANSIDE

The committee updated this statement to reflect community developments since 2011, including:

- Population changes
- Business changes
- Funding and completion of an updated waste treatment facility

- Closure of Cape Meares Loop Road due to earth movement and the funding effort to re-route it
- Collapse and subsequent repairs of Highway 131 above Happy Camp, at entrance to Happy Camp and at Netarts intersection with Pearl Street.
- Reduction in the local post office status and hours
- County adoption of a short-term rental ordinance
- Solicitation of grant funds to update the Oceanside Beach access path

CHAPTER 3 – WHAT WE HAVE: PHYSICAL ENVIRONMENT

The committee updated this section to include descriptions of Symons Beach Wayside but otherwise recommended no substantive changes.

CHAPTER 4 – WHAT WE HAVE: SOCIAL ENVIRONMENT

The committee updated this description to eliminate discontinued groups and activities, such as the Oceanside Protection Society, but otherwise recommended no substantive changes.

CHAPTER 5 – WHAT WE HAVE: CIVIC ORGANIZATIONS AND EVENTS

The committee rewrote and supplemented this section to describe: (1) Oceanside Neighborhood Association, (2) Oceanside Community Club and (3) the annual Village Gathering.

CHAPTER 6 – WHAT WE HAVE: COMMERCIAL SERVICES

The committee updated this section to include references to these service businesses: (1) Roseanna's Café, (2) Blue Agate Café, (3) Three Arch Inn Café, (4) Oceanfront Cabins and (5) Three Arch Inn.

CHAPTER 7 – WHAT WE HAVE: PUBLIC SERVICES AND UTILITIES

The committee significantly expanded the original discussion of the history, status and services offered by (1) Netarts-Oceanside Sanitary District, (2) Oceanside Water District and (3) Netarts-Oceanside Rural Fire Protection District. It also supplemented the section with service information regarding Tillamook PUD, the post office, mass transit, bookmobile appearances, internet providers and emergency preparedness (Nixle).

CHAPTER 8 – ONA: WHERE WE'VE BEEN

The committee updated this historical discussion to include post-2011 developments and initiatives, including water quality measures, work to improve the beach access pathway and support for the Tillamook PUD's effort to site a new Oceanside-Netarts power line.

CHAPTER 9 – ONA: WHERE WE'RE GOING

The committee reorganized and updated this discussion to include ongoing or likely engagement with developing issues, such as the pursuit of Tillamook County Transient Lodging Tax grants, monitoring progress to reopen Cape Meares Loop Highway, short term rental regulation and tsunami emergency planning for residents and visitors.

CHAPTER 10 – COMMUNITY SURVEYS

The committee updated this section but did not conduct or report any new survey data.

CHAPTER 11 – EXISTING, PROPOSED AND POTENTIAL ORDINANCES

This chapter lists the county ordinances of significance to land use regulation in Oceanside. The committee recommended no substantive changes to that list of existing ordinances.

This chapter also identifies several substantive areas in which the ONA membership seeks county action to revise current land use ordinances. The committee did recommend significant updates to that discussion to reflect developments since adoption of the 2010 Plan.

First, the committee streamlined but did not recommend changes to those provisions in the 2011 Community Plan urging county action to update ordinances addressing **solid waste clean-up and yard junk** and **accessory dwelling units.**

Second, the committee recommended county action to update current ordinances to address these issues:

1) Road Grading. The committee added language noting the lack of county action on a county-wide Planning Department plan to address road grading and erosion control which the ONA reviewed, revised and endorsed at the county's request in 2009. The new language also relays county assurances that the grading plan remains on the Planning Department's "work list" and restates the ONA's call for action on it.

2) Lighting Standards. The committee added language noting that the county had still not taken action on a "draft lighting ordinance" that the 2010 Community Plan had characterized as "pending."

3) Short Term Rentals. The committee was informed that the county Board of Commissioners has determined not to address short term rental regulation in the context of land use proceedings such as the Oceanside Community Plan update. Nevertheless, the committee retained and updated language referencing identifying the county's separate efforts on this issue and identifying it as an area of significant concern our community.

CHAPTER 11 – EXISTING, PROPOSED AND POTENTIAL ORDINANCES (*continued*)

In addition, the committee added provisions requesting amendments to permissible "conditional uses" currently listed in Oceanside's residential zone. (Ordinance 3.310(3)) The county recommended that the ONA seek county approval for amendments that would:

- Prohibit the siting of water or sewage treatment plants in the residential zone
- Eliminate language requiring "periodic" reviews of "Bed and Breakfast" enterprises that have already received zoning approval (the county states that such reviews are redundant and not actually conducted)
- Prohibit the siting of foster homes accommodating six or more adults or children in the residential zone
- Prohibit the siting of "residential care, training or treatment facilities" for disabled individuals except as specifically allowed by state law.

CHAPTER 12 – POLICIES

The committee opted not to make many substantive changes to the community "Policies" adopted by ONA members when approving the 2010-2011 Plan. As originally approved, this section prioritized a number of specific "policies" to further Oceanside's "rustic coastal village atmosphere." These include policies encouraging county, community and private sector collaboration on measures to address community safety, emergency preparedness, traffic management, parking management, preservation of native vegetation, accommodation of pedestrian and bicycle routes, noise reduction, wildlife preservation and adherence to geo-hazard measures during construction. The committee did add or reinforce provisions emphasizing policies urging active solicitation of grant funds for community improvement and the implementation of lighting standards in Oceanside's residential zoning ordinance.

CHAPTER 13 – LAND USE INVENTORY

The committee revised this section to correct/update information derived from county records.

CHAPTER 14 – COMPLIANCE WITH STATEWIDE GOALS

The committee recommended no changes to this section, which merely quotes Oregon law.

APPENDICES

The appendices to the Community Plan consists largely of data, studies, statistics and other reference information cited or discussed in the text of the Community Plan. The committee recommended eliminating the unnecessary "Glossary" in the original Plan and revised the remaining appendix documents with updated data and figures where available. Otherwise, it did not recommend any substantive changes.

CHAPTER 1. PURPOSE AND VISION

1.1 Purpose

The Oceanside Neighborhood Association (ONA) compiled this Oceanside Community Plan (Plan)to provide guidance to, and predictability in, the development of the community as it undergoes change. Oceansiders recognize that change is inevitable and that many different futures are possible. However, we believe that by anticipating and tracking land use issues, working together and communicating effectively, we can achieve the future we plan for. The Plan will also serve to introduce newcomers to the Oceanside community and the values that inform our land use goals and priorities.

1.2 ONA's Community Vision

The ONA is formally recognized by county ordinance as the representative of Oceanside to the Tillamook County Board of Commissioners. Membership in ONA is open to every person who is at least 18 years old and who resides, owns property, or owns or operates a business within the Oceanside Community Growth Boundary. (See Appendix D, for the bylaws.)

In that capacity, in 1995, the ONA has adopted the Oceanside Community Vision as an ideal that aspires to express shared values of the community as they relate to growth and development. It states:

"Oceanside's ideal is to safeguard our natural resources and preserve those elements of our community that enrich the spirit and quality of life for those living and visiting here." (OCP 1995)

This vision statement was derived from sentiments expressed by a majority of respondents to a community survey conducted in that year. Similar sentiments were reflected in a subsequent survey conducted in 2007. (See Chapter 10 for details.) The consistency of responses over the two surveys suggests that Oceansiders' values, attitudes, and opinions with respect to living in this community have not changed over time, and that the vision expressed in 1995 continues to accurately reflect our core values.

1.3 Access to the Community Plan

The ONA maintains a current version of the Plan on its website at www.oceansidefriends.org, where it may be reviewed or downloaded for printing. Two hard copies will also be available at the Tillamook County Library.

1.4 Distribution of the Community Plan

The following individuals and agencies would benefit by having a copy of the Oceanside Community Plan:

a.) Oceanside residents and property owners in Oceanside

b.) Developers planning to build in Oceanside

c.) Real estate agents who sell property in Oceanside
d.) The Department of Community Development (several copies)
e.) Office of the County Commissioners
f.) Members of the Tillamook County Planning Commission

CHAPTER 2. BRIEF HISTORY OF OCEANSIDE

According to the Rosenberg-Whitlock Family History, "The first known white settler on what is known as Maxwell Point was an old man named Root who had taken squatter's rights in 1883. Nothing is known previous to this time though much of the forestland here had burned many years before. Early pioneers William Glen and John Maxwell raised sheep and cattle, farming the open grasslands. The Rosenberg family bought the Maxwell 320-acre homestead in 1922 with plans for the construction of an ideal recreation park and colony. Construction of a plank road began that same year (made from 2" x 12' rough planks with 6" x 6" cross timbers) connecting Netarts to Oceanside, financed by the Rosenbergs. They dug the tunnel through Maxwell Point in eight weeks by hand, after blasting a 'soft' area. Nearby they constructed $400 cottages with piped in water from a 4" wooden main with laterals. By 1923, the community now named Oceanside contained a restaurant, fruit market, grocery store, large dance hall (turned into a skating rink in the 1930s), bathhouse, and office buildings. By the summer of 1924 Oceanside was virtually a tent city, an estimated 1,000 tents from the gate to the top of Maxwell Point." Even Governor Ben W. Olcott made a show.

By 1941 the road from Netarts was paved to Oceanside. During WW II soldiers patrolled the beach and 'black-out curtains had to be pulled down at sundown.' At the close of the war, the resort atmosphere was tempered by many young families who took up permanent residence.

In the late 1950s, a road was cut to the top of Maxwell Mountain to take advantage of the view of Three Arch Rocks and Lost Boy Beach. Visitors, enchanted with the place, began moving to Oceanside, a trend that has continued through the years. In 1961, 150 permanent residents lived in Oceanside, and the community doubled in size during that decade.

Oceanside was initially zoned in 1969 by Tillamook County. In that same period, development of larger tracts of land adjacent to the core of the village began. Avalon and Avalon Heights were developed, followed by Camelot and Terrasea. Most important, the original intent of retaining public spaces for everyone's use was perpetuated by Orin and Lorraine Rosenberg. Examples of this are the walking paths and stairways that were installed in a vertical pattern throughout Oceanside that lead people to Main Street and the beach. Several of these walkways still exist thanks to property owners who maintain them and allow for the continued access through their property.

In 1982, Oceanside zoning was updated as a result of a county- wide rezoning which took place to bring the county land use regulations into compliance with the State mandated Land Conservation and Development Commission (LCDC) goals and guidelines. During that time a Community Growth Boundary was established around Oceanside, and low- density residential and small-scale commercial zones were applied within that boundary. (See map 1, Appendix A1).

In the 1990s, The Capes and Ocean Pines developments occurred. By the middle of that decade, Oceanside was receiving popularity from far and wide. Original platted tent lots were consolidated into narrow-lot residential development throughout the community. Though the full-time population has not increased to more than 317, more and more residences have opened their doors to the vacationing population and the population explodes in the summer time. (Rosenberg-Whitlock Family History-2008).

Starting in 2009, Tillamook County began considering a short-term, vacation rental ordinance to regulate the growing rentals of private homes as vacation lodging. The final ordinance, # 84, was adopted in September 2017.

During the early decades of the twenty first century, two of Oceanside's service districts engaged in major overhauls to their facilities. The Oceanside Sanitary District constructed a new treatment plant uphill from Cape Meares Loop Road and converted the old plant to a pump station. The Oceanside Water District built a new water treatment plant.

Focusing on drinking water quality, the Oceanside Neighborhood Association established a Clean Water Subcommittee that began working with Stimson Lumber Co. and others to monitor herbicide spraying and its effect on the waters of Short Creek.

In the middle of the second decade, several environmental events had severe impacts on Oceanside and neighboring Cape Meares: Highway 131 collapsed in three locations, leaving the community with no standard access to the outer world. In 2015, the highway above Happy Camp slid part way downhill. While state highway crews were rebuilding the road, Oceansiders were guided by pilot trucks through the failed Cape Meares Loop Road.

During those years, two culverts -- near Happy Camp entrance and adjacent to Pearl Street in Netarts -- also collapsed, causing more rough-road ventures following Cape Meares Loop pilot trucks to and from Oceanside.

The Tillamook County Public Works Department, with plenty of advice and support from Oceanside, raised at least $13 million in grants and other aid to finance a new route for Cape Meares Loop Road that would circumvent the 100-plus-year-old landslide that was destroying the existing roadway. Construction of the new road is expected to begin in 2020.

Several institutional changes swept Oceanside since the early twenty first century: The U.S. Postal Service converted its post office from full time to part time with mail delivery Monday through Saturday, but no window service on Saturdays.

While the early century saw three lodging places in Oceanside – Cliff Top Inn, Oceanside Inn and Beach Front Cottages – today there are only two: Three Arch Inn and Beach Front Cottages. And the number of eating places has stayed the same, but with two of them with new names and owners: The Anchor Tavern has become the Three Arch Inn and Brewin' in the Wind has become the Blue Agate. Roseanna's has remained the well-known destination restaurant for Oceanside.

CHAPTER 3. WHAT WE HAVE: PHYSICAL ENVIRONMENT

3.1 Oceanside's geology

Oceanside's geology from its northern boundary to Baughman creek (map 1, Appendix A1) is characterized as 'coastal terrace' – clay silt sediments, sandstone and basalt bedrock. Several high-angle faults cut the basaltic bedrock in the vicinity of Maxwell Mountain. The landscape includes native pine, spruce and alder with areas of understory of salal, Nootka rose and adaptive grasses. English Ivy has a strong hold on much of the landscape.

Stabilized older dune formations climbing as high as 600 ft above sea level south of Baughman creek (located at the Pacific avenue/highway intersection). The dunes were formed by ancient tidal sands and a rising sea level over the ages. They sit atop remnants of terrace sediments and decomposed basalt or landslide debris that extend nearly to sea level. The diverse stabilizing vegetative cover of the dunes consists of 60- to 90- year- old Coast pine and slightly younger Sitka spruce, with understory salal, ferns, evergreen huckleberry and coastal dune plants. Invasive scotch broom has colonized open sand and is abundant.

The topography of Oceanside includes slopes ranging from less than 19 percent to more than 100 percent. ((2004, Geologic Hazard Report, Horning Geosciences)).

3.2 Oceanside's village character

Oceanside is one of the few hill villages in Oregon that retains its intimate and unified character. It is constrained by the hills and cliffs so that the entire town forms a natural amphitheater to the ocean. Almost every property has a special relationship to the sea, cliffs, and hillsides. It also has a special relationship to other properties in that the shared landscape predominates over individual property lines. As a result, Oceanside has developed a character and reputation as an almost magical place of restorative charm. It affects those who visit as their own personal discovery, never to be forgotten. Long thought of as "undiscovered," the natural, artificial, and cultural environment of Oceanside is unique and needs to be safeguarded.

3.3 Walk down Oceanside's Main Street

On September 24, 2009, on a sunny afternoon, one of the officers of the ONA walked Oceanside's main street and recorded his thoughts and impressions on a hand held recorder. The intent was to observe and comment on the views, the houses, the street, the ocean, the beach, the wayside parking area, the signs, the commercial establishments, or anything about this stretch of Pacific Avenue that caught his attention. (See Appendix C) for the complete record of his walk.)

3.4 Three Arch Rocks National Wildlife Refuge

The refuge consists of three large and six smaller rocks totaling 15 acres. It was established as a National Wildlife Refuge largely due to the efforts of two young men, conservationists William L. Finley, for whom one of the rocks is named, and Herman Bohlman, who documented the wildlife with photographs. On October 14, 1907, Finley and Bohlman's efforts were rewarded when President Teddy Roosevelt declared Three

Arch Rocks a National Wildlife Refuge. Today, it protects over a quarter million nesting seabirds and is a favorite site for marine mammals. It is the oldest National Wildlife Refuge west of the Mississippi River.

In November 2009, the U.S. Fish & Wildlife Service completed a Comprehensive Conservation Plan and Wilderness Stewardship Plan for the Oregon Islands, Three Arch Rocks, and Cape Meares National Wildlife Refuges. ((The plan can be seen at http://www.fws.gov/oregoncoast/ccp.htm).

In part, the plan says:

"A testament to seabird conservation, Three Arch Rocks National Wildlife Refuge sustains the largest and most diverse seabird colony in Oregon and is an important breeding site for Stellar sea lions. Early protection of the nine offshore rocks that define this remote wilderness habitat set a precedent for conservation along the resource-exploited Pacific coastline, symbolizing a change in the way the American public protects and views these marine species. Formed by pre- historic lava flows and shaped by continuous oceanic forces, this Wildlife Refuge will be managed as wilderness in perpetuity, for the benefit of wildlife and the American people." ((U.S. Fish & Wildlife, Oregon Islands Final CCP and WSP, 2009, 1.10.2))

3.5 Beach Geology

Over 15 million years ago, lava scarred and seared its way across Idaho and eastern Oregon until it reached the sea (which was as much as 75 miles inland). Sandstone marine layers, once part of the ocean bed, can be seen at Maxwell Point as well as the headlands to the north. Ancient lava flows are visible in the rocks, locked in shape as sturdy basalt rock that developed after lava cooled. Some layers appear as pillow basalt, which was formed when the lava hit water and cooled very fast. Natural springs dot the coastline running out of dune sand and rocky embankments.

a.) The main beach:Oceanside

Recognized as the Oceanside Wayside State Park, Oceanside's mile and a half long main beach extends to the mouth of Netarts bay. The sandy beach includes basalt and siltstone cobbles weathered from the adjacent headlands or carried down by coast range streams. Seasonal changes affect the look of the beach. In normal years this sand composition moves southward in the summer with the northwest currents and returns with northward winter currents.

The effect of El Nino currents over the last 20 years have carried major storms here that produce large waves with coinciding high water levels. 'Hot spot' erosion occurred in the winter of '97 at the south end of Oceanside's main beach littoral cell, below The Capes development (located on a high bluff). An ancient landslide was triggered at the toe of the dune as the sand was eroded away. An underlying weak portion, a layer of clay, was exposed to wave action and the landslide was reactivated. The El Nino currents have produced high winter and spring waves and have transferred sand to offshore bars and narrowed the beach.

Razor clams and other shellfish were once plentiful; however, today small crab, mole crabs, sand shrimp and sand dollars predominate.

b.) Symons State Park. A narrow strip of land with a pathway to the beach was donated to the state by Percy Symons. It is used by beachgoers and surfers to access the sand.

c.) Pocket beaches: Agate (Tunnel), Lost Boy, and Short beach. Northerly movement of sand is blocked by Maxwell Point and the northerly headland so the three pocket beaches are not much affected by El Nino currents.

A tunnel in Maxwell Point headland connects Oceanside beach to **Agate (Tunnel) Beach** On the stack rocks here and on the two northerly beaches, you can still find mussels and play in tidepools. In the past, rockslides occasionally blocked the tunnel entrance but it now remains open most of the time.

Access to **Lost Boy Beach** (the smallest of the three) is limited to days when the tide is exceptionally low. This beach is named for **Lost Boy Cave**, a cave best explored when there is little or no sea flowing through it. Dorsey Griffin's article described the excitement
1920s tourists felt when they maneuvered their Tin Lizzies down the steep, narrow cliff- side road to the beach. A photo shows adventurers standing beside their cars, which were parked inside the cave.(Griffin,1999).

A local volunteer, working over several summers, recently completed a stairway to **Short Beach**. Rest stations with benches afford comfortable vantage points from which to watch seabirds and whales. The elderly and physically challenged now have easier access to this rugged beach with its view of Cape Meares headlands and the lighthouse.

CHAPTER 4. WHAT WE HAVE: SOCIAL ENVIRONMENT

4.1 A day at the beach

Visitors, such as Jim Moore writing in The Oregonian, view the beach as a treasure:

> "It was the quintessential day at the beach on the Oregon coast. My 3-year-old son and I raced the waves while my wife wandered the beach with her camera. Our two friends tried their hands (and feet) at surfing. Dogs chased Frisbees. Kites soared briefly and then plunged earthward. Children built sand castles and then destroyed them with glee.
>
> But something was vaguely missing. The coastal vibe I grew up with in Oregon was somehow absent. I pondered a moment ... and then I realized: There wasn't a T-shirt shop in sight. My only-at-the-beach craving for saltwater taffy wasn't flaring up. I wasn't fighting the temptation to buy a cute creature crafted of tiny

seashells for my knick-knack shelf back home. Was this heaven? Nope, Oceanside." (Moore, 2009).

4.2 Oceanside Community Club: potlucks and talks, other activities

Community Club potluck dinners occur on the first Monday of each month, September through June at the Oceanside Community Center. Dinner is preceded by a time for socializing and usually followed with a speaker or entertainment. Different members of the community take turns hosting these events, a responsibility that includes arranging the room and cleanup after the dinner. In this way, the community shares the work and the enjoyment of each potluck. The C.C. also has a flower garden established in 1992 and holds monthly gardening parties.

4.3 Art shows

The Community Center is also used for art shows twice a year, on Memorial Day and Labor Day weekends. The displays are set up by local volunteers with help from participating artists. Most of the artists are local, although the show draws artists from other parts of the Northwest. The work shown is of high quality and attracts residents and visitors to view and purchase ceramics, paintings, photographs, jewelry, wood working, and other crafts.

4.4 Fourth of July parade

The Oceanside 4th of July parade is an event everyone enjoys. It's up to each individual or group to determine how they will participate. It begins just off Cape Meares Loop Road at 10 a.m. as a Netarts/Oceanside fire district fire truck sets the pace north on Pacific Avenue thrilling spectators. The parade takes only about 15 minutes to reach the stop sign at the base of Maxwell Mountain Road, where there's a gathering for a sing- along of patriotic songs. Dogs are important marchers too, by the way.

4.5 Para Gliders

When the wind is right, Oceansiders can watch hang gliders and paragliders launch into the wind, soar high above the community, and eventually settle into flared graceful landings on the Oceanside beach. The Cascade Paragliding Club (www.cascadeparaglidingclub.org) has access to a private lot on Maxwell Mountain where the association members have a permanent launch site. The magnificent view from Maxwell looks down on the Three Arch Rocks National wildlife refuge, two-thirds of a mile off shore.

4.6 Gatherings

Community gatherings are sometimes held on a summer weekend or in the early fall at the Community Center. Invitations are sent to all Oceanside residents. These annual events draw a large number of neighbors. With such a large part-time population, gatherings are an invaluable event. An entrée is usually provided and community members bring potluck items.

4.7 Oceanside Chapel

The Oceanside chapel at 1575 Chinook Avenue provides non-denominational services

Saturday evenings. (Call 503-842-8980 for more information.)

4.8 Do Nothing Club
Every Friday from 10:30 to 11:30, Oceanside neighbors gather at Three Arch Inn for coffee and a lot of chatter.

CHAPTER 5. WHAT WE HAVE: CIVIC ORGANIZATIONS AND EVENTS

5.1 Oceanside Neighborhood Association

Oceanside has had an active Neighborhood Association for many years. Members of ONA often discuss issues of importance to Oceansiders and then correspond with the Tillamook County Commissioners on those issues. ONA meetings are held on the first Saturday morning of alternate months at 10 a.m. Usually the group meets in the Community Club on Pacific Avenue, but if that space is unavailable the alternate venue is the Chapel on Chinook Avenue. Effort is made to keep the meetings organized, polite and not more than 90 minutes in duration. Robert's Rules of Order are observed and a set of By-laws are in place to guide the association. ONA also maintains a website where information on the organization and minutes from past meetings can be found: www.oceansidefriends.org.
The ONA as it is frequently referred to, is a county Citizen Advisory Committee or CAC. This Oceanside Community Plan is assembled and updated by members of ONA. The information herein is derived from periodic surveys that are conducted to gather information on resident opinion and changing circumstances.
Anyone 18 or older who lives in, owns property, or owns or operates a business in Oceanside is invited to participate in the ONA meetings. Officers are elected annually in June, and nominations for Board positions are gathered in the months of April, May and until the June meeting. It is appropriate to self-nominate if you are interested as serving as a Board member. Positions include President, Vice President, Secretary and Treasurer. Terms are one year in duration.

5.2 Oceanside Community Club

Generally referred to as The Community Club, this group is a non-profit/social organization. A seven-member Board oversees the organization and elections are held annually. Like the ONA, the OCC is open to all Oceanside property and business owners and residents.
On the first Monday evening of the months of September through June members of the community gather at the Community Club on Pacific Avenue to enjoy a brief social hour and then to share in a potluck dinner. Members take turns acting as hosts and hostesses, which entails setting up the tables and chairs (and adding decorative table items if so desired), organizing the buffet table and then performing clean-up duties at the end of the evening.

Each month a guest speaker is invited to address the group on a general topic of interest. Typical topics may include Emergency Preparedness, control of invasive species or possibly a concert, usually performed by the Tillamook high school choir, to name a few.

The OCC is funded through donations from the public and through revenues received as a result of making the clubhouse available to the public for workshops, weddings, art shows, reunions, etc. Information regarding rental of the hall is posted on the bulletin board outside the Post Office which is located next door to the community hall.

The Community Club also maintains a website where information on the organization and minutes can be found: www.oceansidehall.com.

5.3 The Neighborhood Gathering

In the fall of each year, usually in a summer month, the members of ONA and OCC join forces to host a Community Gathering. The hope is for a sunny Saturday afternoon and festivities usually convene around 3 p.m. and end in the early evening. This event affords members of the community who are unable to attend Monday night potlucks the opportunity to meet and mingle with old friends and meet new ones.

This event is open to all members of the community. The groups provide beverages and a main course, community members bring side dishes and desserts. The event is held in the community hall and people pitch in to help with set-up and clean-up. The date varies from year to year, the event is publicized at the Post Office, can be found on the website, and is published through emails to the members of ONA and OCC.

CHAPTER 6. WHAT WE HAVE: COMMERCIAL SERVICES

6.1 Restaurants

Oceanside has a small commercial area with three eating establishments.

Roseanna's Café is a well-known landmark among Oceanside visitors and residents. Meals are served daily in this full service restaurant with a reputation for good food, varied beverage choices, desserts and beautiful ocean views. Roseanna's does not take reservations, so at busy times it is wise to go either a bit early or a bit later.

The Blue Agate Café offers meals from morning through mid-afternoon. Hours vary and sometimes during peak season dinner is available. This café occupies the space previously occupied by Brewin' in the Wind, and serves coffee and breakfast choices, sandwiches, quiches and soups.

Three Arch Inn café is open most days for morning coffee and treats as well as at Happy Hour when beer and wine and small plates are available. This was formerly a full-service restaurant.

6.2 Commercial area

Oceanside's commercial area is limited to Pacific Avenue, one block east of the ocean. There are currently 11 commercial lots that are undeveloped or are currently serving as residences that have the potential for commercial development. (See Table 1, in Chapter 13).

Parking is limited in the Commercial zone and finding a parking spot is a challenge during tourist season. Although the adjoining Sate Park, also known as the Oceanside Wayside, has a designated parking area, overflow parking spills into all of the Oceanside zones at busy times of the year.

Oceanside's population consists of residents, owners of rental property, vacation homes and commercial businesses. The majority of respondents to the most recent survey cited Oceanside's small commercial area and the natural beauty of the area as the key reasons for their decision to live here. They believe Oceanside already has "sufficient motels, attractions and facilities for tourists." (See figure 2, Appendix A3).

6.3 Lodging:

Oceanside has just two commercial motels that are available for short term stays.

The Oceanfront Cabins are a group of affordable individual accommodations. These cabins have been a part of the Oceanside landscape for many years, located just north of The Blue Agate Café.

The Three Arch Inn is located above the Three Arch café where the old Anchor Tavern once stood. This accommodation consists of four modern guest rooms and nice ocean views. It is accessed from Tillamook Avenue.

A number of private residences and Bed and Breakfasts are available in the area for short term stays.

CHAPTER 7. WHAT WE HAVE: PUBLIC SERVICES AND UTILITIES

7.1 Netarts Oceanside Sanitary District:

The communities of Netarts and Oceanside share services for the treatment of waste water. In 2013 the joint district completed the construction of a new treatment facility which is located at the end of the service road (Road #256) off of Cape Meares Loop Road. The construction was partially funded through grants obtained through Rural Development/USDA and federally available monies, which accounted for approximately 43 percent of the total cost. The remainder is being repaid through local property taxes over a 30-year term. The projected life of the facility, based on the Facilities Planning document is 25 years. However, conscientious maintenance of all aspects of the district will extend that estimate. An updated Facilities Plan has just been completed which will guide the decision-making process and maintenance efforts for the district over the next five years, and with on-going updates well into the future. Our harsh coastal environment makes it imperative that care be taken to protect this valuable resource.

Maintenance and every-day expenses of the district are paid through the General Operating Fund. Currently the district receives approximately $1,122 annually to maintain the district infrastructure in top condition. These funds are derived from approximately 1,700 equivalent dwelling units (residential and commercial users combined) at a monthly cost of $55 per equivalent dwelling unit.

Additional funds are received through the payment of fees for new hook-ups to the system. These funds compose a separate account that is directed solely at new development and replacement of major components within the service boundaries. These funds are referred to as System Development Charges, (SDCs). The current one-time cost of an SDC fee for new hook-up is $ 9,896 for a single family dwelling.

The boundaries of the district extend from the intersection of Road 256 Cape Meares Loop Road on the North to the intersection of the entrance to Ocean Highlands and Bilyeu Road on the East, and to the intersection of Netarts Bay Road and Bilyeu Road on the south end of the community of Netarts.

NOSD is a Special District of the State of Oregon. It is also a member organization of the Special Districts Association of Oregon (SDAO), a guiding body to assist all special districts in the state with operation and governance issues. The opportunity to be of public service is vital and appreciated by the District. Five board members serve four-year terms each. If you live and vote within the district you are welcome to file for election to one of the available seats on the Board as they become available. Every other year either two or three positions expire and those terms require volunteer members of either Oceanside or Netarts to fill the positions. The Board meets on the third Thursday of each month at 6:30 p.m.

Office hours for the district office are from 8:30 A.M. to 4:30 P.M. Monday through Friday. The Superintendent is Dan Mello. The office phone number is 503-842-8231, Dan's extension is #4. Or, he can be reached by email at dan@nosd.us. The mailing address is 1755 Cape Meares Loop Road W., Tillamook, OR 97141.

7.2 Oceanside Water:

The Oceanside Water District (OWD) was formed in the mid-1970s. Many of the district's facilities were constructed during this time as well; they include the Short Creek Water Intake, the Water Treatment Plant, the Oceanside (Main) Reservoir, and the distribution system improvements for Oceanside and the Short Beach area.

The District completed facility construction in 1976 with the addition of the Maxwell Point Reservoir and additional distribution system improvements in Oceanside and Camelot Estates areas. In 1991 The Cape Meares Water Cooperative and its facilities were incorporated into the Oceanside Water District. The facilities included a 100,000-gallon reservoir and a distribution system, which was constructed in the 1980s. During the early 1990s, the OWD made further additions to the district with The Capes Planned Development. These facilities include a new booster pump station, new distribution system, and a new 300,000-gallon reservoir.

Recently the District has completed 7.2 million dollars in repairs and upgrades as of June 2018. The Water Master of the Oceanside Water District can be reached at the office/plant site: 503-842-6462. District business hours are from 8A.M. to 4:39 P.M. 7 days a week. In the event of an emergency call 503-810-4750. If you have a billing question call 502-842-0370. Email can be sent to: osidewater@gmail.com. The office manager or members of the Board of Directors can be reached through the office phone or by emailing oceansidewaterdistrict@gmail.com. The office is located at 2270 Cape Meares Loop Rd. W. in Oceanside. The mailing address is 2270 Cape Meares Loop Rd. W., Tillamook, OR 97141.

As of this report the system development charge for the Oceanside Water District is $7,051. There is also a cost for a new connection to the Oceanside Water System which is typically between $1,500 and $1,600 depending on the depth of the main. Monthly service fees are $61.

Some homes in the community of Oceanside are served by the Netarts Water District. This situation arose from a need for new service connections at a time when the Oceanside Water District could not provide them back in the 1970s.

The Water Master of the Netarts Water District is Mike Slibsager. The District office is located at 4970 Crab Avenue W. Netarts, Oregon, 97143. The office phone number is 503-842-9405. Office hours are from 8:30 – 4:30 week days. The monthly fees are $36, and new hook-ups are $8,285.

Just as with the Fire Department and the Sanitary District, Volunteers are always being sought to serve on the Board and Budget Committees for the Water Districts.

7.3 Netarts Oceanside Rural Fire Protection District:

In 1999 the fire districts of Netarts and Oceanside merged. The fire hall in Netarts became the main station, housing the administrative office and the majority of the first-line equipment (fire and rescue.) The fire Station in Oceanside houses equipment for Volunteers who respond to that station for an emergency. The district is a Special Service District funded through property tax revenues, grants and donations.

The fire district received a grant in 2010 to bring the Netarts station up to current seismic standards. The district also acquired a home directly across the street from the Netarts fire station in order to provide housing for volunteer student interns while they serve their internship at NORFPD. The District ordered a new fire truck at a cost of approximately $300,000 in 2017. The new engine will be stationed in Oceanside. The truck is expected to be delivered in November of 2018.

The response area for NORFPD is bounded by Cape Lookout Summit to the south, and the intersection of Cape Meares Loop Rd and Bay Ocean Road to the north. The eastern boundary is at milepost 6 on Highway 131.

Volunteers are always welcome at NORFPD. The Fire District hosts two pancake breakfasts each year to help fund their Rope and Water Rescue program. In addition to actually fighting

fire, help is needed with traffic control, public outreach, fire hall maintenance and upkeep, fund raising and various other efforts.

Volunteers meet weekly on Wednesday evenings for Drill, from 7 p.m. to 9 p.m. Members of the Rope and Water Rescue Team. meet for weekend training once a month.

The District will continue to offer service to the community and improve the quality of life wherever possible. The NOSD, ONA and other non-profit Oceanside affiliated groups use the large Netarts Fire Hall without charge, as do other non-profit, community groups.

7.4 Strategic Alliance/ Emergency Preparedness:

Recently the Boards of both NOSD and NORFPD convened and agreed that an Emergency Preparedness Plan and centrally located Emergency Response Command Center or ERCC would be a good idea for our communities in the event of a natural disaster or other type of large-scale disaster. With the blessing of both Boards of Directors, the Superintendent for NOSD and Chief of NORFPD are proceeding to plan for such a facility. Cost estimates are being gathered and, if finally approved, the proposed ERCC will be operational in an estimated 18 – 24 months.

The ERCC will be located on the same property as the NOSD plant site. This is a parcel of land approximately ten acres in size with plenty of room for expansion and many existing elements of necessary infrastructure. New construction will consist of a second equipment shop for NOSD, a command center for NORFPD; water and sewer hook-ups for FEMA trailers and a small office area for command operations. There will also be room to park emergency response vehicles on site. Pre-design work will be done by Westech Engineering of Salem, OR.

The current NOSD plant site offers a secure, well-lighted location. There is 200Mb fiber optic internet service at the site and everything related to communications will run on the available SCADA (Supervisory Control And Data Acquisition) system. There is a 1,000-gallon fueling station for emergency vehicles (500 gas/500 diesel) already on site. There will be specified helicopter landing areas as well.

The site offers a safe area for people to gather in the event of an earthquake/tsunami event, well above the inundation zone. The site is geologically strong and is located over rock sub-strate and offers a number of buildings that could offer temporary shelter from the elements for citizens.

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7.5 Nixle.com:

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Emergency preparedness meetings and workshops are held throughout the county from time to time. Workshops on planning for a major disaster and how to prepare your home, auto, neighborhood and family in the event of disaster are advertised through the local media.

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Daily bus service is provided by the Tillamook County Transportation District. "The Wave", as it is known, takes customers from Oceanside to important stops in town such as the Tillamook Regional Medical Center, the Tillamook County Library, and many commercial locations in Tillamook. Routes to the south extend as far as Otis in Lincoln County and to the North as far as Tolovana Park. Twice Daily service to Portland is also available. A passenger guide can be obtained from the Tillamook County Transportation District office, 3600 Third Street, Suite A, Tillamook, OR 97141, or on line at: https://www.nworegontransit.org/routes/

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Use Dial-a-Ride for all your local transportation needs, including all your medical and business appointments. Dial-A-Ride can also get you to social events, to visit friends, and around town to do your shopping.
Using Dial-a-Ride is Easy! When you need a ride, call our customer service representative at 503-815-8283 up to two weeks in advance to reserve your trip. Someone will be available to take your reservation Monday – Friday from 8 a.m. to 5 p.m. *excluding* holidays.
Rides are available to everyone on a first-come, first-served basis. All of our vehicles are ADA accessible.
When calling for a Ride, have the following information ready:

- Pick-up date, time and address
- Drop-off address
- Return trip time
- Tell us if a personal care attendant or service animal will be traveling with you
- Tell us if your use a wheelchair, mobility device, or need special assistance

Personal Care Attendants If you are traveling with a personal care attendant, they may travel with you free of charge. Please notify the dispatcher during the reservation process if a personal care attendant is traveling to ensure space availability.
Dial-a-Ride Fare Information Each one-way ride costs $3 full fare and $1.50 discounted (seniors over 60 or disabled riders).
Please pay the driver in exact change when you enter the vehicle. You can also purchase tokens or a punch card from the driver or at the TCTD office.
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Dial-a-Ride provides service for you within your local zone. To travel zone to zone, TCTD provides bus service according to ADA.
Volunteer Drivers
Our Dial-a-Ride program. is operates with a.m. Zing volunteer drivers. Volunteer drivers operate our North and South County vans.
Our volunteers drive our fuel efficient, wheelchair accessible, low-floored mini-vans to help riders get where they need to go. Many riders use Dial-a-Ride to get to doctor's appointments, go shopping, see friends, get home from school, or get to work.
If you love to drive, help neighbors, and have several hours per week to give to your community . . . welcome aboard! TCTD provides the training, insurance, well-maintained vans, uniforms and a wonderful new group of friends.
For more information or to apply, contact:
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7.8 Post Office:

The United States Postal Service (USPS) provides Oceanside with a post office as well as street mailbox service to some areas. The post office is staffed by a part-time Postmaster and is located in a portion of the Oceanside Community Club building. The Post Office leases this site from the Oceanside Community Club. It is a full-service, part-time Post Office and has the capacity to serve 220 patrons with postal boxes. Post office hours are from 8:30 - 12:30 Monday through Friday. The office is open briefly on Saturday mornings so that Saturday mail can be placed in the boxes, but the service window is not open.

7.9 Channel 4 broadcasts:

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7.10 Electricity:

Electricity is supplied by Tillamook People's Utility District, which provides essential electrical services within a specified area.

(Jerry to add more information here.)

7.11 Internet, Telephone, Cell Phone and TV Services:

Internet, Telephone and TV Services are available through a number of vendors. Cell phone service is somewhat spotty in the Oceanside community. Depending upon the exact location, one may or may not receive a signal. This is true for all cellular providers. Many residents have overcome this limitation by purchasing a "cell phone booster" or "network extender" to increase their coverage through a connection directly to their internet provider.

CHAPTER 7. WHAT WE HAVE: PUBLIC SERVICES AND UTILITIES

7.1 Netarts Oceanside Sanitary District:

The communities of Netarts and Oceanside share services for the treatment of waste water. In 2013 the joint district completed the construction of a new treatment facility which is located at the end of the service road (Road #256) off of Cape Meares Loop Road. The construction was partially funded through grants obtained through Rural Development/USDA and federally available monies, which accounted for approximately 43 percent of the total cost. The remainder is being repaid through local property taxes over a 30-year term. The projected life of the facility, based on the Facilities Planning document is 25 years. However, conscientious maintenance of all aspects of the district will extend that estimate. An updated Facilities Plan has just been completed which will guide the decision-making process and maintenance efforts for the district over the next five years, and with on-going updates well into the future. Our harsh coastal environment makes it imperative that care be taken to protect this valuable resource.

Maintenance and every-day expenses of the district are paid through the General Operating Fund. Currently the district receives approximately $1,122 annually to maintain the district infrastructure in top condition. These funds are derived from approximately 1,700 equivalent dwelling units (residential and commercial users combined) at a monthly cost of $55 per equivalent dwelling unit.

Additional funds are received through the payment of fees for new hook-ups to the system. These funds compose a separate account that is directed solely at new development and replacement of major components within the service boundaries. These funds are referred to as

System Development Charges, (SDCs). The current one-time cost of an SDC fee for new hook-up is $ 9,896 for a single family dwelling.

The boundaries of the district extend from the intersection of Road 256 Cape Meares Loop Road on the North to the intersection of the entrance to Ocean Highlands and Bilyeu Road on the East, and to the intersection of Netarts Bay Road and Bilyeu Road on the south end of the community of Netarts.

NOSD is a Special District of the State of Oregon. It is also a member organization of the Special Districts Association of Oregon (SDAO), a guiding body to assist all special districts in the state with operation and governance issues. The opportunity to be of public service is vital and appreciated by the District. Five board members serve four-year terms each. If you live and vote within the district you are welcome to file for election to one of the available seats on the Board as they become available. Every other year either two or three positions expire and those terms require volunteer members of either Oceanside or Netarts to fill the positions. The Board meets on the third Thursday of each month at 6:30 p.m.

Office hours for the district office are from 8:30 A.M. to 4:30 P.M. Monday through Friday. The Superintendent is Dan Mello. The office phone number is 503-842-8231, Dan's extension is #4. Or, he can be reached by email at dan@nosd.us. The mailing address is 1755 Cape Meares Loop Road W., Tillamook, OR 97141.

7.2 Oceanside Water:

The Oceanside Water District (OWD) was formed in the mid-1970s. Many of the district's facilities were constructed during this time as well; they include the Short Creek Water Intake, the Water Treatment Plant, the Oceanside (Main) Reservoir, and the distribution system improvements for Oceanside and the Short Beach area.

The District completed facility construction in 1976 with the addition of the Maxwell Point Reservoir and additional distribution system improvements in Oceanside and Camelot Estates areas. In 1991 The Cape Meares Water Cooperative and its facilities were incorporated into the Oceanside Water District. The facilities included a 100,000-gallon reservoir and a distribution system, which was constructed in the 1980s. During the early 1990s, the OWD made further additions to the district with The Capes Planned Development. These facilities include a new booster pump station, new distribution system, and a new 300,000-gallon reservoir.

Recently the District has completed 7.2 million dollars in repairs and upgrades as of June 2018. The Water Master of the Oceanside Water District can be reached at the office/plant site: 503-842-6462. District business hours are from 8A.M. to 4:39 P.M. 7 days a week. In the event of an emergency call 503-810-4750. If you have a billing question call 502-842-0370. Email can be sent to: osidewater@gmail.com. The office manager or members of the Board of Directors can be reached through the office phone or by emailing oceansidewaterdistrict@gmail.com. The office is located at 2270 Cape Meares Loop Rd. W. in Oceanside. The mailing address is 2270 Cape Meares Loop Rd. W., Tillamook, OR 97141.

As of this report the system development charge for the Oceanside Water District is $7,051. There is also a cost for a new connection to the Oceanside Water System which is typically between $1,500 and $1,600 depending on the depth of the main. Monthly service fees are $61.

Some homes in the community of Oceanside are served by the Netarts Water District. This situation arose from a need for new service connections at a time when the Oceanside Water District could not provide them back in the 1970s.

The Water Master of the Netarts Water District is Mike Slibsager. The District office is located at 4970 Crab Avenue W. Netarts, Oregon, 97143. The office phone number is 503-842-9405. Office hours are from 8:30 – 4:30 week days. The monthly fees are $36, and new hook-ups are $8,285.

Just as with the Fire Department and the Sanitary District, Volunteers are always being sought to serve on the Board and Budget Committees for the Water Districts.

7.3 Netarts Oceanside Rural Fire Protection District:

In 1999 the fire districts of Netarts and Oceanside merged. The fire hall in Netarts became the main station, housing the administrative office and the majority of the first-line equipment (fire and rescue.) The fire Station in Oceanside houses equipment for Volunteers who respond to that station for an emergency. The district is a Special Service District funded through property tax revenues, grants and donations.

The fire district received a grant in 2010 to bring the Netarts station up to current seismic standards. The district also acquired a home directly across the street from the Netarts fire station in order to provide housing for volunteer student interns while they serve their internship at NORFPD. The District ordered a new fire truck at a cost of approximately $300,000 in 2017. The new engine will be stationed in Oceanside. The truck is expected to be delivered in November of 2018.

The response area for NORFPD is bounded by Cape Lookout Summit to the south, and the intersection of Cape Meares Loop Rd and Bay Ocean Road to the north. The eastern boundary is at milepost 6 on Highway 131.

Volunteers are always welcome at NORFPD. The Fire District hosts two pancake breakfasts each year to help fund their Rope and Water Rescue program. In addition to actually fighting fire, help is needed with traffic control, public outreach, fire hall maintenance and upkeep, fund raising and various other efforts.

Volunteers meet weekly on Wednesday evenings for Drill, from 7 p.m. to 9 p.m. Members of the Rope and Water Rescue Team. meet for weekend training once a month.

The District will continue to offer service to the community and improve the quality of life wherever possible. The NOSD, ONA and other non-profit Oceanside affiliated groups use the large Netarts Fire Hall without charge, as do other non-profit, community groups.

7.4 Strategic Alliance/ Emergency Preparedness:

Recently the Boards of both NOSD and NORFPD convened and agreed that an Emergency Preparedness Plan and centrally located Emergency Response Command Center or ERCC would be a good idea for our communities in the event of a natural disaster or other type of large-scale disaster. With the blessing of both Boards of Directors, the Superintendent for NOSD and Chief of NORFPD are proceeding to plan for such a facility. Cost estimates are being gathered and, if finally approved, the proposed ERCC will be operational in an estimated 18 – 24 months.

The ERCC will be located on the same property as the NOSD plant site. This is a parcel of land approximately ten acres in size with plenty of room for expansion and many existing elements of necessary infrastructure. New construction will consist of a second equipment shop for NOSD, a command center for NORFPD; water and sewer hook-ups for FEMA trailers and a small office area for command operations. There will also be room to park emergency response vehicles on site. Pre-design work will be done by Westech Engineering of Salem, OR.

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7.10 Electricity:

Electricity is supplied by Tillamook People's Utility District, which serves all of Tillamook County and parts of Clatsop and Yamhill Counties. Tillamook PUD receives power from the Bonneville Power Administration and delivers it to customers through nine substations located throughout the County. The substations are Nestucca, Hebo, Beaver, Trask River, Wilson River, South Fork, Garibaldi, Nehalem and Mohler. The PUD serves about 21,000 customers in an area of 1,125 square miles.

7.11 Internet, Telephone, Cell Phone and TV Services:

Internet, Telephone and TV Services are available through a number of vendors. Cell phone service is somewhat spotty in the Oceanside community. Depending upon the exact location, one may or may not receive a signal. This is true for all cellular providers. Many residents have overcome this limitation by purchasing a "cell phone booster" or "network extender" to increase their coverage through a connection directly to their internet provider.

CHAPTER 8. ONA: WHERE WE'VE BEEN-1993-2018

8.1 History and Purpose

The ONA has been the community voice since February 4, 1995, on land-use issues as a Citizen Planning Advisory Committee under Oregon's statewide land-use planning laws embodied in Senate Bill 100 passed by the 1973 Legislature.

During periodic review in 1994, the Association formed recommendations on the residential and commercial zoning ordinances affecting Oceanside and drafted a new community plan.
Formal bylaws of the ONA were adopted on June 3, 1995 with this purpose statement:
"The ONA is a group of citizens united by geographic location, and organized as an advisory body for effective citizen involvement in the planning and development of matters affecting the quality of life and livability of the community. Citizen participation improves the decision-making process, democratizes and humanizes political and social institutions, increases the responsiveness of governmental institutions, generates a greater variety of information and alternatives to citizens, public officials and elected officials, and enhances individual and group awareness and civic responsibility.

"The Association addresses, for the Oceanside area, responsibility for the statewide Land Use Goal Number 1 -- Citizen Involvement -- that calls for each city and county to develop a citizen involvement program that insures the opportunity for all citizens to be involved in all phases of the planning process. (Adopted by the State Land Conservation and Development Commission on Dec. 27, 1974, effective Jan. 1, 1975.)"

On May 1, 2013, the Tillamook Board of Commissioners adopted Order #13-034 that broadened the ONA's advisory purview to include all civic issues within Oceanside's growth boundary in addition to land-use planning topics.

The Periodic Review Work by Oceansiders continued through 1994 and 1995, and on

October 7, 1995, the community group leader wrote to the group:

"Almost two years ago, Tillamook County's Department of Community Development came to the people of Oceanside with a unique opportunity. We were invited to actively participate in the future of our community. Several planning groups were formed and set to work. Through that process many people contributed significant time and energy to bring us to the point we are today.

8.2 Attendance at meetings

Attendance at ONA meetings during its more than 23 years of activities has ranged from nine to 115 Oceansiders (See figures 1 and 2, Appendix A2). The largest meetings occurred when the ONA discussed and made recommendations on these issues:

- A proposal by The Capes in February 1998 to get an emergency declaration to allow it to place beachside riprap to protect its sliding dune.
- A proposal for the Anchor Tavern in August 2004 to expand into a three-story inn and use a residential lot for off-site parking.
- A proposal by Green Crow Corp. in January 2007 to activate a rock quarry uphill from Oceanside.
- A Tillamook County-proposed short-term rental ordinance in June 2009.
- The adoption of Oceanside's Community Plan and discussion of geologic hazards in June 2010.
- The adoption of recommendations to replace Cape Meares Loop Road in April 2013.
- A discussion by two legislators on drinking water protections in the state Forest Practices Act as well as the Public Works director's listing of roads scheduled for repair in Oceanside in February 2015.
- The construction of a replacement beach access pathway from the main wayside.
- The Tillamook Peoples Utility District's high-voltage transmission line from east of Tillamook to near the Netarts-Oceanside Wastewater Treatment plant.

8.3 Activities

The Association, which now meets every other month, has conducted three surveys of community residents and owners: in 1994-95, 2000, and 2006-2007.

The ONA has created an extensive web site (**Oceansidefriends.org),** submitted a proposed lighting ordinance, and formed a Zone and Plan Review standing committee (see ONA bylaws, Appendix D for a description of its function).

In addition, the ONA has taken positions on a variety of land-use issues to Tillamook County:

- A proposal for storage units and condominiums on Pacific Avenue;
- A proposal for a concrete slab at the dune head of The Capes;
- The Highway 131 Refinement Plan;
- Reviewed and gave feedback on the county's draft grading ordinance.
- Amended bylaws to include the offshore territorial sea as part of our province.

CHAPTER 9. ONA: WHERE WE'RE GOING

Unincorporated communities face special challenges because they have no formal guiding organization. The ONA must address this challenge by persistent efforts to make itself and its initiatives visible to the community.

9.1 Membership and Community Engagement

ONA engages with the community in a number of ways. Its Board regularly schedules membership meetings, the agendas and minutes from which are distributed via an extensive "Oceanside Friends" email list of over 300 recipients and published on its website at www.oceansidefriends.org. The website also features a repository of important documents and also provides an avenue by which Oceansiders who live elsewhere can keep current and communicate with the ONA.

The ONA also works collaboratively with its "social club" counterpart, the Oceanside Community Club, to increase participation in both groups and foster a sense of unity and inclusiveness. Oceansiders are encouraged to join and attend the functions of both groups, and each summer an annual "Village Gathering" potluck at the Oceanside Community Hall attracts 100-200 full-time and part-time residents to celebrate!

Continued efforts to enhance communication and community interaction are critical to ONA's effectiveness in the future.

9.2 Challenges

a.) Geologic hazard reports

The importance of public safety and the avoidance of public and personal property damage are paramount. The community is well served when it receives proper information of proposed development on hazardous sites. The geological hazard report describes current day conditions and hazards to surrounding property owners and the community. Therefore, a geological hazard report by a licensed geotechnical engineer or geologist is a requirement for any property development in Oceanside when the slope of the land is greater than 19 percent. This report should be shared with the community.

Both state and local level committees have made recommendations regarding the geological hazard report. In 2005, the Netarts Littoral Cell Hazards Management Plan recommended that a requirement for a peer review be completed by at least one Oregon State licensed geologist and that the Tillamook County Comprehensive Plan & Land Use Ordinance be changed to reflect this by June 2006. The county has taken no action on this recommendation.

Over the past decade, many suitable building sites in Oceanside have been built on. The remaining sites tend to be very steep or otherwise hazardous. As a result, it's imperative that the geologic hazard ordinance be strong, thorough, and consistently administered.

b.) Green Crow quarry

Green Crow, a timber-based investment corporation based in Washington State owns considerable forest property behind Oceanside. In January of 2007 Green Crow applied to allow expansion of rock quarries in the Oceanside area, particularly the opening of the 200 Line Quarry as a commercial rock quarry east of Oceanside. Nearly all of Oceanside from the Capes to the Northern boundary of Oceanside falls within a one-mile radius of the 200 Line Quarry.

Since the quarry is at a higher elevation than any site in Oceanside, the potential of noise pollution is significant. The ONA will monitor any application for quarry expansion.

c.) Other emerging issues and goals:

- Offshore wind/wave power
- Continue to define ONA's two roles: advisor to Tillamook county and advocate for Oceanside. (Example of issue specific to Oceanside: Creation of a gateway for the community. Example of issue specific to Tillamook County: Review and comment on the Tillamook County grading ordinance.)
- Parking issues
- Ordinance proposals
- Discuss and resolve, if possible, issues that divide the community
- Liaison to the Planning Commission
- Affordable housing in Tillamook County
- Road maintenance issues
- Community impact of short-term rental growth
- Tsunami / emergency planning for residents and visitors
- Accessing Transient Lodging Tax grant funds
- Supporting PUD efforts to deliver reliable power

CHAPTER 10. COMMUNITY SURVEYS

10.1 Purpose

Survey information is an invaluable resource for Oceanside. Our surveys reveal the attitudes and opinions of our neighbors about the pleasures and problems of living here, which in turn allow us to infer our citizens' values. It's essential to know the values we hold in common so that we may sustain a community vision and advocate with confidence the policies and ordinances we believe will benefit our community.

10.2 Profile

People surveyed included full-time and part-time residents, renters, owners of land, owners of rental property, and owners/operators of businesses. Tillamook County provided the financial support for mailing both the 1995 and 2007 surveys. For the latest survey, April

2, 2007, 640 surveys were mailed and, two weeks later, 632 postcards were sent out as reminders. The survey was also put on the ONA website: **www.Oceansidefriends.org** for the convenience of those who preferred to respond via internet.

In 1995, because the lists used to construct our initial mailing list didn't include a sub-set of Oceansiders, we missed about 100 residences. Therefore the 1995 results were not as complete as we would have liked. Still we received 268 responses from a mailing of more than 600 surveys for a return rate of 45 percent, a relatively high return for a six-page survey. The oversight was corrected in 2007, when all respondents qualifying as "Oceansiders" were mailed surveys. A total return of 350 responses was received for a return rate of 55 percent. The complete results of the 2007 survey are on the ONA website. A copy of the 2007 survey is there as well.

10.3 Rationale for comparing the results of the surveys

As a strategy to discover if attitudes and opinions had changed in the intervening twelve years, we included twenty questions asked in the 1995 survey on the 2007 survey. We reasoned that if the results on these questions were similar, we could conclude that the attitudes and opinions were stable and therefore that the shared values underlying the attitudes and opinions were also stable. A similarity in the results of the two surveys is important because it reinforces the consensus established in the 1995 survey. With shared values and a common vision, new or revised policies and ordinances can be forwarded to the planning department with the confidence that the ONA recommendations have the support of the majority of the community. We used a sixty-percentage point line as the cutoff for favorable responses. By voting standards, sixty percent is a strong majority.

10.4 Comparisons of the 1995 to 2007 results

a.) Common values/opinions

95-98 percent range of those responding agreed with:

- The importance of the natural beauty of the area

• The safety that people feel here

80 - 89 percent range:
• Having a view of the ocean/bay from a residence
• Leaving things better for those to come
• The importance of local vegetation and wildlife
• The desire for no more motel, hotel development

71 - 79 percent range:
• The need for underground utilities (all sectors)
• There are sufficient attractions for tourists
• The importance of solitude
• The Residential zone should exist mainly for single-family residences
• The importance of individual property rights

60 - 69 percent range:
•There are sufficient facilities for tourists
• Not enough space to walk along roadways
• Regulations needed to limit cutting of trees in new development
• Need footpaths to Netarts and Cape Meares lighthouse
• There are sufficient services for tourists
• There are a sufficient number of vacation rentals

b.) Divided values/opinions:
• RVs should be parked on the owner's lot jumped from 58 percent in '95 to 89 percent in '07.
• Oceanside's roads need improvement went from 45 percent in '95 to 73 percent in '07.
• Having a sense of community slipped from 78 percent in '95 to 59 percent in '07
• In '95, 60-62 percent favored height restrictions of < 24 ft (ocean front) and <35 ft (other lots) while in '07, 62 percent wanted ordinances to address view obstruction rather than height restrictions.

Figure 2 shows the percentage of respondents agreeing ("strongly agree" and "agree") for the 20 questions asked on both surveys. Note that the percentages in '07 are arranged in descending order. (See figure 2, Appendix A3)

10.5 Results for the individual surveys (60 percent or greater agreement):

In the '95 survey:
• 85 percent thought sufficient off-street parking should be required for all rental units
• 74 percent favored the formation of a Community Council (to settle

disputes)
• 62 percent were in favor of permitted building heights less than 24ft for ocean frontage
• 61 percent were interested in participating in land trusts
• 60 percent were in favor of permitted building heights less than 35ft for other lots

In the '07 survey:
• 95 percent were in favor of screens for materials and salvage outside dwellings
• 92 percent were in favor of a grading ordinance focusing on runoff and hazards to adjacent properties
• 81 percent were in favor of improving cellular phone service
• 78 percent were concerned that broad floodlights are intrusive
• 75 percent support maintaining Oceanside's urban growth boundary
• 75 percent support an ordinance that ground-disturbing activities, such as grading, excavation, or vegetation removal be regulated.
• 75 percent support an ordinance that new subdivisions include a 20 ft. vegetative buffer zones
• 70 percent support controlled down lighting in public and private areas
• 62 percent support an appropriate scale of roads and buildings.

10.6 Process of revising policies and ordinances

The flowchart in figure 3 shows the process of moving from the results of the surveys to a recommendation to Tillamook County for a change in policy or ordinance or the adoption of a new policy or ordinance. (See figure 3, Appendix A4). Some survey questions in '07 were unique to that survey and received 60 percent support or greater (listed in section 10.5 above). The response to these questions is one source of majority support for ONA recommendations. Another source comes from the identical twenty questions asked in both surveys. When we compared the responses on the surveys ("Compare 20 questions" in the flowchart), we found that 17 of the 20 questions were responded to similarly. (See figure 2, Appendix A3). These 17 common values and opinions are a second source of support for ONA recommendations.

There were also some questions that were responded to differently in the surveys (Divided values and opinions, 10.4b), which should lead to an extended discussion among community members in an attempt to resolve differences. When such differences are resolved and a consensus achieved then it is possible to use these as support for any recommendations. Of course, some topics may remain irreconcilable and members must then learn to live with such differences.

CHAPTER 11. EXISTING, PROPOSED, AND POTENTIAL TILLAMOOK COUNTY ORDINANCES

11.1 Existing

a.) SECTION 3.310 RESIDENTIAL OCEANSIDE (ROS) ZONE
b.) SECTION 3.312 ÇOMMERCIAL OCEANSIDE (COS) ZONE
c.) SECTION 3.314 PARK OCEANSIDE (POS) ZONE
(See Appendix B, Oceanside zones)

Other ordinances applicable to Oceanside:

d.) SECTION 4.0 SUPPLEMENTARY REGULATIONS
e.) SECTION 4.020 SIGNS
f.) SECTION 4.030 OFFSTREET PARKING AND OFFSTREET LOADING REQUIREMENTS

g.) SECTION 4.070 DEVELOPMENT REQUIREMENTS FOR GEOLOGIC HAZARD AREAS
h.) SECTION 4.140 HOME OCCUPATION STANDARDS
i.) ORDINANCE 84 SHORT-TERM RENTAL
(See www.co.tillamook.or.us/)

Short-term rental
Tillamook County adopted a regulatory short-term ordinance in late 2009, effective January 28, 2010, and updated it in September 2017. It requires landlords to register and have their properties inspected annually. Other regulations are designed to promote safety, set occupancy limits, and establish parking requirements. There is an initial inspection fee of $100.00 and a yearly fee of $250.00. In June 2018, the Board of Commissioners empaneled an advisory committee to review and recommend revisions to the short term rental ordinance; its work is ongoing at this time.

11. 2 Proposed

a.) Lighting (for Oceanside only)
In 2010, the ONA submitted a draft lighting ordinance to Tillamook County for adoption in Oceanside zones under which excessive and intrusive lighting would be curbed. The initiative was prompted in part by a report from **The Seabird Aware Project** (see Appendix E), which surfaced concerns about the harmful effects of night light on seabirds, thousands of which inhabit the nearby Three Arch Rocks Wildlife Refuge. Similarly, the U.S. Fish & Wildlife Service had recently noted the risks to wildlife associated with night lighting and requested cooperation from local communities to suppress it. (U.S. Fish & Wildlife, Oregon Islands Final CCP & WSP, 2.3.5. www.fws.gov/oregoncoast/ccp.htm Such concern was also consistent with the 2007 Oceanside Survey, in which 70 percent of respondents supported controlled lighting in public and private areas. The county took no action on the proposed ordinance.

ONA continues to support lighting regulation as one of its highest priorities and in this Plan reaffirms its application for the county to adopt that ordinance or alternatively to augment the current Oceanside ROS "Standards" to include outdoor lighting standards that will prohibit or curtail unshielded or intrusively bright lights in order to prevent light pollution, lighting trespass and skyglow to the greatest extent practicable.

b.) Grading (for unincorporated Tillamook County)
In the summer of 2009, the Tillamook County Planning Department presented the ONA with a draft of a grading, erosion control and storm-water management control ordinance under consideration with regard to unincorporated areas. The ONA reviewed the draft, conducted its own research and unanimously endorsed it with proposed modifications. The county's consideration of that plan was interrupted, but it has informed ONA that the issue remains on its "work plan."

c.) Revision to Oceanside ROS Zone Conditional Uses (Section 3.310(3)
Concomitant to adoption and submission of this Plan, the ONA specifically petitions the county commissioners to revise Oceanside Zone Ordinance Section 3.310(3) as follows:

Subsection (h): Delete provisions conditionally allowing water treatment plants or sewage treatment plants in residential zones.

Rationale: Such plants should not and presumably could not practically be sited in Oceanside's residential zone.

Subsection (k): Delete language requiring "periodic review" of conditionally permitted owner-occupied "Bed and Breakfast" enterprises.

Rationale: County development staff inform the ONA that such reviews do not actually take place and are rendered moot or redundant by other regulatory reviews of such enterprises.

Subsection (l): Revise language to disallow foster family homes accommodating six or more children or adults.

Rationale: Foster family homes accommodating more than six clients would entail the accommodation of staffing, state supervision, visitation, sanitation, water use, and parking needs which exceed and are inconsistent with the limitations imposed on other conditional uses because of Oceanside's uniquely challenging topography and street infrastructure.

Subsection (m): Delete entire subsection (conditionally permitting "residential care, training or treatment facilities" for "physically, mentally, emotionally or behaviorally disabled individuals") to the extent otherwise permitted by law.

Rationale: Such use contemplates diversion of Oceanside's concentrated and dwindling residential inventory to accommodate an institutional use that is inconsistent with its village character and would entail staffing, visitation, sanitation, water use, and parking needs which exceed and are inconsistent with the limitations imposed on other conditional uses because of Oceanside's uniquely challenging topography and street infrastructure.

11.3 Potential

a.) Solid waste clean up and recycling of yard junk

In the past, county Planning Department staff has suggested that solid waste ordinances that apply to cities might be considered in rural, unincorporated communities. This is an avenue that the ONA has yet to explore but is worth considering given the concern of the community for the natural beauty of the area (97 percent in '07 survey, see figure 2, Appendix A3).

b.) Accessory dwelling units

Oceanside's zoning ordinances do not currently address or limit construction of accessory dwelling units on residential property with existing primary structures. The ONA endorses county efforts to include consideration of updated accessory dwelling unit regulation in unincorporated areas on the agenda of the 2018 Short Term Rental Committee consistent with the relevant ADU "policy" adopted elsewhere in this Plan.

CHAPTER 12. POLICIES

The following Oceanside Community Policies are incorporated into the Tillamook County Comprehensive Plan to guide development and support the Community Vision. (Policies, Ordinances, and other key terms are defined in the glossary, p. 17.1)

12.1 Community form

Every effort should be made to preserve the "rustic coastal village atmosphere," the natural resources, and the beauty of Oceanside for the benefit of residents, visitors and future generations.

12.2 Transportation/parking

a.) Where feasible, roadways in Oceanside's core area should be improved to accommodate better public and emergency vehicle access.

b.) When parking or designating parking areas on narrow village roadways, Oceanside residents and visitors should be required to leave room for emergency vehicles to pass through or maneuver.

c.) Walkways and bike paths between Oceanside, Netarts and Cape Meares should be developed to encourage bicycle and pedestrian travel throughout the community.

d.) The County should work with the community and the Oregon State Department of Transportation to develop and manage an on-street parking plan.

e.) When gathering for events, Oceanside residents and visitors should work to minimize the need for on-street parking.

12.3 Housing and Development

a.) Building design and landscape must avoid features that detract from the village aesthetic and community character. Examples include:

- minimizing structural intrusions into open space on home sites;
- minimizing clutter on home sites;
- providing for home storage that enhances the beauty of the home site;
- minimizing large, blank walls;
- fitting the dwelling into the contour of the hillside so that structures work with the topography rather than against it;
- minimizing impervious surfaces and providing for adequate drainage;
- maximizing and using off-street parking so roadways remain uncluttered;
- incorporating lighting design and placement that avoids casting direct light onto adjacent properties and adversely affecting neighbors;
- encouraging the use of native plant species for landscaping[1].

b.) Programs that focus on cleaning up existing poor condition homes and structures located within the community are encouraged.

c.) When designing and constructing homes, engineer recommendations shall be followed completely, especially in geo-hazard dune areas south of Baughman Creek and other steeply sloped areas.

12.4 Community Character

[1] The ONA has proposed incorporation of augmented lighting standards into the current ordinance governing Oceanside residential zoning. (See Chapter 11)

Residents prize many qualities of the Oceanside Community and encourage visitors, future property owners and residents to respect and embrace such values as:

- Scenic Ocean and bay vistas
- The natural beauty of the area.
- Serenity and privacy
- Natural lighting (moon & stars)
- Natural noise (ocean & wildlife)

a.) Every means shall be taken to assure that development along the ocean and Highway 131 be compatible with maintaining the existing natural character of the area by maintaining or creating a vegetative buffer between development and the ocean and highway.

b.) When developing real estate, design considerations should include retention of native vegetation, wildlife protection, respect for neighboring property rights, and respect for the privacy and solitude of surrounding property owners and residents. Well-established vegetation helps prevent unnecessary erosion, blowing sand (in dunes), and encroachment by invasive species. (See Appendix G.)

c.) Programs that promote a safe community environment with respect to fire, traffic, crime, personal property and health are strongly encouraged.

d.) Those engaging in construction activities shall take maximally effective measures to reduce noise, harsh lighting, view obstructions, clutter, and drainage runoff by completing new constructions within a reasonable period of time.

e.) Underground power distribution lines are encouraged, especially in connection with the construction of planned developments and subdivisions. When existing areas redevelop, underground utilities should be installed to the greatest extent practicable unless placement will jeopardize the stability of adjacent properties.

12.4 Community Character *(continued)*

f.) Oceanside residents and owners shall design and shield exterior lights and eliminate unnecessary lights to curtail light pollution and avoid negative impacts on wildlife.

g.) ONA should work with the county and local property owners to develop a plan and establish guidelines for future commercial development that preserve community character.

h.) The ONA, with the support of the Department of Community Development, should explore providing a community education program about the value of maintaining trees and vegetation within the community.

i.) The ONA should work with the county and other appropriate authorities and land owners to further implementation of the Oregon Forest Practices Act and other applicable regulations to rehabilitate and maintain water quality in the Oceanside watershed area.

12.5 Public Involvement

a.) The County should alert the ONA about all proposed projects, formal application requests and applications affecting the community (other than Type 1 applications) to the ONA for review and community input.

b.) The ONA should identify common goals with its neighboring communities so that they can work together to achieve these goals.

c.) As the officially designated representative of Oceanside to the County Commissioners, the ONA should serve as an advocate for the community, consistent with the statewide land use goal of encouraging "grassroots" citizen involvement in the public and decision-making processes.

d.) The ONA should formulate policy to insure that responsible long-term use of the community's resources is consistent with community goals.

e.) The ONA should develop a system of mediation for the resolution of problems and disputes within the community as they pertain to land use planning.

f.) Tillamook County and the ONA should continue to find ways to effectively involve residents and property owners in the planning and decision-making process.

g.) The ONA will actively pursue available financing opportunities for community development projects that enhance livability and promote the community vision.

12.6 Emergency Preparedness

The ONA should work with the county and local fire and public safety agencies to coordinate the development of emergency preparedness and evacuation plans for residents and visitors in the event of a cataclysmic event such as an earthquake or tsunami.

CHAPTER 13. LAND USE INVENTORY

13.1 Oceanside as an Urban Unincorporated Community.

On February 16, 1996, the ONA elected to become an Urban Unincorporated Community after thoroughly reviewing the State's rural OAR Community Rule and the criteria contained within that rule.

Oceanside is identified in the current Tillamook County Comprehensive Plan Goal 14 under Section 3.3 as a "functionally urban community" because it has a relatively dense residential development of 5 to 10 dwelling units per acre and has a range of urban services including public sewer, water, street lighting, and fire protection. This level of existing development allowed the County to justify Goal 4, Forest, and Goal 17, Coastal Shorelands exceptions for the area. The County Comprehensive Plan also identifies a range of commercial uses including grocery and general stores, gas stations, laundromat, restaurants and taverns. However, those uses as referenced in the County Comprehensive Plan, encompass the combined communities of Oceanside and Netarts. In fact, Oceanside, as of 2018, includes none of those commercial uses except 3 food services facilities and 2 motels. The policy under section 3.3 states that the County will plan for Oceanside as an urban area in accordance with Goal 14 Urbanization.

Oceanside's community growth boundary encompasses land north from Fall Creek on Highway 131 to just north of Radar road off of the Cape Meares Loop. Forest-zoned lands meet the east side of our community.

13.2 Oceanside Zones

a.) Oceanside's Residential Zone (ROS). This zone covers 359 acres and includes provisions for low density one and two-family residential development and other compatible uses, such as small-scale home occupation enterprises. ROS zoning requires a minimum lot size of 7500 sq. ft. though Tillamook County has a "small-lots" ordinance that allows building on considerably smaller lots, provided they are pre-existing lots of record. Housing consists mainly of single-family residential dwellings.

A Planned Development overlay was created for the Capes development in the 1990s, encompassing 73 acres. The Capes consists of single-family homes and building lots, approximately 100 townhomes, and 10 condominiums.

b.) Oceanside Park Zone (POS). This zone permits outright uses including community service buildings, fire stations, public open-spaced parks and recreational areas. Current examples are the NOSD property at the entrance to Oceanside and the Oregon State Parks Wayside.

c.) Oceanside Commercial Zone (COS). This zone consists of two acres largely on Pacific Avenue.

13.3 Growth in Dwellings in the ROS Zone

TABLE 1.

Inventory of improved, unimproved, and potential lots in Oceanside over the 12 years from for the years of 1997, 2009, and 2018.

CHANGES IN OCEANSIDE LAND USE INVENTORY			
Residential Lot Inventory	***1997***	***2009***	***2018***
Improved	471	650	743
Potential	803	548	419
Potential buildable*	602	411	314
Total residential lots	1,073	1,061	1057
Commercial Lot Inventory*	***1997***	***2009***	***2018******
Improved	8	8	14
Unimproved	2	2	3
Residential but potential commercial use	Unknown	11	7
Total commercial lots	10	21	17
Number of Licensed Vacation Rental Units	*N/A*	3****	104

** The number of potential buildable lots is approximately 25 percent less than potential lots due to constraints such as the slope of the site and the need for roads.*
*** Note that the total number of COS zoned lots is effectively reduced by 2 parcels because the fire station & post office-community center are uses more consistent with the POS zoning than with COS zoning.*
****The method for counting the number of improved commercial lots appears to have changed since 2009. Part of the difference is due to partition of 1 lot on Rosenberg into 3 lots, and*

partly because the previous count did not include the fire station and the post office even though these lots are zoned COS. Additionally, there was some confusion about the zoning of the former Cliff House Motel property, which as of 2009 was being used as commercial, though the zoning maps did not show it to be COS. The 2018 count of 14 is taken directly from the COS zoning as it appears on the county's online zoning map, and includes the 7 residences which are currently used as residential, but are sited on COS zoned lots.
*****There were only 3 short term rental licenses in Oceanside in 2009 because licensing did not begin until December 2009. By the end of 2010 there were 52 short term licenses in Oceanside.*

CHAPTER 14. COMPLIANCE WITH STATEWIDE GOALS

Land-use actions in Oceanside are guided by the following Oregon Land-Use Goals:

14.1 Goal 1: Citizen involvement: OAR 6600150000(1) To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process. The ONA carries out the Goal 1 function, providing a forum for community involvement, of setting priorities for local public services and land use, and of facilitating communication within the community and with neighboring communities. The ONA holds community meetings every other month. All meetings are open to the public and notices of newsworthy general meetings are published in the Headlight Herald. The ONA has a web site www.oceansidefriends.org that provides access to the minutes of the meetings as well as important announcements to residents and to property owners. It also has an e-mail list of more than 300 Oceansiders.

14.2 Goal 2: Land use planning: OAR 6600150000(2) To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

14.3 Goal 5: Natural resources, scenic and historic areas, and open spaces: OAR 660-015-0000(5) To protect natural resources and conserve scenic and historic areas and open spaces.

14.4 Goal 6: Air, water and land resources quality: OAR 6600150000(6) To maintain and improve the quality of the air, water and land resources of the state.

14.5 Goal 7: Areas subject to natural hazards: OAR 6600150000(7) To protect people and property from natural hazards.

14.6. Goal 8: Recreational needs: OAR 6600150000(8) To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

4.7 Goal 10: housing: OAR 6600150000(10) To provide for the housing needs of citizens of the state.

14.8. Goal 11: public facilities and services: OAR 6600150000(11) To plan and develop a timely, orderly and efficient arrangement of public facilities and services which can serve as a framework for urban and rural development.

4.9. Goal 12: Transportation: OAR 6600150000(12) To provide and encourage a safe, convenient and economic transportation system.

14.10. Goal 13: Energy conservation: OAR 6600150000(13) To conserve energy. Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

14.11. Goal 14: Urbanization: OAR 6600150000(14) To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

14.12. Goal 17: Coastal shorelands: OAR 6600150010(2) To conserve, protect develop, and where appropriate, restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the

adjacent coastal waters; and to reduce the hazard o human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands.

14.13. Goal 18: Beaches and dunes OAR 6600150010(3) To conserve, protect, develop and, where appropriate, restore the resources and benefits of coastal beach and dune areas; and to reduce the hazard to human life and property from natural or man-induced actions associated with these areas.

14.24. Goal 19: Ocean resources oar 6600150010(4) To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations.
For a complete discussion of all Oregon Land-Use Goals, see
http://www.oregon.gov/LCD/docs/goals/compilation of statewide planning goals.pdf

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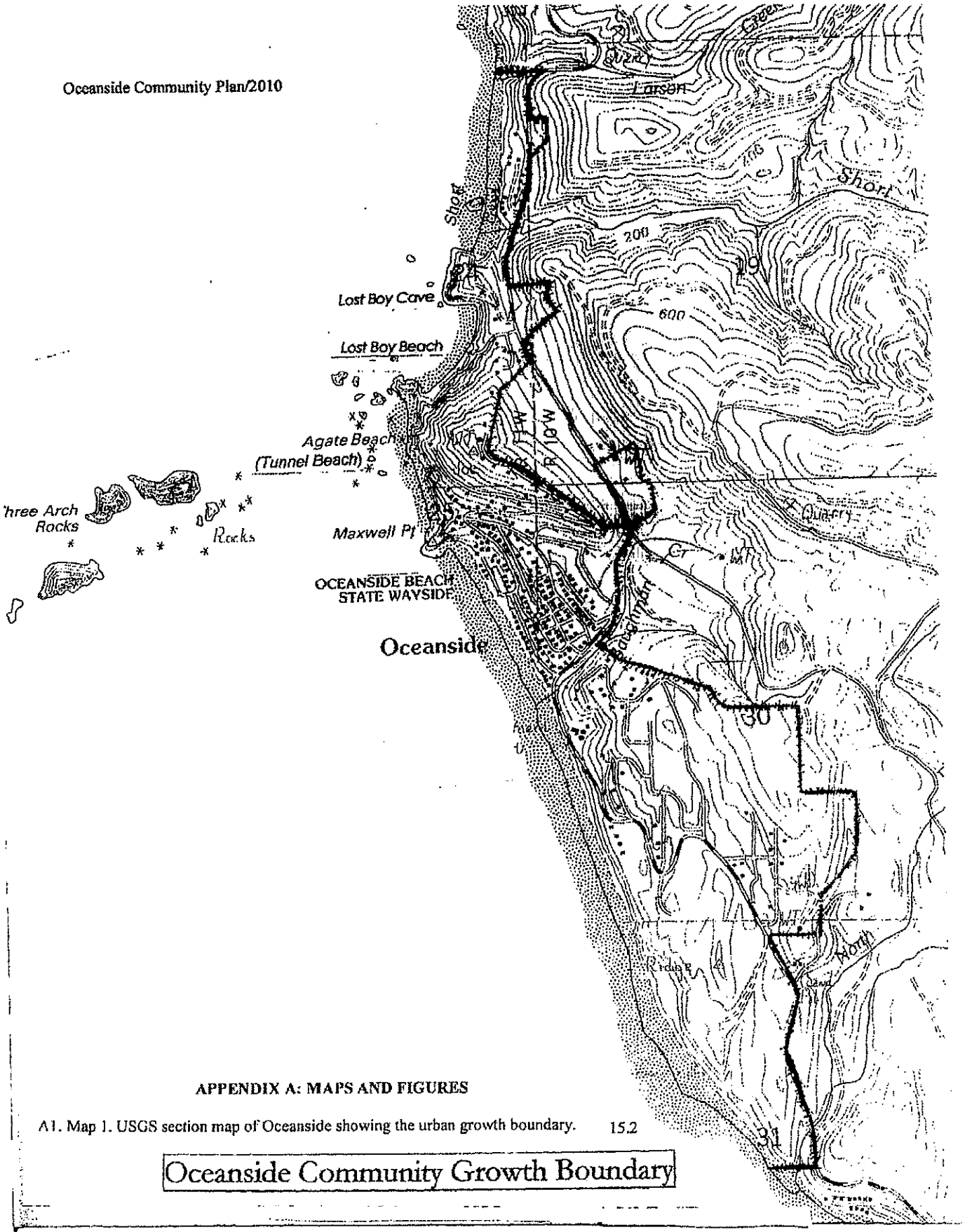
APPENDIX F: NATIVE AND HARDY PLANTS FOUND IN THE OCEANSIDE COMMUNITY

APPENDIX G: INVASIVE AND NOXIOUS SPECIES IN AND AROUND OCEANSIDE



APPENDIX A: MAPS AND FIGURES

A1. Map 1. USGS section map of Oceanside showing the urban growth boundary. 15.2

Oceanside Community Growth Boundary

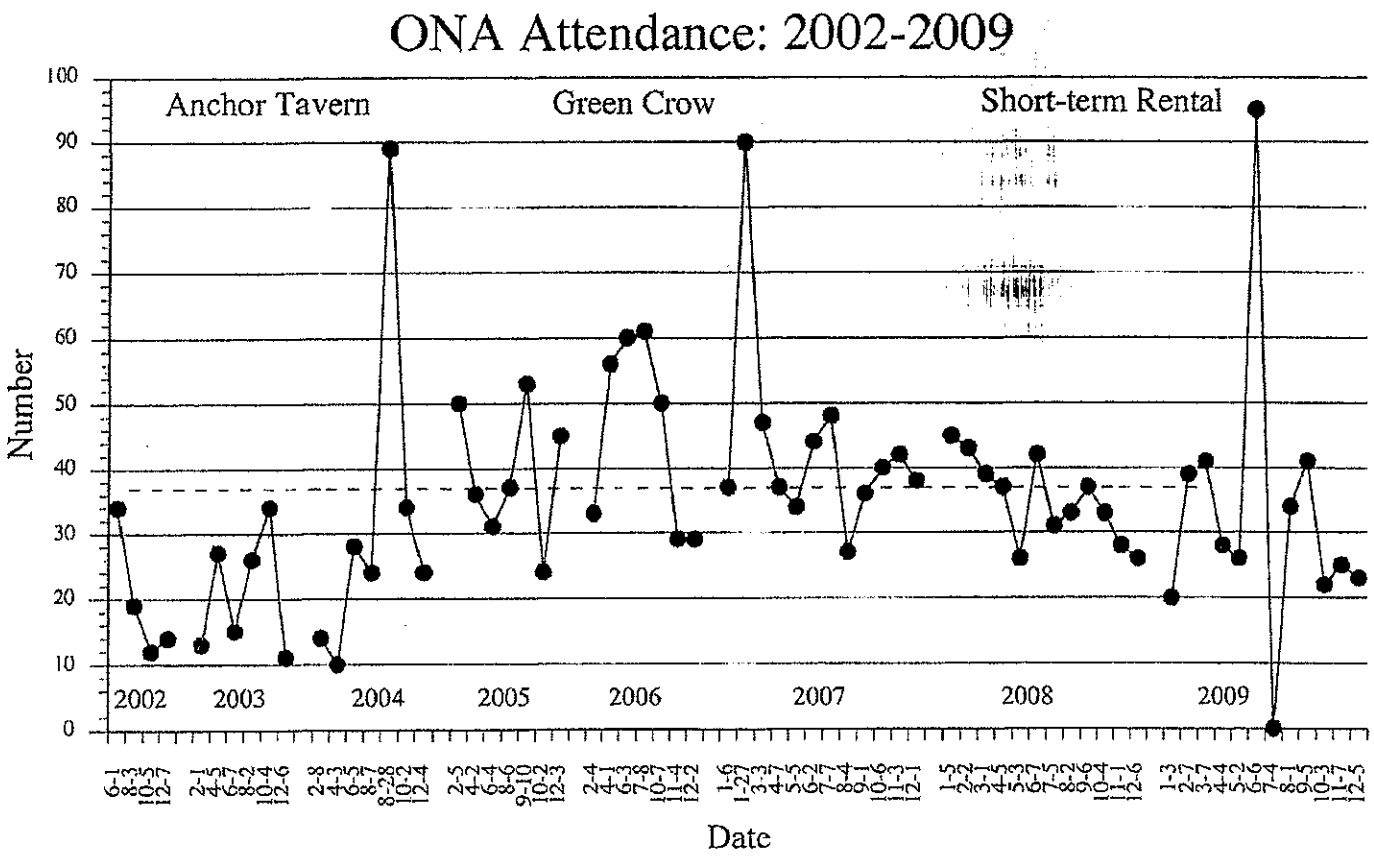
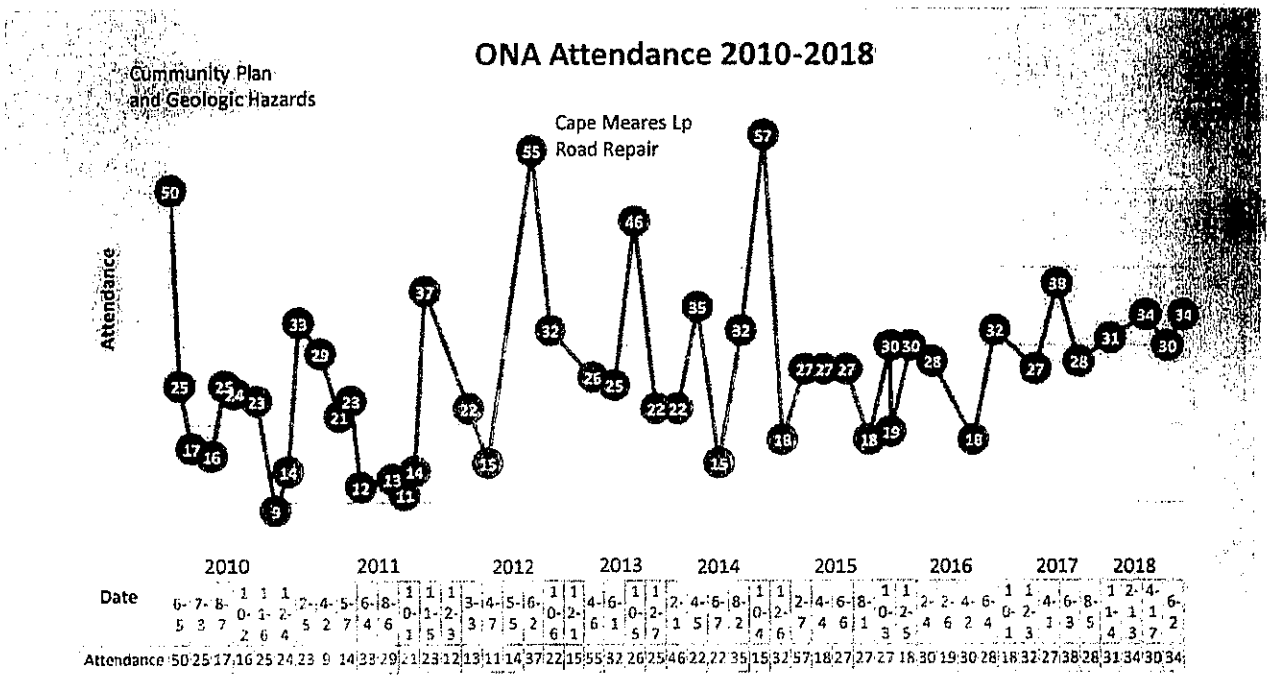


Figure 1. Attendance at ONA meetings from 2002 through 2009. In 2007, meetings were changed from bi-monthly to monthly. The dashed line is the quorum which now stands at 37.


ONA Attendance 2010-2018
Community Plan and Geologic Hazards
Cape Meares Lp Road Repair
Attendance
2010
2011
2012
2013
2014
2015
2016
2017
2018
Date
6-5 7-3 8-7 10-26 11-16 12-4 2-5 4-27 5-9 6-4 8-6 10-1 11-5 12-3 3-3 4-7 5-5 6-2 10-6 11-1 4-6 6-1 10-5 12-7 2-1 4-5 6-7 8-2 10-4 12-6 2-7 4-4 6-1 8-1 10-3 11-5 2-4 2-6 4-2 6-4 10-1 12-3 2-4 4-1 6-3 8-5 12-1 1-4 4-3 4-17 6-2
Attendance 50 25 17 16 25 24 23 9 14 33 29 21 23 12 13 11 14 37 22 15 55 32 26 25 46 22 22 35 15 32 57 18 27 27 27 18 19 30 30 28 18 32 27 38 28 31 34 30 34

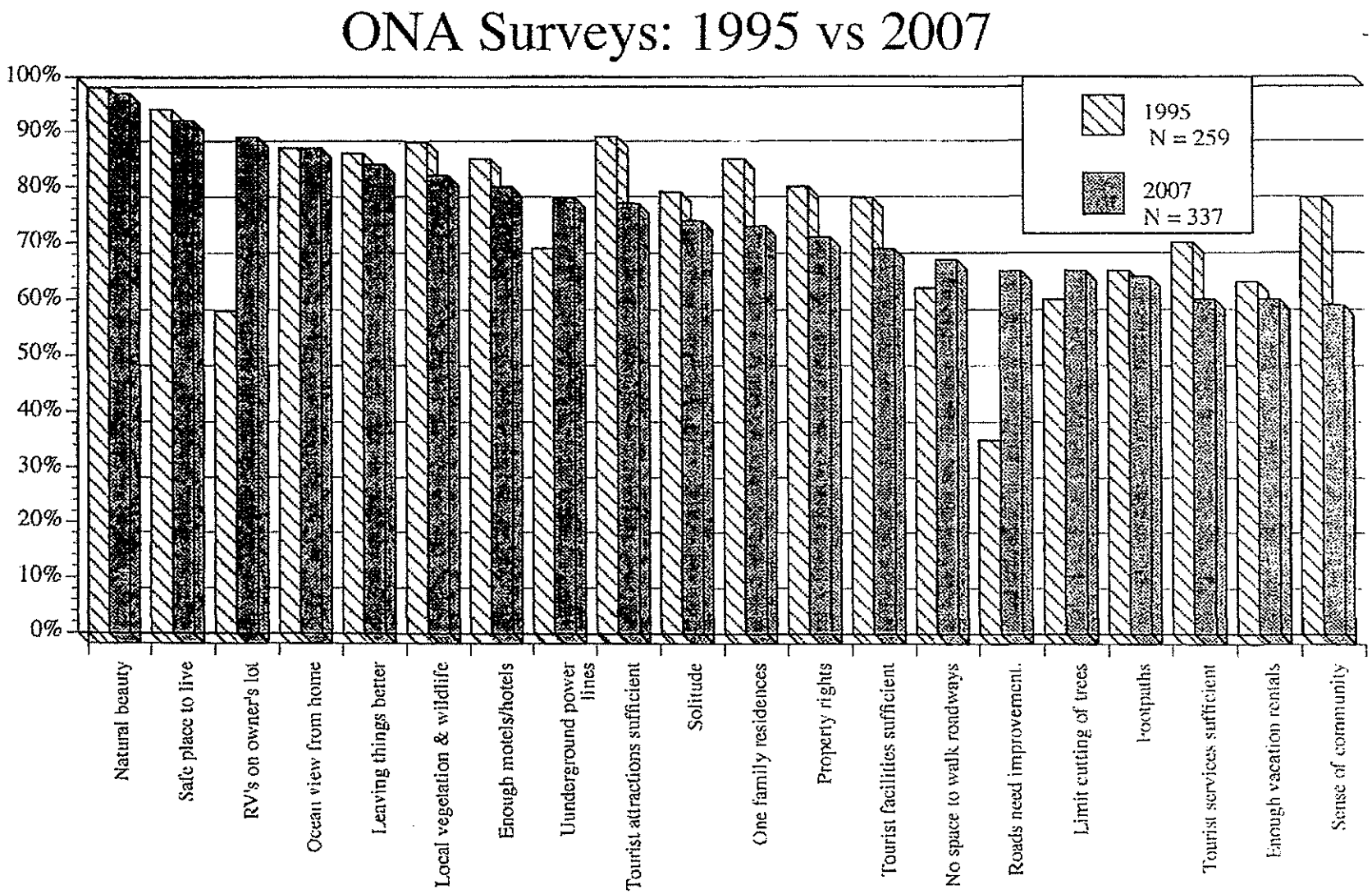


Figure 2. Responses to the twenty identical questions on the '95 & '07 surveys. The percentages in the 2007 survey are in descending order.

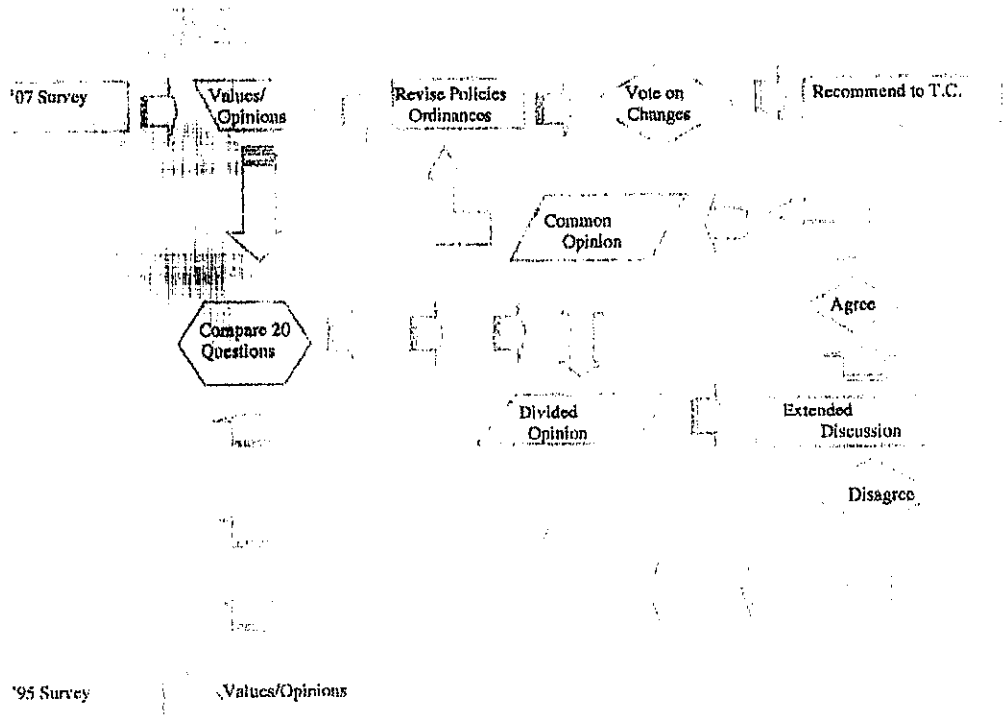


Figure 3. Flowchart showing how survey results are used to suggest revisions of existing policies or propose new ones to Tillamook County. All recommendations forwarded were supported by at least 60% of respondents.

APPENDIX B: OCEANSIDE ZONES

SECTION 3.310 RESIDENTIAL OCEANSIDE (ROS) ZONE
(1) PURPOSE: The purpose of the ROS zone is to designate areas for low-density one and two- family residential development and other, compatible, uses. Suitability of land for low-density uses is determined by the availability of public sewer services, and limitations to density such as geologic and flood hazards, shoreline erosion, and the aesthetic or resource values of nearby natural features. Where any provision of the ROS zone imposes a restriction on the use of land greater than is provided by other ordinance provisions, then the ROS zone shall prevail.

(2) USES PERMITTED OUTRIGHT: In the ROS zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this ordinance.

(a) Single-family dwelling.

(b) Home occupation according to the provisions of Section 4.140 (b) of this ordinance.

(c) Public park with associated uses.

(d) On-site manufactured home or recreational vehicle used during the construction of a primary permitted use for which a building permit has been issued. Limited to 1 year.

(e) Unlighted signs, four square feet or less in area, and securely attached to the ground or structure.

(3) USES PERMITTED CONDITIONALLY: In the ROS zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all applicable supplementary regulations contained in this ordinance.

(a) Two-family dwelling.

(b) Church or school.

(c) Non-profit community meeting building and associated facilities.

(d) Fire and ambulance station with appropriate communications towers.

(e) Screened Utility substation and power transmission lines.

(f) Swimming, tennis, racquetball and similar facilities.

(g) On-site temporary real estate sales office in subdivision.

(h) Water supply or treatment facilities or sewage treatment plants.

(i) Accessory structure or use without on-site primary structure.

(j) Temporary placement of mobile home or recreation vehicle to be used because of health hardship subject to Section 6.050.

(k) Owner occupied Bed & Breakfast enterprise provided that no more than two (2) bedrooms for guests are provided. The Conditional Use is subject to periodic review.

(l) Foster family home accommodating six or more children or adults.

(m) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as "Adult Foster Homes" or "Foster Family Homes".

(4) STANDARDS: Land divisions and development in the ROS zone shall conform to the following standards, unless more restrictive supplemental regulations apply:

(a) The minimum lot size for permitted uses shall be 7,500 square feet where the slope averages less than 19 percent. Where the slope averages from 19 to 29 percent the minimum lot size shall be 10,000 square feet, and where the slope averages greater than 29 percent, the minimum lot size shall be 20,000 square feet, except that in both of these sloped areas and in unsewered or geologic hazard areas, a larger minimum may be required. (Refer to Article V Exceptions for existing legally platted lots and parcels)

(b) The minimum lot width shall be 60 feet.

(c) The minimum lot depth shall be 75 feet.

(d) The minimum front yard setback shall be 20 feet.

(e) The minimum side yard setback shall be 5 feet; on the street side of a corner lot, it shall be 15 feet.

(f) The minimum rear yard setback shall be 20 feet; on a corner lot, it shall be 5 feet.

(g) All setback standards may be subject to the exceptions in Tillamook County Land Use Ordinance Section 5.110.

(h) The maximum building height shall be 35 feet, except on ocean or bay frontage lots, where it shall be 24 feet. Higher structures may be permitted only according to the provisions of Article VIII.

(i) Structures shall not occupy more than 50% of the lot area.

(j) A property survey of the lot shall be performed including elevations, and all corners shall be monumented by a registered surveyor prior to land division and/or submittal of a permit for construction/location on lots containing less than 7,500 square feet. A copy of the survey shall be submitted with the application and other required material.

(k) Off-street parking shall conform to Section 4.030.

(l) New uses authorized within the community growth boundary shall not adversely affect farm or forest management practices conducted in accordance with federal and state laws. Authorization to create a parcel or construct a dwelling adjacent to land zoned for farm or forest use shall require a notarized declaratory statement signed by all current property owners who appear on the property deed or contract. This statement shall serve as a covenant that runs with the land, binding heirs, assigns, lessees, and successors. This covenant shall affirm that residents of the parcel may be subject to farm or forest management practices conducted in accordance with federal and state laws, which ordinarily and necessarily produce noise, dust, smoke and other impacts. Those signing the statement acknowledge that they "do hereby accept the potential impacts from farm and forest practices as normal and necessary and part of the risk of establishing a dwelling in this area, and acknowledge the need to avoid activities that conflict with nearby farm or forest uses". The signed and notarized covenant must be approved by the County Planning Director and recorded with the Tillamook County Clerk.

PRIOR TO PREPARING PLANS FOR DEVELOPMENT WITHIN THIS UNICORPORATED COMMUNITY YOU ARE ADVISED TO CHECK THE TILLAMOOK COUNTY LAND USE ORDINANCE FOR ADDITIONAL REGULATIONS THAT MAY APPLY.

SECTION 3.312 COMMERCIAL OCEANSIDE (COS) ZONE

(1) PURPOSE: The purpose of the COS zone is to permit a moderate level of commercial activities in the community. Commercial uses in the COS zone typically provide goods and services that would be required by most households in the area, and they have relatively few impacts on neighboring areas. Land is suitable for the COS zone because it:

(a) is needed;
(b) is physically capable of being developed;
(c) can obtain access to a public road without causing traffic hazards or congestion;
(d) will not cause significant conflicts with nearby residential uses.

The COS zone classification is intended to provide a variety of commercial uses which enhance a rural community's viability and livability. It is also intended to provide development that results in rural employment opportunities. Commercial activities in this zone generally consist of small-scale low impact uses, which serve the community and surrounding rural area.

(2) USES PERMITTED OUTRIGHT: In the COS zone, the following small scale low impact commercial uses and their accessory buildings and uses are permitted in a building or buildings not exceeding 4,000 square feet of floor space and are subject to the general provisions and exceptions set forth in the Land Use Ordinance.

(a) Oceanside community service buildings.
(b) General retail trade establishment such as a grocery store, drug store, or a hardware store, provided that such establishments do not require over 5 parking spaces.
(c) Personal and business services such as barber, tailor, beauty and shoe repair shop.
(d) Business, government, professional, and medical offices, financial institutions, library and fire station.
(e) Eating and drinking establishment, excluding walk-up and/or drive-in services.
(f) Single-family residential structure for the owner of an active business on the same lot.
(g) On-site manufactured home or recreational vehicle used during the construction of a primary permitted use for which a building or placement permit has been issued. Limited to one (1) year.
(h) Signs, subject to Subsection 5 of this section.
(i) Dwelling unit or units accessory to an active commercial use, located above the first story.
(j) Owner occupied Bed & Breakfast enterprise provided that no more than two bedrooms for guests are provided.
(k) Public park and recreation uses.

(3) USES PERMITTED CONDITIONALLY: In the COS zone, the following uses and their accessory uses are permitted subject to the provisions in Article 6 and the requirements of all applicable supplementary regulations contained in this ordinance:

(a) Walk-up eating establishment.
(b) Mini-storage.

(c) Small retail shop complex.
(d) Lodge, club or meeting facility.
(e) Motel or hotel containing not more than 35 units.
(f) Temporary mobile kitchen unit.
(g) One- or two-family dwelling, including townhouses, row houses and condominiums.
(h) Church or school.

(4) STANDARDS: Land divisions and development in the COS zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
(a) The minimum lot dimensions, yard setbacks, and building height restrictions for structures containing only residential uses shall be the same as in the ROS zone. In the COS zone, motels and hotels shall be considered a commercial use.
(b) Minimum yards for any structure on a lot or parcel adjacent to a ROS zone shall be 5 feet on the side adjacent to the ROS zone, and 10 feet in the front. No rear yard is required.
(c) For commercial or combined commercial-residential structures, structures shall be either constructed on the property line or set back 3 feet or as required in Section (4b) of this section.
(d) All structures shall meet the requirements for clear vision areas specified in Section 4.010.
(e) All uses shall meet off-street parking requirements as provided in Section 4.030.
(f) All structures will have storm drainage facilities that are channeled in to the public storm drainage system or a natural drainage system approved by the County Engineer.
(g) A property survey of the lot shall be performed and all corners shall be monumented by a registered surveyor prior to land division and/or prior to submittal of a permit for construction/location and a copy of the survey shall be submitted with the application and other required material.
h) Outdoor storage abutting or facing a lot in a residential zone shall be screened with a sight-obscuring fence.
(i) The maximum building height for commercial structures shall be 35 feet except on ocean front lots, where it shall be 24 feet.
(j) A commercial building shall not exceed 8000 square feet; motels are exempt from this limit.

(5) SIGNS: A total of 100 square feet or less in area per business frontage. No sign shall be larger than 32 square feet in size. Temporary banner for grand opening, business change, etc. is allowed for a maximum of two weeks. The following types of signs shall be prohibited:
(a) Off-premise sign.
(b) Flashing sign.
(c) Billboard.

(d) Sign/signs extending in setback area.
(e) Beach-side signs on beachfront property.

PRIOR TO PREPARING PLANS FOR DEVELOPMENT WITHIN THIS CGB YOU ARE ADVISED TO CHECK THE TILLAMOOK COUNTY LAND USE ORDINANCE FOR ADDITIONAL REGULATIONS THAT MAY APPLY!

SECTION 3.314 PARK OCEANSIDE (POS) ZONE
(1) PURPOSE: The purpose of the POS zone is to permit open space recreation activities in the community. Park use in the POS zone typically provides for visual and outdoor recreation aesthetic qualities in the area, and they have relatively few impacts on neighboring areas.
Land is suitable for the POS zone because it:
(a) is needed;
(b) is physically capable of being retained as outdoor low-intensity recreation use and/or needed off-street parking for the community; and
(c) will not cause significant conflicts with nearby residential uses and commercial uses. Land should be kept as much as possible in its pristine state with regard to vegetation and terrain.

(2) USES PERMITTED OUTRIGHT: In the POS zone, the following uses are permitted outright, subject to all applicable supplementary regulations contained in the ordinance:
(a) Oceanside community service buildings and fire station.
(b) Public open-space park or recreation area.

(3) USES PERMITTED CONDITIONALLY: In the POS zone, the following uses are permitted subject to the provisions in Article 6 and the requirements of all applicable supplementary regulations contained in this ordinance:
(a) Retaining walls, barriers, fences and other screening or stabilization structures.
(b) Accessory structures.
(c) On-premise signs.

(4) STANDARDS: No land divisions within the POS zone shall occur.

PRIOR TO PREPARING PLANS FOR DEVELOPMENT WITHIN THIS CGB YOU ARE ADVISED TO CHECK THE TILLAMOOK COUNTY LAND USE ORDINANCE FOR ADDITIONAL REGULATIONS THAT MAY APPLY!

APPENDIX C: WALK DOWN OCEANSIDE'S MAIN STREET

Thursday, September 24, 2009. 1:10 pm

It's a beautiful day, windy with a cloudless sky. Whitecaps top the choppy waves—one of Oceanside's magical days. It's a weekday and there aren't many people on the beach. I'm across from the Oceanside sanitary district on the Percy Symons wayside. Percy donated this quarter mile strip of oceanfront land to Oregon State Parks Department in 1996. Surfers and wind racers park their cars at the wayside and carry their surfboards and sailboards to the ocean from here. On summer weekends and holidays, as many as two-dozen cars squeeze into this narrow strip off the highway. The sanitary district's parking lot can also fill up, making for a congested area. Our sanitary district facilities are being upgraded and moving within a year or so. The sanitary district land is zoned POS (park) and, I hope, will be available for additional parking and picnic tables after the move. The wayside is a wonderful spot from which to photograph the sun setting behind the Three Arch Rocks, especially on a day like today.

I walk north towards the village on the beach side of the highway. I'm coming up to the intersection or "Y" where highway 131 turns into Pacific Avenue and forms a junction with Cape Meares Loop road. This is the notorious junction where tourists slow down to ponder choices. I followed a car last week, which had come to a stop at the junction with its right turn signal blinking. They must have seen me behind them but that didn't hurry them. I imagined the following conversation in the car:

Husband: "Let's go to the state park."
Wife: "No, the kids are hungry. Let's go into town, there must be a place to eat there."
Husband: "We can come back and eat later."
Wife: "Dear, I think there's a car behind us."
Husband: "So? We're on our vacation and I refuse to be rushed."

Seconds passed. Finally, and very slowly, they turned left into Oceanside with the right turn signal still blinking. I've come to expect delays when I'm following an out-of-state car into Oceanside and also learned patience. But as I look at these signs with fresh eyes, I can't really blame tourists for their indecision. There are numerous signs here and the arrows directing traffic to one place or the other are confusing. For instance, one set of State Park signs has a sign that reads "Cape Meares" but the large arrow above it points into Oceanside while the large arrow below it points the opposite direction. I suspect the arrow which points into Oceanside is supposed to go with yellow sign above it, which says "No Trailer Turnaround" but I'm not certain.

Just before the junction on my right are two houses with long, steep driveways. One driveway is also curved and I'm pretty sure my car wouldn't make it up that driveway on winter days when our pavements and roads are covered with ice. After the first large

adobe house with the well-groomed yard, the houses on my left are wood and many have shingled siding. Most of these homes were built decades ago and are small with postage stamp front yards. The height restriction of homes on my left (the beach side) is 24 feet while for those across the street it's 35 feet. The community has recently discussed height restrictions at length but there is still uncertainty as to what the ideal heights should be.

I see these older homes as true beach homes—they fit their surroundings. An architect built the new two-story house on my right. The top of the house is unpainted shingles while the bottom is painted a dark red, making for an interesting visual contrast. Right next to the architect's house is my favorite beach house. Salal and other lush vegetation surround the house. A double flight of stairs leads to the front porch, which is guarded by two large shore pines. The shingled, unpainted house has gables and mullioned windows—a true beach cottage of the 1920's. In a fantasy moment, I imagine Hansel and Gretel stepping onto the front porch and waving to me.

Looking ahead up Pacific Avenue, I see all the way to the top of Maxwell Mountain and the Cliffside Inn. From my vantage point, the jumble of homes on the curved, sloping hillside (the "bowl") give the impression of a French fishing village. This view and the beauty of the coast here is what drew my wife and to Oceanside twenty years ago. The main street is narrow and the front yards are non-existent or miniscule.

I think because the houses here are so very close together and appropriately sized, an observer has the feeling of being in a village and in a place where there's time to relax. Though Oceanside has a commercial area, the area does not shout with lights or large signs. I expect that a tourist coming into Oceanside for the first time would sense the cozy atmosphere and feel welcomed.

I'm coming up to the last house on my left that's in the residential zone. A fence around the garden defines the border between residential and commercial property. The commercial zone on my right begins at the end of a large block wall, painted red-orange, which is part of the Tufted Puffin, a vacation rental.

The motel on my left, the Oceanside Inn, was remodeled recently. The Inn's lower walls and pillars are beach stone while the upper part is shingled, a nice improvement on its previous looks. A row of six garages across from the inn are used as a storage area by Roseanna's cafe, which is a little further down on my left. A small apartment adjacent to Roseanna's provides low cost housing for some of the staff. Roseanna's cafe is a favorite of locals and tourists. It's known for good food, excellent desserts, wonderful views, and friendly staff. Its reputation extends to cities up and down the coast as well as to Portland. Next to Roseanna's is a vacant lot, privately owned, with an excellent view of the Ocean and the Three Arch Rocks. In the past, this lot has been used for re-unions, wedding receptions, and Oceanside's occasional but popular dog show.

Across from the lot, is the old Anchor tavern, recently re-named the Pacific Inn. It's vacant now and for sale. The Inn appears four stories high because of the two gables added to the three-story structure. The inn has been a source of controversy, as some Oceansiders consider it too large and out of scale for Oceanside's village character. There is a sense among some residents that if the inn, in its current form, were successful, other large commercial building would follow, completely transforming the character of Oceanside. For this reason, (and perhaps others), some Oceansiders boycotted the inn and boycott signs appeared in front yards or on vehicles soon after the remodeling was completed.

A private lot about 60 yards long and 15 yards wide between the Pacific Inn and the garages may be large enough to accommodate a house or commercial building. Another lot, used for parking, lies between the Inn and the fire station. A staircase in the center of this lot leads to Tillamook Avenue above. Surrounding the staircase is a well-maintained flower garden tended to by volunteers who live nearby. Coming upon the garden and flowers on a summer day provides visitors and locals with a delightful surprise.

The old fire station 62 is used for storage and some training. On the other side of the fire station is a parking area with restricted use for fire department personnel. A sturdy, well-crafted rock wall borders the lot. Though the lot is not available for public parking, people occasionally do park there on busy summer weekends.

Oceanside's tiny post office occupies a corner in the Community Club building and looks like a post office one might see in a Nevada ghost town The original mailboxes, heavy brass with cranky combination locks, are still in use. A few years ago, a local landscape gardener put in flowers and plants around the perimeter of the concrete block building, which gives it a softer, more appealing look. The garden is maintained by the gardener and volunteers.

In all but the summer month, the community holds potlucks the first Monday night of the month in the Community Club. The ONA (ONA) holds its monthly meetings there. In addition, wedding receptions, re-unions, dances, the Oceanside-Netarts firemen's fundraising breakfasts, memorials, and the occasional Fall Gatherings take place there. The club can accommodate up to 80 people comfortably but when the ONA hosts a controversial meeting, 100 or more people might squeeze into the room.

A parking lot with spaces for about 16 cars is adjacent to the community club. The Wave, a local commuter bus, and Tillamook County Library's Bookmobile have assigned lots there. A monument, a large rock with a plaque embedded, sits next to a flight of stairs that descends to the road that leads to the beach. The plaque reads:

"The state of Oregon expresses its sincere appreciation to the Rosenberg family of Oceanside, who helped establish Oceanside Beach Wayside. In July 5,1922 Judson & Dora Rosenberg & Hudson and Dollie Rosenberg dedicated one acre to the public for recreational purposes. In 1968, Orin Rosenberg donated 1.9 acres on Maxwell Point for addition to the Wayside. The tunnel through Maxwell Point was dug by the Rosenbergs

in 1926. Their public-spirited actions help to insure that Oregon's ocean shore will always be accessible to the public."

These donations were made years before the establishment of Oregon's Public beach law and are a testament to the foresight and generosity of the Rosenberg family. A sturdy picnic table and bench sit on the grass just outside the parking lot. The children of Louise and James Mills supplied the funds for this table as a memorial to their parents. The bench is used in the summer months by tourists and locals for picnics or for a chance to watch the sunset while sipping a latte brought at the nearby Brewin' in the Wind coffee shop.

Besides coffees and teas, Brewin' in the Wind offers breakfast and lunch (soups, sandwiches, pastries, and ice cream). In the recent past, local writers and poets held readings there on Saturday nights during the summer. The café's small size, twenty people might fit if some were willing to sit on the floor, created a cozy atmosphere, just right for a reading or evening of guitar and song. People have told me that they've missed the readings and asked when it will be re-started. Perhaps another venue can be found soon.

Pacific Avenue continues on as a narrow gravel road at this point and makes a loop returning to the wayside parking area. A left turn here takes one down to the large State Wayside parking area and the beach while a right turn offers a choice of going up Maxwell Mountain Road and the Clifftop Inn or up Tillamook Avenue and into a large, residential area. Maxwell Mountain Road is a narrow one-way road that leads to Chinook Road and the route back to Oceanside. If one continues on up Maxwell Mountain Road to Maxwell Mountain, one discovers a magnificent view of Oceanside with Netarts Bay and Cape Lookout in the background. Maxwell Mountain is the highest point for miles around and the jump-off site for hang gliders and para gliders.

I'm walking on Pacific Avenue past the Ocean Front cabins, a row of six, small wood cabins that are reminiscent of the vacation tents that use to dot Oceanside's beach in the 1920's and 1930's. A gravel-parking strip in front of the cabins provides parking for occupants of the cabins and patrons of the cafe.

It must be in the mid-sixties today. I take my sweatshirt off and continue the slight climb up Pacific Avenue. Rosenberg loop road is just behind the café and parallels the Pacific Avenue road. The cottages and homes just off both beach roads are lush with vegetation and trees—there's a monkey-puzzle tree on my left while a large Spruce and healthy palmetto tree fill my vision to the right.

This is not a long walk, maybe 300 yards to the first curve, another 100 yards along the backstretch, and then 50-60 yards more back to the state parking lot. My wife and I take this walk or the Rosenberg Loop walk in the evening—I almost said these are our favorite walks—but then realized that all the routes we take on our evening walks have something to recommend them.

I'm coming up now to a just completed home that was built on a small lot. To capture a view of the ocean, it had to be built up to the maximally allowed height, making for a tall, skinny home. Though there are still buildable lots available in the "bowl" part of Oceanside's hill, desirable sites here are being taken at a good rate and the homes being built now tend to be large and multi-storied with the result that those living in older

homes have sometimes lost part or even most of their ocean view. In our 2007 survey, 87 percent of Oceansiders said, "A view of the ocean or bay from my residence is personally important to me" and were concerned about losing their view. Inevitably, with larger homes being built, the threat of losing one's view will continue to be a source of conflict between newcomers and long-term residents.

As I'm leaving the backstretch of the loop road, I come upon a small, beach house with a picket fence and a small, but thriving garden. The house brings to mind those ads from the 1950's in Sunset or other travel magazines that showed a cottage only steps away from the beach. The ad suggested

that in this cottage one could escape the pressures of city life for a weekend or a summer holiday. I'm left with the impression that spending a few days in this cottage would do just that.

I cross into the wayside parking lot with its all-so-necessary public restrooms. The Oregon State Park department oversees and maintains the wayside. On summer weekends, this lot is usually full, sometimes to overflowing. I look over at Ocean Front cabins and see a huge sign that says "Pets Welcome" which I didn't notice when I walked by earlier. It's not often one sees a sign like that and it's strikes me that such a sign would be especially welcoming to visitors and tourists with a pet.

I step onto the asphalt walkway alongside a railing that separates the walkway from the beachfront bank. A 1999 winter storm tore out a large chunk of pavement in the walkway and parking lot. People used to take shortcuts down the bank at several places, creating paths that caused considerable erosion. Now, a well-built, wood rail fence runs along the entire length of the walk, discouraging shortcuts. A little further on, signs ask people to use the beach path at the front of the parking area and, for the most part, people do.

Access to the beach for people in wheelchairs is much improved since volunteers extended the asphalt of the walk several yards into the beach a few years ago. However, as I look at the site, I see that it would still make for a difficult few yards to navigate for someone in a wheelchair or on crutches.

I pause at the end of the fence to look at Three Arch Rocks, the details of which are so clear today. I can even see sea lions on the small "sea-lion" rock at the base of Finley rock. Last week from an observation site just north of Three Arch Rocks, I watched hundreds of brown Pelicans, seagulls and other sea birds feeding and frolicking in a small patch of ocean only a few yards from the rocky shore. It was reassuring to discover first hand that the ocean still provided enough nourishment to maintain such an abundance of sea bird life.

At the beach entrance I come upon a glut of signs on a signboard. I spend a few minutes reading this stuff, which I admit I haven't read before. The mix of prohibitions, warnings, and danger signs overwhelms me. I find so many signs off-putting. This is a beach and supposed to be a fun place! Right? I realize the ocean and the rocky shoreline can be a dangerous place and authorities believe that signs prevent accidents but a glance at that overloaded signboard makes one look away, at least it did me before today.

Since we moved to Oceanside, a 500-yard "no-go zone" has been established by the state around the Three Arch Rocks from May 1 to Sept 15 to protect the sea birds and sea lions. A sign to the left of the signboard warns people to avoid the area during this time. Encroachment by boats, surfers, low flying planes, or fourth of July fireworks frighten the birds causing them to abandon their nest with the result that their eggs fall out and break on the rocks below or else are eaten by predators. Sea lions are also easily frightened and may trample they're young when panicked.

I discover another sign a few yards to the right of the signboard and closer to the beachfront. This sign gives a brief history of how Three Arch Rocks came to be designated a National Wildlife Refuge. Two photographers, William Finley and Herman Bohlman, documented the slaughter of sea birds on the rocks in 1903 and with this evidence convinced Teddy Roosevelt to safeguard the site by declaring it a National Wildlife Refuge in 1907. The sign informs us that the refuge supports 220,000 Common Murres and between 2000 to 4000 Tufted Puffins. Stellar (and California) sea lions populate the small rock just below the first of the Three Arch Rocks. This first large rock is now called Finley Rock and justly so.

I found the information on this sign interesting and valuable but I wonder how many visitors will discover it among the plethora of signs on the signboard. I also wonder how many will bother to read all the warnings and prohibitions.

I walk up the asphalt drive to the parking lot next to the community club and take a last look at the ocean. The wind is kicking up and I see whitecaps and spindrift—a great sight and a fitting end to my walk. (By Richard Powers)

APPENDIX D: ONA BYLAWS
OCEANSIDE NEIGHBORHOOD ASSOCIATION

PURPOSE

The Oceanside Neighborhood Association is a group of citizens united by geographic location, and organized as an advisory body for effective citizen involvement in the planning and development of matters affecting the quality of life and livability of the community. Citizen participation improves the decision-making process, democratizes and humanizes political and social institutions, increases the responsiveness of governmental institutions, generates a greater variety of information and alternatives to citizens, public officials and elected officials, and enhances individual and group awareness and civic responsibility.

The Association addresses, for the Oceanside area, responsibility for the statewide Land Use Goal Number 1 -- Citizen Involvement -- that calls for each city and county to develop a citizen involvement program that insures the opportunity for all citizens to be involved in all phases of the planning process. (Adopted by the State Land Conservation and Development Commission on Dec. 27, 1974, effective Jan. 1, 1975.) In addition, the Association addresses the roles and responsibilities decreed in the Tillamook Board of County Commissioners order #13-034 adopted on May 1, 2013, and appended to these bylaws.

ACTIVITIES

Activities are determined by the membership and may include but not be limited to land use actions, Oregon Territorial Sea actions, community plan and development code amendments, consideration of county services, special community studies and communication of local needs and concerns to County, State and Federal decision makers. In all activities the Association shall provide for and encourage increased citizen participation. To that end, the bylaws shall be available upon request.

MEMBERSHIP

Membership is open to all people at least 18 years old who reside in, own property in, or own or operate a business within the Community Growth Boundary. The Bylaws shall be available to each new member on request.

Membership in the Association extends full rights of participation within all programs, including the right of voting in General Membership and committee meetings. A member must have signed the attendance sheet and provided contact information for each meeting in which the member votes.

STRUCTURE & RESPONSIBILITIES

Officers shall be elected to serve a one-year term from July 1 to June 30. No Officers of the Association shall receive any financial payment for their services. They may, with board approval, be reimbursed for expenses incurred on behalf of the Association.

President

1. Conducts General Membership meetings and officer's meetings.
2. Is Spokesperson in official capacity for the association.
3. Coordinates Officers' actions.
4. Selects representatives to attend meetings and hearings.
5. Coordinates committees.
6. Sets the Agenda items.

Vice-President

1. Serves as President in the absence of the President.
2. Assists the President at the President's request.

Secretary

1. Records minutes of meetings and distributes them.
2. Keeps membership records.
3. Keeps ongoing list of all committees.
4. Prepares official correspondence or delegates that responsibility.
5. Relays incoming mail to the appropriate officer or committee chairperson.
6. Distributes agenda and mailings.

Treasurer

1. Receives and deposits funds of the Association in a timely manner in accordance with Officers' directions.
2. Prepares Accounts Payable in a timely manner for approval of Officers.
3. Maintains Financial Records and reports at General Membership meeting.
4. Assures that two Officers follow requirement to sign all Association Checks.
5. Presents an audited annual financial report when requested by the Association.

Historian – may be appointed by the president

1. Keeps the Association's files, maps and bylaws
2. Maintain archives and general history of the Association

COMMITTEES

There is one standing committee, the Zone and Plan Review Committee, established by these bylaws.

The Zone and Plan Review Committee represents the various stakeholders/constituencies of the Oceanside community with the diverse thinking that typifies our community. It provides recommendations regarding land use and related issues to the ONA for community action at the ONA General Meetings.

The Committee will include the four (4) elected ONA officers and may include one representative each of the following areas of concern: Commercial Activities; Short Term Rentals; Resident Owners; Nonresident Owners; Non-owner Resident; Environmental and Ocean Issues; Development/Construction; and one member-at-large, up to a maximum of 12 members. The ONA president solicits and appoints volunteers to serve on the committee who are representative of the various areas of concern

A Bylaws Committee, which may be appointed by the President as needed, will be composed of five (5) members. The committee will be responsible for reviewing changes to the Association by-laws suggested by the general membership. The committee will prepare reports to the general membership with recommended actions to be taken.

A Nominations Committee, which will be appointed by the President two months prior to the Annual Meeting, shall be composed of five members. The committee will be responsible for encouraging broad member participation and discussion around identifying candidates for election as officers of the Association. The committee will report on its activities at the General Membership meeting one month prior to the Annual Meeting and then will make a final report, including nominations, if any, to the President not less than three days prior to the Annual Meeting.

Other committees may be established as needed by the membership. Purpose and time will be established at time of formation. Every committee must report its recommendations to the Association for Association action.

DISTRICT

The Oceanside Neighborhood Association District shall include those lands, waters and territorial sea deemed within or immediately adjacent to the Oceanside Community growth boundary including area of mutual concern with Netarts.

MEETINGS

All meetings shall be open to the public and be governed by Robert's Rules of Order (current edition), as well as Oregon's Public Meetings law, ORS 192.610 et seq.

General Membership meetings are held on the First Saturday of every month at 10 a.m. in Oceanside, unless the membership is otherwise notified. The June meeting shall be the Annual Meeting for the election of Officers.

The President may call additional meetings due to special circumstances. Every effort will be made to provide as much notice as possible but a minimum two-day notice must be given to all members as to the date, time and place of the meeting. All actions taken at such meetings must be ratified by the membership at the next regular meeting. Notice of all meetings, stating date, time and place, shall be posted on the Oceanside Community Club bulletin board and/or in the post office.

ELECTIONS

Elections shall be held for all Officers during the June Annual General Membership meeting. Nominations shall be opened by declaration of the President at the General Membership meeting two months prior to the Annual Meeting. Any willing member of the Association shall be eligible to be nominated for office. Anyone may nominate himself or herself for office.

Nominations shall be forwarded to the President up to three days prior to the Annual

Meeting. Nominations will also be accepted from the floor.

The Secretary or chair of the Nominations Committee shall read the list of nominees at voting time.

Separate voting shall be held for the offices of President, Vice President, Treasurer and Secretary unless the Association chooses to vote by slate. The winner shall be the nominee receiving a majority of the votes. In case of a tie between the two top vote getters or a failure of any nominee to receive a majority of the votes cast, a run-off shall be conducted between the two top vote getters.

Newly elected Officers shall assume office on July 1.

Vacancies shall be filled by a vote of the General Membership at the next general meeting to complete the unexpired term of the officer being replaced.

QUORUM

The current quorum is the median attendance at meetings (June 1 – May 31) over the past five years but no less than the smallest number of attendees at any of those meetings. The quorum is determined by the president at the annual meeting, and takes effect on July 1.

CONFLICT OF INTEREST

Prior to the start of each meeting, the officers and anyone in a committee leadership role will be asked to declare any conflicts of interest that may exist regarding agenda items to be discussed at that meeting. If an Officer votes or proposes a position on a proposition in which the Officer has a direct special or financial interest, the Officer is obligated to disclose the existence of such interest to the membership before any discussion or vote. This information shall be made part of the record by the Secretary.

COMMUNICATIONS

Written comments and agenda items will be taken into consideration if received by the President by the Wednesday prior to the General Membership Meeting. Minutes of all meetings shall be distributed to desiring members at least 10 days prior to the next meeting.

All known meetings or hearings affecting the ONA will be announced at regular or special meetings.

Periodic community surveys will be taken when deemed necessary by the membership or officers to verify the attitude of the community at large. Surveys will be distributed to all members of the Association. Results of surveys will be shared with members at the regular or special meetings, distributed to members with minutes and posted in a public location.

MOTIONS

Members attending meetings may present motions; motions must be seconded before discussions may occur.

VOTING
Association actions shall be by majority vote of the members present, providing the quorum requirement has been met. Voting shall be by a show of hands.

Minority opposition to a position taken by the Association is encouraged to state its minority position in writing in a timely manner to the President, who shall include that position in any Association report.

BYLAW REVISION
A change to existing by-laws may be proposed in writing at any time to the President. All proposed changes in the by-laws will be forwarded to the By-Laws Committee for consideration. The By-Laws Committee will review and report back to the Association on any proposed by-law changes with a recommendation. Any changes shall be voted on at the next meeting provided that written notice of the changes have been sent to members 30 days prior to the meeting. Said change will become effective immediately upon the recording of a simple majority in favor of the proposal at the meeting.

DUES
Dues are not a requirement for membership or voting in Association matters.

Contributions will always be encouraged. Contributions and fund raising activities will be used to offset the cost of the Association.

APPENDIX E: SEABIRD AWARE PROJECT

This Project seeks to heighten public understanding of seabird ecology and reduce human-caused disturbance to seabirds along the Pacific Coast.

The effect of night light on seabirds: (http://www.prbo.org/cms/276#lights)

Reduce night lights
In the dark of night, seabirds use their keen senses and light from the moon and stars to navigate, find food, tend their nests, and avoid predators. Mariners and scientists have observed that bright lights from vessels or land can attract and disorient seabirds, causing injury or death - especially on moonless or foggy nights.

How can bright lights affect seabirds?
Drawn to or distracted by lights, seabirds can fly onto decks or land where they may be trapped, injured, or killed. Bright lights can illuminate nesting colonies on rocky coasts and islands, causing problems tending nests, abandonment of eggs or chicks, and increased predation by gulls or owls. Lights can distract birds from feeding, navigating, and other vital activities.

How can you help?
REDUCE THE LIGHT ON VESSELS AND COASTS!

• Use only navigation and safety lighting when anchored.
• If possible, use a source other than bright lights to keep a load on a generator at night.
• Use smaller or minimal wattage bulbs located close to work areas.
• Keep lights well shielded and directed downwards.
• Avoid shining bright lights directly at cliffs and islands where seabirds nest

APPENDIX F: NATIVE AND HARDY PLANTS FOUND IN THE OCEANSIDE COMMUNITY

Creeping to erect shrubs

* Salal, snowberry, huckleberry's, Nootka rose, red flowering currant, oceanspray,
• Cotoneaster, twinberry, tall Oregon grape, dull Oregon grape, ceanothus,
• Escallonia, Pacific and Sitka willows, rhododendron, azalea, thimbleberry,
* Pacific wax myrtle, spirea, red elderberry, hydrangea

Medium to large trees

* Pacific Crabapple, Apple, Strawberry tree, Bitter cherry, Ornamental cherry,
* Paper birch, Coast Pine, Oregon ash, Red alder, Western hemlock, Silver fir,
* Douglas fir, Sitka spruce.

Groundcover, perennial grass, ferns

• Coast strawberry, Kinnicknick, Sea thrift, Heather, Viola adunca & Glabella,
* Sedums, fringe cups, Piggyback, lupine, Iris, Yellow-eyed grass, Trillium,
*Red & blue fescue, Yarrow, Silverweed, Sedges & Rushes, Wood sorrel,
* Tiger lily, Ferns (Bracken, Deersword, licorice and Lady).

APPENDIX G: Invasive and noxious species in and around Oceanside

There are a number of species of flora in and around Oceanside that may have negative impacts on our environment, not just landscaping but also to the waters of the Pacific Ocean and Netarts Bay. It is important to practice prevention in regard to the transference of these plants and animals in our local area and the larger Tillamook County area as well. These preventive practices include:

- washing boats before they are transferred from one waterway to the next.
- washing vehicle undercarriages after traveling mountain/forest roads.
- avoid dumping yard debris. It should be either composted, burned (if burning is approved by the fire district) or solarize unwanted weeds that have been removed.
- perform annual surveys on your property to identify infestations early.
- clean pets of seeds that may be stuck in fur.
- use certified weed-free animal feed whenever possible.
- avoid bare ground areas whenever possible or manage such areas to ensure they remain bare (in the case of parking areas or wildfire buffers).
- respond quickly when invasive weeds are identified/observed.
- Consult with the Tillamook Soil Water and Conservation District (SWCD) whenever you need assistance. The phone number is 503-842-2848 (x103).

Tillamook SWCD requests that concerned landowners report noxious weed infestations using the "Oregon Invasives Hotline" at www.oregoninvasiveshotline.org . These reports are sent directly to the SWCD office and the site provides treatment recommendations.

Species of plants such as **Scotch Broom, Himalayan Blackberry and English Ivy** have long been considered nuisance plants. Their presence is so pervasive that their eradication is a virtual impossibility. Homeowners are encouraged to keep their properties free of these invaders wherever possible in order to reduce the spread of these plants. Left unchecked they will choke out native species. The SWCD currently takes aim at species that they may be able to control, and if successful will lead to an improved ecological balance.

Four major species that invade many areas locally are **Canada thistle, Tansy Ragwort, Bull thistle** and **Purple Loosetrife**. Refer to the SWCD website for pictures if you are unfamiliar with these plants.

Yellow Archangel is a creeping perennial in the mint family and a "Class B" noxious weed in Oregon. Flowering from April-June. Yellow archangel is an escaped garden plant with very attractive foliage and spring blossoms. Stimulated by soil disturbance, Yellow archangel can rapidly displace native species and create a monoculture that can disrupt natural nutrient cycling, watershed functionality and forage/habitat quality. Yellow archangel has no known wildlife value in Oregon.

Yellow archangel is extremely difficult to eradicate once it is established. Manual removal is tedious and potentially expensive. Manual removal may stimulate growth if not done properly. Be sure to remove all roots matter and stem particles. A combination of manual/chemical control can be effective over multiple years of treatment.

What Can You Do?

NO DUMPING! Discarded yard waste is the most common vector of yellow archangel. Unwanted plants should be composted on site, solarized, burnt, etc.

The Tillamook County Soil & Water Conservation District, as the agent for *Tillamook County Weed Control District*, is asking for your help in identifying populations of Yellow Archangel in Tillamook County.

As they are identified and confirmed, technical assistance can be offered to landowners with infestations which may include treatment guidance, survey work and/or treatment assistance. All infestations will be evaluated on a case-by-case basis.

How Do I Report Yellow Archangel?

Please call the Tillamook SWCD at: (503) 842-2848 (Ext: 103) -or- Report Online at: https://oregoninvasiveshotline.org/

Surprisingly, another species of plant, **Yellow Flag Iris**, is also a problem. These plants are seen frequently in the gardens and vegetated areas in and around Oceanside. It was introduced as an ornamental in Oregon and has since become a nuisance for land managers across the state. Yellow flag iris is an extremely adept invader. Plants can spread by rhizomes, fragmentation and by seed. Over time, dense monocultures are formed and control becomes very difficult. Stimulated by soil disturbance, incomplete manual removal can lead to vigorous regrowth. Plants, and even seeds, can survive burning as well. To make things worse, these plants can tolerate poor soil conditions that are unsuitable for some native plants. Chemical treatments can be very effective but sometimes difficult due to unwanted collateral damage of natives. A combination of manual/chemical control can be effective over multiple years of treatment.

Another family of plants that are very problematic in this area are the **Knotweeds**. Many residents of Oceanside are likely familiar with at least one of the species of knotweed present in Tillamook County (we have all 4 species). Most noticeably, the large population of Giant Knotweed (*Fallopia sachalinensis*) that is in the vacant lot at the intersection of Highway 131 and Happy Camp Rd. The most concerning of the knotweed species is Japanese Knotweed (Fallopia japonica). Japanese knotweed is already present on numerous properties in Oceanside, including a spot where it is growing out of the sidewalk near the post office. Japanese knotweed is extremely difficult to control without the use of herbicide. Thankfully, the most effective herbicide is available to the general public and is non-toxic to fish, birds and mammals. It is called "Imazapyr" and is sold under the brand name "Polaris". Due to the widespread nature of Japanese knotweed in Tillamook County and the SWCD limited capacity, they are very supportive of control efforts that are undertaken by property owners. That said, the SWCD has funding for knotweed treatments and may be able to assist with eradication on a case-by-case basis. A flyer and brochure are available on the Tillamook SWCD website to help property owners identify and eradicate the various types. Knotweed is destroying important habitat along our rivers. We need to act now. Every year, Knotweed becomes more widespread and more difficult to remove.

In general we have elected not to include very much information about herbicides. Troy Abercrombie of the Tillamook SWCD requests that concerned landowners contact the SWCD for guidance on the most current and effective treatments as they implement management plans on their properties.

Oceanside Neighborhood Association
www.oceansidefriends.com
oceansidefriends@gmail.com

December 1, 2018

Tillamook Co. Short Term Rentals Committee
c/o Sarah Absher, Director, Tillamook Co. Planning and Comm. Dev.

Tillamook County Board of Commissioners
Tillamook County Courthouse

Dear Commissioners and Committee Members:

OCEANSIDE NEIGHBORHOOD ASSOCIATION REPORT ON LOCAL INTERACTIONS WITH SHORT TERM RENTAL OPERATIONS

Over the past year, the county STR Committee had access to little or no objective data reflecting how short term rentals are interacting with the communities in which they operate. Too often, the only available information was anecdotal or personal experience. Fortuitously, the Oceanside Neighborhood Association CAC just completed an extensive effort to gather such information in our local area. Our membership voted to convey this report to county officials for whatever use deem appropriate.

Methodology

The ONA committee designed and distributed approximately **200 survey questionnaires** by hand and by email to residents, property owners and STR operators in the Oceanside, Netarts and Cape Meares area during October and early November 2018. Nearly **100 completed surveys were completed and returned (a 50% response rate),** demonstrating **significant community interest** and engagement. The ONA also organized a **Town Hall** in Oceanside on November 6, 2018, that drew approximately **45 attendees** for a two-hour **group conversation and some informal balloting** on STR issues. The ONA then committee reviewed, tabulated and summarized information from both the survey and Town Hall, into two reports - one of which summarized input by from **Oceanside** respondents, and a briefer report that summarized responses from **Cape Meares** residents. (An insufficient number of Netarts residents participated to support a meaningful report.)

Format

The report utilizes **two formats** to present the data from different perspectives: (1) **objective data** (tabulations, percentages and ranked lists), and (2) **narrative responses** (representative examples quoted statements conveyed on the survey forms and at the Town Hall). The reader should remember that these reflect an earnest effort at objective analysis by a **volunteer**

committee with **no professional polling or survey experience.** With such a large number of responses to be factored, the need to reconcile inconsistencies or interpret ambiguous responses inevitably produced disparities in some of the tabulations and the associated calculation of percentages. Nevertheless, the committee believes this report offers a **fair, substantially accurate and useful breakdown** of the community input they received.

Highlights

Prioritized Concerns and Issues

When offered the opportunity to **identify and rank the STR issues** of most concern, both the survey respondents and Town Hall participants **consistently** identified these as the top concerns:

1. Excessive and/or inappropriately parked vehicles
2. Excessive or post-quiet hour noise
3. Unsafe visitor activities (fireworks, on-site fires, etc.)
4. Unruly pets and pet waste not picked up
5. Ineffectual or unresponsive complaint procedures

Comments Supportive of STRs

While many of the comments from the community described dissatisfaction or concern over STR operations in the community, the survey and Town Hall surfaced **a significant number of supportive comments** noting the benefits of STRs, including

1. Economic benefits to the local community
2. STR contributions to road improvements (Transient Lodging Tax)
3. Supplemental income for homeowners
4. Interactions with courteous and interesting visitors
5. The increased opportunity to share appreciation of our area's beauty with others

Unanimously Supported Action Items

Survey and Town Hall participants offered nearly **unanimous support** for county measures to:

- **Require STR owners to prominently post contact information on exterior of building (eliminate the current option to avoid posting by mailing notices to local neighbors**
- **Mandate the posting of emergency procedures and evacuation routes in STR homes**
- **Design and enforce accountability measures for unresolved conduct or license compliance measures**

Insightful and Constructive Narrative Statements

While it is natural to focus on the tabulated votes and objective rankings, this report also includes **several pages listing quoted statements** from the written survey responses and participants comments at the Town Hall. In some ways, these comments offer insights that are more **useful and informative** regarding community views on the growing short term rental presence than that reflected by the raw numbers. Please take the time to scan the statements that our community members took the time to compose and convey. They **communicate the pulse of the communityon STR issues** that mere facts and figures do not convey.

Special Cape Meares Concern

The surveys received from **Cape Meares residents** essentially mirrored the comments received from Oceansiders, with one important exception. Their responses included a significant concern over the outsized impact of growing STR operations on their **strained and vulnerable septic systems.**

The ONA hopes that county officials will find value in these reports and hope that you will not hesitate to contact us or our committee with any further questions or comments on this initiative.

Respectfully submitted,

Jerry Keene
ONA President
Central Coast Representative, Tillamook Co. Short Term Rental Advisory Committee

ONA Short Term Rentals Committee

Kathie Norton, Chair / Oceanside
Kris Woolpert / Oceanside
Ron Young / Oceanside
Carol Kearns / Oceanside
Robert Freedman / Cape Meares
Scott Campbell / Netarts

STAFF PRESENTATION SLIDES FOR SEPT. 11TH, 2025 PLANNING COMMISSION HEARING

LEGISLATIVE TEXT AMENDMENTS
OCEANSIDE UNINCORPORATED COMMUNITY

#851-25-000262-PLNG

#851-25-000268-PLNG

#851-25-000269-PLNG

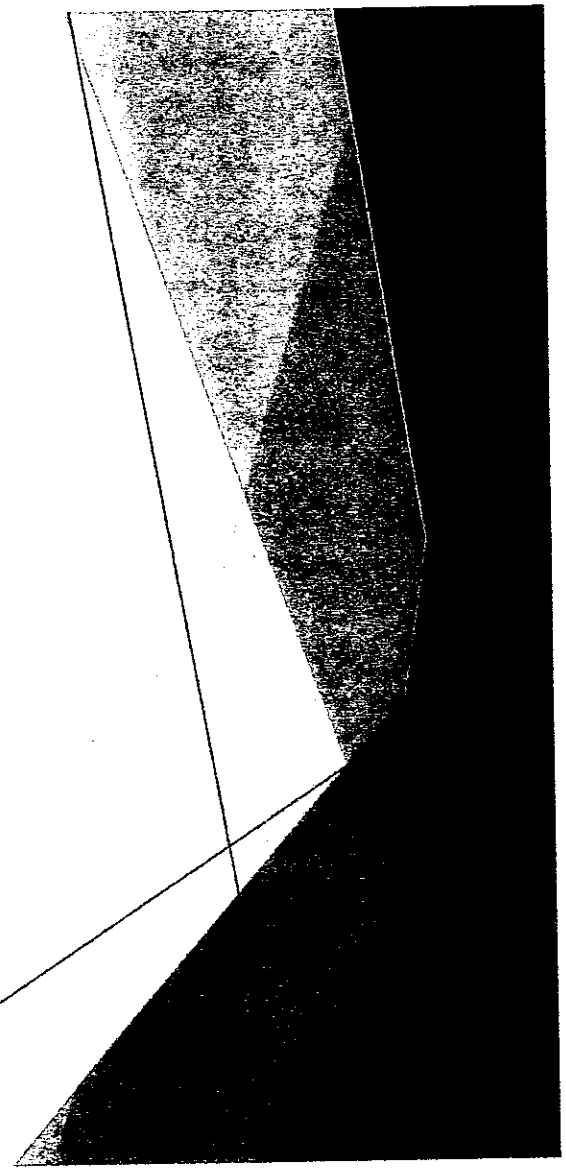
#851-25-000270-PLNG

#851-25-000261-PLNG

PUBLIC COMMENT PERIOD

CONTINUATION OF AUGUST 14, 2025

TILLAMOOK COUNTY PLANNING COMMISSION MEETING



Oceanside Neighborhood Association

PROPOSALS FOR PLANNING ACTION: REVISIONS TO OCEANSIDE LAND USE ZONES BY OCEANSIDE NEIGHBORHOOD ASSOCIATION CITIZEN ADVISORY COMMITTEE

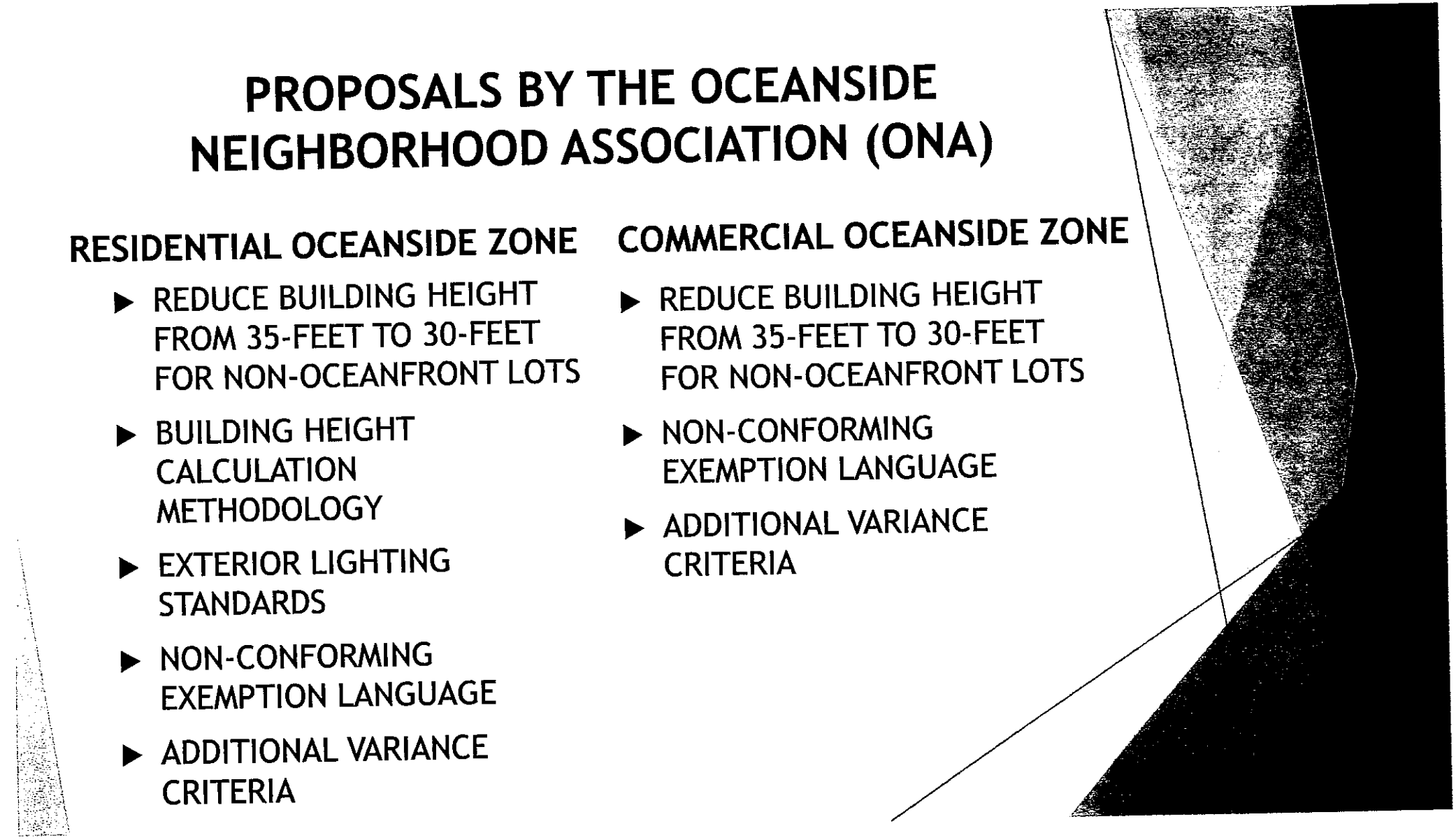
PROPOSALS BY THE OCEANSIDE NEIGHBORHOOD ASSOCIATION (ONA)

RESIDENTIAL OCEANSIDE ZONE

- REDUCE BUILDING HEIGHT FROM 35-FEET TO 30-FEET FOR NON-OCEANFRONT LOTS
- BUILDING HEIGHT CALCULATION METHODOLOGY
- EXTERIOR LIGHTING STANDARDS
- NON-CONFORMING EXEMPTION LANGUAGE
- ADDITIONAL VARIANCE CRITERIA

COMMERCIAL OCEANSIDE ZONE

- REDUCE BUILDING HEIGHT FROM 35-FEET TO 30-FEET FOR NON-OCEANFRONT LOTS
- NON-CONFORMING EXEMPTION LANGUAGE
- ADDITIONAL VARIANCE CRITERIA



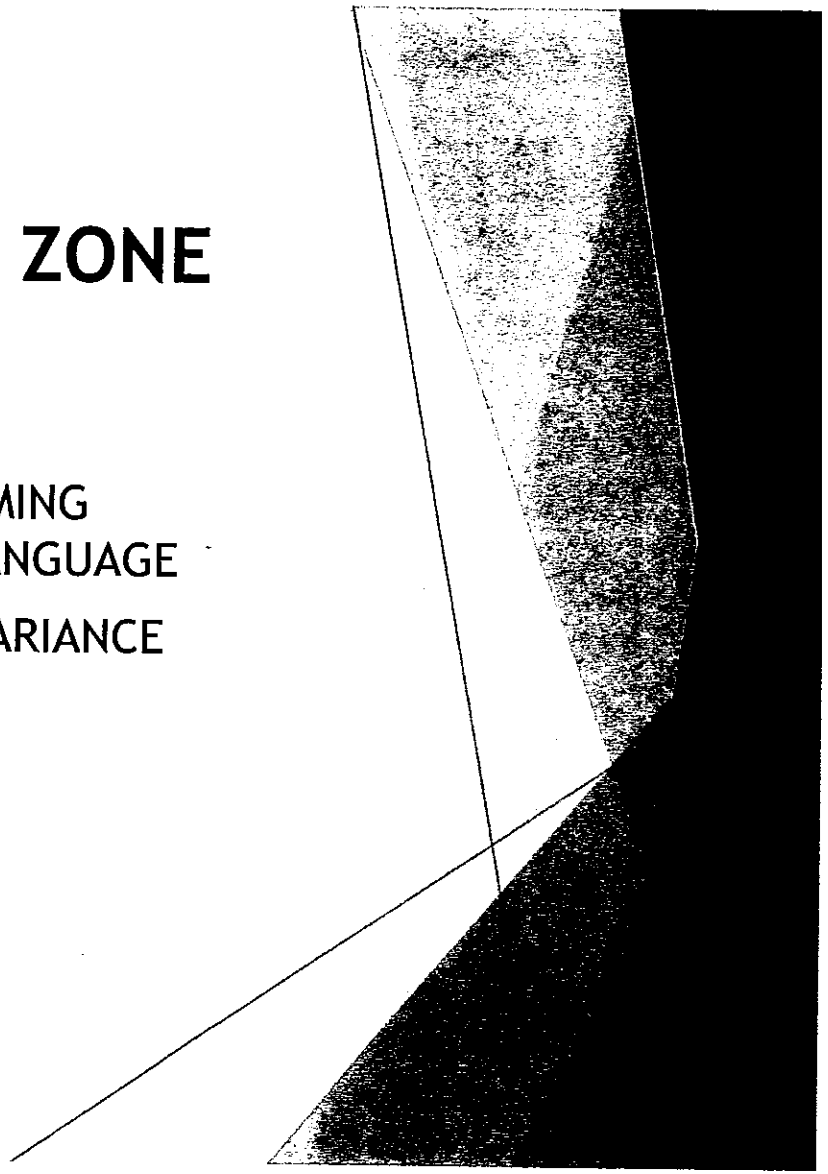
COUNSEL REVIEW:
RESIDENTIAL OCEANSIDE (ROS) ZONE

POLICY

- REDUCE BUILDING HEIGHT
- LIGHTING STANDARDS
- BUILDING HEIGHT CALCULATION METHODOLOGY

PROBLEMATIC

- NON-CONFORMING EXEMPTION LANGUAGE
- ADDITIONAL VARIANCE CRITERIA



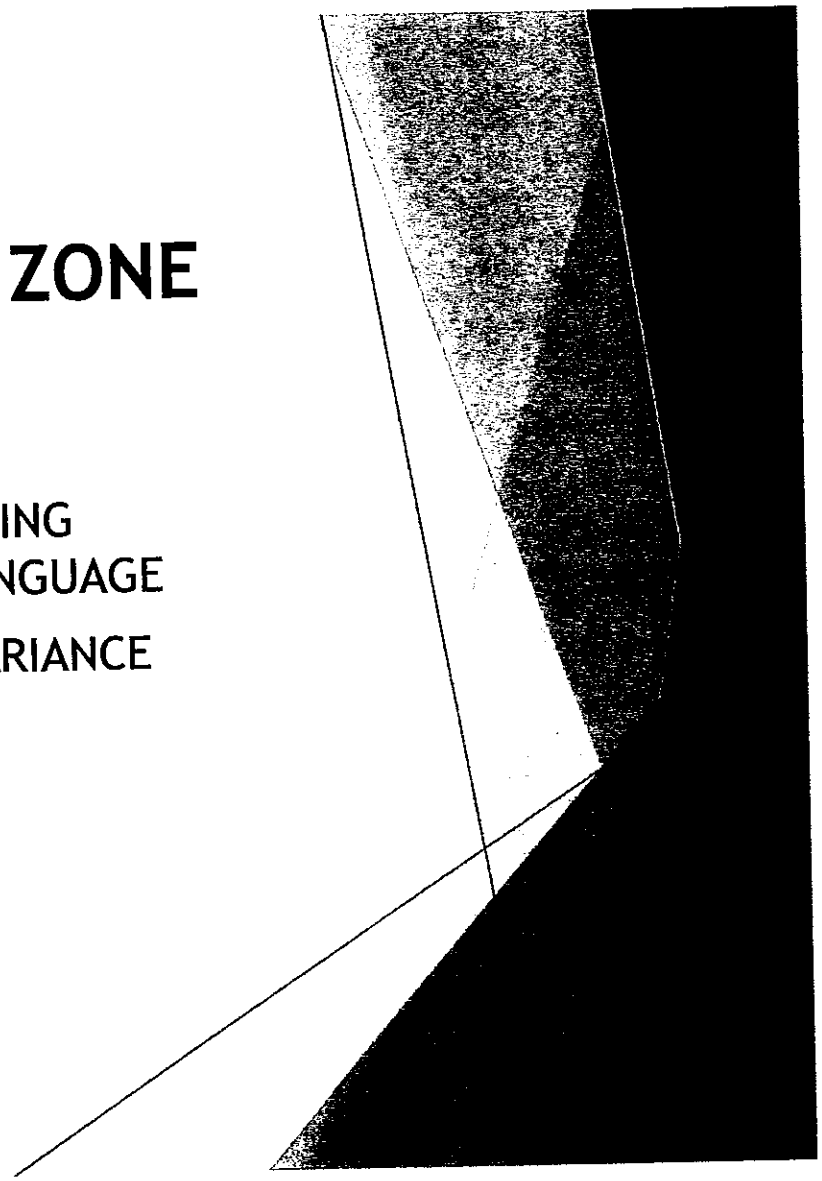
COUNSEL REVIEW:
COMMERICAL OCEANSIDE (COS) ZONE

POLICY

- REDUCE BUILDING HEIGHT
- BUILDING HEIGHT CALCULATION METHODOLOGY

PROBLEMATIC

- NON-CONFORMING EXEMPTION LANGUAGE
- ADDITIONAL VARIANCE CRITERIA



ARTICLE 9: TEXT AMENDMENT CRITERIA (TCLUO) SECTION 9.030

(a) If the proposal involves an amendment to the Comprehensive Plan, the amendment must be consistent with the Statewide Planning Goals and relevant Oregon Administrative Rules;

(b) The proposal must be consistent with the Comprehensive Plan. (The Comprehensive Plan may be amended concurrently with proposed changes in zoning);

(c) The Board must find the proposal to be in the public interest with regard to community conditions; the proposal either responds to changes in the community, or it corrects a mistake or inconsistency in the subject plan or ordinance; and

(d) The amendment must conform to Section 9.040 Transportations Planning Rule Compliance.

PLANNING COMMISSION HEARING RECORD- 9/11/25

Tillamook County

DEPARTMENT OF COMMUNITY DEVELOPMENT
BUILDING, PLANNING & ON-SITE SANITATION SECTIONS

1510 – B Third Street
Tillamook, Oregon 97141
www.tillamook.or.us

Land of Cheese, Trees and Ocean Breeze

MEMO

Date: September 4, 2025
To: Tillamook County Planning Commission
From: Sarah Absher, CFM, Director
Subject: Continuation of the August 14, 2025, Planning Commission Hearing regarding #851-25-000262-PLNG, et al, Legislative Text Amendments for the Unincorporated Community of Oceanside

Included are copies of evidence and written testimony received at the August 14, 2025, Tillamook County Planning Commission hearing. Also included are copies of written testimony received by the Department following the August 14, 2025, Planning Commission hearing, received by the 4:00pm on August 28, 2025 written testimony deadline for these proceedings.

At the August 14, 2025, hearing, the Planning Commission directed staff work with County Counsel on two matters related specifically to the building height reduction proposal and the building height calculation proposal:

- Discussion and consideration of concerns of economic hardship for non-conforming structures resulting from adoption of these proposals.
- Discussion and consideration of potential property taking issues or risk of litigation that may result from adoption of these proposals.

County Counsel will appear virtually at the September 11, 2025, hearing to discuss these matters with the Planning Commission.

The Planning Commission may take action at the hearing on September 11, 2025, or may continue the matter to a date and time certain announced at the hearing. The Planning Commission will ultimately make recommendations on all legislative text amendment proposals to the Tillamook County Board of Commissioners who will hear these matters at a public hearing on 5:30p.m. on October 22, 2025.

The proposed legislative text amendment requests will become effective, if adopted, by the Tillamook County Board of Commissioners, which will occur no sooner than October 22, 2025.

Please do not hesitate to contact me if you have any questions.

Thank You,
Sarah Absher

EVIDENCE & WRITTEN TESTIMONY RECEIVED AT THE AUGUST 14, 2025 TILLAMOOK COUNTY PLANNING COMMISSION HEARING

Sarah Thompson

From:	Craig Wakefield <craiglwakefield@charter.net>
Sent:	Thursday, August 14, 2025 3:44 PM
To:	Sarah Thompson
Subject:	EXTERNAL: Fwd: Comments on Oceanside Building Height Limitation proposal
Attachments:	Building Height limitations.docx

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

The attached document, 'Building Height Limitations,' was previously submitted to the department via email to Sarah Absher on 01/19/2022, to go on the record for this issue.

However, I did not see it included in the 250+ pages of public comments to be included in the packets for tonight's Tillamook County Planning Commission Hearing.

My comments from Jan 2022 are included in the body of this email, as well as attached.

Thank you.

Oceanside Building Height Limitation Change

The Oceanside building height limitation change should be based on sound reasoning and not subjective or emotional appeal. The statement in the paragraph below does not establish credible criteria as the bases for regulation change.

> "Moreover, new homes in Oceanside increasingly reflect designs that emphasize height and square-footage over the preservation of light and air between buildings or the stability of our steep slopes. We are also seeing more frequent requests for variances to avoid limits on set-backs and lot coverage, while new homes increasingly feature light-blocking cube designs with relatively flat roofs that maximize living space, but are often vulnerable to moisture damage and rot. These trends will only increase as the exploding prices of land and construction tempt those who build new structures to maximize living space for short term rental use in order to subsidize costs. A reduced height limit would at least moderate them."

"Requests for variance to avoid limits?" "Light-blocking cube design?" "Moisture damage and rot?" "Tempt those who build new structures?" These are highly-speculative phrases designed to foster an us-versus-them atmosphere.

Several of the above-quoted author's assertions incorrectly evoke false dilemmas which simply do not exist, as these issues are already addressed by current regulations.

- Light and air are strictly regulated by the Building Code and by land use setbacks.

- Permits for construction on steep slopes are already only permitted with the proper engineering and soil science assessments.
- Low-slope roofs are highly-regulated in the Building Code.
- The variance process is a legitimate mechanism in an otherwise rigid regulatory environment.

There may be legitimate reasons to modify building codes and land use regulations, but any such proposals must be factual and well-reasoned.

Criag Wakefield

1605 Oceanside Lane

Oceanside OR 97134

-------- Forwarded Message --------
Subject: Comments on Oceanside Building Height Limitation proposal
Date: Wed, 19 Jan 2022 15:11:41 -0800
From: Craig Wakefield <craiglwakefield@charter.net>
To: Sarah Absher <sabsher@co.tillamook.or.us>

Hi Sarah, I have attached my comments on the submitted change to building height in Oceanside. I would like my comments to go on the record for the review of the submitted proposal. I hope I am not to late to have my comments considered.

Thank you,

Craig Wakefield

1605 Oceanside Lane, Oceanside OR 97134

Sarah Thompson

From: Carol Horton <carol-horton3@comcast.net>
Sent: Thursday, August 14, 2025 3:41 PM
To: Sarah Thompson
Subject: EXTERNAL: Written comments for 8/14/25 Planning Commission regarding 851-25-000262-PLNG, et al.
Attachments: 20250814 Written Comments - Planning Commitee.pdf

[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Hi Sarah-

Would you please forward the attached written comments to the Planning Commission? They are a record of my planned verbal testimony at the meeting tonight and provide additional ONA historical attendance and voter participation data.

Thank you!

Carol Horton

1690 Portland Ave
P.O. Box 318
Oceanside, OR 97134

August 14, 2025

Re: Written comments regarding 851-25-000262-PLNG, et al: Oceanside Neighborhood Association & Tillamook County

Dear Tillamook Planning Commission Members-

I am writing in support of the exterior lighting and building height ordinance proposals that were adopted by the Oceanside Neighborhood Association in October 2021.

You may receive comments from people, *who did not participate in the 2021 vote*, that the result of this vote was not valid. They believe the number of voters was too small and that the result does not represent today's Oceanside voter.

I was ONA Secretary for three years, beginning in 2021, and was responsible for maintaining our registry of voting members and helping to verify voting results. I would like to give you some perspective on why the 2021 ordinance votes ARE representative and valid, and should be honored in your decision making.

Based on over 20 years of ONA attendance data*, the 90 ONA members who participated in the October 2021 vote were a significant number:
- 90 was well above the quorum of 31 established in June of that year to conduct business.
- 90 was significantly above average ONA meeting attendance which had been 30 prior to 2021, and is still above the current average attendance of 60, a number that grew when Zoom attendance became an option.

ONA outreach to Oceanside residents and property owners has been substantial. But not everyone contacted by email chooses to sign up to be a registered ONA voter. And then, not everyone who registers to vote participates in ONA voting.

Please consider the percentage of registered ONA voters who have participated* in the following events:
- For the 2021 building height and lighting proposals: 53% of ONA registered members voted.
- For the 2021 Oceanside Incorporation proposal: 70% participated.
- For the recent 2025 zoning vote: 32% participated.
- In contrast, for Officer elections at ONA annual meetings over the last three years, participation has averaged only 15% of ONA registered voters.

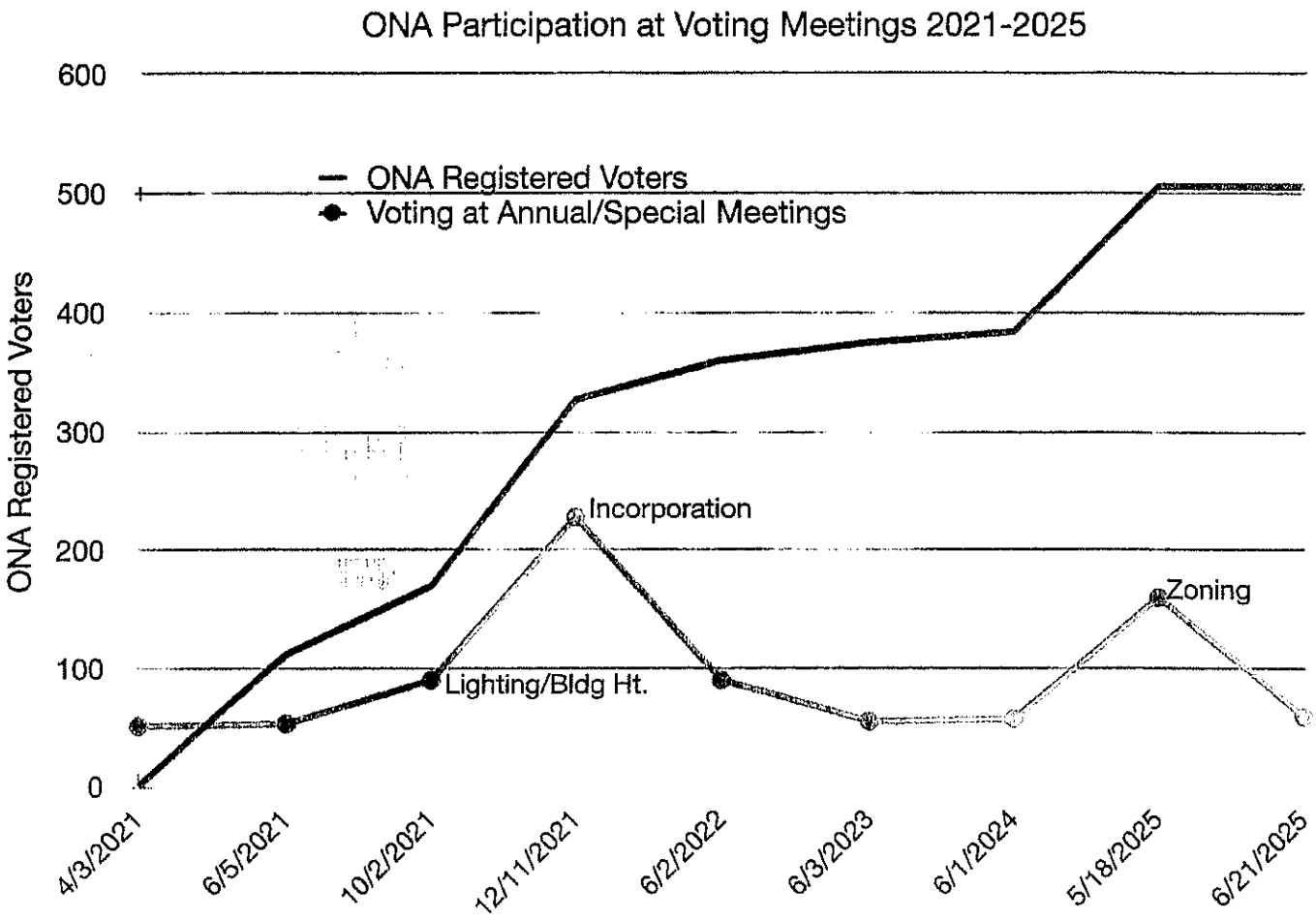
I hope you can see that the ONA had very good participation for the 2021 ordinance votes, and that the adoption of the exterior lighting and building height ordinances were valid and representative results, and I urge you to honor them.

*I've attached charts showing historical yearly average ONA attendance data from 2002-2025 and ONA Registered Voter participation for 2021-2025.

Thank you for your consideration.

Carol Horton

1690 Portland Ave
P.O. Box 318
Oceanside, OR 97134



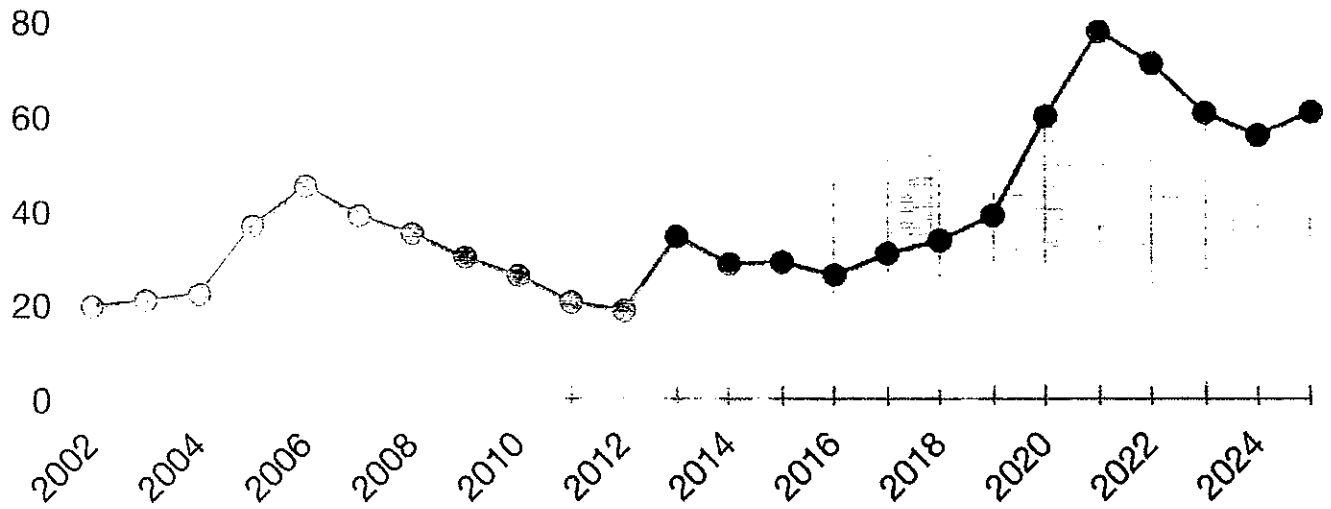
Percentage ONA registered voters participation in voting:

4/3/21 - Voting policy established & Registry created	
6/5/21 - Annual Meeting & Officer Election	47% participation
10/2/21 - Ordinance Proposals Vote	53%
12/11/21 - Incorporation Report Vote	70%
6/2/22 - Annual Meeting & Officer Election	25%
6/3/23 - Annual Meeting & Officer Election	15%
6/1/24 - Annual Meeting & Officer Election	15%
8/18/25 - ZAPR Vote	32%
6/1/25 - Annual Meeting & Officer Election	12%

Data from ONA Meeting Minutes, Secretary Records,
and 2018 Oceanside Community Plan

Compiled 5/2025; updated 8/25 CGH

Yearly Average Regular ONA Meeting Attendance



Periods of special interest:

➢ 2004-2007	Anchor Tavern
➢ 2013-15	Cape Meares Loop, drinking water, road repaving
➢ 2020	10-month break (COVID), begin Zoom meetings
➢ 2021-22	Lighting/Building Height Ordinances, Incorporation Conversation

Community Outreach: Surveys mailed to over 600 residents/property owners in both 1995 and 2007 with 45% and 55% response rate, respectively. ONA email list reached over 300 addresses by 2018 and increased with communications regarding incorporation.

Sources: 2018 Oceanside Community Plan and Oceanside Neighborhood Association Meeting Minutes. Special meetings excluded.

Compiled 5/2025; updated 8/25 CGH

Sarah Thompson

From: Guy DeKlotz <gdeklotz@gmail.com>
Sent: Thursday, August 14, 2025 10:44 AM
To: Sarah Thompson
Subject: EXTERNAL: Oceanside zoning proposals

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hello Sarah!

We understand that we are too late to have our comments included for tonight's Planning Commission hearing, but would at least like to get our views on the record.

We own lot 600 on Norwester in Oceanside. We purchased this property in 2022 with the intent of building a home there as we love Oceanside and the surrounding area. When we purchased this property, some of the aspects about it that attracted us to it were the fact that there was not an HOA in place for that area, and at the time, the zoning requirements seemed reasonable for us to build our 'dream home'. This was also at the time of the first incorporation debate/issue (that was ultimately voted down). At any rate, we were excited to begin planning our home.

Since then, there have been multiple attempts to limit what we can do with our property. We have been active in these processes (meeting attendance, voting, discussion, etc.). So far, reason has played out. However, one of the items being discussed right now (reducing the building height from 35' to 30') we are very much against and ask that this not be approved. We understand that there are a few reactionary members of the community who do not like the growth they are seeing, however, putting restrictions on homes that will have no impact on anyone else around them seems extreme, especially since there are so many homes in the area that are over the proposed 30' limit. Also, it should be noted that the community did speak rather definitively in May over question 6 (Broader Design Standards for all residences) of the ZAPR recommendations.

Thank you!

Guy DeKlotz/Missy Cory
ZDP LLC

Sarah Thompson

From: Mark Annen <mark@annendesign.com>
Sent: Tuesday, August 12, 2025 2:40 PM
To: Sarah Thompson; Sarah Absher
Cc: Heather Watkins
Subject: EXTERNAL: August 14th TCLUO Meeting

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Good afternoon Sarah,

Please present our thoughts at the meeting. Thank you for your assistance.

I own Tax lot 101at Castle Drive with my wife Heather Watkins. We intend to build a home on the lot in the next couple years.

In response to the Measure 56 Notice:

#851-25-000262-PLNG
We **strongly object** to any reduction in the allowable maximum building height. We purchased the lot with the understanding of the 35' building height allowance and the decrease would reduce the value of our property by closing off potential views to Three Arch Rocks and the ocean. We are not in the village area but South against the Forest zoning and the last line of potential housing up the hill.
This issue was not included in the May zoom meeting of the Oceanside Neighborhood Association, which I attended, so I do not believe it represents the majority of the ONA.

#851-25-000268-PLNG
We are in favor of lighting standards, but until we see specific requirements we do not wish to pursue amending the existing condition.

#851-25-000269-PLNG
Oppose changing variance criteria.

#851-25-000270-PLNG
Oppose changing maximum commercial building height allowance.

#851-25-000261-PLNG
No issue with including middle housing standards.

Regards,

Mark Annen AIA, NCARB
Annen Architecture LLC
3778 SE 10th Ave.

Portland OR 97202

503.239.4834

www.annendesign.com
mark@annendesign.com

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OCEANSIDE PROTECTION SOCIETY
P.O. Box 425
Oceanside, OR 97134
oceansideprotectionsociety@gmail.com

August 14, 2025
(hand delivered)

Tillamook County Planning Commission
& Board of County Commissioners

Re: Oceanside Legislative Text Amendments
#851-25-000262-PLNG; #851-25-000268-PLNG; #851-25-000269-PLNG;
#851-25-000270-PLNG; #851-25-000271-PLNG

Dear Commissioners:

Please accept these public comments on behalf of the Oceanside Protection Society (OPS). The OPS is a 501(c)(3) public foundation formed, in part, to facilitate and fund legal advocacy to further the livability goals outlined in the Oceanside Community Plan. We are appearing by way of this letter and in person to preserve the following points in the event of further appellate review. Most of these point address statements offered by the county's consulting attorney Daniel Kearns in his memorandum of July 31, 3025, which appears in the Hearing Packet as Exhibit J, pages 167-171, hereafter "Kearns Memo." All page references are to the Hearing Packet pages, not the memorandum's internal pagination.

Administrative commentary versus legal analysis. Mr. Kearns' memorandum repeatedly detours from legal analysis to offer subjective commentary regarding administration of the proposed revisions. For example, on every page, the memorandum cautions against the potential "confusion," "inconsistency" and unspecified "legal dangers" of adopting otherwise lawful development standards that are "unique" or "specific" to a single zone like Oceanside. This advice overlooks the fundamental policy decision Tillamook County has already made to adopt discrete land use development codes for each of its unincorporated ruralized communities. The county already administers disparate standards on the same topic – to include Neahkahnie's distinct building height limitation. So long as there is no "confusion" about where a proposed structure is located, the risk of confusion over the applicable standards minimal and manageable. In any event, the commissioners should take care to distinguish and discount such commentary from those providing advice on the legality of the proposed revisions.

"Taking" concerns. During the final few meetings of Oceanside's zoning committee, Director Sarah Absher reported that she had received advice from county counsel and her land use consultant that the proposed reduction of Oceanside's maximum building height (and possible altered height formula) "would be an uncompensated taking of a property right for a public purpose in violation of the Fifth Amendment Takings clause [of the United States Constitution]." (See Exhibit K). The memo cited the LUBA decision in Barnes v. City of Hillsboro, et al, (included as Exhibit L). The retired attorneys on the ONA committee strongly disputed this legal

conclusion or that the Barnes decision supported it and asked that the proposal be advanced despite it. Now, at hearing, the Kearns Memo (at page 168) does not appear to share this "taking" concern. To the contrary, it characterized such regulations as "lawful" and "purely a policy matter." The OPS agrees with this legal conclusion.

Nonconforming Use Exemption. In the face of widespread public concern, the ONA zoning committee strongly signaled to Director Absher its unanimous support for ordinance language that would exempt property owners from the financial, legal and administrative consequences of having their existing homes classified as a "nonconforming use" based solely on noncompliance with the new development standards being proposed. As the county's deadline neared, two retired attorneys on the committee drafted and submitted ordinance text to effectuate such an exemption. Director Absher responded with word that county counsel had expressed concerns about it but were working on revisions. She declined, however, to facilitate direct conversations between her legal advisors and the committee and advised that such conversations could not occur until the BOCC hearings, with BOCC approval.

The draft ordinance (Hearing Packet, pp. 32-33) includes what appears to be the result of staff efforts to craft a different remedy from that suggested in the committee's proposed text. Instead of exempting homeowners from nonconforming status and its consequences, it delineated a standard with parameters for permissible alterations of nonconforming structures. In response, the Kearns Memo (pp. 169-70) opined that these parameters were "preempted" by the controlling state statute. As a result, neither the committee's original proposal nor a legal opinion were explored. The OPS preserves the option to raise it before the BOCC or beyond.

Supplemental Variance Criteria. The Kearns Memo (pp. 170-171) criticizes the additional variance criteria proposed by the ONA as unworkably vague. At the same time, it notes that the present criteria in Tillamook County LUO Article VIII are equally vague, but the county has been applying them for decades. The OPS disagrees with the Kearns Memo's characterizations and preserves the option to pursue that disagreement on appeal, if warranted.

Respectfully submitted,

Jerry Keene, President
Oceanside Protection Society

OCEANSIDE NEIGHBORHOOD ASSOCIATION - A CITIZEN PARTICIPATION ORGANIZATION

BYLAWS

I. PURPOSE

The Oceanside Neighborhood Association (ONA) is a group of citizens united by geographic location and organized as an advisory body for effective citizen involvement in the planning and development of matters affecting the quality of life and livability of the Oceanside, Oregon community. Citizen participation improves the decision-making process, democratizes and humanizes political and social institutions, increases the responsiveness of governmental institutions, generates a greater variety of information and alternatives to citizens, public officials and elected officials, and enhances individual and group awareness and civic responsibility.

The Association addresses, for the Oceanside area, responsibility for the statewide Land Use Goal Number 1 – Citizen Involvement – that calls for each city and county to develop a citizen involvement program that insures the opportunity for all citizens to be involved in all phases of the planning process. (Adopted by the State Land Conservation and Development Commission on December. 27, 1974, effective Jan. 1, 1975) In addition, the Association addresses the roles and responsibilities decreed in the Tillamook Board of County Commissioners Order #13-034 adopted on May 1, 2013, and appended to these bylaws. These responsibilities include representing the Oceanside community's "interests and concerns to County, State and Federal decision-makers ... on non-planning related items of interest to the Board of Commissioners and the community."

II. ACTIVITIES

Activities are determined by the membership and may include but not be limited to land use actions, Oregon Territorial Sea actions, community plan and development, code amendments, consideration of county services, special community studies and communication of local needs and concerns to the County, State and Federal decision-makers. In all activities, the Association shall provide for and encourage increased citizen participation. To that end, the Bylaws shall be available upon request.

III. MEMBERSHIP

Membership is open to all people at least 18 years old who reside in, own property in, or own or operate a business located within the Community Growth Boundary. The Bylaws shall be available to each new member upon request.

Membership in the Association extends full rights of participation within all programs, including the right of voting in general membership and committee meetings, subject to the requirements of Section XIII below.

IV. BOARD STRUCTURE AND OFFICER RESPONSIBILITIES

The Association shall be led by a Board consisting of elected Officers, as set out below. Officers shall be elected to serve a one-year term from July 1 to June 30. No Officers of the Association shall receive any financial payment for their services. They may, with board approval, be reimbursed for expenses incurred on behalf of the Association.

President

1. Conducts General Membership Meetings and Officers meetings.
2. Is Spokesperson in official capacity for the Association
3. Coordinates Officers' actions
4. Selects representatives to attend meetings and hearings
5. Coordinates committees
6. Sets the Agenda items

Vice-President

1. Serves as President in the absence of the President
2. Assists the President at the President's request

Secretary

1. Records minutes of meetings and distributes them
2. Maintains the Voter Registry
3. Keeps ongoing list of all committees
4. Prepares official correspondence or delegates that responsibility
5. Relays incoming mail and email to the appropriate officer or committee chairperson
6. Distributes agenda and meetings

Treasurer

1. Receives and deposits funds of the Association in a timely manner in accordance with Officer's directions
2. Prepares Accounts Payable in a timely manner for approval of Officers
3. Maintains financial records and reports at General Membership meetings
4. Assures that expenditures over $200 are approved in writing by at least 2 Officers.
5. Presents an audited annual financial report when requested by the Association

In addition, the President may appoint an association Historian who:

1. Keeps the Association's files, maps and bylaws
2. Maintains archives and general history of the Association

V. COMMITTEES

There is one standing committee, the Zone and Plan Review Committee, established by these Bylaws.

The **Zone and Plan Review Committee** represents the various stakeholders/constituencies of the Oceanside community with the diverse thinking that typifies our community. It provides recommendations regarding land use and related issues to the ONA for community action at the ONA General Meetings.

The Committee will include the four (4) elected ONA officers and may include one representative each of the following areas of concern: Commercial Activities; Short term Rentals; Resident Owners; Nonresident Owners; Non-owner Resident; Environmental and Ocean Issues; Development/Construction, and one member-at-large, up to a maximum of 12 members. The ONA President solicits and appoints volunteers to serve on the committee who are representative of the various areas of concern.

There may be three Special Committees as follows:

A **Bylaws Committee**, which may be appointed by the President as needed, will be composed of five (5) members. The committee will be responsible for reviewing changes to the Association Bylaws suggested by the general membership. The committee will prepare reports to the general membership with recommended actions to be taken.

A **Nominations Committee**, which will be appointed by the President two months prior to the Annual Meeting, shall be composed of five members. The committee will be responsible for encouraging broad member participation and discussion around identifying candidates for election as officers one month prior to the Annual Meeting and then will make a final report, including nominations, if any, to the President not less than three days prior to the Annual Meeting.

A **Credentials Committee**, which shall be appointed annually by the President at the General Membership meeting prior to the Annual Meeting, shall be composed of three members. The committee will advise the Board on credentialing or other issues arising under the Association's Voting Policy, including deliberation and recommended

resolutions in disputes requiring validation of member credentials for purposes of casting votes.

Other committees may be established as needed by the President and ratified by the membership. Purpose and time will be established at time of formation. Every committee must report its recommendations to the Association for Association action.

VI. DISTRICT

The Oceanside Neighborhood Association District shall include those lands, waters and territorial sea deemed within or immediately adjacent to the Oceanside growth boundary including areas of mutual concern with Netarts and Cape Meares.

VII. MEETINGS

All meetings shall be open to the public and shall generally be governed by Robert's Rules of Order (current edition), as well as Oregon's Public Meetings law, ORS 192.610 et seq.

General Membership meetings are held on the First Saturday of June, September, December, February and April at 10 a.m. in Oceanside, unless the Board otherwise notifies the membership. Such meetings may be conducted in person or as online conferences (only if necessitated) or – preferably – a combination of the two, at the discretion of the Board. Notice of the date, time, location and log-in information, if any, shall be distributed to the membership via the association e-mail and posted on the Oceanside Community Club bulletin board at least three days before the meeting.

The President may call additional meetings due to special circumstances. Every effort will be made to provide as much notice as possible as to the date, time, place and log-in information for the meeting. All actions taken at such meetings must be ratified by the Membership at the next regular meeting.

VIII. ELECTIONS

Elections shall be held for all Officers during the June Annual General Membership meeting. Nominations shall be opened by declaration of the President at the General Membership meeting two months prior to the Annual Meeting. Any willing member of the Association shall be eligible to be nominated for office. Anyone may self-nominate for an office.

Nominations shall be forwarded to the President up to three days prior to the Annual Meeting. Nominations will also be accepted from the floor.

Separate voting shall be held for the offices of President, Vice President, Treasurer and Secretary unless the Association chooses to vote by slate. The winner shall be the nominee receiving a majority of the votes. In case of a tie between the top candidates or a failure of any nominee to receive a majority of the votes, a run-off shall be conducted between the top two candidates.

Newly elected Officers shall assume office on July 1.

Vacancies shall be filled by a vote of the General Membership at the next general meeting to complete the unexpired term of the officer being replaced.

IX. QUORUM

The quorum shall be determined on an annual basis by the President and shall be equal to the average (mean) attendance by ONA members at all Annual Meetings during the five years preceding the June Annual Meeting. It will take effect for all meetings from July 1 through the following June.

X. CONFLICT OF INTEREST

Prior to the start of each meeting, the Officers and anyone in a committee leadership role will be asked to declare any conflicts of interest that may exist regarding agenda items to be discussed at that meeting. If an Officer votes or proposes a position on a proposition in which the Officer has a direct special or financial interest, the Officer is obligated to disclose the existence of such interest to the membership before any discussion or vote. This information shall be made part of the record by the Secretary.

XI. COMMUNICATIONS

The Board shall establish and maintain an e-mail service and distribution list for communications to and from the Association members, including formal notices required by these Bylaws. The Board shall also maintain a website as a reference for information, records and other information of interest to the members.

Written comments and proposed agenda items for Association consideration will be taken into consideration if received by the President by the Wednesday prior to the General Membership Meeting. Minutes of all meetings shall be made available to desiring members at least 10 days prior to the next meeting.

All known meetings or hearings affecting the ONA will be announced at regular or special meetings.

Periodic community surveys will be taken when deemed necessary by the Membership or Officers to verify the attitude of the community at large. Surveys will be distributed to all Members of the Association. Results of surveys will be shared with members at the regular or special meetings, distributed to members with minutes and posted in a public location.

XII. MOTIONS

Members attending meetings may present motions; motions must be seconded before discussions may occur.

XIII. VOTING

Association actions shall be determined by majority vote of the qualifying members participating in a meeting, either in person or remotely by electronic means, providing the quorum requirement has been met. Votes conveyed in person or remotely by electronic means must be cast in accordance with the association Voting Policy in order to be counted.

The Association shall adopt and periodically update a written Voting Policy to govern credentialing and voting procedures by in-person and remote participants at meetings. The Voting Policy shall provide for compilation of a registry of qualified "Members" under Section III and establish procedures for confirmation of a meeting participant's voting status when necessary, provided that such procedures shall not unduly burden or impede the Association's goal of encouraging the broadest possible community participation pursuant to Section I.

Minority opposition to a position taken by the Association is encouraged to state its minority position in a timely manner to the President, who shall include that position in any Association report.

XIV. BYLAW REVISION

A change to existing bylaws may be proposed in writing at any time to the President. All proposed changes in the by-laws will be forwarded to the By-Laws Committee for consideration. The By-Laws Committee will review and report back to the Association on any proposed by-law changes with a recommendation. Any changes shall be voted on at the next meeting provided that written notice of the changes has been sent to members 30 days prior to the meeting. Unless otherwise provided, any change will become effective immediately upon the recording of a simple majority in favor of the proposal at the meeting.

XV. DUES

The Association imposes no dues on its members.

Contributions will always be encouraged. Contributions and fundraising activities will be used to offset the costs of the Association.

Oceanside Neighborhood Association
P.O. Box 425, Oceanside OR 97134
www.oceansidefriends.org

July 28, 2025

MEETING MEDIA
Zoom Video Link: ONA Board Meeting
Passcode: &S8SP#hh ***(copy and paste to Zoom)***

MEETING FILE (below)
Agenda with Motions and Time Stamp Index to Video and Chat

Oceanside Neighborhood Association ONA Board Meeting

July 28, 2025. 1:00 pm – Zoom Format

1. **Call to Order** (Simeon Dreyfuss, ONA President)
   a. **ZOOM VIDEO TIME STAMP (00:33)**
   b. Attended by ?? ***(Clarifying)*** people: via Zoom.

2. **Approval of agenda** (Simeon Dreyfuss, ONA President)
   a. **ZOOM VIDEO TIME STAMP (00:38)**
   b. Approved - No comments or corrections or additions.

3. **Guests** (Simeon Dreyfuss, ONA President)
   a. **ZOOM VIDEO TIME STAMP (01:06)**
   b. Requested identification in chat for public record.
   c. 16 Members identified including 4 officers.

4. **Public Comments** (Simeon Dreyfuss, ONA President)
   a. **ZOOM VIDEO TIME STAMP (03:20)**
   b. Commentors:
      i. Ed Gorzyniski
         1. **ZOOM VIDEO TIME STAMP (03:45)**
         2. Ed requests a public meeting on Incorporation.
      ii. Sineon responds that the current Incorporation Effort is not an ONA initiative.
         1. **ZOOM VIDEO TIME STAMP (04:42)**
      iii. Ed Gorzyniski
         1. **ZOOM VIDEO TIME STAMP (05:02)**
         2. Ed Responds and continues comments on Incorporation topic.
      iv. In the Chat the following responses to Ed's comments:
         1. Yuriy Chanba: Second that, Ed

2. Diane Niflis: Ed's suggestion sounds reasonable to me.
3. Sean Aiken: Thanks Ed. Great points.

v. Sineon adds on Incorporation
1. **ZOOM VIDEO TIME STAMP (06:50)**
2. Acknowledges that it's a divisive issue.
3. Will discuss his goal of rebuilding trust later in the meeting.

vi. Ed Gorzyniski
1. **ZOOM VIDEO TIME STAMP (07:20)**
2. Ed Responds and continues comments on rebuilding trust on the incorporation issue and revisiting it when it was stated we would not.

5. **Preparation for the August 14 Planning Commission meeting on Oceanside Zoning changes:** President's report and discussion
   a. **ZOOM VIDEO TIME STAMP (08:25)**
   b. Simeon has asked members involved in the 2021 reports in favor of zoning changes to make presentations to the Planning committee.
      i. Requests of the board members to approve this approach.
   c. Shaun asks what representation is being forwarded to the commission.
      i. Simeon responds it is representative of votes at the time it was taken, in 2021. Explains the process.
   d. Simeon Expresses disappointment this wasn't resolved in 2021 and has taken 4 years to reach this point.
   e. Simeon acknowledges the unsuprising changes in community perceptions on these issues now.
   f. Sean Aiken (Via Chat)
      i. **TIME STAMP IN CHAT (26:18) (Roughly 11:18 on Video)**
      ii. Regarding the ONA height restriction. Was there ever a proper notice given to every property owner prior to the ONA vote a few years ago?
      iii. Yuriy Chanba:
         1. Replying to "Did the Ona send out..." Only to ONA members who were aware of ONA existence at the time.
   g. Simeon recommends that any members with concerns make their views known to the county at the Aug 14 and Oct 22nd hearings.
   h. Sharon Brown
      i. **ZOOM VIDEO TIME STAMP (12:10)**
      ii. Responding to Sean Aiken about a notice to property owners.
      iii. The delay on the notice is the county's issue.
      iv. Explains the process.
   i. Sineon responds to Sean Aiken:
      i. **ZOOM VIDEO TIME STAMP (12:45)**
      ii. All votes were taken at ONA meetings that were announced as were the associated committee meetings.
   j. Sharon Brown
      i. **ZOOM VIDEO TIME STAMP (14:10)**
      ii. Askes if there will be a voting recap for the ZAPR recommendations from 2021.
   k. Sineon responds to Sharon:
      i. **ZOOM VIDEO TIME STAMP (14:28)**
      ii. Offers that he could do that at the presentation.

l. Sean Aiken:
    i. **TIME STAMP IN CHAT (29:20) (Roughly 14:20 on Video)**
    ii. So there was no notice sent by Ona?
    iii. **TIME STAMP IN CHAT (35:09) (Roughly 20:09 on Video)**
    iv. If the ONA is sending suggestions based on the communities vote the. It seems clear that every property owner must be notified of the meetings and discussions prior to going to the county. ONA didn't do that.
    v. Shaun DesJardins:
    vi. **TIME STAMP IN CHAT (35:57) (Roughly 20:57 on Video)**
    vii. Replying to "If the ONA is sending...": Agreed. This issue will be addressed today as well.
m. Shaun DesJardins:
    i. **ZOOM VIDEO TIME STAMP (15:14)**
    ii. Asks for time to allow public comment after the agenda items.
    iii. Sineon responds to Shaun, yes if there is time.

6. **This is the first ONA Board meeting for a while. How often do we want to meet?** (Simeon Dreyfuss, ONA President)
    a. **ZOOM VIDEO TIME STAMP (16:10)**
    b. Rough consensus about once per quarter unless otherwise needed.
    c. Might need a meeting to finish scheduling into the fall.

7. **Status of ONA Committees** (Simeon Dreyfuss, ONA President):
    a. **ZOOM VIDEO TIME STAMP (18:40)**
    b. Three ONA committees:
        i. ZAPR (Zoning and Plan Review) – part of our bylaws.
            1. Specific requirements for representation.
            2. Lost a few members from last year.
            3. We are missing Architectural and Development perspectives.
            4. Simeon asks for other perspectives on adds to the ZAPR committee.
                a. **ZOOM VIDEO TIME STAMP (24:32)**
                b. Sharon Brown:
                    i. Do we have Business representation?
                c. Shaun DesJardins:
                    i. **ZOOM VIDEO TIME STAMP (26:43)**
                    ii. Adding ZAPR members from outlying areas.
                d. Sharon Brown:
                    i. Suggests asking for volunteers in these areas.
                e. Shaun Desjardins:
                    i. I didn't know about ZAPR, or asking for volunteers in 2020
                    ii. Suggest using the much larger mailing list we have now to reach some outlying residents.
                f. Simeon:
                    i. Will be looking for committee members that meet the areas covered in our bylaws, that includes geographic representation on the committee.
        ii. Bylaws Committee (Simeon Dreyfuss, ONA President):
            1. **ZOOM VIDEO TIME STAMP (29:25)**

2. The committee was asked to look at the rules around quorums.
    a. We have a difficulty getting enough people to meet the quorum requirements.
    b. Discussion on difficulty with the fluctuation of meeting numbers and its effect on past and future quorum requirements.

iii. Credentials Committee (Simeon Dreyfuss, ONA President):
1. **ZOOM VIDEO TIME STAMP (33:15)**
2. Discussion on the complications that arise from counting votes in a mixed group of in person and online voters.
3. Asks that Shaun DesJardins get involved with the credentials process as well.
4. Recommend adding lists and information on committees to the ONA website.

iv. Firewise Committee (Gill Wiggin, ONA Vice President):
1. **ZOOM VIDEO TIME STAMP (35:51)**
2. Has been unable to get a quorum to activate this committee and needs it to move forward.
3. Recommends qualified people with expertise in relevant areas to Firewise, rather than just geographic representation.
4. Fire risk is increasing, most in the community seem to be concerned.
5. County approval is not needed for a community to be Firewise certified.
6. Push for a quorum do get this committee moving forward.

8. **ONA Finances** (Simeon Dreyfuss, ONA President):
    a. **ZOOM VIDEO TIME STAMP (43:05)**
    b. Sharon has been covering expenses for mail chimp and Zoom for several years and not reimbursing herself. I am taking this on. But we need another system.
    c. Sharon Brown:
        i. ONA was designed to be inclusive with no fees.
        ii. Asks for suggestions on raising funds without dues.
        iii. Has been paying the expenses out of pocket up until now.
    d. Diane Niflis: How much does it cost each year, for Mail Chimp? For Zoom? I would chip in towards reimbursement to Sharon, and to Simeon for the future reimbursement.
        i. Susan Miller: I would also.
        ii. Kathie Norris: As I would as well.
        iii. Ed: Sharon should absolutely be reimbursed. I will contribute.
        iv. Carol Horton: I am happy to contribute. Can we do this through the Oceanside Protection Society (which is tax deductible)
        v. Sharon Brown:
            1. Zoom = $170.00/Year + $10/Month Storage
            2. Mail Chimp = $26.50/Month
            3. We need an Owl or Similar.
            4. No tax exemption for contributions.
            5. In the past people have contributed through OPS to get the tax write off.
        vi. Questions on funding from the county, OPS and OCC:

1. ONA President will look to submit proposals for fundraisers to the appropriate organizations.

9. **The need for an ONA OWL, or equivalent device** (Simeon Dreyfuss, ONA President):
    a. **ZOOM VIDEO TIME STAMP (50:03)**
    b. OWL seems to be state of the art digital meeting system for hybrid environments, but there are less expensive options. How do we decide? How would we pay for it?
    c. Owl has the best reviews of similar ($1000) fully automated hardware.
        i. Multiple less expensive options will use varying degrees of user operation with video and sound degradation, per customer reviews.
    d. Related to item 8.
    e. The owl should have extra mics to assist with audio and ease of room.
    f. Simeon and Shaun will put a proposal together.

10. **Rebuilding trust within the Oceanside Community** (Shaun DesJardins, ONA Secretary):
    a. **ZOOM VIDEO TIME STAMP (55:20)**
    b. Six reoccurring bullet points from social media:
        i. ONA put forth suggestions to Tillamook County, as recommended by Oceansiders, yet there seems to be a lot of discrepancies with just how many have been contacted and what the feedback is. There is a solid block of residents and owners that see this as just a few making decisions they think will work for everyone.
        ii. Making rules that infringe upon the rights of owners in and out of the village proper. This has been a common theme for myself and others from about 2021 up until it reached a head at this last vote. This perspective is reinforced by the comments, snarky (perceived) replies and overall "them and us" feel of the committees involving property use.
        iii. Finding ways to circumvent voting, instead of being transparent and making an effort to regularly assure we are actually doing the current will of the people we represent, not our personal opinions.
        iv. Taking note of and considering past Oregon legislation on issues ONA is trying to suggest to the County. This is now easier than ever to research online, so we do get feedback on this. If we are not looking at this ahead of time it doesn't look like we are being transparent.
        v. Shadow pushing agendas. ONA seems (perceived) to be pushing things as an organization that there is a lot of division over. An example of this is incorporation (I happen to personally be for this one). Having things like this on the ONA web site, years after they are voted down and seeming to support this "unofficially" hurts our credibility as an organization supporting the entire community.
            1. Gill Wiggin:
                a. **ZOOM VIDEO TIME STAMP (01:01:40)**

b. We should archive past date and not delete it, to show what we did in history. Also make it accessible for transparency.

vi. Sending the 2021 voting information to the county without properly pointing out that a new vote was blocked, even though requested, and there is a great deal of opposition to it now that we understand the ramifications. This is a biggy. This makes ONA look very opaque and sinister.

c. Please send emails to Secretary@Oceansidefriends.org to have other issues added for discussion.

d. Craig Wakefield:
   i. **TIME STAMP IN CHAT (01:04:24) (Roughly 49:57 on Video)**
   ii. Why did so many of the proposed standards failed to get approval?
   iii. I think it's important that the leadership understand the message the community sent via the recent election results.
   iv. First, it seems obvious that, by all the questions that were asked 'on the day of the vote' – concerning the most basic elements of the proposed standards – that the leadership had not done an adequate job of conveying WHY we needed any of these additional standards or changes to existing requirements. I believe for many people it all seemed like overreach. Leadership needs to know why the community reacted the way they did.
   v. Multiple positive reactions in chat.

e. Simeon:
   i. **ZOOM VIDEO TIME STAMP (01:05:01)**
   ii. Believes this summary accurately captures the reasons a lot of people are feeling alienated from the ONA.
   iii. What can we, as a board, do about this going forward?
      1. Reorganize the web site.
      2. Have an ONA meeting this year dedicated to just listening to members.
      3. Perhaps get an outside mediator.
      4. We have a lot more that draws us together as a community, even with different perspectives.

f. Sean Aiken:
   i. **TIME STAMP IN CHAT (01:20:21) (Roughly 01:05:57 on Video)**
   ii. Shaun nails it. He gives me hope. Thank you for joining the board.

g. Gill:
   i. **ZOOM VIDEO TIME STAMP (01:07:20)**
   ii. Revitalizing the community plan would help with this and put a modern timestamp on it.
   iii. Concerned that bringing up old votes might encourage the county to delay on issues we want to move forward on.
   iv. Concerns about the way ZAPR is bringing the lighting and height restrictions is updating a timestamp, without updating the vote. Should have included the dates of the votes in the submission to the commissioners.

h. Simeon:
   i. **ZOOM VIDEO TIME STAMP (01:10:15)**
   ii. Wished the county had acted on issues at the time they were voted on and delivered instead of waiting years until they were mandated by the state.

iii. Asks board members about opinions on a mediated meeting to air differences.
    1. Shaun:
        a. Suggests an online forum would be better and faster.
        b. We should be more open about how our information represents the community.
        c. We should not be presenting information that we know does not represent the community.
    2. Simeon:
        a. There are actually 4 issues being presented to the commissioners from ZAPR:
            i. State update about middle housing.
            ii. Lighting standards.
            iii. Change to building height calculations
            iv. Change to actual building height.
        b. The last one is the only controversial one.
    3. Shaun:
        a. We need to get the community input before putting out controversial suggestions to the commissioners.
        b. Offers to receive community input by email and other and produce a spreadsheet for the board to see the community response.
    4. Sharon:
        a. A mediator is a great idea.
        b. Concerned about timing and logistics.
    5. Gilt:
        a. A mediator is a reasonable way to pursue that.
        b. Should not let short term cost prevent us from pursuing this.

i. Yuriy Chanba:
    i. **TIME STAMP IN CHAT (01:26:56) (Roughly 01:11:56 on Video)**
    ii. In a way, it's good the county didn't act on it, because informed Oceansiders let you know their preferences in 2025
j. Kathie Norris:
    i. **TIME STAMP IN CHAT (01:31:43) (Roughly 01:16:43 on Video)**
    ii. I suspect that there would be cost associated with using an outside mediator.
k. Shaun DesJardins:
    i. **TIME STAMP IN CHAT (01:32:16) (Roughly 01:17:16 on Video)**
    ii. Could we add a forum to our web site?
l. Pauline and Saj Jivanjee:
    i. **TIME STAMP IN CHAT (01:32:35) (Roughly 01:17:35 on Video)**
    ii. There is a no-cost Tillamook Office of Mediation.

11. **Do we want to pursue an ONA sponsored Online Forum, for ongoing discussions of ONA related issues?** (Simeon Dreyfuss, ONA President):
    a. **ZOOM VIDEO TIME STAMP (01:17:40)**
    b. There could be technical or legal issues.
    c. What do board members think of this idea?
        i. Sharon:
            1. The most current version was a forum on Gmail.

2. Our web site will not accommodate a forum.
3. The county and others have raised the issue of "Open Public Meetings" law.
4. Recommends a forum outside the ONA so officers and others can participate as individuals.

ii. Gill:
1. Kind of a nightmare.
2. Lots of issues with moderation, free speech, and disrespect.
3. But feels it would be beneficial if it could be done.

iii. Simeon,
1. How would an ONA form be different from a FB forum?
a. Sharon:
i. Difficult for the ONA to sponsor without legal issues.
ii. Lots of members not on FB (Several agree in chat).
iii. Liked the Gmail format.

iv. Shaun:
1. Offers to collect information on forum options and forward it to Simeon.

v. Simeon:
1. Suggests asking the ONA at a meeting about interest in forum participation.
2. Concerned about loss of interest and activity over time like the last one.

vi. Shaun:
1. Offers to help out and/or moderate on his own time for this.

vii. Sharon:
1. Important to note that no one person can ever give a response representing the ONA. That is the way the membership is set up.

viii. Shaun DesJardins:

ix. **TIME STAMP IN CHAT (01:37:49) (Roughly 01:22:49 on Video)**
1. Social Media doesn't seem like a good platform.

12. **Agenda for coming year's meetings: Ideally I would like to publish in advance at least the guest speakers for upcoming meetings. Ideas?** (Simeon Dreyfuss, ONA President):
a. **ZOOM VIDEO TIME STAMP (01:28:15)**
b. Not covered in this meeting due to lack of time.

13. **Adjournment** (Simeon Dreyfuss, ONA President):
a. **ZOOM VIDEO TIME STAMP (01:30:18)**

An email Notice and Zoom link will be sent in advance of the meeting.

Respectfully submitted,
Shaun DesJardins, ONA Secretary
Contact information: oceansidefriends@gmail.com

View this email in your browser

Oceanside Neighborhood Association

Oceanside Neighborhood Association Election Results from May 18, 2025

Thank you for your patience as the credentialing committee finalized their work on the vote count from our May 18 meeting. Votes took place on the following items, with results in red following the question

VOTING ITEM NO. 1

FOR SINGLE-FAMILY HOMES, DUPLEXES and TRIPLEXES, should the minimum lot size for new structures be reduced from 7500 square-feet and at least 60 feet wide (the current rule) to 5000 square feet and at least 50 feet wide?

Yes: 78

No: 83

Final vote: No

VOTING ITEM NO. 2

FOR QUADPLEXES and COTTAGE CLUSTERS, should the minimum lot size be established as 7000 square-feet?

No: 111
Final vote: No

VOTING ITEM NO. 7a.

BUILDING SIZE LIMITATION - FLAT LIMIT

If the county permits it, should all new residential structures be limited to 5000 square feet in total area (6000 square feet for townhomes)?

For this question, assume the county WILL ALLOW the ZAPR Committee's request to EXEMPT existing homes from being declared "nonconforming uses."
Yes: 72
No: 84
Final vote: No

VOTING ITEM NO. 7b

ALTERNATIVE BUILDING SIZE LIMITATION - "FAR" method.

If the county disallows the flat square foot limit in Item No. 7a, should new buildings comply with an alternative "floor area ratio" limit of ".08 (or 80%) and .9 (or 90%) for new townhomes?

For example, a new residence on a 5000 square-foot lot would be limited to 4000 square feet (80% of 5000) - excluding basements and certain other areas. (The FAR would be .9 (or 90%) for new townhomes.)

For this question, assume the county WILL ALLOW the ZAPR Committee's request to EXEMPT existing homes from being declared "nonconforming uses."
Yes: 70
No: 86
Final vote: No

VOTING ITEM NO. 7c

BUILDING SIZE LIMITATIONS ASSUMING NO "NONCORMING USE" EXEMPTION.

Regardless of how you voted on Voting Item No. 7a or 7b, should new residences comply with one or the other of these size limitations, EVEN IF the county does NOT ALLOW the ZAPR Committee's request to exempt existing homes from being declared "nonconforming uses"?
Yes: 59
No: 95
Final vote: No

VOTING ITEM NO. 8a

"VISITABILITY" STANDARDS (assuming a county-approved "nonconforming use" exemption).

For TRIPLEXES, QUADPLEXES, TOWNHOMES and COTTAGE CLUSTERS, should at least one unit generally be required to meet "visitability standards" that render them more accessible and livable for seniors or other differently abled persons?

These generally include features such as wider entry doors, ground floor bathrooms and larger living areas.

For this question, assume the county WILL ALLOW the ZAPR Committee's request to EXEMPT existing homes from being declared "nonconforming uses." (See Section 9).
Yes: 70
No: 86
Final vote: No

VOTING ITEM NO. 8b

"VISITABILITY" STANDARDS (assuming NO county-approved "nonconforming use" exemption).

For TRIPLEXES, QUADPLEXES, TOWNHOMES and COTTAGE CLUSTERS, should at least one unit generally be required to meet "visitability standards" that render them more accessible and livable for seniors or other differently abled persons?

These generally include features such as wider entry doors, ground floor bathrooms and larger living areas. For this question, assume the county WILL NOT ALLOW the ZAPR Committee's request to EXEMPT existing homes from being declared "nonconforming uses." (See Section 9).
Yes: 54
No: 99
Final vote: No

VOTING ITEM NO. 9

COTTAGE CLUSTERS - MINIMUM UNIT RULE

Should new cottage clusters be required to include at least 3 units?

This is less than the state "model" code minimum of 4 units. ZAPR recommended this item to encourage the construction of cottage clusters, and also to conform with the rule being proposed in other Tillamook County communities.
Yes: 94
No: 62
Final vote: Yes

My thanks go out to Jerzy Rub, Melissa Farlow and Leslie Kay who served on the credentialing committee. Also many thanks to Paul Brey, ONA Secretary, who registered many people to vote and took such care with voting tabulation. My sincere thanks to Tom Kemper, ZAPR committee chair for a year's work as well as all members of the ZAPR committee. The Oceanside community has spoken.

Terri Warren, ONA President, 2024-2025

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Oceanside Neighborhood Association
PO Box 232
Oceanside OR 97134

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You can update your preferences or unsubscribe from this list

VACANT PROPERTIES

1S11 24 + 25

+/- 50

1S10 30 BB + BC

+/- 50

MapTaxlot	TaxlotAcre
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1S10190000800	4.307157447
1S10190001002	1.451025068
1S10300000300	4.100269399
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1S1125AA13700	0.092074518
1S1125AA13800	0.087092326
1S1125AA13900	0.08210286
1S1125AA14302	0.187439183

PROPERTIES
336 Vacant

Yellow+Orange = Less than 7500 ft

Green = 7500 ft +

MapTaxlot	TaxlotAcre	GISSqFt
1S1031BA07700	0.023794007	1036.662308
1S1031BA07600	0.031430634	1369.373589
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WRITTEN TESTIMONY SUBMITTED TO THE DEPARTMENT BY 4:00PM ON AUGUST 28, 2025

Sarah Thompson

From: Sarah Absher
Sent: Thursday, August 28, 2025 1:17 PM
To: Sarah Thompson
Cc: shaundesjardins@live.com
Subject: Public Comments for Sept 11 2025
Attachments: ONA-Minutes-2025_02_01.pdf; ONA-Minutes-2021_10_02.pdf; ONA-Election-Results-from-2025-05-18.pdf; 01_Summery of comments and documents.pdf; ONA-Minutes-2024_02_03.pdf; ONA-Minutes-2025_05_18.pdf; ONA-Minutes-2025_04_05.pdf; ONA-Minutes-2025_06_21.pdf; ZAPR-Community-Comments-2025_03_29.pdf; ONA-Minutes-2025_07_28.pdf

Hello Sarah,

Please see comments below and attached. Please add to the testimony packet for the September 11, 2025 Planning Commission hearing.

Thank You,

Sarah Absher, CBO, CFM, Director
TILLAMOOK COUNTY | Community Development
1510-B Third Street
Tillamook, OR 97141
Phone (503) 842-3408 x3412
Sarah.Absher@tillamookcounty.gov

From: Shaun DesJardins <shaundesjardins1967@gmail.com>
Sent: Thursday, August 28, 2025 1:15 PM
To: Sarah Absher <Sarah.Absher@tillamookcounty.gov>
Subject: EXTERNAL: Public Comments for Sept 11 2025

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Sarah,

Please add the following summary and referenced attachments to the written testimony for the 11 September 2025 commissioner's meeting. I will be present and prepared to testify as both Secretary of ONA and as a Resident on new testimony.

Please respond to acknowledge receipt of this email and that it will be in the testimony package.

Thank you,

Shaun DesJardins

Timeline of Height Reduction

Summery and comments at the end of listed applicable ONA minutes:

2019, October 5th. Jerry Keene (President ONA), discusses building height calculations, for the first time noted in minutes. No mention of a reduction in height. No mention of non-conforming issues.

2020, February 2nd: Team formed for Building Height Formula/Calculation: Mary Beeks, Caroline Neunzert, Kathie Norris. No mention of a reduction in height. No mention of non-conforming issues.

2020, December 5th: Building Height calculation team discussed new height calculation. No mention of a reduction in height. No mention of non-conforming issues.

2021, February 6th: First Zoom Meeting, no link to a video. 85 members confirmed by Zoom and phone. Announced new team for building height calculation team: Caroline Neunzert, Kathie Norris, Jerry Keene with advice from Mark Widmer. Will submit a report in the future. No mention of a reduction in height. No mention of non-conforming issues.

2021, April 3rd: 51 members in attendance, plus an "unknown number of telephone participants". Voted 'Unanimously' to change the Bylaws (No mention if the call-ins were allowed a vote). No update on changes to the height calculations. No mention of a reduction in height. No mention of non-conforming issues.

2021, June 6th: From the minutes: "Building Height Standards Team: The Team has nearly finalized its Report, including recommendations to update the formula for calculating maximum building height in residential and commercial zones. It should be posted on the website for public review and comment in a few days. A Special (Zoom) Meeting will be held on September 11, 2021, 10-11:30 a.m. The Team will then prepare Final Report and recommendations for consideration and a vote at ONA Regular (Live and Zoom hybrid) Meeting on October 2, 2021, 10-11:30 a.m. With the Team Report, the ONA Board has included a separate proposal to consider requesting an exemption from the countywide height limit of 35 feet in order to reduce it to 30 feet. (Neskowin obtained such exemption and reduced their height maximum to 24 feet.) The Board's proposal will be discussed at meetings and potentially a vote in separate proceedings parallel to those on the Team's recommendations." This is the first mention of a building height restriction as a separate proposal for height reduction from 35-30 feet. No mention of non-conforming issues. Promised meetings to discuss proposed height reduction and calculations.

2021, October 2nd: 65 in attendance (37 needed for quorum). Meeting purpose to vote on proposals for lighting, height calculation and height reduction. Jerry Keene referenced a September 11, 2021 special meeting on height calculations stated, "about 70 people attended", but the meeting has no minutes or attendance records available. Voted 55-Yes, 33-No with 65 in attendance and an 'unknown number joining later'. No mention of non-conforming issues.

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Nothing of relevance to this issue in any of the 10 meetings that are noted in minutes. No videos available. No mention of non-conforming issues.

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2023, December 2nd: Sarah Absher talks about Senate Bill 406 for middle housing (Duplexes, Triplexes, Quads, Cottage Clusters and Townhouses). Brings up that the 2021 proposals are still awaiting commissioner action. Sarah states that the 2021 proposals will be presented with a measure 56 notice along with the Middle Housing requirements, but as a separate measure and will be available to appeal. This will likely happen in 2024.

2024, February 3rd: Sarah requests activation of ZAPR committee. The beginning of concern from ONA members, regarding the effects of ZAPR changes to building code changes. See attached minutes. No videos available. No mention of non-conforming issues.

2024, April 6th: Announces ZAPR meeting for April 9th, no minutes available for that meeting. Public comments were not taken. No videos available. No mention of non-conforming issues.

2024, June 1st: ZAPR announces future meetings, materials and links for June 4th and 25th will be sent out to members on the ONA mailing list. No videos available. No mention of non-conforming issues.

2024, September 21st: No videos available. No mention of non-conforming or related issues.

2024, December 7th: First meeting recorded with zoom that's readily available online. Sarah Absher will push through the 2021 code changes as a priority. Only 37 people in attendance. No videos available. No mention of non-conforming issues.

2025, February 1st: 52 ONA members in attendance. Tom Kemper announced as new chair of ZAPR. Sarah Absher, in absence of committee work had continued the work on her own (Video link at 19:45). In April or may will propose changes to ONA for a vote on optional issues. Will initiate the process for proposed changes in April or May. Will push forward 2021 issues along with middle housing amendments. Sarah acknowledges that the proposals from 2021 can be changes based upon ONA feedback before delivering to the planning commission, based upon

what the board adopts. (Video link at 46:00). Sarah will not allow us to change the 2021 documents, no matter the ONA opinions (Video Link 47:00). No mention of non-conforming issues.

2025, April 5th: 71 in attendance. First full update on ZAPR 'Middle Housing' proposals (Video Link 44:45 – 1:24:30). No mention in the minutes of any ONA members concerns. No mention of non-conforming issues. Video link disabled.

2025, May 18th: Special meeting to vote on ZAPR proposals. 165 ONA registered members in attendance. Questions were asked that are very relevant and show the communities overwhelming view on non-conforming and taking issues. Each of the 9 issues were voted on only after asking for input from the ONA members (165 present). As lengthy as this video is (90 minutes) it truly shows the relationship between ZAPR (That managed to get the 2021 vote passed, during the Pandemic, with a 55-33 sampling of the ONA), the ONA Board and ONA members. No mention of non-conforming issues.

2025, June 21st: Annual Meeting. Video Link disabled. Announced meeting dates involving Middle Housing. No mention of non-conforming issues.

2025, July 28th: ONA Board Meeting on issues and ONA future. Public comments (Video Link 03:20 – 08:24) including comments, including issues with the way Board members are limiting access to discuss issues and blocking dissenting views during ONA meetings. Also comments from Simeon acknowledging lack of community trust with ONA (Video Link 07:00) and a need to rebuild it. Discussion on preparation for August 14 planning committee meeting (Video Link 08:25 – 16:09). **Simeon told the ONA Board (Video Link 10:35) that the 2021 issues brought forward would be presented as "Representative of Oceanside at the time the votes were taken." Please note that these were not presented to the Commissioners this way. They were absolutely presented as "Requested by Oceanside" as a community, this simply is not true.** Simeon literally acknowledges (Video Link 11:25) the "unsurprising" changes in community perception on this issue and deceptively fails to pass this along to the Commissioners in any way. **Rebuilding trust in the Oceanside community (Video Link 55:20 – 01:17:40)** is a nearly 25 minute discussion about the issues Oceansiders have with ZAPR and ONA. This is really telling and very important in the understanding of how a majority (Per the last two votes) of Oceansiders do not feel represented by ZAPR or ONA. This issue is so contentious that Simeon suggests a separate forum and/or arbitration to help mend these breaks in trust (Video Link 01:17:40 – 01:28:14).

In summary, the minutes referenced in **Bold** above are included in this package. The 2025 videos should be available, and I can get them, even though some of the links have been deactivated in the past 60 days, for whatever reason.

I have been asked not to testify as Secretary, even though a years past Secretary was allowed to comment, with incomplete and misleading information to this board. So, I am submitting as a resident, and I will be available and prepared to answer questions as the current ONA Secretary. Please ask for any clarification and I will respond with complete facts, numbers and clarifications from the Secretary file that I have access to.

Answers to Commissioners questions from the end of the 14 August meeting:

- Is the ZAPR committee representing Oceanside as a whole?
    - It absolutely is not. This has been noted repeatedly in video and minutes and needs to be addressed in order for ZAPR to be correctly considered a representative group to make suggestions for Oceanside and surrounding interests. See above minutes notes, Attached full minutes in packet and active video links in the minutes, with relevant time stamps for any context questions.
- Do ONA voters feel like they are being heard?
    - The majority do not. Per 2025 ONA voting results from May 18 and the March 29th community comments on ZAPR, as well as the December 2021 defeat of the previous major ONA initiative (All Attached in packet) it is clear that voters are struggling to get the ONA board to even consider their views and concerns.
- Are Non-Conforming issues relevant to ONA members, and if so, how?
    - This issue have been shouted down, shamed and suppressed by the very committee that is supposed to represent the residents that voice this concern. (As seen in your last meeting and videos referenced above.
    - Specifically the May, 18 2025 vote. Note the Board members responding to concerns they do not agree with. This is not representation, and it is clear in the video.
    - Per my local realtor, Megan Despain, "It is inconceivable that any Real Estate professional would not acknowledge, at least the obvious value reductions associated with a lot, home or property being effected but a Non-Conforming status".
    - Per my Insurance professionals, Armed Forces Insurance and Travelers Insurance, "Claims against properties in a non-conforming status could result in legal review. If the status changed after, was unreported or misreported it might impact cost and/or coverage."

Thank you for your consideration on these issues. I will be present and available for comment as both ONA Secretary and as a resident in the September 11th hearing.

Oceanside Neighborhood Association
www.oceansidefriends.org
Meeting Minutes
Regular Meeting — October 2, 2021 — Zoom Format

President Jerry Keene called the online meeting to order at 10:00 a.m. on October 2, 2021. At that point in time, per Zoom registration and polling, 65 ONA members were in attendance. (Additional ONA members joined the meeting later.) The meeting quorum of 37 was met.

Approval of Meeting Minutes:
There were no objections; meeting minutes for June 6, 2021 were approved.

Treasurer Report: (per Mary Flock via Jerry Keene)
Bank balance total is $14,054.37 (ONA General Fund $1,616.98, Beach Access Donation Fund $12,437.39).

Today's Agenda:
Discussion and Voting on Final Team Reports RE: Zoning Ordinances

The purpose this meeting was to have three votes addressing whether the ONA will be requesting the Tillamook Planning Commission & County Commissioners to make certain changes in Zoning Ordinances that govern Oceanside building and land use in these three areas:

1) Exterior Lighting
2) Building Height Calculation
3) Option to reduce Oceanside building height to 30 feet

Background:

Jerry Keene summarized the history of work on these issues. In late 2019, the ONA board announced the formation of teams and a request was made for volunteers to analyze these and other issues. Teams researched their topics and wrote reports. Their work was announced multiple times in meetings and ONA newsletters, and ideas and comments were solicited.

In June 2021, the ONA Exterior Lighting Team and the ONA Building Height Team posted their preliminary reports on the ONA website, asking for additional comments from the public. These comments were evaluated by the teams and many suggestions were incorporated into their reports.

Special ONA meetings were held online to discuss each report:

July 10, 2021 - Lighting Report (about 50 people attended)
Sept 11, 2021 - Building Height Proposals (about 70 people attended)

Input was requested and received from Tillamook County (Sarah Absher)

Final reports were posted to the ONA website Sept 23, 2021 and can be found via the links below:

Final Report - ONA Lighting Team
https://oceansidefriends.us12.list-manage.com/track/click?u=bed158b5fc9dc079133a511fa&id=74d22754cb&e=8793890cef

Final Report - ONA Building Height
https://oceansidefriends.us12.list-manage.com/track/click?u=bed158b5fc9dc079133a511fa&id=1cbda406e9&e=8793890cef

Final Version of Proposed Building Height Ordinance
https://oceansidefriends.us12.list-manage.com/track/click?u=bed158b5fc9dc079133a511fa&id=a55aef2540&e=8793890cef

ONA email newsletters covered the above mentioned activity. MailChimp data shows 220-250 people consistently opened the emails regarding these reports. (Many of these emails go to two people). Jerry is encouraged to see how many people are reading these emails and feels confident that **adequate public notice has been provided and input received.**

Meeting Process:
—Each team committee chairperson will provide comments regarding their team's report.
—The president will entertain a motion to adopt the report and a motion to second is will be sought.
—30 minutes will be taken to discuss the issues.
—An online Zoom poll will be conducted among ONA members to determine whether the ONA will request the Tillamook Planning Commission & County Commissioners to make the requested changes in Zoning Ordinances that govern Oceanside building and land use.

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1) LIGHTING TEAM REPORT
Chair Marilyn Roossinck
Other members: Mike Neunzert, Mike Dowd, Craig Olson.
Marilyn commented that these reports have been on the ONA website for months and the team has received good feedback.

MOTION:
Marilyn Roossink made a **motion to accept the final Lighting Team Report and ordinance revision as submitted** and also authorizing the ONA board to make technical or legal adjustments as required while working with the County Planning Commission.
The motion seconded by Michael Neunzert.

DISCUSSION on Lighting report: (Meeting participants were asked to put comments and questions in the Zoom Chat.)

Pam Zielinski - question: how is lighting trespass measured?
Michael Neunzert responded: light trespass can be evaluated by standing at one's property line. Guidline: if the bulb or brightest part of neighbor's exterior lighting fixture is visible, then light is trespassing across property line.

Jerzy Rub - comment: Welcomes reducing light pollution, but objects to report as written as being intrusive. Original mandate was for OUTDOOR lighting standards. Scope has changed to include light trespass from INSIDE the home. Verbiage requiring indoor lights to point downward. Not purview of county/Oceanside. Also concerned with increased scope to include the energy efficiency of outdoor lights. While a good idea, not in the scope of reducing light pollution.

MOTION:
Jerzy Rub made a **motion to amend the lighting report: to strike out references to interior/indoor lighting & to energy standards, and leave rest of report as is.**
Motion seconded by Pam Zielinski

DISCUSSION on motion to amend:
Comments from task force:
Marilyn: the team observed that having a home's interior light shine directly into another's home is also a form of light trespass.
Michael: team wanted to focus on the problem of light trespass, whether or not it was from indoor or outdoor lighting. Regarding energy efficiency: team saw in this in other community lighting standards and wanted to suggest this good idea,.

Sam Kaluf agrees with Jerzy. Interior lighting standards are overreach. Homes on the hill in Oceanside cannot stop their ceiling down lights from shining onto properties below unless shades are drawn.

Dan & Kathy Hendrix. Agree to motion to strike references on indoor lights.

VOTE:
Zoom poll conducted on **whether to amend Lighting Report**:
A YES vote would **strike all references to interior lighting and energy efficiency standards, the balance of the report to remain the same.**

Basis: interior lighting and energy efficient lighting are outside the original mandate of the team, as well as being hard to measure and enforce.

RESULTS read verbally by Jerry: 80% yes to amend, 20% no
Based on results, **the move to amend the Lighting Report passes**.

DISCUSSION on accepting Exterior Lighting report as amended:
Pam Zielinski: due to Oceanside's hilly topography, bulbs for OUTDOOR lighting would be visible to neighbors below, so she is not in favor of Exterior Lighting standard. Sam agreed.
Jerry responded: this would be one of the common grey areas in building standards that the county has to interpret the intent of the amendment.

Jennifer Byrn: agreed with Jerry. This would be a complaint driven process. There would not be inspectors walking around Oceanside issuing citations. This ordinance would allow egregious light trespass to be addressed.

Susan Wainwright: agreed with Jennifer. Light deters crime, so we wouldn't want complete darkness. Public Utility can shield streetlights and lower LED intensity.

VOTE:
Zoom poll conducted on **whether to accept the Lighting Report as amended**

RESULTS read verbally by Jerry: 77 yes votes, 7 no votes
Based on votes **the Exterior Lighting Report as amended is accepted.**

This proposal will be sent to the County Planning Commission and Tillamook County Commissioners.

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2) <u>BUILDING HEIGHT TEAM REPORT</u>

Background:
Jerry wanted to let members know that the ONA addressed this issue at the request of Tillamook County. Several issues were raised in emails and at the special meeting to discuss this report, and Jerry wanted to respond to them:

1) There was a concern that the new building height formula would do away with the ability to ask for a building height variance.

> Jerry responded: adopting the proposed building height formula would not negate the ability to ask for a building height variance. Article 8 of the county's Land Use Ordinances outlines the criteria for evaluating variance requests, of which blocking views is not currently a factor. The

ONA report on building height asks the county to add blocked views as one of the many criteria already in place to be considered in evaluating variance requests.

2) People asked for case studies or examples of how the building height formula would work.

Jerry shared illustrations of how both the current formula and proposed formula would measure building height and shared an existing home in Oceanside as a case study. These illustrations are included at the end of this document.

Figures 1, 2 and 3 show how the current building height formula results in a different "average building height" depending on the number and placement of walls in a hillside home's design. The current formula-derived average height for Building 1 is 35', for Building 2, 25' and for Building 3, 23'. The more walls and "pop-outs" placed on the uphill side of a building, the lower the overall calculated building height, and the taller the actual building can become.

Figure 4 shows a photo of an actual Oceanside home, which according to the current building height formula, allowed for a 5-story home.

Figure 5 shows the proposed revised building height formula applied to the home in Figure 3. The proposed method provides a more normalized average, not influenced by the addition of extra walls.

Jerry asked to entertain a motion to adopt the team's report on the revised building height formula and added variance language. He emphasized this report does not include any specific height limit.

Carolyn Neunzert, chair of Building Height Formula Committee, reiterated this report was only on the revised building height formula, not on any specific maximum building height. The group's original task was to simplify and clarify the building height formula. Other committee members include Kathie Norris, Mary Beeks and Jerry Keene.

MOTION:
Carolyn Neunzert made **the motion that the Final Report and Ordinance Revisions regarding the Building Height Formula be approved,** as well as authorizing the ONA board to negotiate any technical or legal adjustments if necessary when working with the county planning commission or the county commissioners.
The motion was seconded by Sam Kaluf.

DISCUSSION of proposed Building Height Formula:

A number of questions regarded application of the building height formula to aspects of house design (decks, stilts, chimneys etc.).
Jerry responded: these issues are covered in the proposal and in existing ordinances. The proposed formula would not affect them.

Several people expressed concern that the new formula would harm or restrict building design potential for future construction.
Carolyn responded: the new proposal would actually open up certain aspects of building design since house plans with multiple corners on the downhill side of a lot will not be penalized and have their overall building height lowered.

Question: if a house built to the old code burns down, can it be built to old height or must it use the new formula.
Sarah Absher responded: if 80% or more of home is destroyed, it would need to adhere to the current building standards.

Additional comments:

More restrictive subdivision building covenants would override county ordinance (Camelot, Trillium, etc.)

Sarah Absher responded to questions by Jerry:
—75% to 90% of Oceanside variance requests have been approved by the county over time. This is especially true along Maxwell Mtn & Portland Ave due to steep topography. Often these variances have to do with reduced front yard setbacks.
—the proposed building height formula would simplify county staff's job in calculating average building height. Going from measuring and averaging 15-30 wall heights to 4 wall heights per building would make their job easier and less prone to error.

VOTE:
Zoom poll conducted on **accepting the Final Report and Ordinance Revisions regarding the Building Height Formula,** as stated in the motion.

RESULTS read verbally by Jerry: 75 yes votes, 10 no votes
Based on votes **the motion to accept the new building height formula and ordinance revisions passes.**

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3) <u>OPTION TO REDUCE OCEANSIDE BUILDING HEIGHT TO 30 FEET</u>

Proposal to revise maximum building height in Oceanside residential and commercial zones from the current state-wide 35 feet limit to 30 feet.

Background:
When doing research on building height, Jerry discovered that Neakahnie imposed a maximum height standard of 24 feet. Jerry didn't know this was an option (and this was not in the scope of the Building Height Formula work group) but he wanted to present this to ONA members as a policy option for Oceanside.

MOTION:
Kathy Norris moved **to approve the ONA board's proposal to reduce the maximum building height in Oceanside from 35 feet to 30 feet**, and also that the ONA board be authorized to negotiate any technical or legal changes in the proposal that are deemed necessary before the planning commission and the board of county commissioners
The motion was seconded by Marilyn Roossinck.

DISCUSSION of 30 foot height limit:
- Question about legality of this ordinance reducing people's property value. Response: This is a reality of any zoning change. It could also increase other's property value.
- Is there a relationship between the 30 ft. limit and maximum number of stories? Response: The proposal does not address this. It depends on the slope of the property.
- Pam: Neakahnie has large lots so they can build wide houses vs Oceanside has narrow lots. This would negatively affect owners of narrow steep lots in Oceanside.
- Marilyn: Tall houses have a negative impact on my property and quality of life.
- Steve E: This is an additional restriction in addition to the building formula change.
- Dardn: This 30 ft. restriction is on the backs of new construction and benefits currently existing homes.
- Wendy Shi: Plans to build home. Asks existing homeowners to be considerate of future home builders.
- Steve Ewalt: What would be the timing on such a change? Jerry responds: Can't become law unless it gets through the planning commission, and this would involve public hearings. If planning commission allowed this to go forward, it would go to the county commissioners for hearings and a vote. The soonest this process could possibly be completed would be mid-2022.

- Mandy: concern 30 ft. limit would incentivize tall flat roof, blocky buildings. Also, suggested we don't have to do all of this at once. Could seeing how things go with new building height formula before pursuing lowered maximum building height. Jerry responds: County only can provide staff to consider Oceanside ordinance changes every so often. It's been 4 years since last changes were considered. Any ordinance recommendations held back now wouldn't be considered for another 4-5 years.
- Steve, others agree with Mandy's comment about incentivizing blocky designs. Jerry responds: We are already seeing more blocky designs with 35 foot limit.

VOTE:
Zoom poll conducted on **approving the ONA board's proposal to reduce the maximum building height from 35 feet to 30 feet,** as stated in the motion.

RESULTS read verbally by Jerry: 55 yes votes, 33 no votes
Based on results, the **motion to approve the ONA board's proposal to reduce the maximum building height from 35 feet to 30 feet passes.**

ANNOUNCEMENTS:

Beach Access Update: Plans and budget are approved, the money is in place. The county took longer than expected to get the contract out for bid, so it was too late in the season for contractors to bid and complete construction before the winter weather arrived. All permits are still in hand, but the contract will go out for bid in February 2022 for construction in early spring. Jerry noted that we need to name the steps and asked for ideas - a naming contest?

Cape Meares Loop Road update: this is set to begin construction this winter. Construction trailer will be set up at the waste water processing plant. The project will take 2-3 years to complete.

Oceanside Centennial: July 5, 2022. Centennial celebration committee has been formed, chaired by Marilyn Roossinck, along with Mary Flock and Susan Miller. They are planning to create a 3-day Centennial Celebration Event, including an exhibition at the Community Center. Additional volunteers are welcome.

PUBLIC COMMENTS:
Jerry invited comments from the community; none were offered.

The next regular meeting will be the first Saturday in December (12/4/2021) at 10 am.

Meeting adjourned 11:50 am.

Respectfully submitted,
Carol Horton
ONA Secretary

A video recording of this meeting will be retained for a limited time. To review it, please contact the ONA at oceansidefriends@gmail.com.

Building Height Figures
See below:

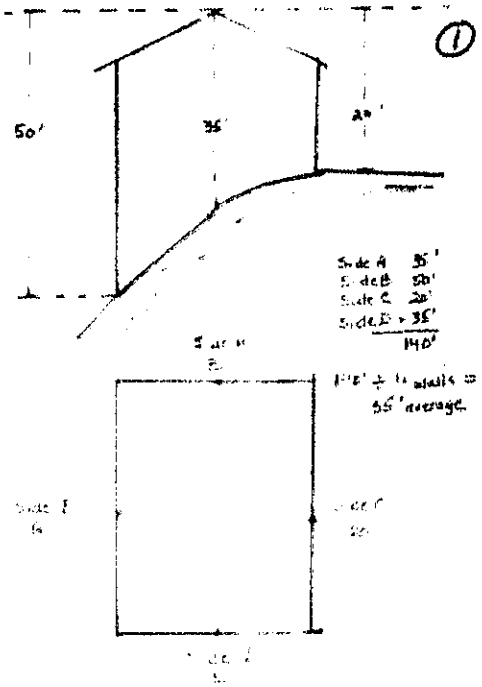

Figure 1: Current Building Height Formula

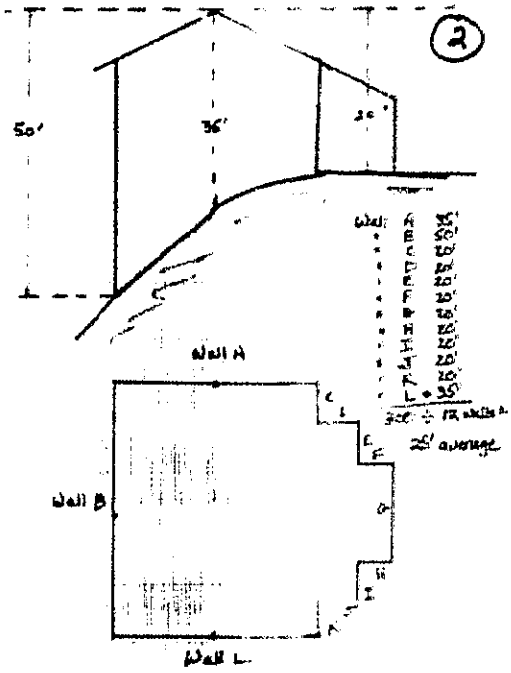

Figure 2: Current Building Height Formula

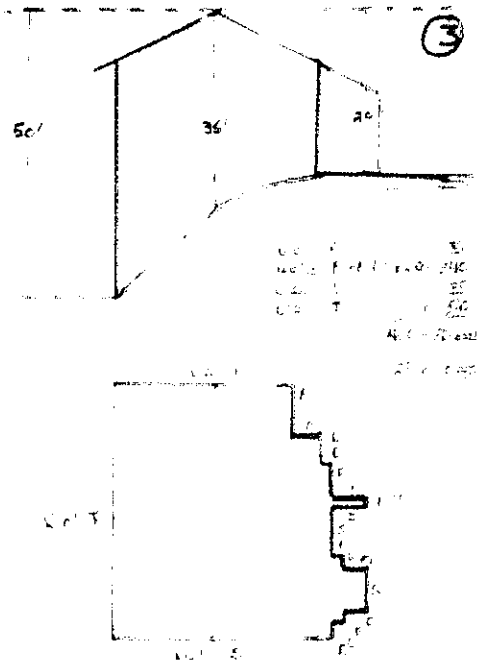

Figure 3: Current Building Height Formula

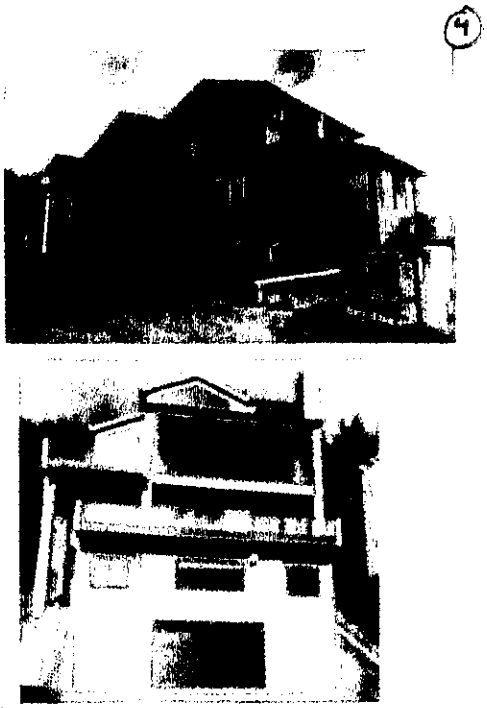

Figure 4 Oceanside Home similar to Figure 3

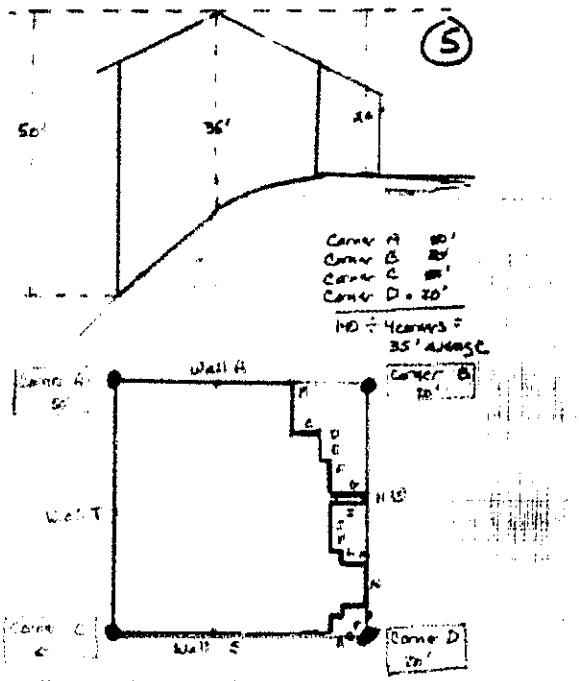

Figure 5: Proposed Simplified Formula

Oceanside Neighborhood Association
P.O. Box 425, Oceanside OR 97134
www.oceansidefriends.org

Meeting Minutes
Regular Meeting — February 3, 2024, 10 a.m. — Hybrid Format (In-Person + Zoom)

1) **President Sharon Brown called the meeting to order** at 10:00 a.m. on February 3, 2024. The meeting was attended by 60 people: 32 in person and 28 via Zoom.

2) Approval of Past Meeting Minutes (Carol Horton - Secretary):

Minutes from the ONA's December 2, 2023 meeting were delayed due to disruptions caused by the January wind/ice storms and will be posted at a later date.

3) Treasurer's Report (Mary Flock - Treasurer):

The January bank statement was not available at meeting time, but the unofficial balance of the ONA General Fund was reported as $1,669.25. Past month's expenses included the annual Zoom subscription and Mail Chimp email service. Future expenses are anticipated as part of an ONA Website improvement.

4) ONA Committee Appointments: (Sharon Brown)

Two ONA committees are being formed at the request of Sarah Absher, Director of Tillamook County Department of Community Development, to work on issues of importance to the community, specifically: 1) Short Term Rental Caps, and 2) revising Oceanside's Residential Zoning ordinance to accommodate middle housing where appropriate. Both issues were discussed in-depth at the December 2, 2023 ONA meeting and the Minutes contain additional information.

5) Short Term Rental Caps Committee: (Sharon Brown)

This special committee, allowed by ONA bylaws, will evaluate the current Oceanside STR cap set by the Tillamook County Commissioners in Board Order 23-054 and propose refinements to the county. From the many applicants to this committee, Sharon appointed the following volunteers:

- Terri Warren (Committee Chair) — member of the county STR Advisory Committee, STR owner/operator
- Jerry Keene —member of the county STR Advisory Committee, current ONA V.P., Oceanside resident
- Tom Dotson — Manager for VACASA Short Term Rentals in Oceanside, Netarts resident
- Barbara Rice — STR owner, former Oceanside resident
- Clark Holloway — Oceanside resident
- Kris Woolpert — Oceanside resident, local business owner
- Gill Wiggin — Oceanside resident, Oceanside Postmaster

Sharon observed this committee provides a good balance, representing the interests of both part- and full-time residents, STR owners, and STR business interests. In accordance with with ONA Bylaws, these committee members were ratified by those present.

6) Updates Relating to Short Term Rentals

—**Sarah Absher,** Director, Tillamook County Department of Community Development.
—**Erin Skaar,** Commissioner, Tillamook County Board of Commissioners

6A) Numbers of, and caps on, STRs in Oceanside (Sarah Absher)

The Caps committee will be narrowly focused on evaluating STR caps for Oceanside and will not reconsider the recently revised ordinance regulating STRs (Ordinance 84 Amendment 2). Though, as the county implements

changes specified in the ordinance over the coming year, Sarah welcomes feedback to help her gauge the effectiveness of the ordinance with regard to community livability. Sarah will work with committee chair, Terri Warren, to set up meetings which will be public and can be attended in-person or virtually.

Question: How close is Oceanside to reaching it's STR cap? (Kathie Norris)

Answer: Oceanside has a cap of 139 STRs. This cap was reached in December, 2023. Additional STR applicants will be placed on a waitlist which can be viewed on the county website. If no waitlist is shown for Oceanside, it means there is no one in queue at that time, however, numbers can change daily.

Question: How are STRs counted if there are multiple units in a single building? (Marilyn Roossinck)

Answer: Each rental dwelling unit must have it's own STR license, and parking requirements for each unit must be met. For example a duplex would require two STR licenses and provide required parking for both units.

Additional answers to STR questions can be found in the ONA Meeting Minutes from December 2023.

6B) Tax Revenues from Short Term Rentals (Sarah Absher)

Question: What happens to the money generated by taxes on Oceanside STRs? How does it get back to Oceanside? (Paul Ferris)

STRs generate three revenue sources, listed below. All return to the county and are spent as follows:

1) **STR Licensing Fees** (paid by STR owner) — These fees, set by Board Order 23-049, go directly to Community Development to support the program and its management.

2) **STR Operator License Fee** (paid by STR owner) — These revenues are split 75/25: 75% goes to fund workforce housing initiatives in Tillamook County (more about this below) and 25% funds public safety initiatives. These annual fees are $75 times the maximum permitted occupancy of a STR. Details can be found in Ordinance 86 Amendment 1.

3) **Transient Lodging Tax "TLT"** (paid by STR guests) — These revenues are split 70/30. 70% goes to fund tourism facilities and improvements; 30% funds the Tillamook County Public Works Department, with a small portion going toward the administration of the TLT program. A more detailed description of the TLT program with informational links is offered as reference at the end of these meeting minutes.

6C) Transient Lodging Taxes — How are they spent? (Commissioner Skaar, Jerry Keene, Sharon Brown)

70% TLT for Tourism

As defined by law, 70% of TLT revenue must be used for tourism promotion or tourism-related facilities. The taxes from all Tillamook County STRs go into a single pool for county-wide use. None of this money is earmarked to go back to areas where it was generated. Instead, it is distributed based on competitive grants submitted from throughout the county

The county has a contract with Nan Devlin, of the Tillamook Coast Visitors Association (TCVA), to administer the the TLT fund for tourism promotion and marketing. One part of this job is facilitating the process for people to apply for TLT funded grants. The county's Tourism Advisory Committee (TAC) follows specific policies to evaluate grant applications and make recommendations to the Board of County Commissioners (BOCC). Projects are awarded based on grant applications.

There are a couple of ways TLT funds can return to Oceanside. One is through the assistance of Nan Devlin (TCVA) who is available to work with groups, such as the Oceanside Action Partnership (OAP). In 2023 she helped the OAP develop a Community & Destination Management Plan which identified projects having potential to be funded by transient lodging tax. A second way TLT money can come back to Oceanside is to apply for and be awarded TLT grants funding tourism related projects.

The OAP crrently has four teams working on projects that would benefit both residents and visitors in the community: cell phone reception, signage and messaging, trails, and mixed use walking/cycling paths. Details and updates are available on their website.

Question: Can TLT funds benefit the Oceanside Neighborhood Association? The ONA never seems to have much money in the bank. (Paul Ferris)

Answer: Jerry explained that since the ONA is a county advisory committee, it is not in a position to receive grants from the county. Instead, the Oceanside Protection Society (OPS), a 501c3 organization, which can receive tax-deductible donations, often supports special ONA projects. Currently, the OPS has committed to supporting ONA technology and website so the ONA does not have to solicit dues to fund its operation.

Question: Is there a list of where TLT funds are being spent in the county? Specifically, what about work ongoing in Pacific City. (Clark Holloway)

Commissioner Skaar acknowledged a large portion of TLT funds are currently going toward rebuilding the Pacific City public parking lot, boat launch and rest rooms. All were in bad shape and unsafe. This facility is county owned, and the county is responsible for its safety. For comparison, the Oceanside Wayside parking lot and restrooms are owned by State Parks, who is responsible for their maintenance.

Links to lists of TLT tourism-related facilities grants from 2015 to present are listed at the end of these minutes.

30% TLT for County Roads

A number of questions and frustrations were raised by ONA members about the poor state of county roads in Oceanside, and how and when they would be improved. Aren't TLT funds supposed to help?

Road Funding: Commissioner Skaar explained revenues directed toward TLT tourism grants can not be used for roads. According to the state, roads are not considered tourism facilities. The county is only allowed to use 30% of TLT funds on roads, and part of public works budget is already funded by these TLT funds..

Oceanside roads, 2023: Sharon confirmed, from a conversation with Chris Laity of Public Works, that none of the 30% TLT funds were spent on local Oceanside roads in 2023. However, as Commissioner Skaar pointed out, a large portion of these funds were spent on the restored Cape Meares Loop Road, which serves our community. The county had to match federal highway funding for this project, and the money came from the 30% portion of TLT funds that go to Public Works.

County Road Maintainance Schedule: Sarah Absher, who works closely with Chris Laity, shared that every year Public Works creates a road maintainance schedule for the entire county. The County Road Advisory Committee (CRAC) develops a prioritized list of paving projects. (See website for more information about this committee and a recent road report) Unexpected problems were encountered this past year when asphalt batch companies were unable to produce asphalt the county needed for repairs. The county had to source asphalt from different places, some out of Clatsop County. Because of the increased time and money required to transport the material, planned priorities were reshuffled dependent on locations where asphalt was available.

Oceanside roads, 2024: While the road maintainance schedule is not finalized for this year, Chris Laity has indicated the old section of the Cape Meares Loop, connecting the new section with Bayocean Rd, will be repaved (see last month's ONA meeting minutes). Sharon Brown noted Chris and Sarah have been in Oceanside looking at road needs, particularly Tillamook Ave. Firelane and shoulder marking have faded on the section behind Three Arch Inn, and sections further up the hill to the south are heavily patched and potholed. From her conversations with Chris, Sharon anticipates Tillamook Ave will be repaved and remarked this year. Marilyn Roossinck expressed concern about the poor state of Maxwell Mountain Rd, particularly in light of increased traffic anticipated with redevelopment of the House on the Hill. Sharon deferred this subject until later in the meeting when the hotel projects were discussed.

How to bring potholes to the county's attention? Commissioner Skaar suggested calling Public Works with the pothole location and they will put it on their list for road crews to fix when resources are available. However, the experience of community members with having them actually fixed varies. John Prather noted that much of Public Works budget ends up going toward fixing roads where they go over waterways and culverts, often in emergency situations. Joanne Jene commented she frequently talks to the county about road maintenance issues. At December's meeting, Chris Laity recommended people call the Road Department at 503-842-3419 with issues needing attention.

7) Zone and Plan Review Committee: (Sharon Brown)

Sarah Absher, Community Development Director, requested this committee be activated to address the implementation of Senate Bill 406 into the Oceanside's Residential Zone. SB 406 supports the increase of middle/workforce housing in Tillamook County.

As described in ONA bylaws: "The Zone and Plan Review Committee ... provides recommendations regarding land use and related issues to the ONA for community action at the ONA General Meetings".

Sharon appointed the following members to the committee.

- Blake Marvis, Chair (resident, attorney)
- Simeon Dreyfuss (resident, NOSD Board member)
- Steve Ewoldt (architect, Oceanside property owner)
- Mandy Mock (Oceanside STR and long-term rental owner)
- Tom Kemper (part-time resident, experience in workforce housing development)
- Jeff Tathwell (part-time resident, architect)
- Clark Holloway (resident, added to committee after this meeting)
- all current ONA officers (Sharon Brown, Jerry Keene, Carol Horton and Mary Flock) (automatic members per ONA Bylaws)

Sharon noted the balanced mix of interests and skills among those who volunteered for this committee. She encouraged anyone interested in being on an ONA committee or wanting more information about them to contact an ONA Board member. Committees are described in the ONA bylaws.

Senate Bill 406 — Zoning and Middle Housing (Sarah Absher)

SB 406 requires certain cities and communities in Tillamook County to allow **middle housing** on residentially zoned lands in an effort to provide more, and especially affordable, housing choices. This topic was discussed in detail at the December 2, 2023 ONA meeting, and additional information can be found in the written Minutes. The state legislature is also looking at funding for improved infrastructure to support the increased density of middle housing.

Middle Housing refers to the housing segment with density between that of detached single family homes and that of apartment buildings. It is multi-family housing such as duplexes, triplexes, and quadplexes (fourplexes). Residential zoning is typically divided into Low (1 unit), Medium (up to four) and High density (five or more, apartments, etc.). The Oceanside Residential Zone is low density and allows a single home outright and a duplex with a conditional use, but has no provision for higher density living units.

The Zone and Plan Review Committee's work will be to revise the Oceanside Residential Zoning code (see Land Use Ordinance 3.310) to alllow up to four dwelling units outright with clear and objective standards (setbacks, building height, parking, etc). It would remove the conditional use process for 4 units or less. This zoning change would open the door for parcels large enough to accommodate parking and other zoning requirements to have a clear process to go through zoning and building permits. These zoning changes must be in place by July 2025.

The Oregon DLCD (Department of Land Conservation and Development) awarded the county a $250,000 financial and technical support grant to implement Senate Bill 406. Part of this funding will provide consultants to join the ONA committee on occasion to help identify what zoning barriers may exist to middle housing and explore solutions to overcome them.

The committee could also take this opportunity to incorporate other provisions such as landscaping and greenspace requirements into our residential zoning. Sharon noted that many lots in Oceanside, especially in the village, are too small to support fourplexes. However, as multi-family housing is enabled on larger lots, the potential exists for buildings to cover a large portion of a lot, and in turn, for a developer to pave the rest to enable parking. This illustrates the desirability of landscaping or greenspace requirements in zoning code.

Sarah acknowledged Oceanside's proposed exterior lighting and building height formula ordinances, which she plans to bring forward at the same time as the middle housing adjustments. She added that this would be a great time to bring other proposals forward, such as an updated community plan.

Question: Isn't there something in our zoning ordinance that says new homes should fit in with the surrounding community? Yet, it doesn't seem this guideline is being followed. Very large homes and those in different architectural styles are being built. Isn't there someone at the county who reviews these architectural plans and says "this doesn't fit with the homes around it"? (Clark Holloway)

Sarah: "I am the one who reviews the plans!" For over ten years, Sarah has had this conversation with the community about "what is character" and "how things should be built that fit the character of the area." The fact is, there are no clear guidelines. The Planning Department is responsible for reviewing building height, setbacks, lot coverage maximum, and use. Tillamook County does not have architectural elements (such as modern vs cottage style) baked into zoning ordinances and building standards. This is why, beyond these basic elements, the design is up to the property owner. If an ordinance speaks to "village character," but doesn't have any specifics defining this, how does the county enforce it?

Question: Communities such as Carmel, California and Manzanita (both incorporated cities) have archtectural standards that give the communities a uniform character. With the anticipated development expected in unincorporated areas over then next few decades, why hasn't the county considered hiring an architect to review plans? (Clark Holloway)

Sarah: The community would need to come forward saying they want specific architectural design features incorporated into ordinances.

Jerry pointed out that Oceanside's pending building height formula ordinance DOES make an attempt to establish some general standards for height and views, but the ordinance has been waiting for county attention for over two years. He acknowledged the county has finite resources to attend to Oceanside's interests along with the other 13 unincorporated communities in the county.

Sarah volunteered Clark for the Zone and Plan Review Committee.

Note from ONA Secretary: after the meeting, a survey of Tillamook County Land Use Ordinances and the Tillamook County Comprehensive Plan yielded no mention of "village character." On the other hand, The Oceanside Community Plan (2018) describes Oceanside's village character, says "every effort should be made to preserve the 'rustic coastal village atmosphere'" and "building design and landscape must avoid features that detract from the village aesthetic and community character." However, Oceanside's Community Plan is only a guide to development, and unless its elements are incorporated into the county's ordinances and codes, they are not enforceable.

Sharon mentioned that Sarah plans to offer to the community a short class on Land Use Planning basics she usually gives to her staff. This will allow those interested to learn more about Land Use Planning terminology and requirements. Resources are available online to learn about Land Use Planning. Here is an introductory guide offered by the State of Oregon. DLCD has a more technical online training guide here.

Workforce Housing in Tillamook (Commissioner Skaar)

SB 406 is one of several housing strategies Tillamook County is implementing to meet the demand for affordable workforce housing. The Tillamook Board of County Commissioners created the **Housing Commission** to address the county housing shortage. The **Multifamily Rental Housing Fund**, supported by STR Operator License Fees, will award $400,000 to workforce housing projects this year. Developers are invited to apply for these funds in order to build affordable workforce housing. Projects must have three or more rental units. Rents must be 30% or less of a persons' income who earns 80-120% of the Tillamook Area Median Income (AMI) for families, calculated by Housing and Urban Development (HUD). Commissioner Skaar recalls this AMI is for a family of four. Jerzy checked online and found the AMI is $77,600 for Tillamook County in 2024. For 2023, the AMI for a family of four was $76,000.

First offered in July, 2022, the Multifamily Rental Housing Fund is completing its second year of workforce housing grants. In the Reference Material at the bottom of these minutes is a list of links to online news articles and a presentation to the BOCC detailing the various workforce development projects.

In response to questions, Sarah said the goal was to create workforce housing for both renters and purchasers, and the Rental Housing Fund specifically excludes projects that include STR units. In addition, the revised STR ordinance was specifically written so that multi-unit housing could not be converted to short term rental.

8) ONA Website: Status and Improvements (Jerzy Rub - volunteer website manager)

The ONA website is undergoing some changes and improvements. We have transitioned to a new website provider. Under the old provider, officers with email addresses were having storage issues. The site needed behind-the-scenes updates and plug-ins, and the cost was increasing. Therefore, the provider of the space where the website lives has changed, and hopefully no one noticed. If anyone has trouble accessing Oceansidefriends.org, try clearing the browser cache or clear cookies for the website. You can contact Jerzy at test@oceansidefriends.org with website issues.

Costs: The new provider gave us a great first-year $40 deal, but next year that will probably increase to the going rate of about $180/year, plus the ongoing yearly cost to renew our website name. There was also a one-time website consultant charge of $280.

Jerzy inquired of Commissioner Skaar if the ONA website could "live" under the county structure to save the cost of paying another website provider. Commissioner Skaar said such an arrangement would be complicated and would have to give the county total control over the website for security purposes. It would be very difficult for the ONA to make any changes or updates to website content with this arrangement. She recommended the county provide only a link to ONA's independent website.

Sharon noted the new provider gives us more flexibility to store additonal material on the website, such as meeting recordings. If you have suggestions for what you'd like to see on the website, please let her know at oceansidefriends@gmail.com or through the website contact form.

Jerzy noted the current photos on the ONA website are a little dated, and made a request for new Oceanside area pictures. If you'd like to volunteer your photos for the website, please send them to Jerzy at test@oceansidefriend.org.

9) Upcoming Elections for ONA Officers at Annual Meeting, June 8, 2024

The election for ONA Officers will be conducted at the upcoming annual meeting in June. The Nominations Committee is soliciting names for candidates. Plans are in the works for an informal meeting to share with interested community members how the ONA works and what the officers do. We encourage you to come, learn, ask questions and become involved. Stay tuned for more information.

Sharon said she'd be retiring as President after two years of service, but would be running for the office of Treasurer. The current Treasurer, Mary Flock, is retiring after over 20 years of service. She has been treasurer through the administration of three ONA Presidents. Jerry Keene is stepping down as Vice President after two years in this position and another five years as President. Carol Horton, Secretary for the last three years, is not running for office in June, but plans to stay involved in the ONA and will be available to assist the incoming Secretary.

10) Public Comments:

—Per Sharon, Marilyn Roossinck asked if there might be interest in changing the **ONA meeting time** for the benefit of people who would like to be involved but could not attend our usual 10 a.m. meeting time. Perhaps afternoons would be more suitable? The meeting date would remain the first Saturday of February, April, June, October and December. A different meeting time would require a change to our bylaws, but the Community Hall should be available all that day. Clark observed that afternoon parking could be more challenging than mornings due to day visitors. Sharon commented that except for the annual June meeting, the ONA doesn't meet in the summer when parking is at its worst. It was suggested a survey be taken of members as to whether and which alternate times were preferred.

—Sarah Absher provided an update on the **Oceanside Cabins** and **House on the Hill** hotel redevelopment projects. County has received information that applications should be received from both projects in the next four to six weeks. Both projects will go to public hearings. The ONA will receive the county hearing notice and will notify the community.

Question: will developers begin demolition of old buildings this year?

Answer: Generally, demolition and site prep doesn't happen until all plans are developed and approved by the county. We might see some preliminary work. Developers are required to do a geologic hazard assessment, a geotechnical evaluation, traffic impact studies, and more. We may see consulting firms on site.

General timing for land use application process:

Once the county receives an application for land use development, they have 30 days to review it for completeness. If the county requests more information, the applicant has 180 days to respond. Until the application is deemed complete by the county, any public hearings will not be scheduled. As a result, the whole process will take time. The application may change between when it is submitted and when it goes to hearings. Once the application is deemed complete by the county, the county has 150 days to take the project through hearings and make a decison. All of this is public record, and Sarah invites people to check in with the county for the status.

Comment from Jerry Keene:

In his role as editor of The Oceansider, Jerry has been in contact with the devopers of both hotel projects. He says they are aware of the Oceanside community's interest in these projects and desire to be advised of plans. He says they "don't want another Anchor." The Tourism Advisory Committee, formed around 2005 to oppose the Anchor expansion, still represents Oceanside's interests and continues to serve as a watchdog. The developers have been invited to address the ONA with their plans, but appear to want to wait until they are further along in their plans. Now that he has Sarah's input that they are close to submitting applications to the county, Jerry will press them to share their plans with the Oceanside community.

Question: With the additon of these two hotel projects, there will be a significant increase in the number of transient lodging units available to rent. Is there any overall management of the number of rental rooms (hotels + STRs) that would affect these projects?

Sarah: Both the hotels and STRs are transient lodging, but the two types are regulated separately and by different ordinances. Short term rentals are not part of the county's land use program, whereas the hotels are. The hotels are a historic pre-existing transient lodging use. The transportation impact studies required of both developers will look at traffic and parking from all uses in the area: single family homes, commercial uses, hotels, etc. In additon, both the sewer and water districts need to approve development plans. Evaluation of needed infrastructure for the requested uses will help determine the number of lodging units that can be accomodated. At this point, approximately 17 (Cabins) and 23 (Hill) units are being proposed. The Oceanside Cabins are in the Oceanside Commercial Zone. Zoning for the House on the Hill, located on Maxwell Point, is R3-PD. Maxwell Point (along with The Capes) retained its historic zoning designation before the Oceanside Community Plan and specialized zoning districts came into effect. Maxwell Point, with the Planned Development Overlay Zone, has some flexibility with setbacks and building heights.

—Pat Himes reminds Oceansiders to **test for radon**. About one third of houses tested have shown dangerously high levels, and Oceanside is not a known radon problem area. Radon is a leading cause of lung cancer, but its presence in the home can be easily mitigated. Monitors are available for free loan. Contact the ONA (email below), Sharon or Jerry to check out a monitor.

11) Meeting Adjorned at 11:33 a.m.; recording ended.

The next Regular ONA Meeting will Saturday, April 6, 2024 at 10 a.m. at the **Oceanside Community Club** and may be attended either in-person or via Zoom.

Respectfully submitted,
Carol Horton
ONA Secretary

Contact information:
www.oceansidefriends.org
president@oceansidefriends.org (Sharon Brown)
oceansidefriends@gmail.com (Jerry Keene)
secretary@oceansidefriends.org (Carol Horton)

Reference Material:

To help provide our community with an in-depth understanding the issues coved at this meeting, the following information was researched from County and State government and Tillamook-area news organization websites. Web links are imbedded in underlined text. This is provided as a post-meeting addendum, and any errors are the responsibility of the ONA Secretary.

Transient Lodging Tax Legislation

- State Lodging Tax: The 2003 Oregon Legislature established a 1% state lodging tax which funds Oregon Tourism Commission programs.
- Oregon Admistrative Rules (ORS 320.300 to 320.350) govern transient lodging tax.
- Tillamook County Ordinance 74 Amendment 2 (2013): Authorizes a 10% Local Transient Lodging Tax, defines terms related to tourism, and specifies how revenues are distributed (70% for tourism promotion or tourism-related facilities, 30% for administration of TLT tax and balance for county road maintenance).
- Tillamook County Ordinance 75 Amendment 2 (2013): Implementation of TLT Ordinance 74 including administration procedures, creating a TLT Tax Review Committee, and providing for allocation of TLT funds.
  - The latter provision allows the county to contract with a Tourism-Promotion Agency (currently, the Tillamook Coast Visitors Association, doing business as Visit Tillamook Coast, Nan Devlin Executive Director) to allocate and distribute TLT funds. This agency will:
    1. Develop strategies for promotion and marketing.
    2. Convene a Tourism Advisory Committee (TAC), established by the Board of County Commissioners (BOCC), to recommend TLT grants according to specified strategies and policies.
    3. Present an annual report to the BOCC regarding administration of TLT.

Overview of the County TLT Revenue spending structure:

- County Summary (somewhat out-of-date and contains some broken links) and Graphic of 70/30 revenue streams.
- Tillamook Coast Visitors Association summary.

Admistration of Tourism-Related TLT funds:

2022 Agreement between Tillamook Country and Tillamook Coast Visitors Association (TCVA) doing business as Visit Tillamook Coast (VTC) to administer TLT funds.

Tillamook Coast Visitors Association (Nan Devlin Executive Director):

- Annual & Financial Reports, Strategic Plans
- Tourism Grants
- Oceanside 2023 - Community & Destination Management Plan (developed with the Oceanside Action Partnership)

Policy for distributing TLT funds, including the creation of a Tourism Advisory Board (per Board Order 20-006).

The Tourism Advisory Board (TAC) is one of the Tillamook County Board of Commissioners' Committees, and its members are listed in this document.

List of Tillamook County TLT Tourism-Related Facilities Grants:

- 2015-2021 Summary of TLT Grants by year
- 2019-2020 TLT Grants awarded
- 2022 TLT Grants: recommendations from TAC: BOCC approved projects.
- 2023 TLT Grant Recommendations from VAC; presentation to BOCC.
- 2023-2024 TLT Grant Recommendations to BOCC (1/31/2024); approved grants here and here.
- 2015 to present: "Tourism marks monumental milestone with $6 million awarded" Tillamook Headlight Herald 2024.

Tillamook Housing Commission

Home Page
Resources (Commission Bylaws and Strategic Plan, Legislation, Studies)
2020 Tillamook County Housing Needs Analysis
10/15/2023 Housing commission hears from regional solutions task force, Tillamook Headlight Herald

Tillamook Multifamily Rental Housing Fund

2023 Multi-Family Rental Housing Fund Recommendations (2/28/2024 presentation to BOCC)

Newspaper Articles covering Project Grants:

07/21/2022 Tillamook County Housing Commission announced funding aid to now build multifamily rental housing, Tillamook Headlight Herald
11/16/2022 Workforce housing set to receive county support, Tillamook Headlight Herald
11/24/2022 Commissioners Hear Workforce Housing Funding Recommendations, Tillamook County Pioneer
02/12/2023 County approves $80K for workforce housing project in downtown Tillamook, Tillamook Headlight Herald
04/05/2023 Commissioners award $66,000 grant to workforce housing development, Tillamook Headlight Herald
09/14/2023 Tillamook County Housing Commission opens second round of funding for Multifamily Rental Housing projects in Tillamook County, Tillamook County Pioneer
02/09/2024 Housing commission makes multi-family housing grant recommendation, Tillamook Headlight Herald
03/06/2024 Commissioners accept multi-family housing grant recommendations, Tillamook Headlight Herald

ONA ZAPR Community Comments
(as of 3/29/25 8:00 am)

3/21/25
"Can't be there, sorry. But my opinion is for them to leave everything exactly as it is today. Don't change anything."
Len Chaitin (ljayinv@gmail.com) permanent oceanside resident

3/24/25
"Most townhomes are 900-1700 sq ft. I feel a 1500 sq ft restriction is warranted.
Also I agree that garage's should be restricted to being garages(not living spaces) and the space ommitted from the total ratio of the lot to encourage folks to use them for parking.
I love the options of cluster homes or cottages in Oceanside. Bigger is not always better. Again ADU's are typically restricted to 800 sq ft or less in most jurisdctions in Oregon.
Many senior houses are attached wall as cluster homes. I would agree that attached walls should be considered in cluster homes only on *garage* common walls.
The large cubes have impacted me and my view. The calculation height restriction needs to stay under 30'. Note some lots (Hillsdale) also have Deed restrictions that only allow 16' height.
There should be a story restriction as well as a height restriction so we don't have the Cube homes heights."
Leann Bennett (leannrbennett@gmail.com)

3/24/25
"1) According to the Squ Ft limitations ONA would like to impose, if we are limited in our single family homes to 50% lot size in total area (Including or not including our built in garages), at least six homes (All the occupies homes) on our street, Breezee Way, will be thrust into the Nonconforming Category. Three other people behind me at today's meeting (as well as my neighbors), were in the same boat.
Is this considered acceptable to the ONA? If not, how do we address this?
2) What percentage of single family homes in our community will be affected in this way? Have you done a study on this and shouldn't you target those families directly and specifically for input?
3) Exactly how will ORS 215.130 change these restrictions (If at all) in the case of homes like ours and others?
4) If a home becomes Nonconforming, it will absolutely affect its marketability and thus its value. That in turn will affect the 100% of value over 5 years to put it into the Major Review category under Article VII.
Has this been considered with regard to the overall effect it will have on Oceanside residents?"
Shaun DesJardins (shaundesjardins1967@gmail.com)

3/24/25
"Our home & all 6 on our street Breezee (not including the 3 new builds) are of similar lot size, square footage, & concerns will likely be similar. Our lot is 3000sq ft, house is 3 stories, 2257sqft, on a grade so the basement level is half underground, half daylight. Our concern is for our home value, resale ability/value loss due to potentially being called nonconforming, & potential value loss in the event of a rebuild due to damage/fire etc. our home value is our security & our ability to provide & help our children with their education, we cannot risk losing that.
1. Our lot being exactly 3000sqft, is it covered by a small lot exception? I heard "under 3000" & "over 3000" so I need verification on whether that small lot exception applies to us. If so, where can I find 4.100 to review that info for verification & clarification?
2. Would we be adversely affected by these new codes in any way? Would our home be labeled nonconforming? Would a label of nonconforming affect our home value? Our resale value? Or our ability to rebuild in the event of damage? Would it cause any of these issues for a buyer if we were to sell our home in the future? Could a label of nonconforming cause our home to sit on market or not be easily financed if we need to sell?"
Seth & Angela Wiek

3/26/25
"Shouldn't there be adjustments to FAR for small lots? Higher FAR ratio? Exclude garage?
Also adding: Let Article 4 Section 4.100 & 4.110 remain in place? "
Added 3/27/25
"#1: How many ZAPR committee members are lot owners with no house built vs. homeowners?
#2: If these height restrictions, grade calculations, and ROS changes are passed, what are the financial ramifications? To reasonably consider these changes, we need real case studies and financial analysis. How are we justifying potentially tipping the financial scales in our community one way vs. the other without thorough concrete evidence of the impacts?

#3: Oregon House Bill 406 was passed to greatly expand allowances for multi-property units amidst the current housing crisis. The restrictions to single family dwelling under these proposals seem to fly in the face of what Oregon Legislators are trying to accomplish. How exactly is placing further restrictions on single family dwellings achieve the directives of Oregon Legislators are working to solve? What is the exact justification for REDUCING the footprint, height, and livable square footage of future home builds (and rebuilds) while Oregon Legislators are advising cities to seek solutions to accommodate MORE housing density? How are these proposals aligned with that mission?"
Brenton Danieli (bpd22@caa.columbia.edu)

3/26/25

1. " Does Senat *(sic)* Bill 406 forces any properties in Oceanside into non-conforming status?
2. Our property is at 5378 Woodlawn St. If the ZARP proposed restrictions are enacted, does our property become designated by the County as "non - conforming"?
3. Our property lot is narrow - only 38ft wide on the street facing side, and 42 ft on the back side. What are the implications of having non-conforming plot?
4. What are the benefits of having a non-conforming property?
5. What are the costs of having a non-conforming property?
6. Is obtaining permits for any work to be done on one's property for non-conforming properties is more expensive as compared to a property with conforming status?
7. Are the improvement exceptions allowed for a non-conforming property? For example, a request for reduced setback due to a desired deck improvement?
8. How much, in your estimation, having a non-conforming property designation decreases market value of a property?
9. How many properties in Oceanside are currently non-conforming?
10. In your estimation, how many existing properties in Oceanside become non-conforming per proposed restrictions?
11. Judging by Oceanside map of undeveloped land, the majority of the undeveloped lots in Oceanside are on the East side, behind existing houses. If built on, new structures won't affect prized views to the West for absolute majority of existing homeowners. Why do you then feel the costs of non-conformity to Oceansiders is worth the perceived benefits?
12. Can you disclose whose committee members' properties become non-conforming per proposed restrictions?
13. Can you disclose which committee members have undeveloped lots adjacent to/in front of their properties? "
Yuriy Chanba (ychanba@gmail.com)

3/26/25
"How many houses in Oceanside are already non-conforming?"
Terri Warren (twestover@mac.com)

3/26/25
"There is a lot of misinformation about the ONA and it's role and the history of the building height proposed changes as well as the current Zoning and Plan Review project dealing with the middle income housing initiative. I hope that Sarah Absher will address the comments about already built structures being violation of changed regulations and requiring tearing down which sounds absurd. I hope my recollection of events can be included with public comments.
Thank you, Mary Flock, former ONA Treasurer, served about 20 years
The Oceanside Neighborhood Association (ONA) is a Citizens Advisory Committee (CAC). ONA is quasi-governmental organization, and its purpose is to receive official updates from the County and provide input to the County and other agencies on issues that impact Oceanside. Its membership is open to all who live, own property, or operate a business in Oceanside. The ONA holds regular meetings (zoom + in person), has hundreds of addresses on their email list, and sends out regular email notices of meetings and committee meetings as well as other important announcements.
The ONA does not charge dues and is dependent on donations and small grants to cover expenses. The county charges a fee for address lists and does not provide updates to ownership changes. In the past, several former presidents used their own money to pay for mailings which are very expensive. I would hope that those new to the community would be made aware of ONA by their realtor or neighbors, but many people choose not to get involved especially if this is a 2nd home. Luckily there have been lots of people who have stepped up to serve as officers and on committees. Officers are elected at annual ONA meetings and committees are appointed and voted on in ONA meetings. ONA officers and committee members put in a ton of work to analyze information and come up with recommendations that are voted on in ONA meetings. The ONA website www.oceansidefriends.org has links to meeting minutes, zoning and other resources and a wealth of other information.

The ONA is one of the oldest and most active CACs in Tillamook County and that is why years ago Tillamook County requested ONA's help in revising the building height ordinance. The current building height ordinance is flawed and by adding extra walls on the uphill side, has resulted building heights far in excess of the 35 foot limit. The Building Height committee and the Lighting committee recommendations including triggering a variance request at 30 feet instead of 35 feet were discussed in several special ONA meetings and were voted on and approved at the regular ONA meeting on October 2, 2021 (see ONA web site) and have been waiting for Tillamook County to start their process. More recently Tillamook County requested ONA make recommendations in some limited aspects of the middle housing initiative which will affect Oceanside. The County committed to including the building height and lighting approved recommendations at the same time. The Zoning and Plan Review committee was appointed and voted on in an ONA meeting and have been working for months with multiple meetings open to the public that were announced in ONA emails. The committee is operating on a deadline set by the County. And now here we are."
Mary Flock (mbflock@msn.com)

3/27/25
"I would like to express my concerns regarding the proposed restrictions on garage space and the overall floor area ratio (FAR). The existing maximum height and building footprint restrictions already limit development to 50% of the lot size. Therefore, I believe the .5 FAR allowance is overly restrictive and unnecessary. For example, on a 5,000 sq ft lot, the total FAR allowed is only 2,500 sq ft. If a single-story home includes a 500 sq ft two-car garage to accommodate a growing family, this leaves just 2,000 sq ft for living space. This setup essentially encourages homeowners to convert their garages into living areas and park on the street instead of opting for a more reasonable solution, such as building a second story. Moreover, consider a single-story building with 15-foot ceilings versus a two-story home with 8-foot ceilings. Both may present a similar exterior shell, yet one would be prohibited under the current proposed FAR restrictions despite occupying the same amount of space. I urge the committee to reconsider the .5 FAR limit, as it is far too restrictive and does not effectively address the needs of our community."
Melanie Siegel (platinumselectrealty@gmail.com)

3/27/25
"I'm writing as a resident of Oceanside to express my sincere appreciation for the thoughtful work being done to preserve the beauty and integrity of our community through the proposed Residential Oceanside (ROS) zoning updates. As someone who cares deeply about the character of Oceanside, I support efforts to manage growth responsibly and encourage thoughtful design. That said, I would like to raise a concern regarding the proposed changes to the Floor Area Ratio (FAR) calculation of the draft zoning revisions dated March 21, 2025.
The current proposal would limit total floor area—including attached garages and workshops—to no more than 50% of the total lot area, even for vertical additions. In my case, I own a modest 1,254 square foot home on a 6,000+ square foot lot. I also have approximately 500 square feet of attached garage and workshop space (gravel floor), which serves functional, non-livable purposes. Under the proposed FAR guidelines, I would be unable to add a second story to my home without exceeding the .5 FAR threshold, despite not expanding the physical footprint. This is concerning because:

1. **It discourages vertical expansion** – Adding a second floor is a sustainable way to accommodate growing family or personal needs without consuming more land or altering the neighborhood's footprint.
2. **It penalizes existing structures** – Counting attached garages and workshops as livable space in the FAR calculation may unintentionally penalize homeowners for having basic utility structures.
3. **It affects livability and generational housing** – Many of us are trying to future-proof our homes for aging in place, multigenerational living, or even creating space for remote work—none of which require overbuilding, but do require flexibility.

In my case, the plan is to make the bottom ADA compliant for my aging parents in nearby Netarts, so that they can stay in a community they love, and then use a second floor across the expanse of the home (including the garage) for my living space when I retire. This situation meets multiple goals expressed by the committee, but would be impossible with the proposed restrictions.
If the committee is committed to changing the rules currently in place, I would respectfully ask the committee to consider one or more of the following alternatives:

- **Exclude attached garages and workshops** from the FAR calculation, or count them at a reduced rate since they are not livable space.
- **Allow a higher FAR for vertical additions** when no increase to building footprint is involved, especially for lots with existing homes.
- **Provide FAR variances for existing structures** or for homeowners seeking to modernize in place, as a way to preserve both the community feel and homeowner continuity.

I understand and respect the intention behind the proposed guidelines. I only ask that we strike a balance between maintaining Oceanside's unique character and supporting homeowners who are trying to responsibly adapt their properties for the future.
Jade Waterman (jadewaterman@gmail.com)

Oceanside Neighborhood Association
P.O. Box 338, Oceanside OR 97134
www.oceansidefriends

February 1, 2025

MEETING MEDIA
YouTube: ONA February 1, 2025 Regular Meeting
(Ctrl + Click to follow link)

MEETING FILE (below)
Agenda with Motions and Time Stamp Index to Video

Oceanside Neighborhood Association Regular ONA meeting

February 1, 2025. 10:00 am – Hybrid Format (In-Person and Zoom)

1. **Call to Order** (Terri Warren, ONA President)
   a. **YouTube VIDEO TIME STAMP (00:00)**
   b. ONA Board Members in attendance: Terri Warren (President), Gil Wiggins (Vice President), Sharon Brown (Treasurer) and Paul Brey (Secretary)
   c. The meeting was attended by 52 people: 23 in person and 29 via Zoom.

2. **Meeting Minutes** (Paul Brey, ONA Secretary)
   a. **YouTube VIDEO TIME STAMP (00:30)**
   b. The 12/07/24 Minutes are posted on the ONA website and include a meeting summary and a link to the meeting video recording.

3. **Treasurer's Report** (Sharon Brown, ONA Treasurer)
   a. (02:20)
   b. The ONA Account balance of $1,693.01 includes a $350 grant from the Oceanside Protection Society.

4. **Ratification of the Firewise Research Committee**
   a. **(04:05)**
   b. Defined as "A community or neighborhood that is working together to reduce the risk and impact of wildfires and improve the safety of their homes and landscapes." (Gill Wiggin, ONA Vice President).
   c. Committee Members: Gill Wiggin, Marilyn Roossinck, Rick Miller, Kent Mortensen and Brian Buckman.
   d. Motion by Jerry Keene to establish as a committee. Seconded by Kathy Norris.

e. Call to Vote – All voted in favor. Online votes were documented via the Zoom chat. There were no votes against ratification.
f. **QUORUM NOT MET**: A post-meeting verification of the voting status of meeting attendees revealed that the Quorum requirement of 52 Voting Members in Attendance was NOT met. The vote was declared invalid by Paul Brey, ONA Secretary.

5. **Zoning and Planning Review Committee (ZAPR)**
   a. **(13:25)**
   b. Tom Kemper was introduced as the new chair of the ZAPR.
   c. The Committee is working on a recommendation to the ONA for implementation of the Middle Housing Initiative in Oceanside.

6. **Update from the Tillamook Dep't of Community Development (Sarah Absher, Director)**
   a. **(18:20)**
   b. *//intermittent connection issues delayed the meeting//*
   c. **(29:00)** Video signal restored
   d. The plan is to amend the existing Oceanside zoning document to include the Middle Housing provision. Community members are encouraged to attend the ZAPR meetings. The ZAPR will bring recommendations to the ONA for vote by registered ONA members.
   e. The County will hold public hearings. The end of June 2025 is the target completion timing for this work.

7. **Legislative Update (Paul Fornier, County Commissioner)**
   a. **(50:27)**
   b. The Transient Lodging Tax (TLT) tax to be voted upon in the upcoming election will be for an initial 12% for the first year, an additional 2% added for the second year.
   c. The proposed implementation start for the tax will be after Labor Day weekend, 2025, if approved by the voters.
   d. Ongoing discussions about the distribution of TLT tax money to communities.

8. **Aging With Grace (Marilyn Roossinck)**
   a. **(1:10:20)**
   b. Cape Meares has partnered with the North Coast End Of Life Collective on a joint project to facilitate their aging in place project, called "Aging with Grace".
   c. If interested to participate in a similar project in Oceanside, please email Marilyn at mjr25@psu.edu.

9. **Radon Testing**
   a. **(1:20:05)**
   b. Pat Himes has radon test kits which may be loaned out to community members to use.

10. **Closing Message (Terri Warren, ONA President)**
    a. **(1:20:20)**
    b. The ONA Annual Meeting is scheduled for June 21, 2025
    c. The ONA Annual Gathering is scheduled for July 26, 2025.
    d. Meeting adjourned **(1:26:48)**

Paul Brey, ONA Secretary

Oceanside Neighborhood Association
P.O. Box 338, Oceanside OR 97134
www.oceansidefriends.org

April 5, 2025

MEETING MEDIA
YouTube: ONA April 5, 2025 Regular Meeting
(Ctrl + Click to follow link)

MEETING FILE (below)
Agenda with Motions and Time Stamp Index to Video

Oceanside Neighborhood Association Regular ONA meeting

April 5, 2025. 10:00 am – Hybrid Format (In-Person and Zoom)

1. **Call to Order** (Gill Wiggin, ONA Vice President)
   a. **YouTube VIDEO TIME STAMP (01:07)**
   b. ONA Board Members in attendance: Gil Wiggin (Vice President), Sharon Brown (Treasurer) and Paul Brey (Secretary)
   c. The meeting was attended by 71 people: 27 in person and 44 via Zoom.

2. **Treasurer's Report** (Sharon Brown, ONA Treasurer)
   a. **YouTube VIDEO TIME STAMP (01:27)**
   b. The ONA Account balance is $1,477.13.

3. **Meeting Minutes** (Paul Brey, ONA Secretary)
   a. **YouTube VIDEO TIME STAMP (02:17)**
   b. The 02/01/2025 Minutes are posted on the ONA website and include a meeting summary and a link to the meeting video recording.

4. **Presentation on Upcoming Transient Lodging Tax (TLT) Vote** (Mary Faith Bell, Tillamook County Commissioner)
   a. **(05:00)**
   b. A proposal to raise the TLT from 10% to 14% has been approved by the Tillamook County Board of Commissioners, to be placed on the ballot for voter approval. The proposal would raise the TLT by 2% in September, 2025 and by an additional 2% in July, 2026.
   c. Tillamook County is facing a budget deficit due to declining timber revenue and overall increased costs.
   d. 70% of the TLT revenue is allocated to tourism with 30% allocated to discretionary spending from the County General Fund.

5. **CARE Program Presentation** (Ryan Webber, Development and Special Events Manager, CARE)
   a. **(23:04)**

b. Tillamook CARE stands for "Tillamook Community Action Resource Enterprises, Inc.".
c. The organization is the local Human and Social Services nonprofit agency.
d. The organization's primary work is with people experiencing houselessness (such as the warming shelter), houselessness prevention (such as rent assistance and move-in costs) and family support services (such as the Healthy Families home visit program).
e. There is a shelter village which is in the process of construction, including 10 additional micro-shelter units and a 400ft2 congregate shelter to be open all year.
c. CARE is running an appeal for funding to help offset their current deficit. Community members may visit the CARE website for information on how to make a monetary donation. CARE also accepts donations of clothes, blankets, food, etc.

6. **Update on the Zoning and Plan Review (ZAPR) Committee's Work on Middle Housing** (Tom Kemper, Chair, and Sarah Absher, Director, Tillamook County Community Development)
   a. **(44:45)**
   b. The ONA has a June, 2025 deadline to make zoning recommendations to Tillamook County, with an ONA membership vote on the ZAPR recommendations scheduled for 2:00 pm on May 18, 2025.
   c. The objective of the new OR middle housing codes is to encourage higher-density construction of triplexes, fourplexes, townhomes and cottage clusters. Oceanside may propose additions/modifications to the OR code applicable to Oceanside.
   d. The ZAPR proposal is currently being developed and will be sent to community members for review prior to voting by the community.
   e. The ZAPR is investigating a proposal to include Visitability requirements for some types of constructions — design elements such as a ground floor bathroom with a certain size, ground level entries, larger door widths, etc., to allow visitation by individuals with special needs.
   f. After the ONA vote, the Tillamook Planning Commission will hold hearings with the community in June, 2025. The Tillamook Board of Commissioners will hold hearings with the community in July and August, 2025. ONA will notify members of the hearing dates. Community members are encouraged to participate.

7. **Nominations for ONA Board** Positions (Marilyn Roossinck, ONA Nominations Committee)
   a. **(1:24:30)**
   b. The Nominations Committee is accepting nominations for all four board positions in advance of the election at the June21, 2025 Annual Meeting.
   c. Please contact Marilyn or Kathie Norris for information and/or nominations. Self nominations are allowed.

8. **Meeting Adjourned (1:30:21)**

The ONA Special Meeting will be **Sunday, May 18, 2025 at 2:00 pm** at the Oceanside Community Club and may be attended either in-person or via Zoom. An email Notice including pre-registration information will be sent in advance of the meeting.

Respectfully submitted,
Paul Brey, ONA Secretary
Contact information: oceansidefriends@gmail.com

Oceanside Neighborhood Association
P.O. Box 338, Oceanside OR 97134
www.oceansidefriends.org

May 18, 2025

MEETING MEDIA
YouTube: ONA May 18, 2025 Special Meeting
(Ctrl + Click to follow link)

MEETING FILE (below)
Agenda with Motions and Time Stamp Index to Video

Oceanside Neighborhood Association Special ONA meeting

May 18, 2025. 2:00 pm – Hybrid Format (In-Person and Zoom)

1. **Call to Order** (Terri Westover, ONA President)
   a. **YouTube VIDEO TIME STAMP (01:30)**
   b. ONA Board Members in attendance: Terri Westover (ONA President, Gil Wiggin (ONA Vice President), and Paul Brey (Secretary)
   c. The meeting was attended by 165 Registered ONA members whose votes were counted: 61 in person and 104 via Zoom.
   d. Voting was held in-person and via Zoom.

2. **Voting Item No. 1**
   a. **YouTube VIDEO TIME STAMP (11:15)**
   b. FOR SINGLE-FAMILY HOMES, DUPLEXES and TRIPLEXES, should the minimum lot size for new structures be reduced from 7500 square-feet and at least 60 feet wide (the current rule) to 5000 square feet and at least 50 feet wide?

3. **Voting Item No. 2**
   a. **(17:10)**
   b. FOR QUADPLEXES and COTTAGE CLUSTERS, should the minimum lot size be established as 7000 square feet?

4. **Voting Item No. 3**
   a. **(26:07)**
   b. Should the current setback requirement on all CORNER LOTS be reduced from 15 feet to 10 feet?

5. **Voting Item No. 4**
   a. **(30:05)**
   b. Should all new TOWNHOME lots meet these requirements: (a) minimum lot width of 15 feet (b) minimum lot size of 1500 square-feet, and (c) minimum average lot size of 1750 square-feet (higher for steep lots)?

6. **Voting Item No. 5**
   a. **(36:45)**
   b. LIMITED DESIGN STANDARDS for TRIPLEXES, QUADPLEXES and COTTAGE CLUSTERS. (These are shaded GREEN in the Draft ROS Code Language document accompanying the ONA Meeting Notice.)

   Should these types of residences generally be required to locate front entries near streets and include a minimum number of windows on street frontage?

7. **Voting Item No. 6a**
   a. **(45:30)**
   b. BROADER DESIGN STANDARDS for ALL RESIDENCES. (These are shaded BLUE in the Draft ROS Code Language document.)

   Should all new residences meet broader design standards that generally include: (1) architectural detail and articulations; (2) roof slopes with a minimum 4/12 pitch, and (3) minimum open space and landscaping requirements?

   For this question, assume the county WILL ALLOW the ZAPR Committee's request to EXEMPT existing homes from being declared "nonconforming uses." (See Section 9 of the Draft ROS Code in the voting materials.)

8. **Voting Item No. 6b**
   a. **(56:19)**
   b. BROADER DESIGN STANDARDS for ALL RESIDENCES. (These are shaded BLUE in the Draft ROS Code Language document.)

   Should all new residences meet broader design standards that generally include: (1) architectural detail and articulations; (2) roof slopes with a minimum 4/12 pitch, and (3) minimum open space and landscaping requirements?

   For this question, assume the county WILL NOT ALLOW the ZAPR Committee's request to exempt existing homes from being declared "nonconforming uses."

9. **Voting Item No. 7a**
   a. **(1:05:40)**
   b. BUILDING SIZE LIMITATION - FLAT LIMIT

   If the county permits it, should all new residential structures be limited to 5000 square feet in total area (6000 square feet for townhomes)?

   For this question, assume the county WILL ALLOW the ZAPR Committee's request to EXEMPT existing homes from being declared "nonconforming uses."

10. **Voting Item No. 7b**
    a. **(1:12:50)**
    b. ALTERNATIVE BUILDING SIZE LIMITATION - "FAR" method.

    If the county disallows the flat square foot limit in Item No. 7a, should new buildings comply

with an alternative "floor area ratio" limit of ".08 (or 80%) and .9 (or 90%) for new townhomes?

For example, a new residence on a 5000 square-foot lot would be limited to 4000 square feet (80% of 5000) - excluding basements and certain other areas. (The FAR would be .9 (or 90%) for new townhomes.)

For this question, assume the county WILL ALLOW the ZAPR Committee's request to EXEMPT existing homes from being declared "nonconforming uses."

11. Voting Item No. 7c

- **a. (1:18:13)**
- **b.** BUILDING SIZE LIMITATIONS ASSUMING NO "NONCORMING USE" EXEMPTION. Regardless of how you voted on Voting Item No. 7a or 7b, should new residences comply with one or the other of these size limitations, EVEN IF the county does NOT ALLOW the ZAPR Committee's request to exempt existing homes from being declared "nonconforming uses"?

12. Voting Item No. 8a

- **a. (1:20:57)**
- **b.** "VISITABILITY" STANDARDS (assuming a county-approved "nonconforming use" exemption).

For TRIPLEXES, QUADPLEXES, TOWNHOMES and COTTAGE CLUSTERS, should at least one unit generally be required to meet "visitability standards" that render them more accessible and livable for seniors or other differently abled persons?

These generally include features such as wider entry doors, ground floor bathrooms and larger living areas.

For this question, assume the county WILL ALLOW the ZAPR Committee's request to EXEMPT existing homes from being declared "nonconforming uses." (See Section 9).

13. Voting Item No. 8b

- a. **(1:24:45)**
- **b.** "VISITABILITY" STANDARDS (assuming NO county-approved "nonconforming use" exemption).

For TRIPLEXES, QUADPLEXES, TOWNHOMES and COTTAGE CLUSTERS, should at least one unit generally be required to meet "visitability standards" that render them more accessible and livable for seniors or other differently abled persons?

These generally include features such as wider entry doors, ground floor bathrooms and larger living areas. For this question, assume the county WILL NOT ALLOW the ZAPR Committee's request to EXEMPT existing homes from being declared "nonconforming uses." (See Section 9).

14. Voting Item No. 9

- **a. (1:26:09)**
- b. Should new cottage clusters be required to include at least 3 units?

This is less than the state "model" code minimum of 4 units. ZAPR recommended this item to

encourage the construction of cottage clusters, and also to conform with the rule being proposed in other Tillamook County communities.

15. **Meeting Adjourned**
    a. **(1:31:49)**
    b. Provisional results will be sent out via email to individuals on the ONA email distribution list.
    c. The final vote will be determined by the ONA Credentials Committee. The final results will be sent out via email to individuals on the ONA email distribution list.

Respectfully submitted,
Paul Brey, ONA Secretary
Contact information: oceansidefriends@gmail.com

View this email in your browser

Oceanside Neighborhood Association

Oceanside Neighborhood Association Election Results from May 18, 2025

Thank you for your patience as the credentialing committee finalized their work on the vote count from our May 18 meeting. Votes took place on the following items, with results in red following the question

VOTING ITEM NO. 1

FOR SINGLE-FAMILY HOMES, DUPLEXES and TRIPLEXES, should the minimum lot size for new structures be reduced from 7500 square-feet and at least 60 feet wide (the current rule) to 5000 square feet and at least 50 feet wide?
Yes: 78
No: 83
Final vote: No

VOTING ITEM NO. 2

FOR QUADPLEXES and COTTAGE CLUSTERS, should the minimum lot size be established as 7000 square-feet?

Yes: 95
No: 66
Final vote: Yes

VOTING ITEM NO. 3

Should the current setback requirement on all CORNER LOTS be reduced from 15 feet to 10 feet?
Yes: 76
No: 84
Final vote: No

VOTING ITEM NO. 4

Should all new TOWNHOME lots meet these requirements: (a) minimum lot width of 15 feet (b) minimum lot size of 1500 square-feet, and (c) minimum average lot size of 1750 square-feet (higher for steep lots)?
Yes: 67
No: 90
Final vote: No

VOTING ITEM NO. 5

LIMITED DESIGN STANDARDS for TRIPLEXES, QUADPLEXES and COTTAGE CLUSTERS. (These are shaded GREEN in the Draft ROS Code Language document accompanying the ONA Meeting Notice.)

Should these types of residences generally be required to locate front entries near streets and include a minimum number of windows on street frontage?
Yes: 72
No: 82

Final vote: No

VOTING ITEM NO. 6a.

BROADER DESIGN STANDARDS for ALL RESIDENCES. (These are shaded BLUE in the Draft ROS Code Language document.)

Should all new residences meet broader design standards that generally include: (1) architectural detail and articulations; (2) roof slopes with a minimum 4/12 pitch, and (3) minimum open space and landscaping requirements?

For this question, assume the county WILL ALLOW the ZAPR Committee's request to EXEMPT existing homes from being declared "nonconforming uses." (See Section 9 of the Draft ROS Code in the voting materials.)
Yes: 53
No: 107
Final vote: No

VOTING ITEM NO. 6b

BROADER DESIGN STANDARDS for ALL RESIDENCES. (These are shaded BLUE in the Draft ROS Code Language document.)

Should all new residences meet broader design standards that generally include: (1) architectural detail and articulations; (2) roof slopes with a minimum 4/12 pitch, and (3) minimum open space and landscaping requirements?

For this question, assume the county WILL NOT ALLOW the ZAPR Committee's request to exempt existing homes from being declared "nonconforming uses."
Yes: 43

No: 111
Final vote: No

VOTING ITEM NO. 7a.

BUILDING SIZE LIMITATION - FLAT LIMIT

If the county permits it, should all new residential structures be limited to 5000 square feet in total area (6000 square feet for townhomes)?

For this question, assume the county WILL ALLOW the ZAPR Committee's request to EXEMPT existing homes from being declared "nonconforming uses."
Yes: 72
No: 84
Final vote: No

VOTING ITEM NO. 7b

ALTERNATIVE BUILDING SIZE LIMITATION - "FAR" method.

If the county disallows the flat square foot limit in Item No. 7a, should new buildings comply with an alternative "floor area ratio" limit of ".08 (or 80%) and .9 (or 90%) for new townhomes?

For example, a new residence on a 5000 square-foot lot would be limited to 4000 square feet (80% of 5000) - excluding basements and certain other areas. (The FAR would be .9 (or 90%) for new townhomes.)

For this question, assume the county WILL ALLOW the ZAPR Committee's request to EXEMPT existing homes from being declared "nonconforming uses."
Yes: 70
No: 86
Final vote: No

VOTING ITEM NO. 7c

BUILDING SIZE LIMITATIONS ASSUMING NO "NONCORMING USE" EXEMPTION.

Regardless of how you voted on Voting Item No. 7a or 7b, should new residences comply with one or the other of these size limitations, EVEN IF the county does NOT ALLOW the ZAPR Committee's request to exempt existing homes from being declared "nonconforming uses"?
Yes: 59
No: 95
Final vote: No

VOTING ITEM NO. 8a

"VISITABILITY" STANDARDS (assuming a county-approved "nonconforming use" exemption).

For TRIPLEXES, QUADPLEXES, TOWNHOMES and COTTAGE CLUSTERS, should at least one unit generally be required to meet "visitability standards" that render them more accessible and livable for seniors or other differently abled persons?

These generally include features such as wider entry doors, ground floor bathrooms and larger living areas.

For this question, assume the county WILL ALLOW the ZAPR Committee's request to EXEMPT existing homes from being declared "nonconforming uses." (See Section 9).
Yes: 70
No: 86
Final vote: No

VOTING ITEM NO. 8b

"VISITABILITY" STANDARDS (assuming NO county-approved "nonconforming use" exemption).

For TRIPLEXES, QUADPLEXES, TOWNHOMES and COTTAGE CLUSTERS, should at least one unit generally be required to meet "visitability standards" that render them more accessible and livable for seniors or other differently abled persons?

These generally include features such as wider entry doors, ground floor bathrooms and larger living areas. For this question, assume the county WILL NOT ALLOW the ZAPR Committee's request to EXEMPT existing homes from being declared "nonconforming uses." (See Section 9).
Yes: 54
No: 99
Final vote: No

VOTING ITEM NO. 9

COTTAGE CLUSTERS - MINIMUM UNIT RULE

Should new cottage clusters be required to include at least 3 units?

This is less than the state "model" code minimum of 4 units. ZAPR recommended this item to encourage the construction of cottage clusters, and also to conform with the rule being proposed in other Tillamook County communities.
Yes: 94
No: 62
Final vote: Yes

My thanks go out to Jerzy Rub, Melissa Farlow and Leslie Kay who served on the credentialing committee. Also many thanks to Paul Brey, ONA Secretary, who registered many people to vote and took such care with voting tabulation. My sincere thanks to Tom Kemper, ZAPR committee chair for a year's work as well as all members of the ZAPR committee. The Oceanside community has spoken.

Terri Warren, ONA President, 2024-2025

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Oceanside Neighborhood Association
P.O. Box 338, Oceanside OR 97134
www.oceansidefriends.org

June 21, 2025

MEETING MEDIA
YouTube: ONA May 21, 2025 Annual Meeting
(Ctrl + Click to follow link)

MEETING FILE (below)
Agenda with Motions and Time Stamp Index to Video

Oceanside Neighborhood Association (ONA) Annual Meeting

May 21, 2025. 10:00 am – Hybrid Format (In-Person and Zoom)

1. **Call to Order** (Terri Warren, ONA President)
   a. **YouTube VIDEO TIME STAMP (00:59)**
   b. ONA Board Members in attendance: Terri Warren (ONA President), Gil Wiggin (ONA Vice President), Sharon Brown (ONA Treasurer) and Paul Brey (ONA Secretary).
   c. The meeting was attended by 59 Registered ONA members whose votes were counted: 24 in person and 35 via Zoom.
   d. The 59 voting members in attendance satisfied the quorum requirement of 52 registered ONA members.

2. **Meeting Minutes** (Paul Brey, ONA Secretary)
   a. **YouTube VIDEO TIME STAMP (01:08)**
   b. Minutes are posted online at the ONA Website for the April 5, 2025 General Meeting and the May 18, 2025 Special Meeting.

3. **Treasurer's Report** (Sharon Brown, ONA Treasurer)
   a. **(02:40)**
   b. The ONA account has a balance of $1,467.13.

4. **Year Wrap-Up Report from the Oceanside Action Partnership**
   a. **(05:24)**
   b. Information on the organization and their projects is available online at https://www.oceansideactionpartnership.org.
   c. The annual beach cleanup is scheduled for July 5, 2025. All volunteers welcome. Meet at the Oceanside Community Center at 9:00 am to participate. (Cynthia Miller)
   d. The celebration of the Wayfinding Signage Project is July 3, 2025, meeting at the Cape Meares Loop Road viewpoint pullout. (Kris Woolpert)
   e. The new cell tower is planned to go live in 2026. (Yuriy Chanba)

5. Election of New Officers

a. **(24:55)**
b. Tom Kemper made a Motion to approve the candidates as a slate, which was seconded by Cynthia Miller.
c. The new board of officers was elected unanimously:
   - President, Simeon Dreyfuss
   - Vice President, Gill Wiggin
   - Secretary, Shaun DesJardins
   - Treasurer, Sharon Brown
d. The term runs from July 1, 2025 to June 31, 2025.

6. **Report on Grant Obtained from Office of Resilience and Emergency Management (OREM)** (Jerry Keene

a. **(33:07)**
b. A resiliency hub, purchased with a grant from the State, holds provisions in a secured location which are to be used in the event of a public emergency.

7. **Dates for Tillamook County Hearings Regarding Middle Housing** (Terri Warren, ONA President)

a. Hearing with the Tillamook Planning Commission – July 10, 2025, TBD time
b. Hearing with the Tillamook Board of County Commissioners – July 23, 2025, 5:30 pm. Covering Pacific City, Netarts, and unincorporated areas County-wide
c. Hearing with the Tillamook Board of County Commissioners – August 14, 2025, TBD time. Oceanside-specific meeting.
d. More information will be sent out to ONA members in advance of the hearings.

8. **Summary of ONA activities in 2024-2025** (Terri Warren, ONA President)

a. (50:00)
b. Activities and presentations during 2024/2025 included the CARE Program, presentation by Commissioner Bell, the Aging in Grace program, the Firewise Community, the Short Term Rental (STR) Framework, ZAPR Middle Housing, OAP Programs and Hotel project updates.

9. Thoughts of the Future of ONA (Simeon Dreyfuss, Incoming ONA President)

a. (52:32)
b. Would like to see the ONA revisit the Community Plan in 2025-2026.
c. Would like to organize conversations around the topic of Oceanside as a community largely of older residents, to identify the needs of an aging community, and how those needs can be addressed.

10. Meeting Adjourned

a. **(1:05:50)**
b. The Annual Gathering will be a Pot Luck held at the Oceanside Community Center on July 26, 2025, at 4:00 pm.

Respectfully Submitted,
Paul Brey, ONA Secretary
Contact information: oceansidefriends@gmail.com

Oceanside Neighborhood Association
P.O. Box 425, Oceanside OR 97134
www.oceansidefriends.org

July 28, 2025

MEETING MEDIA
Zoom Video Link: ONA Board Meeting
Passcode: &S8SP#hh ***(copy and paste to Zoom)***

MEETING FILE (below)
Agenda with Motions and Time Stamp Index to Video and Chat

Oceanside Neighborhood Association ONA Board Meeting

July 28, 2025. 1:00 pm – Zoom Format

1. **Call to Order** (Simeon Dreyfuss, ONA President)
    a. **ZOOM VIDEO TIME STAMP (00:33)**
    b. Attended by ?? ***(Clarifying)*** people: via Zoom.

2. **Approval of agenda** (Simeon Dreyfuss, ONA President)
    a. **ZOOM VIDEO TIME STAMP (00:38)**
    b. Approved - No comments or corrections or additions.

3. **Guests** (Simeon Dreyfuss, ONA President)
    a. **ZOOM VIDEO TIME STAMP (01:06)**
    b. Requested identification in chat for public record.
    c. 16 Members identified including 4 officers.

4. **Public Comments** (Simeon Dreyfuss, ONA President)
    a. **ZOOM VIDEO TIME STAMP (03:20)**
    b. Commentors:
        i. Ed Gorzyniski
            1. **ZOOM VIDEO TIME STAMP (03:45)**
            2. Ed requests a public meeting on Incorporation.
        ii. Sineon responds that the current Incorporation Effort is not an ONA initiative.
            1. **ZOOM VIDEO TIME STAMP (04:42)**
        iii. Ed Gorzyniski
            1. **ZOOM VIDEO TIME STAMP (05:02)**
            2. Ed Responds and continues comments on Incorporation topic.
        iv. In the Chat the following responses to Ed's comments:
            1. Yuriy Chanba: Second that, Ed

2. Diane Niflis: Ed's suggestion sounds reasonable to me.
3. Sean Aiken: Thanks Ed. Great points.

v. Sineon adds on Incorporation
1. **ZOOM VIDEO TIME STAMP (06:50)**
2. Acknowledges that it's a divisive issue.
3. Will discuss his goal of rebuilding trust later in the meeting.

vi. Ed Gorzyniski
1. **ZOOM VIDEO TIME STAMP (07:20)**
2. Ed Responds and continues comments on rebuilding trust on the incorporation issue and revisiting it when it was stated we would not.

5. **Preparation for the August 14 Planning Commission meeting on Oceanside Zoning changes:** President's report and discussion
   a. **ZOOM VIDEO TIME STAMP (08:25)**
   b. Simeon has asked members involved in the 2021 reports in favor of zoning changes to make presentations to the Planning committee.
      i. Requests of the board members to approve this approach.
   c. Shaun asks what representation is being forwarded to the commission.
      i. Simeon responds it is representative of votes at the time it was taken, in 2021. Explains the process.
   d. Simeon Expresses disappointment this wasn't resolved in 2021 and has taken 4 years to reach this point.
   e. Simeon acknowledges the u8nsuprising changes in community perceptions on these issues now.
   f. Sean Aiken (Via Chat)
      i. **TIME STAMP IN CHAT (26:18) (Roughly 11:18 on Video)**
      ii. Regarding the ona height restriction. Was there ever a proper notice given to every property owner prior to the ONA vote a few years ago?
      iii. Yuriy Chanba:
         1. Replying to "Did the Ona send out..." Only to ONA members who were aware of ONA existence at the time.
   g. Simeon recommends that any members with concerns make their views known to the county at the Aug 14 and Oct 22nd hearings.
   h. Sharon Brown
      i. **ZOOM VIDEO TIME STAMP (12:10)**
      ii. Responding to Sean Aiken about a notice to property owners.
      iii. The delay on the notice is the county's issue.
      iv. Explains the process.
   i. Sineon responds to Sean Aiken:
      i. **ZOOM VIDEO TIME STAMP (12:45)**
      ii. All votes were taken at ONA meetings that were announced as were the associated committee meetings.
   j. Sharon Brown
      i. **ZOOM VIDEO TIME STAMP (14:10)**
      ii. Askes if there will be a voting recap for the ZAPR recommendations from 2021.
   k. Sineon responds to Sharon:
      i. **ZOOM VIDEO TIME STAMP (14:28)**
      ii. Offers that he could do that at the presentation.

l. Sean Aiken:
    i. **TIME STAMP IN CHAT (29:20) (Roughly 14:20 on Video)**
    ii. So there was no notice sent by Ona?
    iii. **TIME STAMP IN CHAT (35:09) (Roughly 20:09 on Video)**
    iv. If the ONA is sending suggestions based on the communities vote the. It seems clear that every property owner must be notified of the meetings and discussions prior to going to the county. ONA didn't do that.
    v. Shaun DesJardins:
    vi. **TIME STAMP IN CHAT (35:57) (Roughly 20:57 on Video)**
    vii. Replying to "If the ONA is sending...": Agreed. This issue will be addressed today as well.
m. Shaun DesJardins:
    i. **ZOOM VIDEO TIME STAMP (15:14)**
    ii. Asks for time to allow public comment after the agenda items.
    iii. Sineon responds to Shaun, yes if there is time.

6. **This is the first ONA Board meeting for a while. How often do we want to meet?** (Simeon Dreyfuss, ONA President)
    a. **ZOOM VIDEO TIME STAMP (16:10)**
    b. Rough consensus about once per quarter unless otherwise needed.
    c. Might need a meeting to finish scheduling into the fall.

7. **Status of ONA Committees** (Simeon Dreyfuss, ONA President):
    a. **ZOOM VIDEO TIME STAMP (18:40)**
    b. Three ONA committees:
        i. ZAPR (Zoning and Plan Review) – part of our bylaws.
            1. Specific requirements for representation.
            2. Lost a few members from last year.
            3. We are missing Architectural and Development perspectives.
            4. Simeon asks for other perspectives on adds to the ZAPR committee.
                a. **ZOOM VIDEO TIME STAMP (24:32)**
                b. Sharon Brown:
                    i. Do we have Business representation?
                c. Shaun DesJardins:
                    i. **ZOOM VIDEO TIME STAMP (26:43)**
                    ii. Adding ZAPR members from outlying areas.
                d. Sharon Brown:
                    i. Suggests asking for volunteers in these areas.
                e. Shaun Desjardins:
                    i. I didn't know about ZAPR, or asking for volunteers in 2020
                    ii. Suggest using the much larger mailing list we have now to reach some outlying residents.
                f. Simeon:
                    i. Will be looking for committee members that meet the areas covered in our bylaws, that includes geographic representation on the committee.
        ii. Bylaws Committee (Simeon Dreyfuss, ONA President):
            1. **ZOOM VIDEO TIME STAMP (29:25)**

2. The committee was asked to look at the rules around quorums.
    a. We have a difficulty getting enough people to meet the quorum requirements.
    b. Discussion on difficulty with the fluctuation of meeting numbers and its effect on past and future quorum requirements.

iii. Credentials Committee (Simeon Dreyfuss, ONA President):
1. **ZOOM VIDEO TIME STAMP (33:15)**
2. Discussion on the complications that arise from counting votes in a mixed group of in person and online voters.
3. Asks that Shaun DesJardins get involved with the credentials process as well.
4. Recommend adding lists and information on committees to the ONA website.

iv. Firewise Committee (Gill Wiggin, ONA Vice President):
1. **ZOOM VIDEO TIME STAMP (35:51)**
2. Has been unable to get a quorum to activate this committee and needs it to move forward.
3. Recommends qualified people with expertise in relevant areas to Firewise, rather than just geographic representation.
4. Fire risk is increasing, most in the community seem to be concerned.
5. County approval is not needed for a community to be Firewise certified.
6. Push for a quorum do get this committee moving forward.

8. **ONA Finances** (Simeon Dreyfuss, ONA President):
    a. **ZOOM VIDEO TIME STAMP (43:05)**
    b. Sharon has been covering expenses for mail chimp and Zoom for several years and not reimbursing herself. I am taking this on. But we need another system.
    c. Sharon Brown:
        i. ONA was designed to be inclusive with no fees.
        ii. Asks for suggestions on raising funds without dues.
        iii. Has been paying the expenses out of pocket up until now.
    d. Diane Niflis: How much does it cost each year, for Mail Chimp? For Zoom? I would chip in towards reimbursement to Sharon, and to Simeon for the future reimbursement.
        i. Susan Miller: I would also.
        ii. Kathie Norris: As I would as well.
        iii. Ed: Sharon should absolutely be reimbursed. I will contribute.
        iv. Carol Horton: I am happy to contribute. Can we do this through the Oceanside Protection Society (which is tax deductible)
        v. Sharon Brown:
            1. Zoom = $170.00/Year + $10/Month Storage
            2. Mail Chimp = $26.50/Month
            3. We need an Owl or Similar.
            4. No tax exemption for contributions.
            5. In the past people have contributed through OPS to get the tax write off.
        vi. Questions on funding from the county, OPS and OCC:

1. ONA President will look to submit proposals for fundraisers to the appropriate organizations.

9. **The need for an ONA OWL, or equivalent device** (Simeon Dreyfuss, ONA President):
    a. **ZOOM VIDEO TIME STAMP (50:03)**
    b. OWL seems to be state of the art digital meeting system for hybrid environments, but there are less expensive options. How do we decide? How would we pay for it?
    c. Owl has the best reviews of similar ($1000) fully automated hardware.
        i. Multiple less expensive options will use varying degrees of user operation with video and sound degradation, per customer reviews.
    d. Related to item 8.
    e. The owl should have extra mics to assist with audio and ease of room.
    f. Simeon and Shaun will put a proposal together.

10. **Rebuilding trust within the Oceanside Community** (Shaun DesJardins, ONA Secretary):
    a. **ZOOM VIDEO TIME STAMP (55:20)**
    b. Six reoccurring bullet points from social media:
        i. ONA put forth suggestions to Tillamook County, as recommended by Oceansiders, yet there seems to be a lot of discrepancies with just how many have been contacted and what the feedback is. There is a solid block of residents and owners that see this as just a few making decisions they think will work for everyone.
        ii. Making rules that infringe upon the rights of owners in and out of the village proper. This has been a common theme for myself and others from about 2021 up until it reached a head at this last vote. This perspective is reinforced by the comments, snarky (perceived) replies and overall "them and us" feel of the committees involving property use.
        iii. Finding ways to circumvent voting, instead of being transparent and making an effort to regularly assure we are actually doing the current will of the people we represent, not our personal opinions.
        iv. Taking note of and considering past Oregon legislation on issues ONA is trying to suggest to the County. This is now easier than ever to research online, so we do get feedback on this. If we are not looking at this ahead of time it doesn't look like we are being transparent.
        v. Shadow pushing agendas. ONA seems (perceived) to be pushing things as an organization that there is a lot of division over. An example of this is Incorporation (I happen to personally be for this one). Having things like this on the ONA web site, years after they are voted down and seeming to support this "unofficially" hurts our credibility as an organization supporting the entire community.
            1. Gill Wiggin:
                a. **ZOOM VIDEO TIME STAMP (01:01:40)**

b. We should archive past date and not delete it, to show what we did in history. Also make it accessible for transparency.

vi. Sending the 2021 voting information to the county without properly pointing out that a new vote was blocked, even though requested, and there is a great deal of opposition to it now that we understand the ramifications. This is a biggy. This makes ONA look very opaque and sinister.

c. Please send emails to Secretary@Oceansidefriends.org to have other issues added for discussion.

d. Craig Wakefield:
   i. **TIME STAMP IN CHAT (01:04:24) (Roughly 49:57 on Video)**
   ii. Why did so many of the proposed standards failed to get approval?
   iii. I think it's important that the leadership understand the message the community sent via the recent election results.
   iv. First, it seems obvious that, by all the questions that were asked 'on the day of the vote' – concerning the most basic elements of the proposed standards – that the leadership had not done an adequate job of conveying WHY we needed any of these additional standards or changes to existing requirements. I believe for many people it all seemed like overreach. Leadership needs to know why the community reacted the way they did.
   v. Multiple positive reactions in chat.

e. Simeon:
   i. **ZOOM VIDEO TIME STAMP (01:05:01)**
   ii. Believes this summary accurately captures the reasons a lot of people are feeling alienated from the ONA.
   iii. What can we, as a board, do about this going forward?
      1. Reorganize the web site.
      2. Have an ONA meeting this year dedicated to just listening to members.
      3. Perhaps get an outside mediator.
      4. We have a lot more that draws us together as a community, even with different perspectives.

f. Sean Aiken:
   i. **TIME STAMP IN CHAT (01:20:21) (Roughly 01:05:57 on Video)**
   ii. Shaun nails it. He gives me hope. Thank you for joining the board.

g. Gill:
   i. **ZOOM VIDEO TIME STAMP (01:07:20)**
   ii. Revitalizing the community plan would help with this and put a modern timestamp on it.
   iii. Concerned that bringing up old votes might encourage the county to delay on issues we want to move forward on.
   iv. Concerns about the way ZAPR is bringing the lighting and height restrictions is updating a timestamp, without updating the vote. Should have included the dates of the votes in the submission to the commissioners.

h. Simeon:
   i. **ZOOM VIDEO TIME STAMP (01:10:15)**
   ii. Wished the county had acted on issues at the time they were voted on and delivered instead of waiting years until they were mandated by the state.

iii. Asks board members about opinions on a mediated meeting to air differences.
    1. Shaun:
        a. Suggests an online forum would be better and faster.
        b. We should be more open about how our information represents the community.
        c. We should not be presenting information that we know does not represent the community.
    2. Simeon:
        a. There are actually 4 issues being presented to the commissioners from ZAPR:
            i. State update about middle housing.
            ii. Lighting standards.
            iii. Change to building height calculations
            iv. Change to actual building height.
        b. The last one is the only controversial one.
    3. Shaun:
        a. We need to get the community input before putting out controversial suggestions to the commissioners.
        b. Offers to receive community input by email and other and produce a spreadsheet for the board to see the community response.
    4. Sharon:
        a. A mediator is a great idea.
        b. Concerned about timing and logistics.
    5. Gill:
        a. A mediator is a reasonable way to pursue that.
        b. Should not let short term cost prevent us from pursuing this.

i. Yuriy Chanba:
    i. **TIME STAMP IN CHAT (01:26:56) (Roughly 01:11:56 on Video)**
    ii. In a way, it's good the county didn't act on it, because informed Oceansiders let you know their preferences in 2025
j. Kathie Norris:
    i. **TIME STAMP IN CHAT (01:31:43) (Roughly 01:16:43 on Video)**
    ii. I suspect that there would be cost associated with using an outside mediator.
k. Shaun DesJardins:
    i. **TIME STAMP IN CHAT (01:32:16) (Roughly 01:17:16 on Video)**
    ii. Could we add a forum to our web site?
l. Pauline and Saj Jivanjee:
    i. **TIME STAMP IN CHAT (01:32:35) (Roughly 01:17:35 on Video)**
    ii. There is a no-cost Tillamook Office of Mediation.

11. **Do we want to pursue an ONA sponsored Online Forum, for ongoing discussions of ONA related issues?** (Simeon Dreyfuss, ONA President):
    a. **ZOOM VIDEO TIME STAMP (01:17:40)**
    b. There could be technical or legal issues.
    c. What do board members think of this idea?
        i. Sharon:
            1. The most current version was a forum on Gmail.

2. Our web site will not accommodate a forum.
3. The county and others have raised the issue of "Open Public Meetings" law.
4. Recommends a forum outside the ONA so officers and others can participate as individuals.

ii. Gill:
1. Kind of a nightmare.
2. Lots of issues with moderation, free speech, and disrespect.
3. But feels it would be beneficial if it could be done.

iii. Simeon,
1. How would an ONA form be different from a FB forum?
a. Sharon:
i. Difficult for the ONA to sponsor without legal issues.
ii. Lots of members not on FB (Several agree in chat).
iii. Liked the Gmail format.

iv. Shaun:
1. Offers to collect information on forum options and forward it to Simeon.

v. Simeon:
1. Suggests asking the ONA at a meeting about interest in forum participation.
2. Concerned about loss of interest and activity over time like the last one.

vi. Shaun:
1. Offers to help out and/or moderate on his own time for this.

vii. Sharon:
1. Important to note that no one person can ever give a response representing the ONA. That is the way the membership is set up.

viii. Shaun DesJardins:

ix. **TIME STAMP IN CHAT (01:37:49) (Roughly 01:22:49 on Video)**
1. Social Media doesn't seem like a good platform.

12. **Agenda for coming year's meetings: Ideally I would like to publish in advance at least the guest speakers for upcoming meetings. Ideas?** (Simeon Dreyfuss, ONA President):
a. **ZOOM VIDEO TIME STAMP (01:28:15)**
b. Not covered in this meeting do to lack of time.

13. **Adjournment** (Simeon Dreyfuss, ONA President):
a. **ZOOM VIDEO TIME STAMP (01:30:18)**

An email Notice and Zoom link will be sent in advance of the meeting.

Respectfully submitted,
Shaun DesJardins, ONA Secretary
Contact information: oceansidefriends@gmail.com

Sarah Thompson

From: Simeon Dreyfuss <President@OceansideFriends.org>
Sent: Friday, August 22, 2025 12:17 PM
To: Sarah Absher; Shaun DesJardins
Cc: treasurer@oceansidefriends.org; Gill Wiggin; Sarah Thompson
Subject: EXTERNAL: Re: September 11th Meeting

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Sarah, and Shaun,

For the record I wish to clarify that there is no ONA data relating to the matters currently before the Planning Commission beyond the original votes taken in 2021. We have not conducted any polls. We have not begun a process of reexamining the original votes or of the proposals voted on at that time. Rather it is the belief of the majority of the ONA Board that the Planning Commission Hearing is the appropriate next venue to review the proposals passed by the ONA in 2021.

Any notes, spreadsheets, or polling results that Shaun has are not products of the ONA and Shaun therefore can not speak to them as the ONA Secretary. Such documents would represent his personal views and not those of the ONA.

Thanks for your understanding in this matter.

Simeon Dreyfuss

--
Simeon Dreyfuss
President
Oceanside Neighborhood Association

On 8/22/2025 10:48 AM, Sarah Absher wrote:

> Good Morning Shaun,
>
> All testimony is published on the application page: https://www.tillamookcounty.gov/commdev/project/851-25-000262-plng-et-al-oceanside-neighborhood-association-tillamook-county
>
> Written testimony received at the August 14th hearing has already been posted along with the meeting recordings. I will update the page and add comments received during the written testimony comment period and an updated memorandum by end of day on Thursday, September 4th in preparation for the September 11th hearing.

Sarah Thompson, copied, can also make copies for you. Please be advised there is a fee for this service. You are most welcome to connect with her directly to request copies of testimony now or once the September 4th hearing packet has been posted.

Sincerely,

Sarah Absher, CBO, CFM, Director
TILLAMOOK COUNTY | Community Development
1510-B Third Street
Tillamook, OR 97141
Phone (503) 842-3408 x3412
Sarah.Absher@tillamookcounty.gov

From: Shaun DesJardins <shaundesjardins@live.com>
Sent: Friday, August 22, 2025 10:44 AM
To: Sarah Absher <sarah.absher@tillamookcounty.gov>
Cc: president@oceansidefriends.org; treasurer@oceansidefriends.org; Gill Wiggin <gill.wiggin@gmail.com>
Subject: EXTERNAL: Re: September 11th Meeting

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Yes please.

Also, can I get a copy of the written testimony to the commissioners? If so, how do I do it?

Shaun

Get Outlook for Android

From: Sarah Absher <sarah.absher@tillamookcounty.gov>
Sent: Friday, August 22, 2025 10:41:51 AM
To: Shaun DesJardins <shaundesjardins@live.com>
Cc: president@oceansidefriends.org <president@oceansidefriends.org>; treasurer@oceansidefriends.org <treasurer@oceansidefriends.org>; Gill Wiggin <gill.wiggin@gmail.com>
Subject: RE: September 11th Meeting

Good Morning Shaun,

Thank you for the email. Would you like me to include this email with other public comments received?

Sincerely,

Sarah Absher, CBO, CFM, Director
TILLAMOOK COUNTY | Community Development
1510-B Third Street
Tillamook, OR 97141
Phone (503) 842-3408 x3412
Sarah.Absher@tillamookcounty.gov

From: Shaun DesJardins <shaundesjardins@live.com>
Sent: Friday, August 22, 2025 10:35 AM
To: Sarah Absher <sarah.absher@tillamookcounty.gov>
Cc: president@oceansidefriends.org; treasurer@oceansidefriends.org; Gill Wiggin <gill.wiggin@gmail.com>
Subject: EXTERNAL: September 11th Meeting

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Sarah,

I have been asked not to testify as the current ONA Secretary, and I don't have anything oral to add as a resident of Oceanside. I would like the commissioners to know that I am available for clarification on numbers and issues, as they have heard from a past secretary and do not have the current data.

I will also be sending written testimony before the closing date, for them to consider.

It would seem proper to give them the option to call upon me for questions and I will be present and ready to answer any questions I can with facts from our Secretary notes, spreadsheets and polling results as Secretary of the ONA.

Please forward this email to the commissioners so they are aware. Also, can I get a copy of the written testimony to the commissioners? If so, how do I do it?

Thank you,

Shaun DesJardins

CC: ONA Officers

Sarah Thompson

From: Neunzert <neunzert@gmail.com>
Sent: Friday, August 15, 2025 12:10 PM
To: Sarah Thompson
Cc: Sarah Absher
Subject: EXTERNAL: Testimony - Building Height Formula
Attachments: Oceanside - Building Height Formula - CNeunzert.docx

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hello Sarah,

Attached is the testimony that I provided at the Tillamook County Planning Commission meeting last night. I'm hoping you will make it available to the Commissioners and enter it into the public record.

Thank you!

Caroline Neunzert

Tillamook Planning Commission Testimony
Proposed Oceanside Building Height Formula
August 14, 2025

Good evening, Commissioners. My name is Caroline Neunzert and I am a homeowner in Oceanside. I was a member of the working committee of the Oceanside Neighborhood Association which studied the topic of building height calculation. I'm here tonight to present information about the proposed new formula for calculating building height based on that committee's research. This formula is an element of the two proposed standards around building height that are on your agenda for consideration today.

To be very clear, I will not be talking about maximum allowed building height. That is a separate issue. I'm here to talk strictly about the formula used to calculate building height.

Currently, in Tillamook County, the height of a new structure is calculated by identifying and averaging the height of all external walls that are at least two feet wide. On sloped lots, this formula can be manipulated, or "gamed", by creating lots of short walls on the uphill side of the building (where the walls are relatively short) and minimizing the number of walls on the downhill side (which are relatively tall). This allows for buildings that are visually taller than the legal limit and look like silos when seen from below.

In researching the topic of building height, our committee looked at a number of communities which, like Oceanside, have strongly sloped topography. The formula we are recommending most closely resembles one that is being used successfully in Tacoma, Washington.

Our proposed new formula will simplify the height measurement by calculating it from four base elevation points at the corners of the smallest rectangle that encloses the building footprint, rather than by averaging all of the external walls. It will also clarify the base of measurement by defining "existing grade" as the pre-construction grade for a given lot. This formula is easier to explain and interpret than the one currently in use. It should also be easier to administer and less susceptible to manipulation.

Again, I want to emphasize that the proposed new formula does not restrict or "take away" from the maximum allowed height of a building. It only clarifies and simplifies how that height is calculated. I encourage you to adopt this formula, regardless of any action you might take regarding maximum allowed building height.

Thank you for your consideration.

Caroline Neunzert
1780 Maxwell Mountain Road
Oceanside, OR 97134

Sarah Thompson

From: Sharon Brown <sharnbrown@gmail.com>
Sent: Friday, August 15, 2025 1:31 PM
To: Sarah Thompson
Subject: EXTERNAL: Testimony for Oceanside/Tillamook County Planning Commission matter 851-25-00262-PLNG et al
Attachments: Yuriy Chanba's newsletter.pdf

[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

I am a resident of Oceanside, and my parents and grandparents were residents here as well since the 1970s. During that time, Oceanside has been changing, and not for the better in many ways. You are considering proposals that the ONA asked the County to consider to protect the unique character of the community back in 2021. The delay in getting this to you was not the fault of Oceansiders. We know one current issue that has been raised with you is the implications for creating non-conforming uses by lowering the maximum building height from 35' to 30'. In reality, a majority of homes in Oceanside are already non-conforming as they were built prior to the land use codes being enacted. Importantly, the proposals before you included saving language that would prevent any structures currently existing from being made non-conforming by the enactment of this proposal. The Community in 2021 deemed the benefits to the community from lowering the maximum building height outweighed the inconvenience that new builders might encounter in complying with the new figure.

Sadly, some Oceanside property owners are using this issue to sow distrust and confusion among other property owners, particularly those who own undeveloped lots. They have spread misinformation and conspiracy theories widely. You will certainly notice "boilerplate" language in their objections, because it is being written for them. I enclose an email received today from Yuriy Chanda, self-titled as "Oceanside True Friends" which lays out their form arguments.

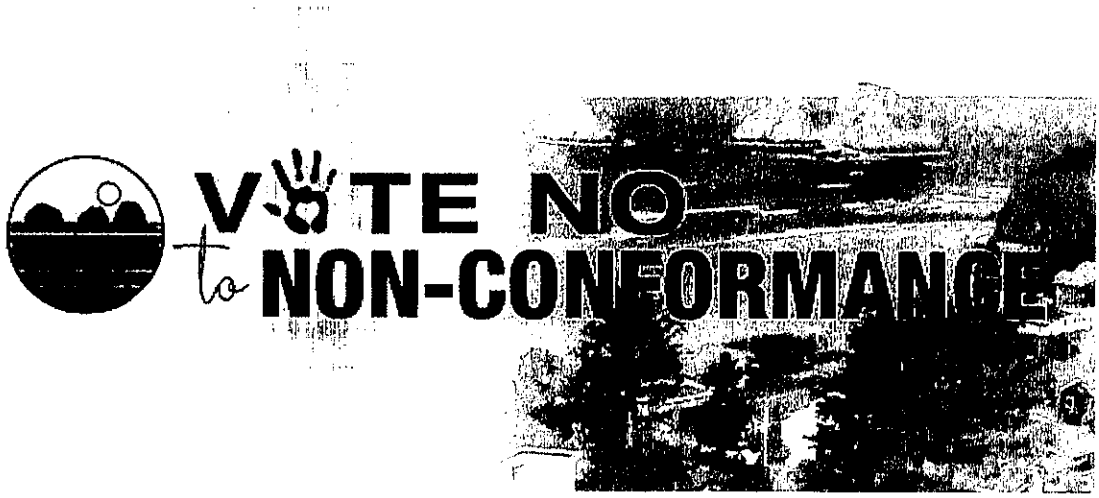
I urge you to review the documents initially presented by the ONA from the 2021 process, as it involved an incredible amount of work and time by Oceansiders to attempt to address issues that affect us every day. Additionally, I urge you to address the savings language that protects current residences from becoming non-conforming. I urge you to read the Hillsboro Airport case presented to you by County Staff and find it does not speak to the same issues and is not directly applicable (it involved a reduction in height of current buildings, which is nowhere in any of the ONA's proposals). Finally, I urge you to evaluate the ONA's proposals regarding building height on their merits. Thank you for your time.

Sharon M. Brown
SharnBrown@gmail.com
503-310-3031

Attachment here:

From: **Oceanside True Friends** oceansidetruefriends@177960029.mailchimpapp.com
Subject: Oceanside Zoning: Planning Commission needs your help. Let's help!
Date: August 15, 2025 at 1:04 PM
To: Sharon sharnbrown@gmail.com

View this email in your browser



Hello, neighbors.

Most of us would rather be fishing, or hiking, or beach combing, or just having good time with our family, friends and neighbors here in Oceanside, but here I am asking for your help again in neighbors' fight against ONA Board's push for making properties in Oceanside non-conforming and taking from owners of undeveloped lots.

Details are provided below. I'm asking for 5 minutes of your time to write up a note opposing maximum building height reduction in Oceanside from existing 35-feet to 30-feet and send it to Sarah Thompson at Sarah.thompson@tillamookcounty.gov.

Tillamook County Planning Commissioners did not make the decision yesterday and asked for more testimonies from Oceansiders to better understand how **non-conforming negatively affects you**. Oceanside property owners are asked to provide the testimonies by 4pm on August 28, and you are invited to provide your testimony in person at the next hearing on September 11

at 7pm.

Speaking of the hearing... It started at 7pm and ran past 10pm. It was supposed to be about Oceanside zoning changes due to the new middle family housing law (a very non-controversial topic for Oceanside), but, as predicted, instead was spent almost entirely around ONA's current and former Presidents' push for zoning changes per 2021 ONA vote, asking for multiple residential housing zoning restrictions, the outrageous one being the height reduction.

Thank you to all who provided written testimonies prior to the August 14 meeting opposing the outdated 2021 "ONA decision", and especially to all who provided oral testimonies during the hearing yesterday (don't we all hate public speaking;))! If you already provided a testimony for/at August 14 hearing but would like to convey to the Commission new information for consideration at the next hearing- you are more than welcome to do so.

The facts brought up during testimonies made Commissioners realize that ONA Board postering as if speaking for our current community on this topic was possibly just that - postering. However, to an outsider it is quite incredible to observe how disconnected the ONA Board is from our community, so the Commissioners wanted to hear more of Oceanisders' testimonies to confirm what the Commission members already started to understand - 2021 ONA Board President's push for zoning change is not welcome in Oceanside of 2025.

Let's help the Commissioners. Please, tell them in your testimony that you are against height reduction and why. A few sentences will do. For reference, check out this document containing testimonies provided for August 14 meeting; see pages 136-166.

https://www.tillamookcounty.gov/sites/default/files/fileattachments/community_development/project/103884/doc0007.pdf

Also, and this is IMPORTANT, Commissioners would like to hear how designating your property non-conforming creates financial burden for you. Here are a few points:

Here are a few points:

- increased cost of renovation and repairs, due to additional land use/permits review process,
- financing and insurance are more expensive due to inherent risk and limitations,
- significant restrictions on expansion, alterations, and high-cost repairs,
- declaration of a non-conforming building "unsafe" can lead to its removal and termination of non-conforming status, resulting in significant costs to the owner,
- decrease in property market value, making it less attractive to the buyers,
- potentially costly appeals and legal challenges due to disputes with the county regarding determination of non-conforming status.

Moreover, maximum heigh reduction from 35-feet to 30-feet has significant negative financial impact on property owners of **undeveloped lots**. Some 300 lots in Oceanside are undeveloped. Market value of these lots will decrease, some significantly, because the property owners will be forced to build one and two-story structures only. This is very significant! With average listing price of an undeveloped lot in Oceanside around $165,000, a mere 20% drop in value results in aggregate value loss of almost $10 million for Oceansiders. If you are a property owner of an undeveloped lot, please, let the Commissioners know through your testimony how you feel about this.

Finally, one can hope the county realizes that the zoning change negatively affecting the community to a tune of many $ millions, for no good reason but to appease a very few individuals, creates a real possibility of a legal challenge against the county on behalf of very many Oceansiders, both the residents and undeveloped lots owners, who are set to be punished financially. Let's bring visibility to this.

Please. send your testimony to Sarah Thompson before the August 28 deadline.

Cheers!

Yuriy Chanba

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You are receiving this email because you indicated your interest in Oceanside Incorporation.

Our mailing address is:
Oceanside True Friends
5378 Woodlawn St W
Tillamook, OR 97141

Add us to your address book

Want to change how you receive these emails?
You can update your preferences or unsubscribe from this list.

INTUIT mailchimp

Sarah Thompson

From: Seth Wiek <sethwiek@gmail.com>
Sent: Friday, August 15, 2025 2:22 PM
To: Sarah Thompson
Subject: EXTERNAL: Objections to Oceanside zoning restrictions

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Good afternoon Sarah,
I am an Oceanside full time resident at 150 breezee Way.
I am writing to object to the proposed changes to Oceanside zoning with regard to reduction of building height and changes to the formula for how building height is measured.
The proposed changes have been put forward for the sole reason of ascetic preferences of a minority of residents, but will almost certainly place my house and many others into a state of nonconformity and amount to a taking of my home value, both for remodel and future sale. If passed these reductions will likely put Tillamook county in an actionable position when homeowners file suit for appeal and damages.
Thanks for your consideration
Seth-

Sarah Thompson

From: Angela Wiek <angela.wiek@gmail.com>
Sent: Friday, August 15, 2025 2:36 PM
To: Sarah Thompson
Subject: EXTERNAL: Oceanside/ONA community response

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Good afternoon,

I am Angela Wiek and I own a home at 150 Breezee Way in Oceanside. I previously submitted a letter stating my opposition to proposals Oceanside Neighborhood Association put forward for your review. I wanted to add a concern I had after last night's meeting. I respectfully ask that you add this additional testimony to my original testimony for your consideration.

A clarification- in the meeting there were references to "retired attorneys" opinions on ONA and "the Oceansider" as a "newspaper" etc. Last night's presenter Jerry Keene was the president of ONA in 2021, he is also one of the two retired attorneys that he is referencing for an opinion he prefers on how non-conformance wouldn't negatively affect anyone. Since it's his proposal and he's referencing "an attorneys opinion" but that attorney is him, it's a bit of a conflict of interest. Also the "Oceansider" is his personal blog. Not saying his opinions are invalid, but wanted to clarify that some of these people/papers being referenced by him, are also him.

An additional concern- It was stated in the meeting that non-conforming homes might not face rebuild issues due to an act of God such as fire flood etc. because they could have one year to rebuild to their original footprint before they lose that ability and have to come into compliance with new proposed standards. But it was also stated that non-conforming homes would suffer additional layers of review processes that could take a lot of time. It was also stated that standard review processes at present were taking a lot of extra time. It is concerning that all that extra time would push homeowners past that one year threshold where they could rebuild their homes to the intended footprint, potentially leading to major losses for Oceanside homeowners and families. Our home for example, could lose much of its square footage in that scenario. Our home value is our security, our ability to send our child to college or survive a bad medical diagnosis. We cannot have a few people taking that away from us because of their aesthetic preferences on properties that don't belong to them.
It's also potentially a lot of value loss for property home and land owners the county could have to reimburse.
(This is an addition to formerly mention concerns of value loss, difficulty with insurance, insurance rate increase, changes in sellability, etc.)

For these reasons I still respectfully ask that you reject these proposals by ONA.

Sincerely thank you for your time, discernment, expertise, and consideration in this matter,

Angela Wiek

Sarah Thompson

From: Neunzert <neunzert@gmail.com>
Sent: Friday, August 15, 2025 3:10 PM
To: Sarah Thompson
Cc: Sarah Absher
Subject: EXTERNAL: Lighting Standard testimony
Attachments: Planning Commission Testimony R3 2025.pdf

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Hello Sarah,

Attached is the written form of my testimony from the August 14th Planning Commission Meeting regarding the proposed lighting standards #851-25-000268-PLNG.

MN

Planning Commission Testimony – Proposed Oceanside Lighting Standard

Hello, my name is Michael Neunzert, I am a homeowner in Oceanside, 1780 Maxwell Mountain Rd, Oceanside, OR 97134.

Commissioners, Thank you for allowing me to present information on the proposed lighting standard, #851-25-000**268**-PLNG

I helped write the proposed lighting standard which was approved overwhelmingly by the ONA membership in October of 2021.

The proposed lighting standard will help Oceanside become more compliant with the Oregon dark sky policies. It addresses the functionality of new exterior lighting fixtures installed in Oceanside. The new fixtures will be required to prevent light pollution of the sky or of neighbors home and yards. By directing the light downward through fixture design and shielding, light is prevented from "escaping" and adversely impacting residents, visitors or wildlife.

I personally have seen a community, Crestone Colorado, that is essentially invisible after dark because of a long-standing lighting standard like this one. The effect is really striking!

There are four primary reasons we should adopt this proposed standard:

1. It will benefit the residents of Oceanside by eliminating bright light from "trespassing" onto their property and into their houses from adjacent structures.
2. It will improve the overall security of the community because research shows that shielding bright lights actually increases the ability to see persons moving in the area, because the eye does not have to compensate for the brightness of the light sources.
3. It will benefit the wildlife in the Three Arch Rocks National Wildlife Refuge because there is considerable research showing that birds and other animals are confused by light pollution.
4. It will begin to improve nighttime sky viewing.

With this common sense lighting standard in place, all future exterior lighting will direct light downward where it is most effective and not upward and outward where it is wasted and adversely impacts humans and animals. I urge you to adopt this standard.

Thank you very much for your consideration.

Sarah Thompson

From: Simeon Dreyfuss <simeon@teleport.com>
Sent: Friday, August 15, 2025 9:03 PM
To: Sarah Thompson
Subject: EXTERNAL: Written testimony for 851-25-000262-PLNG, et al: ONA and Tillamook County
Attachments: Dreyfuss Planning Commision Testimony.pdf

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Hello Sarah,

Attached please find my written testimony for 851-25-000262-PLNG, et al: Oceanside Neighborhood Association and Tillamook County. If this is not the proper way for me to submit written testimony please do tell me and I will provide it accordingly.

Thanks so much for all you do.

Simeon Dreyfuss

August 15, 2025

Dear Planning Commission,

My name is Simeon Dreyfuss. I attended the Planning Commission Hearing on August 14, 2025, in my role as the current President of the Oceanside Neighborhood Association (ONA). During the meeting I introduced the legislative text amendments submitted by the ONA and recounted their background and history. In this letter I wish to share with you my personally views on these proposals as a resident of Oceanside for the last decade.

I support all the amendments before you. I unreservedly support the lighting standards and the change to how building height is calculated. I support the reduction in building height, but I strongly encourage you to request from County Counsel revised language acceptable to them that would exempt existing structures from becoming non-conforming. Let me explain:

As you no doubt observed during the hearing, the issue of structures becoming non-conforming through changes in zoning regulations has greatly fueled opposition to proposed zoning changes in Oceanside. Frankly, I find this issue perplexing. My home in Oceanside in a non-conforming structure, as are a great many in the village area of Oceanside, due to the small lot sizes, the fact that many Oceanside village homes were built prior to current zoning regulations, and long histories of buildings evolving in shape and size. (Far fewer of the newer homes outside the village are currently non-conforming.) That said, I did not know our home was non-conforming until I sat on the Zoning and Plan Review (ZAPR) Committee of the ONA and began to learn the details of zoning regulations. In my case our home violates current setback requirements. But here is my important point: at no time, when my wife and I purchased our home, did the issue of non-conformance come up. The realtor never mentioned it. No one in the financing or underwriting process asked. Neither did our insurance agent. It did not come up on a title search. *It was in every conceivable way a non-issue*, as I believe non-conformance is in practice in these current proceedings (that belief, by the way, underlay my vote on the 2025 ZAPR committee not to revote on matters that had already been advanced by the ONA to the Planning Commission in 2021). Had someone mentioned the issue of non-conformance to my wife and me at the time we purchased our home I think we would have thought it made our home special. It's not that we were getting away with something. Rather, we would have seen our home as rare and unreproducible, a limited commodity, and therefore of greater value; in our minds knowing that it was non-conforming with current zoning regulations would have made it worth more.

Yet the issue of non-conformance has, and I believe will continue to, cost Oceanside dearly. The 2024-25 ZAPR committee on which I sat, considering the issue of Middle Housings for more than a year, had some gifted and busy professionals contributing their expertise and excellent ideas. I strongly believe the proposals we crafted were visionary ones. They were taken down by a posse of people concerned almost exclusively with the issue of their homes becoming non-conforming. Those gifted and busy professionals, developers and architects on the ZAPR committee, quite reasonably decided that their limited and valuable time will be better spent in the future in other ways than serving on volunteer ONA committees. This is in my view a great loss for Oceanside. and for Tillamook County.

Nothing we said to those concerned about non-conformance—about their ability to rebuild their home in the event of a disaster, or to remodel so long as the non-conforming aspects were not increased—allayed their fears. They remain convinced that the middle housing code proposed by

the ZAPR committee, and additionally the previous 2021proposed reduction of building height and change to the building height calculation, would cause them to lose something of value, as you no doubt observed through their animated testimony. I disagree. (I do wonder if the whole non-conformance opposition is a red herring ginned up by realtors concerned about protecting a market—there is money to be made in selling the idea of lavish structures designed more as profit-making short term rentals than as modest first or second homes.) But if some acceptable-to-County-Counsel means to address concerns about non-conformance could be crafted, some language which makes it clear that changes in zoning regulations apply only to newly built homes and that existing structures are exempt from becoming non-conforming, I think it would go a long way toward quieting the disturbed social waters in Oceanside. (As would have happened with timely consideration of the 2021 proposals—whatever the outcome Oceanside could have moved on, and distrust would not have festered for four years.) In addition, should a reduced maximum building height be adopted, I would encourage Community Development to grant variances for a reasonable time period to those who had already purchased a lot and have building plans. I understand that County Counsel sees such language as a legally grey area. While non-conformance is in my view something that may increase a property's value I understand that I cannot guarantee that: what a willing buyer will pay a willing seller is not a thing which comes with future guarantees. What I am suggesting in this letter, however, is that difficult-to-enforce zoning language codifying intent to exempt existing structures from becoming non-conforming would, in this instance, be of great benefit to the Oceanside community.

I might also observe that over time zoning regulations have always changed to reflect changes in community values, or in response to development trends at odds with community values. If such changes were always construed as potential "takings" the only way zoning language could ever change would be in the direction of greater permitted uses. While such an idea might appeal to those dedicated to the proposition that a property owner should be able to do whatever-the-hell-they-want with their lands, it defies the whole notion of zoning regulations that reflect community values.

We are in the business here of crafting regulations that reflect community values. I believe the legislative text amendments before you do exactly that.

Thank you for your consideration.

Yours,

Simeon Dreyfuss

1325 Sunset Ave
PO Box 324
Oceanside OR 97134
simeon@teleport.com
503-349-9740

Sarah Thompson

From: Bruce Jaeger <nguyenjaeger@gmail.com>
Sent: Sunday, August 17, 2025 11:51 AM
To: Sarah Thompson
Subject: EXTERNAL: Additional Testimony regarding Tillamook County Planning Commission Hearing

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Hello Sarah and best wishes. Can I please offer the following Testimony for the Planning Commissioners?

Dear Planning Commissioners:
Regarding Legislative Text Amendments 851-25-000262-PLNG, 851-25-000268-PLNG, 851-25-000269-PLNG and 851-25-000270-PLNG

At the Public Hearing, August 14, 7pm, I heard the Planning Commissioners request from Oceansiders our thoughts on how 851-25-000262-PLNG, 851-25-000269-PLNG, and 851-25-000270-PLNG designating my property "non-confroming" would create a financial burden for me.

It is very important for me to be transparent and "honest" in my relationships. If my home were to become "non-conforming" I would be obliged to disclose this to my insurance company and, if I were to list my home for sale, the realtor and potential buyer. I have been told this would negatively impact insurance claims and premiums, as well as the sale value of my home.

I was asked, "if you were to be grandfathered in would that make a difference?" My understanding is that I would still be classified as "non-conforming" and financially impacted in the ways listed above. Additionally, I do not support inequity of treatment. Grandfathering policies create inequity.

Next, our home has a 35' box-like architecture design. Our neighbor has a flat roof. We love our homes that were legally built. To have a design committee restrict this type of architecture must violate discrimination laws at the State or Federal level. It seems absurd to me to impose an opinion of aesthetic design as policy.

Finally, I support the dark sky movement. The issue as policy is enforceability and safety risks (and herein exposure to litigation). This too should not be in front of you for consideration as 851-25-000268-PLNG. This should be moving forward in community workshops to educate, inform, listen, and recommend the best community united pathway. I have no doubt that community groups like Oceanside Action Partnership would take this on with community support..

There are many other pitfalls that these legislative text amendments create, but in an effort to be brief and succinct I will leave it to others to voice their thoughts.
Thank you for your interest and efforts to hear the voice of the people.

Bruce Jaeger, 5372 Woodlawn St W, Oceanside, OR 97134

(503) 317-6150

Sarah Thompson

From: Sarah Heiner <sarahmayheiner@gmail.com>
Sent: Sunday, August 17, 2025 4:04 PM
To: Sarah Thompson
Subject: EXTERNAL: Revisions to Oceanside Land Use Codes

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hi Sarah,

My name is Sarah Heiner and my family and I have owned the property on 1320 Seaview Ave in Oceanside for over 20 years and the adjoining lot 1330 for 5+ years. I am unable to attend the Planning Commission meeting on Sept 11th but would like to share my views on the proposed changes. This is currently a second home but I plan to move to Oceanside full time in the next 3 years. I also plan to build on the adjoining lot so these changes would affect me.

1) Lighting Changes: I support these changes, provided that it is nuisance driven only. It is wonderful to look up on a clear night and see the stars and as an animal lover I know reducing light pollution can help with bird migrations and wildlife.

2) Calculation of Building Height Changes: I support these changes as anything that makes it easier to understand the better.

3) Maximum Building Height Changes: I support these changes as well, even knowing that it might create more box-like building construction (that is already happening). I understand this affects the "feel" of Oceanside, but I feel that lowering the overall heights of the buildings is in the best interests of most people. I also believe that individuals will be able to request a variance especially if their plans do not block anyone else.

Thank you and the Planning Commision for taking the time to review these changes.

Sincerely,

Sarah Heiner

Sarah Thompson

From: Leslie Kay <leskayvida@gmail.com>
Sent: Sunday, August 17, 2025 5:44 PM
To: Sarah Thompson
Subject: EXTERNAL: RE: written testimony re: revision to the Oceanside Land Use Codes on exterior lighting, calculations of building height , variance criteria, and maximum building height.

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Ms. Thompson and Tillamook County Planning Commission,

I listened to your initial public hearing on the proposed revisions to the Oceanside Land Use Code and I am writing for the first time to weigh in on these measures. I supported these proposed revisions in 2021 and support them now in 2025.

I was not a part of the work group that put these 2021 proposals together but I followed the work of the group as it progressed. Ultimately I voted in favor of all three of these proposed amendments aimed at maintaining the unique character and livability of Oceanside. The ONA made registered members of the association aware of this work group and I recall that there was ample opportunities to discuss these matters and contribute to the discussion. All were invited to vote and the final vote reflected the will of the community at the time.

I was perplexed why it took multiple years for the Tillamook County government to take up these proposed revisions. In the meantime there has been new interest in civic matters in Oceanside which is welcome. These new vocal voices are convinced that any changes to the code will make it more difficult to buy-sell-remodel-rebuild, etc. There is fear and suspicion about the motives of the original hard-working ONA committee and that this committee intentionally concealed the dubious claim that any change will burden property owners by bringing into play the non-conforming use doctrine.

My long time observation living in Oceanside which has been confirmed by your Director of Community Development is that variances are granted in almost 99% of requests. It is my understanding that it may be possible to grandfather in existing structures and that there are other means to allay the fears of homeowners and future homeowners.

Oceanside is a gem and a unique resource in Tillamook County that must be preserved for future generations. The out of scale new homes that are being approved particularly in the village area of Oceanside are jeopardizing the unique character of this area. At least some of these out of scale homes are taking advantage of loop holes in the building height calculation methodology that the proposed measure seeks to address.

I urge this body to approve these code changes and provide some clarity to homeowners concerned about how ANY code change will adversely affect their homes. If we shy away from sensible changes like the ones before you, Oceanside might resemble the sprawl of some of our other coastal communities and lose its unique character that all of us, for or against the proposed provisions, cherish.

Leslie Kay

1530 Hillcrest Ave
Oceanside, OR 97134

Sarah Thompson

From: Brad Atkinson <teamatkinson.ba@gmail.com>
Sent: Sunday, August 17, 2025 7:09 PM
To: Sarah Thompson
Cc: Rachel Atkinson
Subject: EXTERNAL: Opposition to Measure 56 and Inclusion of Radar Rd. in Oceanside Village

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Chair and Planning Commission Members,

My name is Brad Atkinson, and I am a property owner at 2635 Radar Rd. I am writing to let you know that I am very opposed to Measure 56 and to the proposed inclusion of Radar Rd. in the Oceanside Neighborhood Association (ONA) / Oceanside Village incorporation plan.

Specifically, I oppose:

Single-family home height reduction from 35ft to 30ft

- This change (proposed in Section 3.310 Residential Oceanside Zone) would create widespread non-conformance, financial loss, and undue burden on property owners. Existing homes could be classified as non-conforming, driving unnecessary costs in repairs, permits, or even forced alterations.

Variance request modifications

- Weakening the variance process undermines homeowner flexibility,
- creates regulatory uncertainty, and empowers a small group's aesthetic preferences over broader property rights.
- The added oversight and constraints would deter improvements and innovation, fostering development stagnation rather than careful, thoughtful growth.

Granting ONA powers over property owners

- The ONA was created by county order to provide advisory input, not to govern. Expanding its authority sets a dangerous precedent that could extend beyond Oceanside, eroding protections for homeowners across Tillamook County.

Inclusion of Radar Rd. in the Oceanside Village proposal

- Our community has consistently opposed incorporation, including our street disregards clear neighborhood feedback. We did not provide consent, nor do we accept the increased taxes, fees, and regulatory complexity that incorporation would bring.

Requested Action

- Remove Radar Rd. (including 2635 Radar Rd.) from the Oceanside Village incorporation boundaries.
- Reject Measure 56 and its associated zoning/land use proposals.
- Formally record my opposition in the public record and confirm receipt of this request.

Thank you for considering the concerns of Radar Rd. residents. These measures represent overreach, threaten property rights, and impose costs without meaningful benefit to our community.

Sincerely,
Brad Atkinson
Property Owner, 2635 Radar Rd.
teamatkinson.ba@gmail.com | 832-285-4383

Sarah Thompson

From: reos neabay.com <reos@neabay.com>
Sent: Monday, August 18, 2025 8:08 AM
To: Sarah Thompson
Subject: EXTERNAL: Oceanside building heigth proposed change :NO

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]
Ms. Thompson:
Please understand that we DO NOT WANT a change in Building Height restriction changed from 35 feet to 30. We are at 3090 Maxwell MT road. We have 2 plus acres of land where we were originally RURAL TILLAMOOK COUNTY and we have been forced into all this nonsense of Oceanside Development District, and now the imaginary "Village" Concept. We built a house base on the 35 ft height rule the county has. ONA does not represent the majority of residents in the greater community. I would say that changes in Height restrictions that make many homes de facto non-conforming represent future devaluation of property values and possible tort actions for remedy.
Thank you for your attention in these regards.

Dr. Robert Sullivan
3090 Maxwell Mt. Rd.
Oceanside Or 97134

Sarah Thompson

From: Tamara Vanderpool <tamvan@msn.com>
Sent: Monday, August 18, 2025 8:25 AM
To: Sarah Thompson
Subject: EXTERNAL: Oceanside land use

[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

I am a resident of Oceanside. Back in 2021 I participated in the voting to create some critically needed changes to the land use code in my neighborhood. I am fully convinced that reasonable codified limitations on building height and exterior lighting will help sustain the character of Oceanside village. ONA thoughtfully considered many facets of the issues confronting the village and made an exhaustive attempt to listen to concerned citizens and make the best proposals possible. I continue to believe that the votes were counted fairly and that the whole community had a voice in making decisions . I believe that a small contingent of naysayers should not be able to undo the hours of meetings, research and discussion that were selflessly conducted by members of the community. Thank you for your consideration.

Tamara Vanderpool

Sent from my iPhone

Sarah Thompson

From: John <bktail@comcast.net>
Sent: Monday, August 18, 2025 9:08 AM
To: Sarah Thompson
Subject: EXTERNAL: Oceanside zone amendments

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Hi Sarah,
I have a family house in Oceanside since 1970. I am opposed to any zone change amendments to Oceanside.
Thanks, Cham Family

Get Outlook for iOS

Sarah Thompson

From: len chaitin <eljayinv@gmail.com>
Sent: Monday, August 18, 2025 9:48 AM
To: Sarah Thompson
Subject: EXTERNAL: changes

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Hello

I am a permanent resident of Oceanside. I moved here 20 years ago.

It is my understanding that you are considering three legislative text amendments to the land use code. I urge you to vote no to each of the three proposals regarding light and height.

Some weeks ago ONA held a vote as to the wishes of Oceanside on these, among other considerations, at which time we overwhelmingly voted against. How many times must we say NO?

Thank you for your consideration.

Len Chaitin

Sarah Thompson

From: Mandy Mock <mandy.j.mock@gmail.com>
Sent: Monday, August 18, 2025 3:23 PM
To: Sarah Thompson
Subject: EXTERNAL: Proposals for Oceanside

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hi Sarah,

I'd like to give input on the proposed changes for Oceanside zoning.

I strongly support the new regulations for downward lights and the change in building height calculations. Those will have positive impacts on the community and surrounding wildlife. However, I strongly oppose the building height restriction of 30 ft. In my opinion, this will result in more people trying to build blockly, rectangular structures in order to get 3 stories within the 30 ft limit. This is exactly the opposite of what the community is trying to achieve - the community wants fewer blocky style houses.

Thank you for listening.
Mandy

Sarah Thompson

From: G CD <gchunded@gmail.com>
Sent: Monday, August 18, 2025 7:29 PM
To: Sarah Thompson
Subject: EXTERNAL: August 14, 2025 -Request for Public Input
Attachments: Tillamook County Planning Commission - 8-14-25 Meeting Public Input.pdf

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Sarah~

Please find attached our response to the Planning Commission's request for additional public input on the August 14, 2025 Agenda Issues.

Thank you for your assistance and let me know if there is any additional information you may need.

Best -- Gail Chun-DeDuonni

August 18, 2025

Tillamook County Planning Commission
via email: Sarah.thompson@tillamookcounty.gov

Subject: August 14, 2025 Request for Public Input - Proposed Language Changes to the Residential Oceanside (ROS) Zone of the Tillamook County Land Use Ordinance (TCLUO)

Dear Planning Commission Members:

As evidenced by the public and written testimony presented to the Commission at the August 14 2025 meeting, there exists a significant disconnect between the Oceanside Neighborhood Association (ONA) and the constituency they are mandated to represent.

ONA bylaws state:
The Oceanside Neighborhood Association (ONA) is a group of citizens…organized as an advisory body for effective citizen involvement in the planning and development of matters affecting the quality of life and livability of the Oceanside, Oregon community.

Citizen participation improves the decision-making process, democratizes and humanizes political and social institutions, increases the responsiveness of governmental institutions, generates a greater variety of information and alternatives to citizens, public officials and elected officials, and enhances individual and group awareness and civic responsibility.

The Association addresses, for the Oceanside area, responsibility for the statewide Land Use Goal Number 1 – Citizen Involvement – that calls for each city and county to develop a citizen involvement program that insures the opportunity for all citizens to be involved in all phases of the planning process.

ONA has failed to provide for effective citizen involvement and participation. Its decision to put forth decisions based on an October 2, 2021 vote (89 participants) rather than provide for a review and validation of those decisions at their May 18, 2025 meeting (165 participants) denies "the opportunity for all citizens to be involved in all phases of the planning process". In addition, the discussion and subsequent decision at the October 2, 2021 meeting to forward an amendment to "reduce the maximum building height from 35-feet (existing) to 30-feet" for residences was made without due consideration of the logistical and financial impact to those residents whose homes would be made non-conforming by the change.

I respectfully request that the Commission suspend a positive decision on items #851-25-000262, 000268,000269,000270-PLNG solely based on ONA's 2021 vote. In addition, it seems prudent that a vetting and disclosure of the potential financial impact to Oceanside home and property owners as well as anticipated legal issues and financial impact to the County be addressed.

Thank you for your consideration.

Gail Chun-DeDuonni Gerald DeDuonni
1065 Hillsdale St. W. – Oceanside, Oregon

Sarah Thompson

From: Jerry Keene <jerrykeene1@gmail.com>
Sent: Wednesday, August 20, 2025 11:19 AM
To: Sarah Thompson
Subject: EXTERNAL: Oceanside Legislative Text Amendments #851-25-000262-PLNG; # 851-25-000268-PLNG; #851-25-000269-PLNG; #851-25-000270-PLNG; # 851-25-000271-PLNG
Attachments: 08.20.2025 Letter to Planning Comm.docx

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Please accept the attached letter as public comment for the above-referenced matters.

Thank you!

Jerry Keene

August 20, 2025
by email

Tillamook County Planning Commission
& Board of County Commissioners

Re: Oceanside Legislative Text Amendments
#851-25-000262-PLNG; #851-25-000268-PLNG; #851-25-000269-PLNG;
#851-25-000270-PLNG; #851-25-000271-PLNG

Dear Planning Commission Members:

At the August 14, hearing, I testified that those ONA members who opposed the height reduction measure had never submitted a "motion for reconsideration" of the position adopted by the ONA membership in 2021. In response, Yuriy Chanba has pointed to the petition he submitted in early May 2025 (4 years later) challenging the original vote itself and demanding that it be conducted again (a "re-vote"). Those are two very different matters, and I stand by my statement based on the following.

To reconsider or take a different position from that validly approved by the membership in 2021, ONA Board would have been obligated to follow the same procedure that was used to adopt the original position – or any position. The President would need to assign the issue to committee, which would then be required to take public input and formulate a recommendation to the membership, which in turn would be scheduled for a membership vote after proper notice. That is not what Mr. Chanba's petition sought.

Instead, the petition demanded that the ONA Board immediately repeat the membership vote that had already been conducted without objection four years earlier. Importantly, it did not challenge the validity of the original committee process, the vote count or the credentials of those who voted. It merely objected to its outcome, arguing that the passage of time and additional arguments would change the result. That is not an adequate basis for nullifying and re-enacting a validly conducted election that stood unchallenged for four years. The Planning Commission would not conduct such a "re-vote" on a recommendation that was properly forwarded to the BOCC and then tabled for four years – or at least not without additional hearings and due process.

The timing of these events is also relevant. The ZAPR committee had been meeting for over a year by the time Mr. Chanba and his group raised this issue and submitted his petition in early May 2025. This was only weeks before the deadline Director Absher had imposed for completing all work. Rather than withdraw the building height measure for

more committee meetings and a new vote, the ZAPR committee heeded Director Absher's advice that the Planning Commission would take fresh public input on the measure and factor it into its decision process. That is exactly what has occurred.

Respectfully,

Jerry Keene, Past ONA President and ZAPR Member
1800 Maxwell Mountain Road

Sarah Thompson

From: JANE SANDQUIST <turtlejane@mac.com>
Sent: Wednesday, August 20, 2025 1:58 PM
To: Sarah Thompson
Subject: EXTERNAL: Oceanside

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

My husband and I live in Oceanside village and are deeply saddened by new structures which block views of homes that have been here for decades. They do not fit into the character or spirit of the village community and it decreases the beauty and uniqueness of this quaint little village.

I realize that folks living in totally different parts of Oceanside who are removed from the village itself may not realize how it is impacting the folks who live in the heart of the village. No one will be harmed by conforming to the suggestions as proposed in the "2021 ONA Proposal" to reduce building height in both the residential and commercial areas of Ocean. Beautiful homes may still be built without negatively affecting others who live in the village.

Please show us that you DO care for the folks in the Oceanside village and value their opinions and consider adopting these proposals.

Thank you.

Jane Sandquist
1685 Maxwell Mt. Rd.
Oceanside

"I do not intend to tiptoe through life to arrive safely at death."
— M.M. Gavillet

Sarah Thompson

From:	Arielle Olson <ariellenolson@me.com>
Sent:	Wednesday, August 20, 2025 2:18 PM
To:	Sarah Thompson
Cc:	Arielle Olson
Subject:	EXTERNAL: Oceanside proposed revisions to land use

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Ms. Thompson and Tillamook County Planning Commission,

I want to voice our approval of the proposed revisions to the Land Use Code here in Oceanside. My husband and I have owed our property here for 30 years. We love Oceanside, and we want to see its unusual character preserved, not only for us, but for all who come hereafter.

The Oceanside Neighborhood Association committee, which made the proposals, deserves our support. It saddens me to see such vitriol from a small but vocal group which opposes the changes. Unfortunately those who are negative are more likely to write to you than those who are positive. So we want to be added to the list of Oceansiders approving the revisions.

Thank you for your consideration. Take care,

Arielle and Clarence Olson
2020 Maxwell Mountain Road
Oceanside, OR 97134

Sarah Thompson

From: Paul Brey <pbrey1@gmail.com>
Sent: Wednesday, August 20, 2025 2:38 PM
To: Sarah Thompson
Subject: EXTERNAL: 2021 Oceanside Neighborhood Association (ONA) Proposals

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]
Dear Planning Commission Members, the purpose of this note is to express:

. My support for adoption of "dark sky' type lighting standards for Oceanside, as proposed in 2021. That proposal also allowed a reasonable time period for existing properties to become compliant.

. I do not support any reductions in the maximum building height allowed. It is unreasonable to impose new restrictions upon future construction, when heights to 35 ft have been allowed for years.

It is unfortunate that the ONA blocked a request from community members to allow a revote on the 2021 proposals at their June 2025 meeting (as requested via a petition signed by many ONA voting members).

Thank you for your consideration,
Paul and Peggy Brey
Property Owners: 1065 SeaCliff Terrace
Pbrey1@gmail.com

Sarah Thompson

From: J Waterman <jadewaterman@gmail.com>
Sent: Thursday, August 21, 2025 10:34 AM
To: Sarah Thompson
Subject: EXTERNAL: Continued Testimony Opposing Oceanside ROS Height Reduction
Attachments: Jade Waterman_Oceanside_Tillamook County.pdf

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hi Sarah,

I would like to send the letter to the Tillamook County Planning Commission. These are my concerns and testimony for the proposed Oceanside height changes being heard through continuance in September 2025.

Also, do you know if the board is reading these letters before the meeting? They seemed surprised by the number of people who spoke out against this change, and what was shared. Thanks!

Thanks!
Good Things,
Jade Waterman
480-430-5233

To: Sarah Thompson
Tillamook County Planning Commission
sarah.thompson@tillamookcounty.gov

Subject: Continued Testimony Opposing Oceanside ROS Height Reduction

Dear Planning Commission Members,

I am writing again to express my strong and ongoing opposition to the proposed reduction in building height in the Oceanside Residential (ROS) zone from 35 feet to 30 feet. My concerns have only deepened since the last hearing, particularly with how this proposal originated.

The Oceanside Neighborhood Association (ONA) board pushed this change based on a 2021 vote conducted by a small subset of residents. Their refusal to hold a revote on the height reduction, despite community requests and their willingness to vote on numerous other matters, is troubling. I've lost confidence in ONA's ability to represent the full and current will of the community in an unbiased and equitable way.

The 2021 vote also failed to adequately communicate the potential consequences of this change, most notably, the risk of regulatory "taking." A shift of this magnitude affects more than just height; it impacts homeowners' property rights, investment plans, and long-term financial stability.

This proposal could have far-reaching consequences for homeowners and future development in the area. Among the most concerning potential impacts are:

- Increased renovation and repair costs due to additional permit review requirements.
- Higher financing and insurance premiums due to "non-conforming" status.
- Significant restrictions on expansion, alterations, and high-cost repairs for both current and future owners.
- Decreased market value of affected properties, making them less attractive to future buyers and limiting resale options.
- Increased risk of costly appeals and legal disputes between homeowners and the County over non-conformance determinations.

Critically, this change would also work against the County's broader housing goals. Limiting height restricts housing flexibility and significantly reduces the potential for middle housing, such as duplexes, triplexes, and other multi-unit developments. These building types are essential to improving housing supply and affordability. A 30-foot limit makes it infeasible to pursue such projects, especially in a community with steep slopes and topographic variation.

Furthermore, during the recent hearing, the County's own legal representative acknowledged that the legality of this proposed change, particularly in regard to potential regulatory "taking", is uncertain and could be vulnerable to legal challenge. If there is even a 50-50 chance that this change could result in unconstitutional taking, does the County truly want to assume that level of legal and financial risk? With potentially hundreds of affected property owners, the litigation and liability exposure could be substantial, especially when there is a simpler, less risky path: maintaining the current 35-foot standard already in place.

This isn't just a debate about aesthetics. It's a matter of economic fairness, housing equity, and responsible governance. I urge the Commission to reject the proposed change and support policies that reflect today's values and challenges, not outdated decisions made through a flawed and exclusionary process.

Thank you for your continued attention.

Sincerely,

Jade Waterman

1355 Sunset Ave
Tillamook, OR 97141
jadewaterman@gmail.com

Sarah Thompson

From: Platinum Select Realty <platinumselectrealty@gmail.com>
Sent: Thursday, August 21, 2025 10:35 AM
To: Sarah Thompson
Subject: EXTERNAL: Oceanside height reduction
Attachments: Melanie Siegel_Oceanside_County Letter.pdf

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Please see the attached letter. Please confirm receipt. Thank you!
-Melanie

To: Sarah Thompson
Tillamook County Planning Commission
Email: sarah.thompson@tillamookcounty.gov
Subject: Continued Testimony Opposing Oceanside ROS Height Reduction

Dear Planning Commission Members,

I am writing again to express my continued and firm opposition to the proposed reduction of the building height limit from 35 feet to 30 feet in the Oceanside Residential (ROS) zone.

My partner and I purchased our home in Oceanside in 2024 with full knowledge of the existing 35-foot building height restriction. That regulation was an essential part of our decision to buy, as we intended to remodel and potentially build up in the future. We even paid to fly a drone at 25, 30, and 35 feet to understand the visual and environmental impact at each height — a reflection of how seriously we've approached our planning.

Changing the rules now would directly interfere with our rights as property owners and constitute an unjust and unconstitutional taking. This isn't just about aesthetics or neighborhood character; it's about removing an essential use of land that we purchased under the reasonable assumption that existing zoning codes would be respected. We made significant financial decisions with those rules in mind.

Reducing the height limit would disproportionately harm owners of undeveloped or unbuilt lots, as it curtails design options and overall property value. It is especially problematic in a community with steep slopes where even minor changes in height restrictions can dramatically affect what's possible to build.

Furthermore, this proposal originated from a narrow vote conducted years ago without full transparency or equitable community engagement. It is not reflective of the broader will of Oceanside residents today. As recent voting clearly demonstrated, our community has overwhelmingly rejected similar restrictive changes, especially those that would result in non-conformance or loss of property rights.

I urge the Commission to respect the rights of current property owners and reject this proposed height reduction. We ask for a planning process that honors transparency, equity, and the foundational principles of property ownership.

Thank you for your continued attention.

Sincerely,
Melanie Siegel
1355 Sunset Ave
Tillamook, OR 97141
platinumselectrealty@gmail.com

Sarah Thompson

From: kathie Norris <knorris43@charter.net>
Sent: Thursday, August 21, 2025 12:56 PM
To: Sarah Thompson
Subject: EXTERNAL: 2021 ONA Proposal

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

21 August 2025

To: The Tillamook Planning Commission
CC: The Tillamook County Commissioners

Four years ago, the Oceanside Neighborhood Association membership voted to reduce the maximum building height from 35 feet to 30 feet (averaging all walls) and reform the height calculation formula to prevent manipulation. The move was prompted by a desire to prevent more 35-foot hotels on Pacific Avenue like the 3 Arch Inn ("Anchor Tavern") and to discourage more 4 and 5-story houses in the Village. The ONA also endorsed a "dark skies" exterior lighting measure.

The county was not able to schedule our proposals for Planning Commission hearings for four years. While we waited, two large hotel proposals came and went, and another looming home appeared in the heart of the Village.

When the county finally presented our proposals to the Planning Commission this month, the Commissioners expressed concern at the county's
4-year delay and expressed an interest in additional, current public input. Now a group of property owners from South Oceanside who do not share these concerns are coordinating a mail campaign urging the Commissioners to reject the proposals.

I am very concerned over these building trends and strongly support the "2021 ONA Proposal" to reduce building height in both the residential and commercial areas of Oceanside, as well as the proposed change in how building height is calculated and the proposed rules for exterior lighting.

Respectfully,

Kathryn S. Norris

Oceanside

Sarah Thompson

From: Yuriy Chanba <ychanba@gmail.com>
Sent: Friday, August 22, 2025 11:32 AM
To: Sarah Thompson
Cc: Sarah Absher
Subject: EXTERNAL: Public testimony for September 11, Oceanside zoning changes

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]
Hi, Sarah.
Please include the following testimony in the Planning Commission packet for the September 11 hearing on proposed zoning changes in Oceanside.
Sincerely,
Yuriy Chanba

Dear Commissioners,

I have provided a testimony at the first hearing on August 14 asking you to reject ONA proposal for maximum building height reduction from the current 35-feet to 30-feet. I would like to submit clarification to the question asked by one of the Commissioners concerning year 2021 vs 2025 voting results (#1 below), as well as provide additional testimony on topics not previously covered.

1. **ONA vote on May 18, 2025: voting item NO. 6b results - YES:43, NO:111**

   The voting result is indicative of Oceansiders' current negative attitude towards non-conformance.

   After 2021 proposed 35 to 30-feet height reduction, the item 6b was second most restrictive proposed change, requiring houses to have roof slopes with a minimum 4/12 pitch. Were the change enacted, a small number of properties in Oceanside would be declared non-conforming due to the "flat" roofs. 3-story houses outnumber those with flat roofs by a significant margin. Were we allowed to vote on height reduction, the outcome would be a resounding "No".

2. **Request for a new vote was officially made at least twice to the ONA President; both were rejected**

   Delivering rebuttal statement at the August 14, 2025 hearing, former ONA President stated that no official request for a new vote was received by ONA Board. The first request (please, see the copy below), accompanied by 65 Oceansiders' signatures, was made on May 6, 2025, prior to the ONA vote on May 18, 2025, on a dozen proposed zoning changes.

The second request, to the newly elected ONA President, was made on August 17, 2025 and was too rejected.

May 6, 2025

Yuriy Chanba
5378 Woodlawn St
Oceanside, OR

To

Terry Warren, Oceanside Neighborhood Association (ONA) President
Thomas Kemper, Zoning and Plan Review Committe Chair
CC: Sarah Absher, Tillamook County Director of Community Development

Subject: Request for Acceptance of Petition and introduction of an ONA Membership vote on height reduction

Dear Terry and Tom,

I hope this letter finds you well. I am writing to formally submit a petition on behalf of Oceansiders who would appreciate a chance to vote on the height reduction proposal the ZAPR Committee adopted on April 21, 2025 bypassing ONA's current Membership vote. I respectfully request that the ONA Board and ZAPR Committe consider and accept this petition for review and discussion.

The 35ft to 30ft height reduction for single family homes is a significant zoning change that negatively affects many families in Oceanside, due to the creation of a non-conforming status for many properties and potentially unconstitutional taking for the owners of undeveloped lots.

The petition addresses Oceansiders' concerns that ZAPR Committee made the decision to include height reduction proposal for single family housing based on a closed, in-committee vote, in opposition to the feedback provided by Oceansiders during ZAPR committee meetings and without our current ONA Membership vote. ZAPR Committee argument for inclusion was an ONA vote 4 years ago on October 2, 2021 by 88 Oceansiders, with 55 ONA Members voting for it, and 33 - against.

However, ONA Membership today is very different from ONA in October of 2021, both in numbers and in composition. For comparison, ONA Membership today stands at over 460 strong.

Moreover, Oceansiders today are much better educated in the ill effects of a non-conforming property status. ONA official minutes from October 2, 2021 meeting reflect no discussion of non-conformity and unconstitutional taking.

Owners of 65 Oceanside properties put their names behind this petition asking ONA Board to allow the height reduction vote by ONA general Membership on May 18, 2025. Enclosed please

find the petition language, list of Oceansiders in support of the petition and a few comments by the petitioners.

I trust that you will give due attention to this matter and allow for a fair and timely consideration.

Thank you for your time and efforts to make the process more inclusive.

Sincerely,

Yuriy Chanba

---

3. **Oceansiders do not trust the ONA Board to represent the community. ONA Board is clearly aware of this per the ONA Board meeting minutes from July 28, 2025.**

At the very first meeting conducted by the "new" ONA President (and former member of the Oceanside Zoning and Planning Review Committee), the ONA President introduced a special Agenda item - "Rebuilding trust within Oceanside Community", because "*a lot of people are feeling alienated from the ONA*".

Incredibly, the President proposed to invite an outside mediator to rebuild the relationship between the community and the ONA Board. The (incumbent) ONA Vice President responded "*A mediator is a reasonable way to pursue that.*" The (incumbent) ONA Treasurer responded "*A mediator is a great idea.*"

If a public Board, by its own recognition, needs a mediator to re-establish trust with the very same community it must serve, there is no fidelity the Board represents the community.

4. **Land use attorney's vs. retired workers compensation attorney's interpretation. Please, choose experience and currency.**

Changes to existing zoning can lead to serious legal consequences for both the community and for the County.

Reeve Kerns PC was retained by the County to identify potential problems from the legal standpoint. The firm has extensive experience with the Land Use law. Daniel Kerns, Land Use Counsel and current Oregon State Bar Member, provided the opinion highlighting many such problems. Daniel Kerns has no conflict of interest on this matter.

On the other hand, Jerry Keene, former ONA President, the architect of the 2021 height reduction proposal, offered his interpretation of the law indicating that no problems existed. The former ONA President is an accomplished attorney. However, his specialty was workers compensation

law, he is not active member of the Oregon State Bar and thus is not allowed to practice law in Oregon, and he retired over a decade ago. Plus, his opinion is extremely biased.

Given two conflicting legal opinions, I hope the Committee relies on the opinion by the party that is objective, legally current, and has experience in relevant law.

Thank you very much for the work you do, and all the hours you put into this hearing.

Respectfully,

Yuriy Chanba
5378 Woodlawn Street
Oceanside, OR

Sarah Thompson

From: Evgenia Karpenko <karpenko.evgenia@gmail.com>
Sent: Friday, August 22, 2025 11:51 AM
To: Sarah Thompson
Cc: Sarah Absher
Subject: EXTERNAL: Testimony against the building height restriction proposal for September 11, 2025

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]
Dear Commissioners,
I am writing to **oppose the proposed building height restrictions** for Oceanside unincorporated area brought forward by the Oceanside Neighborhood Association (ONA).

We have owned our house at 5378 Woodlawn Street West in Oceanside since 2016. For years our family spent most weekends and school holidays here. During Covid, once the world moved to remote work and study, we spent a lot more time in Oceanside and transitioned to being full time residents in 2022.

ONA is intended to be a voice of the community in front of the county. We had not even heard about ONA until December 2021 when they made a motion for Oceanside incorporation, which was apparently two months **after** ONA voted for building heigh restriction. To represent the community, one would need to earn community trust by communicating effectively and sharing complete and accurate information.

Lack of communications
Former ONA President Jerry Keen stated during the last hearing in front of the Commissioners that ONA had sent many communications on this subject - by email. This may be so; however, one has to be on the email distribution list to receive the communications. And how would one know to sign up? We certainly did not know. I would like you to ask ONA what efforts were made to compile and validate the mailing list. How many Oceanside property owners were missing from this list? Perhaps the fact that one of the Commissioners residing in Neskowin is apparently on this mailing list, for reasons unknown to him, further speaks to the quality of the list.

Public records contain the mailing address of the property owner. The contact information is available to those who want to make an effort to reach out. ONA could have sent postcard advising of the proposed property restrictions but chose not to do so. **ONA's failure to communicate to property owners deprived us of the opportunity to learn about this major development and stripped of the right to vote in 2021 on a matter that negatively impacts our property.**

Lack of proper disclosures
It was not till 2025 when the proposed building heights restrictions were brought up again. It quickly came to light that non-conformance resulting from the newly proposed building height restrictions had not been addressed in 2021, even with the small group of ONA members who got to participate in the vote in 2021. There was no mention of non-conformance status, no explanation of the impact it would bring, namely financial and administrative burden from additional permits, increased insurance costs, drop in the property market value. Had the disclosure been done timely and properly, the votes likely would have turned out very differently in 2021.

Perhaps the omission was intentional, to sway the votes in the direction the OAN board wanted then to go. Or perhaps it was due to the lack of understanding of the issue by the OAN board? In either case it is unacceptable for a public board to operate in this way.

Lack of trust

It is unfortunate that the ONA board has not been operating with inclusivity, clarity and transparency. As a result, it lost the trust of the Oceanside community. The new board president recently suggested to engage an outside mediator to repair the relationship between ONA and the community. ONA does not represent Oceanside. They are pushing the agenda of a select few and silencing the voices that dare to disagree. **The building high reduction proposal does not have community support and should not be presented as such by ONA.**

I trust the Commissioners will take their time to read and listen to the testimonies and use their unbiased judgement to see this proposal for what it is - a small number of people pushing their agenda without regard to the interest of the whole community. I hope the Commissioners will use the power entrusted to them by the people of Tillamook county to do the right thing by **rejecting the building height reduction proposal.**

Regards,

Evgenia Karpenko
5378 Woodlawn Street West
Oceanside, OR

Sarah Thompson

From: Mary Lourdes Young <marylourdesyoung@gmail.com>
Sent: Friday, August 22, 2025 1:47 PM
To: Sarah Thompson
Subject: EXTERNAL: support for the 2021 ONA Proposal Oceanside

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hi Sarah,

As a homeowner in Oceanside we are reaching out in support of the 2021 ONA proposal.

We reside in the village, our home sits between Maxwell Mountain Road and Rosenberg Loop. We have been tremendously affected by the building of a huge three-story big box house on Rosenberg as well as exterior (and interior!) lighting from all the short term rentals that surround us with renters that leave lights on 24/7 365 days a year.
We want our village to maintain its charm and livability.

We support :

1. Reducing the height limit on non-oceanfront lots from 35' to 30'
2. Changing how building height is calculated on sloped lots
3. Adding stricter requirements for variance requests
4. Introducing exterior lighting standards in line with "dark sky" goals

Thank you,

Mary Lourdes and Steve Young

Sarah Thompson

From: Laura Shown <shown7972@comcast.net>
Sent: Friday, August 22, 2025 4:24 PM
To: Sarah Thompson
Subject: EXTERNAL: Lighting in Oceanside

[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Dear Ms. Thompson,

My family has been fortunate enough to have a small vacation house in Oceanside since 1974. Needless to say, many changes have occurred in that very special community some of which are good and some bad—in my opinion. I am often shocked to see the huge buildings that have been allowed by the county, buildings that are entirely out of character in a small beach "village," but that's another email.

The horse is out of the barn, so to speak, on development in Oceanside, so it seems to me that any measures that retain the livability and aesthetics of Oceanside should be taken. One such measure is to address the light pollution. It was not that many years ago that I could go outside at night and actually see stars. Now street lights and residential lights render night sky viewing impossible.

I assume that street lights are here to stay although I remember how lovely the darkness was before their installation. I must admit, however, that they improve safety. It's the residential lighting that must be addressed. The Oceanside proposal for community lighting standards suggests that "All outdoor lighting fixtures should be motion actuated whenever possible." This would go a long way in eliminating unnecessary light pollution but would not infringe on homeowners' attempts to discourage crime.

The proposed standards also suggest that outdoor lights be angled downward to prevent light from "trespassing" on others' property. That, too, would go a long way to improve the visibility of the night skies and to prevent "disrupting our sleep" which is also a goal of the proposal. Oceanside is a small community, people live close to one another, and while I'd like to think that people would use their common sense in considering their neighbors, that is not always the case, so rules must be established and followed.

Last but by no means least, the proposal is intended to mitigate the negative impact on wildlife as we humans continue to encroach on their habitat. Oceanside is supposed to be a seabird sanctuary yet we do far too little to protect our birds. I don't suppose we'll ever outlaw blasting them every 4th of July, but couldn't we at least cut down on the light pollution that disrupts their home year round?

Thank you for reading my input. I hope the Planning Commission will accept ONA's proposal for revised lighting standards as well as the revisions to building heights and variance criteria. I want Oceanside to retain its livability and charm.

Sincerely,

Laura Shown
3150 SE Lewis Ct.
Troutdale, OR 97060

Sarah Thompson

From: Kevin Faris <kevinfaris1@gmail.com>
Sent: Friday, August 22, 2025 10:13 PM
To: Sarah Thompson
Subject: EXTERNAL: Strongly Support ONA Proposals

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Tillamook County Commissioners & Sarah Thompson,

Strongly support the ONA Proposals noted below. As we sit in our home-1465 Sunset Ave/Aster., Oceanside Oregon (heart of the village and 2 blocks up from the Three Arch Inn) we have been engaged members of the Oceanside community & the Tillamook community for the past 32 years. We have participated in lots of committees & seen lots of change. We strongly support the proposed changes presented below by the ONA and we also hope we have the opportunity to vote yes in support of incorporate of Oceanside as a city.

In attending various ONA meetings over many years we have observed the hard work, preparation, commitment to doing what is good for the community, committed to long term stewardship of the community, due diligence of topics and the ability to consistently grow neighbors and property owners engagement at meetings, via Zoom or in creating committees to investigate and provide solid proposals. The ONA leadership and members are fabulous volunteers!

We see some groups come and go. We see some groups with either misinformation or an interest only in enhancing their self interests. ONA over the years has demonstrated the continuous improvement goals and actions to our community. To name of few projects that enhance our community:

1. The enhanced beach access path for people at the wayside-2+ year project with some delays & obstacles a wonderful, safe and impactful outcome for residents and visitors.
2. Trash receptacles in the wayside and various locations in the community. We have lots of visitors and need basic services to minimize the negative impact. Oregon Parks group would never place a trash receptacle in the wayside large enough to accomodate summer visitor volume.
3. 2 Porta Potties-Short Sands Beach & Symons State Park
4. Preparation & receipt of a grant for emergency preparedness.
5. 100 Year community celebration
6. Effort to incorporate our community

These are visible & practical positive enhancements to our Oceanside community and village. The people, livability, character, beauty, history and charm is want brought us to Oceanside 32 years ago.

But with time & more visitors we are seeing changes that need to be managed proactively to maintain the livability, charm & uniqueness of our community. We support growth & change, not closing the door because we are now here. However, since the Anchor Inn became the Three Arch Inn we have seen less oversight & management of building sizes. We see very large homes that impact their neighbors in a negative manner & detract from the community character, charm & history.

Please Vote to support the proposals below to enhance our community. Thank-You for your time, consideration & service to Tillamook County. It is a large and diverse area of responsibility that in many cases one size policies do not positively impact the many diverse communities in the county. Please vote to support the proposed ONA recommendations which have been researched with care & due diligence. Kevin and Lori Faris-1465 Sunset Ave., Oceanside Oregon

Planning Action No. 1:	Revisions Relating to Exterior Lighting
Planning Action No. 2:	Revisions Relating to Calculation of Building Height and Variance Criteria
Planning Action No. 3:	Revisions Relating to Maximum Building Height

Sarah Thompson

From: bartco58 <bartco58@comcast.net>
Sent: Saturday, August 23, 2025 7:20 AM
To: Sarah Thompson
Subject: EXTERNAL: Oceanside building codes

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Sarah,

My name is Brett Hardt, thank you for taking time to read this email.

I owe a home in Oceanside 1645 Rosenberg loop, this home has been in my family since 1966.

I am writing to you about the current building codes,or lack there of,in the past few years (2-3), there have been several new homes built in the village area of Oceanside.

There doesn't seem to be any consistency with the new homes, and to me that takes away from what Oceanside is!

I am also concerned about the building height codes, my home is directly behind the old cabins and if they are remodeled it will complety block my view of the ocean!

Smaller units would be better for the look of Oceanside, and also not take away mine and my neighbors view.

Thank you for considering this!

Brett Hardt
1645 Rosenberg loop
Oceanside OR 97134

PO box 173
Oceanside OR
97134

Sarah Thompson

From: Cynthia Miller <cynthia.l.miller@icloud.com>
Sent: Saturday, August 23, 2025 5:17 PM
To: Sarah Thompson
Cc: Sarah Absher
Subject: EXTERNAL: Public testimony for September 11, Oceanside zoning changes

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Good afternoon and hoping you're having a great summer weekend! Please include my testimony below for the upcoming September 11 hearing on proposed zoning changes in Oceanside.

Best regards,
Cynthia Miller
Terrasea Neighborhood, Oceanside
Home: (503) 842-6702
Mobile: (503) 803-7651

Mailing Address
735 Ridgewood Road W
Tillamook, OR 97141

Thank you for your efforts as well as your continuing approach to include ALL of the Oceanside constituents.

Is the ZAPR committee representing Oceanside as a whole?
I do not feel that ZAPR represents the whole of Oceanside, but rather, a much smaller subset of the whole of the community. Especially as ZAPR has refused to honor opinions since the outdated 2021 ONA vote, including the requirement of a height reduction.

Do ONA voters feel like they are being heard?
The ONA has demonstated a preference for opinions that reflect their own ... not of the people of the community. Another example is while the community overwhelmingly rejected the incorporation ballot, they are looking to have it on the ballot again, while even MORE ignoring the opinion of the Oceanside community. The ONA claims they are NOT connected to the efforts, even though all the members of the ONA board are actively working on incoproration efforts. I believe they will NOT bring it to the ONA members for a vote because they know they will not have sufficient support to pass the measure, but rather avoid that check point and go directly to the Commissioners.

ONA is clearly NOT interested in the whole of the communities' opinions and I do not believe they represent the whole of the membership. I would really like to see ONA **removed** as the designated citizen advisory committee completely!

Is the Non-Conforming issue relevant to ONA members and if so, how?
Speaking for myself, I can absolutely say that a change from 35 feet will impact my home, as well as its resale value, insurability as well as current insurance premium and any future potential claims against same.

How will the above changes affect ONA members if they are passed?
While I absolutely support Dark Sky I do not believe that mandating same as a county policy is the better option. It would be much better served to have community conversations, much as we do with the Oceanside Action Partnership (OAP) communications and meetings.

Sarah Thompson

From: Nicky Jaeger <nguyenjaeger2@gmail.com>
Sent: Saturday, August 23, 2025 6:28 PM
To: Sarah Thompson
Subject: EXTERNAL: Opposition to Proposed Amendments #851-25-000262-PLNG, # 851-25-000269-PLNG, and #851-25-000270-PLNG

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hi Sarah,

Please submit this testimony to the Planning Commissioners for their next meeting on September 11, 2025. Thank you so much. Nicky Jaeger

Dear Planning Commissioners,

I am writing to formally express my opposition to the proposed amendments regarding building height limitations in Oceanside:

- **#851-25-000262-PLNG** – Residential Building Height to 30 feet
- **#851-25-000269-PLNG** – Variance Request Modifications
- **#851-25-000270-PLNG** – Commercial Building Height to 30 feet

These proposals, introduced by the Oceanside Neighborhood Association (ONA), do not reflect my views as a resident and stakeholder in this community. In fact, during the May meeting, I voted against the passage of these amendments, along with other members. Unfortunately, despite the expressed opposition, these changes were pushed through. I am deeply concerned that ONA continues to present itself as representing the consensus of Oceanside residents, when in truth, many of us are firmly opposed.

The justification for these amendments appears to have originated from ONA's observation that Neahkahnie set a maximum residential height standard of 24 feet. However, simply because one neighboring community has imposed such standards does not make them appropriate or beneficial for Oceanside. Oceanside has its own unique character, history, and environmental considerations, which deserve careful, independent evaluation.

I urge you to reject these amendments for the following reasons:

1. **Community Character** – Reducing building heights in this manner undermines the ability of property owners to design homes that are both livable and compatible with the existing character of Oceanside. A 30-foot limit does not offer meaningful improvement over the existing 35-foot limit, but instead places unnecessary restrictions on thoughtful development.

2. **Fairness and Representation** – The amendments are being advanced under the guise of representing the community. Yet, the ONA does not speak for all residents, and in this case, failed to respect the outcome of member votes. It is essential that the Commissioners recognize that these proposals are not backed by broad community consensus.
3. **Economic Impact** – Restricting building height could have long-term consequences on property values and the vitality of local investment, particularly for those who have already made plans or investments based on the existing 35-foot standard. Sudden changes erode confidence and create inequities among property owners.
4. **Precedent** – Allowing these amendments to pass would set a precedent for further restrictions that are not supported by residents and could gradually erode the rights of property owners in Oceanside.

When Sarah Absner explained in 2021 that staffing shortages delayed bringing these matters forward, there was an expectation that the Planning Commission would receive a balanced and transparent presentation of community input. I want to make clear that ONA's position does not represent mine, and that these amendments do not reflect the best interests of Oceanside.

For these reasons, I respectfully ask that you **reject amendments #851-25-000262-PLNG, #851-25-000269-PLNG, and #851-25-000270-PLNG.**

Thank you for your time and careful consideration.

Respectfully,
Nicole Jaeger

Sarah Thompson

From: Stephen Leflar <thebluedoor1@gmail.com>
Sent: Sunday, August 24, 2025 11:14 AM
To: Sarah Thompson
Subject: EXTERNAL: Amendments proposed for Oceanside

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

We plead for you to adapt the Amendments proposed for Oceanside. They are not only sensible, but urgently needed. Oceanside is struggling to sustain the charming character that is such an asset to Tillamook County. But it's unique character will be lost without the new amendments.

Although there are many small property owners like us, it is tempting to defer to ambitious development plans and organizations that seek to capitalize on the charm of a small beach town like Oceanside. We bought our beach house at 1740 Portland Avenue when it was a wreck. It was originally a two car garage. When we bought it, we had to contend with the 3Rs: Rust, rot, and rodents. Without increasing it in size, we renovated it with friends and professionals in Tillamook County. We pay Tillamook County taxes and support the economy there in many ways. There has been a lot of infill since we bought it, including on both sides of our house. Much of the infill is opportunistic and not well integrated into the community. This type of activity not only degrades the very same community of which it takes advantage of, but it degrades a very special area in Tillamook County of which we should all be proud to defend. Please, please support the amendments below.

#851-25-000262-PLING
#851-25-000268-PLING
#851-25-000269-PLING
#851-25-000270-PLING
#851-25-000261-PLING

Thank you very much for your attention to this important matter.

Stephen and Mary Leflar
503 224 5557

www.OceansideBlueDoor.com
www.MaryReal.com
www.StephenLeflar.com

Sarah Thompson

From: Susan D. Miller <calandsuem@gmail.com>
Sent: Sunday, August 24, 2025 11:34 AM
To: Sarah Thompson
Subject: EXTERNAL: Planning commission meeting 9/11/2025 - building trends vote in Oceanside
Attachments: ONACounty Planning Commission vote 2025.pdf

[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Dear Sarah,

Please find my attached letter regarding the 2021 ONA Proposal to reduce building height in both the residential and commercial areas of Oceanside as well as the proposed rules for exterior lighting.

Thank your for your consideration in including this letter in order to forward a decision by the Tillamook County Planning Commission.

Sincerely,
Susan D. Miller
Oceanside, OR

As a property owner in unincorporated Oceanside for nearly forty years and a permanent resident for the past twenty years, I have seen many changes as the community has grown. Some changes were welcomed but many changes were not appreciated. The best thing to happen was the establishment of the Oceanside Neighborhood Association as a way to communicate with Tillamook County on land use planning issues affecting the community.

The worst thing to happen has continued to occur over time regarding the lack of a reasonable building height restriction. Some residents have had their view obliterated by 3 - 4 story structures that sailed through the process with apparently little oversight by the county. Examples are The Three Arch Inn, formerly The Anchor Tavern. Later, there have been several structures in the village alone that also apparently cleared the hurdles with no consideration for the tax paying property owners in Oceanside. These property owners' views , which they thought would remain and were part of the charm of the area, are no longer. With taller (3-4 story) units being built, the value of these charming original homes has probably decreased due to the lack of the original view. In the meantime, at least over the past 10-20 years, vacation rentals have taken over 1/3 of the village. Some newer developments have been built and many have HOA's that do not allow vacation rentals. I imagine vacation rental owners don't worry much about the lack of a view. It may not matter to them if their temporary tenants don't have the view the home once had.

ONA approved, by significant majorities after months of public discussion in 2021 - FOUR YEARS AGO - to lower the building height from 35' to 30'. There was also a different calculation method as well to determine this new height rule. In addition, a "dark skies" exterior lighting measure was endorsed.

FOUR YEARS have passed and the county can't seem to fit us in to their schedule to consider these proposals. This is totally unacceptable. In the meantime, a group of newcomers to Oceanside and/or residents who did not care to get involved FOUR YEARS ago suddenly believe the vote needs to be put before the ONA before going to the county AGAIN.

This could be another FOUR YEAR wait. The will of the people who originally supported these measures may now be overruled by those folks, many of whose views are not affected by the proposed changes. They don't seem to understand that their homes would be grandfathered in under the original rules until/ unless reconstruction takes place that would take the home to a larger, different footprint.

Therefore, I am imploring the planning commission to consider the measures supported by the Oceanside community FOUR YEARS ago. I respectfully request their approval of the suggested building height reduction, building height formula changes and the "dark skies" that were all approved by the Oceanside Neighborhood Association FOUR YEARS ago. Thank you for taking the time to read this.

Regards,
Susan Miller
1460 Alder Street
Oceanside, OR 97134

Sarah Thompson

From: John Pilmer <zangor7@gmail.com>
Sent: Sunday, August 24, 2025 6:45 PM
To: Sarah Thompson
Subject: EXTERNAL: Oceanside zoning proposal testimony

[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

I have been spending time in Oceanside my entire life. I am 73. For about 35 years we have spent over half of our time at a home we built in the first addition to Camelot Estates. We support building height restrictions for new construction with an exception for existing homes. We also support the lighting restrictions. This will protect the views of long term residents and the character of the neighborhoods.

We do not support incorporation as we feel the county has the expertise and resources to maintain roads and infrastructure.

Let us know if a different form of testimony is required.

Regards

John and Janelle Pilmer

Sent from my iPhone

Sarah Thompson

From: Dusty Trost <dustytrost@gmail.com>
Sent: Sunday, August 24, 2025 8:24 PM
To: Sarah Thompson
Subject: EXTERNAL: Written testimony for September 11th meeting (Oceanside land use)
Attachments: Letter to commissioners.pdf

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

HI Sarah, please see my email below which I would like to be entered into testimony for the upcoming meeting on September 11th. I have attached the letter as well. Thanks, Dusty

Dear Commissioners,

I am writing in opposition to the proposed revisions to the Oceanside land use code, specifically the reduction in maximum building height from 35 feet to 30 feet, and the proposed expansion of requirements for variance requests.

Reducing the maximum building height from 35 feet to 30 feet will have an immediate and significant negative impact on property values in Oceanside. Many owners purchased their land with the understanding that they could build up to 35 feet, often planning three-story homes. A 30-foot limit would effectively eliminate the ability to build a full third story without resorting to flat or unnaturally low-pitched roofs. For many lots, this change would also prevent homes from achieving ocean views, an essential element built into the value of these properties at the time of purchase. Restricting heights in this way will diminish property values across the board, penalizing owners who made investments based on the existing code.

Further, adding additional requirements to the already burdensome variance process will only create confusion, delay, and additional cost for property owners. Introducing subjective or unclear criteria opens the door for disputes and allows outside groups to exert undue influence over what neighbors can do with their own property. We have already seen well-funded, well-organized contingencies attempt to impose their vision for Oceanside through incorporation efforts that were voted down. These proposed revisions feel like an indirect attempt to achieve those same restrictive ends.

It is important to note that restrictive land use regulations consistently correlate with reduced property values and slower investment. Limiting design flexibility, increasing regulatory hurdles, and adding uncertainty to the approval process sends a discouraging message to those who want to build or improve their properties. At a time when construction costs, permit fees, and financing challenges are already high, adding further limitations will only make it harder for families to achieve their goal of building a home in Oceanside.

Oceanside is not, and has never been, a gated community with an HOA, CC&Rs, or design review committee. It has always been under county oversight, which has preserved its unique charm and

character. Adding new restrictive rules to the land use code would fundamentally change this balance, to the detriment of property owners and the community as a whole.

I respectfully ask that you reject the proposed reduction in building heights and any additional variance requirements. The current land use code has served Oceanside well, and I believe it should remain as it stands today.

Sincerely,

Dusty Trost

--
Dusty Trost- Principal Broker
Rob Trost Real Estate, LLC
4785 Netarts Highway W
503-842-9090- office
503-801-2326- cell
503-842-9095- fax
dustytrost@gmail.com
www.RobTrost.com

Dear Commissioners,

I am writing in opposition to the proposed revisions to the Oceanside land use code, specifically the reduction in maximum building height from 35 feet to 30 feet, and the proposed expansion of requirements for variance requests.

Reducing the maximum building height from 35 feet to 30 feet will have an immediate and significant negative impact on property values in Oceanside. Many owners purchased their land with the understanding that they could build up to 35 feet, often planning three-story homes. A 30-foot limit would effectively eliminate the ability to build a full third story without resorting to flat or unnaturally low-pitched roofs. For many lots, this change would also prevent homes from achieving ocean views, an essential element built into the value of these properties at the time of purchase. Restricting heights in this way will diminish property values across the board, penalizing owners who made investments based on the existing code.

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Oceanside is not, and has never been, a gated community with an HOA, CC&Rs, or design review committee. It has always been under county oversight, which has preserved its unique charm and character. Adding new restrictive rules to the land use code would fundamentally change this balance, to the detriment of property owners and the community as a whole.

I respectfully ask that you reject the proposed reduction in building heights and any additional variance requirements. The current land use code has served Oceanside well, and I believe it should remain as it stands today.

Sincerely,

Dusty Trost

Sarah Thompson

From: Andrew Roberts <andrew@andrewdraws.com>
Sent: Sunday, August 24, 2025 9:14 PM
To: Sarah Thompson
Subject: EXTERNAL: Restricting Building heights in Oceanside Village - "2021 ONA Proposal" (*** Sorry! ... typo in address)

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

** Sorry! Resending. My address was incorrect.

Hello Ms. Thompson,

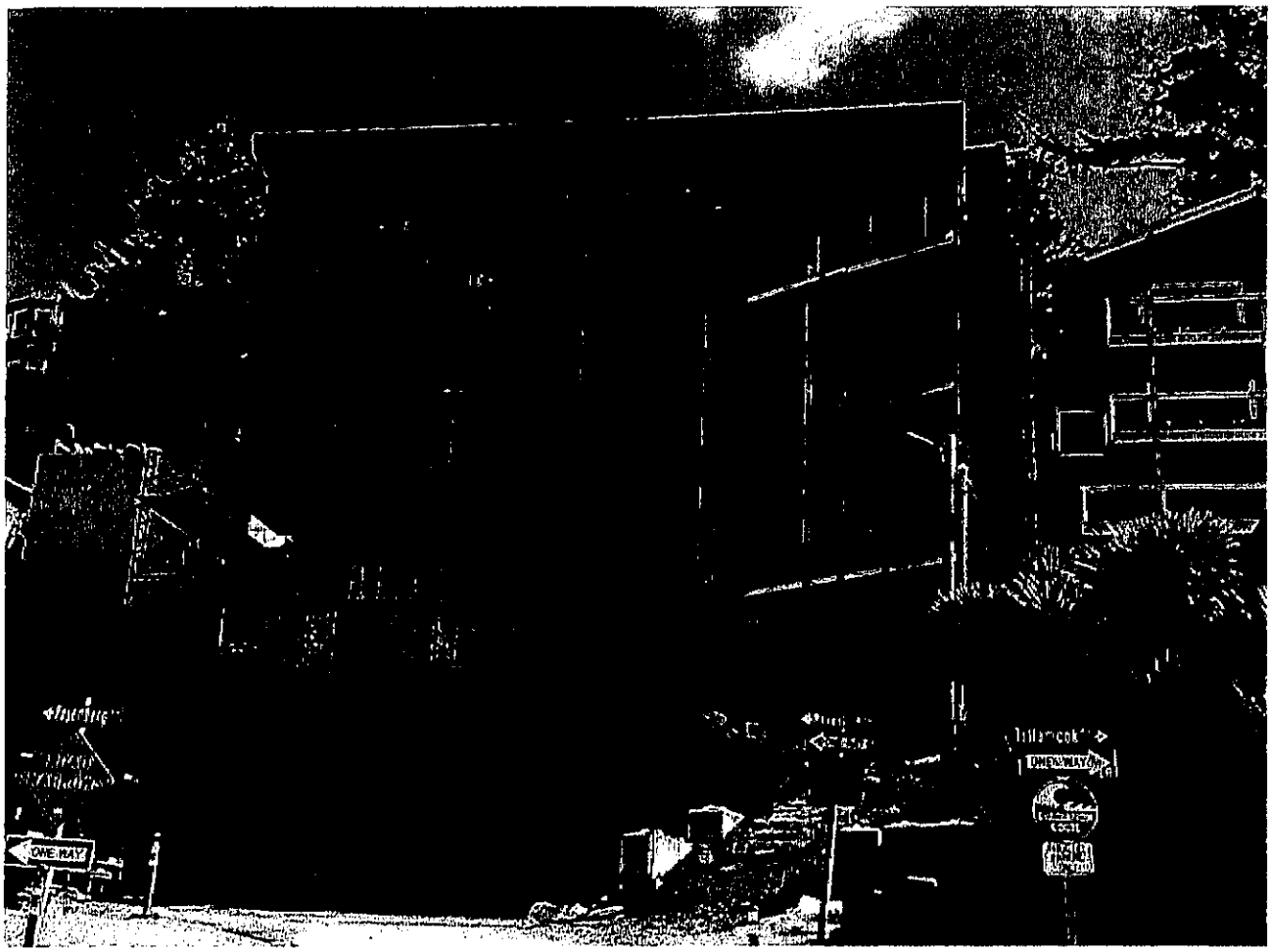
I'm Andrew Roberts, a registered voter in Tillamook County, and a part-time resident of Oceanside living at **1475 Alder Street.**

I am strongly opposed to the rampant and unregulated building that I've witnessed in Oceanside over the past five years.

Houses such as this one (see attached photo) are not only unsightly, but are also wasteful, intrude on neighboring houses views and privacy, and ruin the historic quality that makes Oregon's coastal towns such a vibrant and lucrative (for county coffers) destination.

I implore the Tillamook Planning Commission to consider the "2021 ONA Proposal" to reduce building height in both the residential and commercial areas of Oceanside, as well as the proposed rules for exterior lighting.

Thank you,
Andrew Roberts
503.752.6335


ONE WAY

Sarah Thompson

From: kristin bye <kristin@kristinbye.com>
Sent: Sunday, August 24, 2025 9:25 PM
To: Sarah Thompson
Subject: EXTERNAL: Please revisit the 2021 ONA Proposal

[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

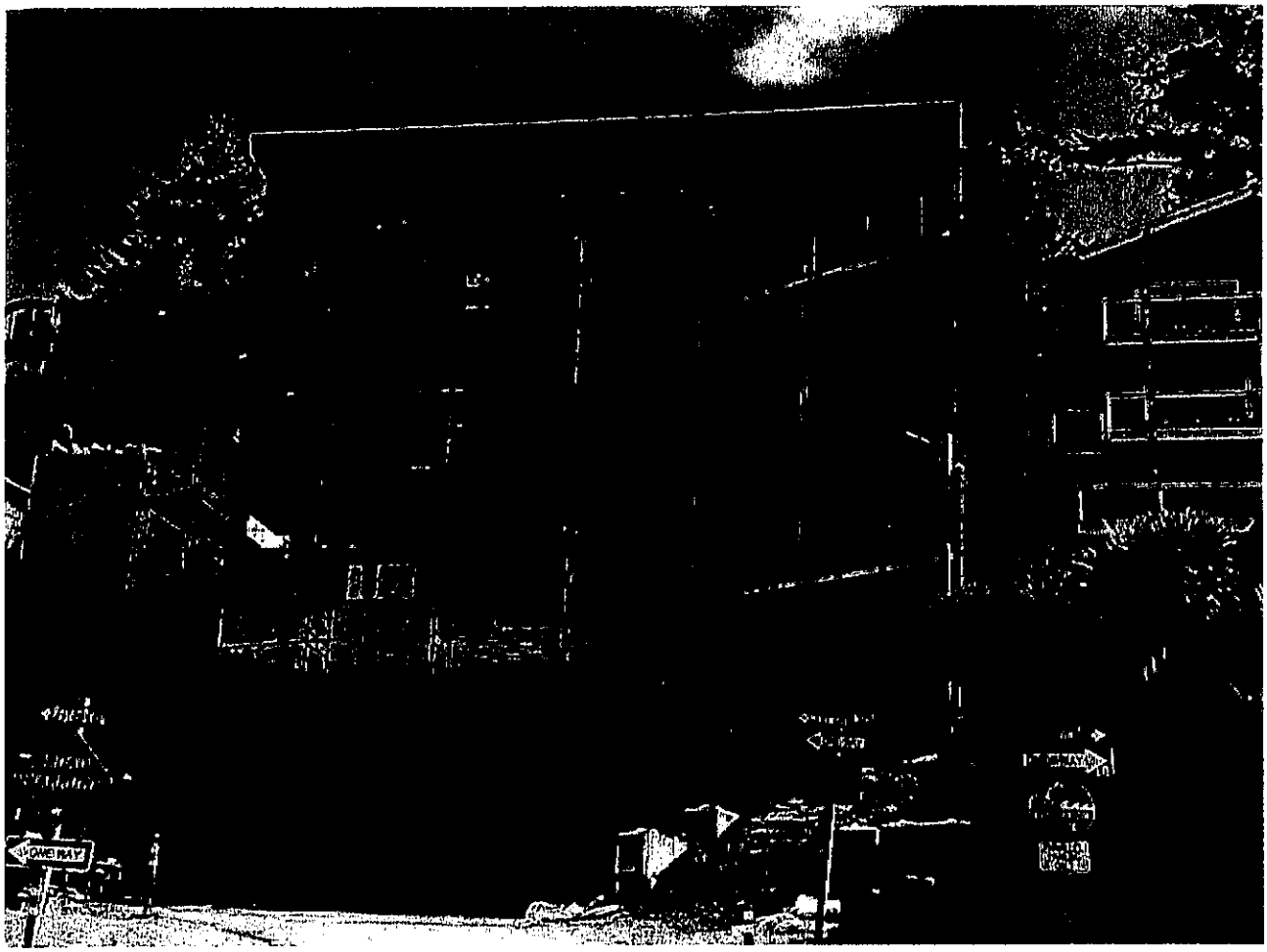
Hello Ms. Thompson,

I live at 1475 Alder Street in Oceanside and am extremely dismayed by the new construction taking place around the village.

Several of the newest arrivals (see attached) could be fairly described as "gargantuan". In addition to being an eyesore, they are completely out-of-character with the low-key vibe that makes Oceanside such a desirable getaway for residents and tourists alike. These new constructions ruin views, take down trees and reduce privacy while leaving behind giant boxes that remain empty for the majority of the year. (Even without these mammoth structures, Oceanside can feel like a ghost town at certain times of the year due to the large number of rentals.)

I would like to request that the Tillamook Planning Commission consider the "2021 ONA Proposal" to reduce building height in both the residential and commercial areas of Oceanside, as well as the proposed rules for exterior lighting.

Thank you,
Kristin Bye


ONE WAY

Sarah Thompson

From: Cathy H <vwcathy1959@yahoo.com>
Sent: Sunday, August 24, 2025 10:52 PM
To: Sarah Thompson
Cc: Husband Dan Hendrix; Sarah Absher
Subject: EXTERNAL: Written Testimony/Public Comments - September 11, 2025 Tillamook Planning Commission Meeting

[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

To the Planning Commission:

Our first comment has to do with the ZAPR committee and Sarah Absher's middle housing recommendations:

We would like to bring to your attention to a comment made by Jeff Mc Brayer, Fire Chief for Netarts-Oceanside Fire District, which he made at a previous ZAPR meeting. This comment was pretty much overlooked and ignored by staff and the ZAPR committee members.

The Chief stated that because of the topography and the roads and water and equipment resources available to him in the Oceanside community, that building any housing units with common walls (townhomes/cottage clusters and the like) in this area, he will be unable to protect these structures and the units will be lost should a fire occur. We feel this is an important observation made by a professional with many years of fire fighting experience and we urge you, the Planning Commission, take his comments seriously and talk to him about his thoughts and his desire to keep the community safe. One size does not fit all in this case.

In response to the Chief's remarks we do remember someone on the ZAPR committee stating you can build barriers between units to prevent fires from spreading between units. And that statement seemed to make it OK to move past the Chief's concerns and carryon as if nothing was said, putting the community in danger.

On a second matter:

We initially voted to reduce building heights, change the formula on how building heights are calculated and we supported the down lighting proposal as drafted by the ONA in 2021. We voted in favor of preserving the charming character of our area. We recently learned in 2025, that by reducing building heights and by changing the formula on calculating building height many people will be harmed when their property becomes "non-conforming."

It should be noted that the term non-conforming was never used by the ONA when developing the standards and we know the ONA leadership had good intentions at the time and didn't know of this consequence. They were striving to protect the community from being over developed by those people who have the money and resources to build monster homes and to prevent these same people from building homes in formats unbecoming and in aesthetic conflict with other homes in the general area.

Because we now know this is a "taking", we cannot support the building height reduction or the proposal changing on how building height is calculated. We do support the lighting standards but would prefer this to be an education campaign where guidelines are established and people voluntarily comply rather than managing a lighting enforcement program.

Thank you for your time.

Cathy and Dan Hendrix
1450 Tillamook Ave S
Oceanside OR 97134

Sarah Thompson

From: Jerry Palmer <jerrygpalmer@gmail.com>
Sent: Monday, August 25, 2025 9:59 AM
To: Sarah Thompson
Subject: EXTERNAL: Sept 11,2025 Planning Commission Hearing on Text Amendments submitted by ONA

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

August 25, 2025

To the Tillamook County Planning Commission

My wife and I have been full-time residents in Oceanside since 2001.

I am submitting my remarks today in opposition to any zoning, design or planning changes for Oceanside submitted by ONA and specifically, to the proposed reduction in allowable building height from 35 feet to 30 feet.

The reduction in allowable building height presents the possibility for existing homes to be classified as "non-conforming". This has the potential to result in legal challenges that are time-consuming and expensive and will also reduce the home's value. These same issues apply to undeveloped lots where property owners purchased lots under one set of rules and would then be limited to construction options of a different set of rules. The reduction in value for some properties could be significant.

This proposal comes from an ONA vote in 2021. The 2021 vote was poorly communicated to Oceanside property owners and lacked transparency related to the issue of non-conformance. A vote ONA conducted in May of 2025 regarding 13 other potential zoning changes resulted in 11 of the 13 proposed changes being defeated. The May 2025 vote had substantially more participants than the vote held in 2021.

Now that more Oceanside property owners are aware of the issues and recognize the potential of non-conformance, it has been requested that ONA conduct another vote to see what the current wishes of our community are. ONA refused to do so and appears determined to push these 2021 proposals forward. ONA is supposed to represent all of Oceanside. However, it feels like ONA is no longer interested in promoting proposals that the majority of Oceanside property owners and ONA members want. Instead, it seems that ONA has become the voice of a select group, giving little weight to views that do not align with their position.

Thank you for your consideration.
Jerry Palmer
605 Avalon Way

Sarah Thompson

From: Marcy Semet <semetmarcy@gmail.com>
Sent: Monday, August 25, 2025 10:11 AM
To: Sarah Thompson
Subject: EXTERNAL: Planning Commission Meeting August 28, 2025 Comment

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Tillamook County Planning Commissioners,

We are taking the time as Oceanside Village homeowners to urge you to approve the ONA 2021 proposals regarding the height maximum calculation formula method used by Tillamook County and also support the lighting standard changes proposed and under consideration for Oceanside.

MOST IMPORTANT to us is the current method of calculating height maximums being used by Tillamook County in Unincorporated Oceanside. This method can be manipulated to build buildings, as we have seen built recently in our community, as high as 50' feet when the current maximum building height is 35' feet. This is happening more frequently as Oceanside's demography has many homes constructed on the hillside, facing west towards the ocean. Many of our homes are 50-100 years old in our village of homes with small lots and face losses of views, sunlight and ease of access to properties, especially since many neighborhoods have one lane roads.

We are also in support of the proposed dark sky lighting standards you are considering. If you ever travel to Sunriver in Central Oregon near the city of Bend, it's a designated dark sky community of homes and businesses. You will notice how amazingly visible the stars are at night, with shielded downward facing lighting on properties and businesses without "brightly lit neon Open signs". It brings a whole new level of wonder for visitors and community members along with benefits for wildlife.

Please adopt these land use regulations being proposed for our Unincorporated Oceanside Community that were researched, had public input and were voted on by the Oceanside Community in 2021. Due to the county's lack of review in a timely manner you are being asked to consider these proposals now.

We value our village, we know growth and change happens, we would urge you to visit our community for yourselves and hopefully understand our concerns and reasons for supporting these proposals.

Regards,

Robert & Marella Semet
1475 Tillamook Avenue
Oceanside, Oregon 97134

Sarah Thompson

From:	Leslie Kay <leskayvida@gmail.com>
Sent:	Monday, August 25, 2025 7:43 PM
To:	Sarah Thompson
Subject:	EXTERNAL: Leslie Kay written comments in support of#851-25-000262-PLING: Reducing Building height from 35-feet to 30-feet, proposal to exempt existing structures. # 851-25-000268-PLING: Establishing lighting standards for the Oceanside area. # 85...
Attachments:	08252025 Tillamook Planning Committee Comments.docx

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Sarah,
I submitted these comments after the first Planning Commission hearing on August 14, 2025 and wanted to confirm that you received them by the August 28 deadline for inclusion in the record.

Thank you so much,

Leslie Kay
1530 Hillcrest Ave
Oceanside, OR 97134

August 25,2025

To: Tillamook County Planning Commission
RE: #851-25-000262-PLING: Reducing Building height from 35-feet to 30-feet, proposal to exempt existing structures.
#851-25-000268-PLING: Establishing lighting standards for the Oceanside area.
#851-25-000269-PLING: Create a new method for calculating building height.
#851-25-000270-PLING: Reducing Building height from 35-feet to 30-feet.
#851-25-000261-PLING: Change permitted use types for middle housing.

Dear Ms. Thompson and Tillamook County Planning Commission,

I listened to your initial public hearing on the proposed revisions to the Oceanside Land Use Code and I am writing for the first time to weigh in on these measures. I supported these proposed revisions in 2021 and support them now in 2025.

I was not a part of the work group that put these 2021 proposals together but I followed the work of the group as it progressed. Ultimately I voted in favor of all three of these proposed amendments aimed at maintaining the unique character and livability of Oceanside. The ONA made registered members of the association aware of this work

group and I recall that there was ample opportunities to discuss these matters and contribute to the discussion. All were invited to vote and the final vote reflected the will of the community at the time.

I was perplexed why it took multiple years for the Tillamook County government to take up these proposed revisions. In the meantime there has been new interest in civic matters in Oceanside which is welcome. These new vocal voices are convinced that any changes to the code will make it more difficult to buy-sell-remodel-rebuild, etc. There is fear and suspicion about the motives of the original hard-working ONA committee and that this committee intentionally concealed the dubious claim that any change will burden property owners by bringing into play the non-conforming use doctrine.

My long time observation living in Oceanside which has been confirmed by your Director of Community Development is that variances are granted in almost 99% of requests. It is my understanding that it may be possible to grandfather in existing structures and that there are other means to allay the fears of homeowners and future homeowners.

Oceanside is a gem and a unique resource in Tillamook County that must be preserved for future generations. The out of scale new homes that are being approved particularly in the village area of Oceanside are jeopardizing the unique character of this area. At least some of these out of scale homes are taking advantage of loopholes in the building height calculation methodology that the proposed measure seeks to address.

I urge this body to approve these code changes and provide some clarity to homeowners concerned about how ANY code change will adversely affect their homes. If we shy away from sensible changes like the ones before you, Oceanside might resemble the sprawl of some of our other coastal communities and lose its unique character that all of us, for or against the proposed provisions, cherish.

Leslie Kay
1530 Hillcrest Ave
Oceanside, OR 97134

August 25,2025

To: Tillamook County Planning Commission
RE: #851-25-000262-PLING: Reducing Building height from 35-feet to 30-feet, proposal to exempt existing structures.

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Leslie Kay
1530 Hillcrest Ave
Oceanside, OR 97134

Sarah Thompson

From: rob <robhoeper@gmail.com>
Sent: Tuesday, August 26, 2025 5:26 PM
To: Sarah Thompson
Subject: EXTERNAL: Oceanside Neighborhood Association Testimony

[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Dear Commissioners,

I would like to voice my support for the building height proposals put forth by the ONA.

The maximum building height reduction and the modified calculation of building height will address the proliferation of large outsized structures that are a blight on the village character of this community.

The "non-conforming" panic expressed by a small but vocal group of people residing outside of the historic core village is out of proportion to the effect the changes will have on them. There is no precedent of insurance rates going up or reductions in property values caused by these "non-conformities" - only hearsay. State law provides that existing structures will be grandfathered in and can be rebuilt exactly to their original design in the case of damage. The vast majority of those who have testified in opposition to these changes reside in a newer area of Oceanside with larger lots, newer construction and they have repeatedly voiced their lack of concern for impacts on the older part of the community.

Some realtors are voicing opposition to these changes fearing they will reduce the resale value of properties. Again, no precedent - only speculation that these proposals will cut into their profits with little regard for the negative impact on the village character that current zoning allows.

Finally, I want to stress that these proposals were well researched and based on community participation and approval. They were submitted to the County in 2021 for Planning Commission review. The County was responsible for the multiple delays that finally brought us to the current set of hearings.

I have been a homeowner in the older section of Oceanside for 37 years and I am saddened by the changes to our village character that current building height zoning allows. I urge you to support the ONA's proposed building height changes.

Thank you,

Rob Hoeper
1800 Maxwell Mountain Road
Oceanside

Sarah Thompson

From: Sheri L Swindler <gypsygirlrunner@icloud.com>
Sent: Tuesday, August 26, 2025 7:28 PM
To: Sarah Thompson
Cc: Lee - HHBL❤
Subject: EXTERNAL: Written Testimony To Planning Commission on ONA Proposals: Swindler

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Sarah Thompson
Tillamook County Department of Community Development, 1510-B Third Street
Tillamook, Oregon, 97141

Dear Ms. Thompson and Planning Commission members,

I am writing on behalf of my husband, Lee Swindler and myself. We reside at 1 Short Beach Way, Oceanside, OR, concerning revisions to the Oceanside Land Use Codes on exterior lighting, calculations of building height and variance criteria, and maximum building height.

Our property is nearly 10.5 acres and is at the northern perimeter of what ONA has entitled Oceanside Proper in the village of Oceanside. We reside 1.5 miles north of the village.

Several strong points of which we wish to state:

1- we do **not** wish to be included in the boundary of what is being called/considered within the "Village" of Oceanside. We have a large parcel of property that does not fit within the realm/constraints of what is being considered in the upcoming discussion meeting of the homes in Oceanside village. We have only 2 direct neighbors, one bordering our property to the south and one across Cape Meares Road to the east. Neither of which are visible to us or we to them. We also border the National Wildlife Refuge on our northern boundary. We should not have to follow lot size restrictions nor build/building height restrictions for rebuild or remodel such as is being proposed directly IN Oceanside.

2- we are strongly opposed to Land Use Code modifications being proposed on exterior lighting, calculations of building height and variance criteria and maximum building height outside of the DIRECT community of Oceanside, not to be just "grandfathered" in for all of the future ramifications that that may entail

3- we do **not** wish to incorporate Oceanside: either in full or the latest modified form of incorporation

4- we have been told that there has been a survey completed by those of us north of Oceanside village. We, my husband and I, have not had a survey and believe this to be a modification of the truth

Very sincerely,

Sheri and Lee Swindler
PO Box 272

Oceanside, OR 97134

Sarah Thompson

From: Mike Mahaffa <mikemahaffa@gmail.com>
Sent: Wednesday, August 27, 2025 2:11 PM
To: Sarah Thompson
Cc: Rita Mahaffa
Subject: EXTERNAL: Property owner, Oceanside, off Highland Drive

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hello,

My wife & I wish to submit written statements regarding the proposed Oceanside Land Use Codes for exterior lighting.

My wife & I have owned our vacant lot since May, 2012, Acct 179283, Real Property ID 1S1030DC00400. A building permit has been issued.

The peer reviewed, published science on the impact of non shielded residential lighting on nesting seabirds & migration of native birds following the Pacific Flyway route which includes the coast of Oregon is well established by long standing surveys along coastal lands around the world.

Overall bird populations in the United States are declining at an accelerated rate, with declines in reported species loss of >25%.

We submit that the community of Oceanside, that has a remarkable location, close to the Ocean with tall cliffs has a responsibility to minimize its impact on all creatures that call Oceanside home or migrating through. Hence our endorsement of actions to reduce unshielded residential lighting and , increase down lighting and motion detection lighting systems, if necessary in households within Oceanside.

In addition, a Dark Sky designation fo Oceanside in the would be a very positive marketing tool for tourism with increase in visitors wishing to staying overnight and enjoying our community

Mike Mahaffa
Rita Mahaffa

Sarah Thompson

From: Mike Mahaffa <mikemahaffa@gmail.com>
Sent: Wednesday, August 27, 2025 2:38 PM
To: Sarah Thompson
Cc: Rita Mahaffa
Subject: EXTERNAL: Oceanside calculation of Building Height, variance criteria and maximum Building Height

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hello,
My wife & I have owned our vacant lot in Oceanside since May, 2012.

Account 179283
Real Property 1S103030DC00400

This lot is on a steep slope with existing homes and vacant lots for sale below our lot.

We bought the lot so to have a clear view as much as possible given the height of existing Sitka Spruce of the Ocean and Three Arch area.

Our intent is to build a structure on this lot. We have submitted a build permit on a home designed by Dale Stewart, local Oceanside builder. The design fits into the proposed building height under consideration.

We support the 30 foot building height and calculations to minimize our impact on our neighbors.

We do not want our view of the Ocean/Three Arch Wildlife Refuge in the front of the completed home design to be adversely affected, which has happened with the existing architectural "loopholes" in coastal Oceanside with steep slopes.

Our purpose and enjoyment in purchase of this buildable lot years ago would be significantly negatively affected as residents of Oceanside and Tillamook County.

The proposed new building height restrictions and calculations would assure us for the future that Tillamook County has both existing lot owners and new construction rules to benefit all Neighbors and not just a few.

Thank you for consideration of our statement.
Mike Mahaffa
Rita Mahaffa

Sarah Thompson

From: Kenneth Marlow <kcmleau@gmail.com>
Sent: Wednesday, August 27, 2025 3:46 PM
To: Sarah Thompson
Subject: EXTERNAL: Written Testimony for the Tillamook County Planning Commission
Attachments: Tillamook County Commissioners Testimony 8.27.25.docx

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Personal Testimony for Tillamook County Commissioners

Aug. 27, 2025

Dear County Commissioners,

I am writing you with regards to the building code changes proposed by the Oceanside Neighborhood Association (ONA). First, I wish to commend you, and extend our gratitude for your service to Tillamook County. Your efforts in maintaining the quality of life are greatly appreciated!

Secondly, I'm asking for your help. I want to come **home**! Previously, I lived on Tillamook Ave. in Oceanside (1978-1980). I was a Substance Abuse Counselor at the Tillamook County Community Counseling Center. Regrettably, I left the county in a mis-guided attempt to accommodate my ex-wife, and have been trying to return for 45 years!

Sadly, the adverse impact of past and present ONA, aggressively articulated, ordinance changes proposed would likely make it **impossible** to return to live in Oceanside. My current wife and I are (undeveloped) lot owners and plan to build on our **Pacific Ave., Oceanside** property. Please consider how:

1) At the time (2014), our purchase of our Pacific Ave. property took into account that, in our absence, we could rent it as an STR to help defray costs of continued ownership.
2) We paid Mark Widmer, a former local builder, to design a Handicap-Friendly Home, with an elevator. I am disabled and require such to live on the steep slope of our property. My disabilities require intermittent complex medical interventions and procedures. Regrettably, my established health care is non-transferrable, consequently, making it impossible to have our Oceanside home as our permanent and sole residence.
3) Upon completion of the (first) plans, we obtained preliminary approval from Sarah Absher, who shared our enthusiasm about making a Handicap-Friendly STR available to others who are disabled, citing the scarcity of such resources in Oceanside.
4) The imposed permanent cap at 60 for STRs, with a waiting list of 10+, effectively eliminates any possibility of acquiring an STR License in our lifetimes. The loss of this income assuredly compromises our ability to build as planned or offer the opportunity to an unknown myriad of handicapped individuals the chance to rent our home.
5) Personal injuries, medical complications, and subsequent surgeries have, for a few years, caused postponement of exploring other options until recently. Once again, a consult with

Ms. Absher, acknowledging the loss of the STR option, cited a severe and worsening county-wide housing shortage and proposed we now modify our plans to accommodate an ADU. Doing so, with our small lot restrictions, necessitates reducing our formerly designed living space up to 50%.

6) At an additional cost, we have again recruited Mr. Widmer in exploring the feasibility and development of a new set of plans. All in our new plans would entail elevator access:
    - Two ground level vehicle Garages/Storage Spaces
    - First Floor: ADU
    - Second Floor: Modest living quarters for us
7) The ONA proposed new 30' height restriction and new means of measurement, most certainly could make our newest plans **IMPOSSIBLE**! This would inevitably render even our new home plans, with the compromised Living Spaces sizes, economically infeasible.
8) **If we are unable to build** and forced to sell the property, due to the passage of the ONA restrictions, **the current resale value of the property would likely be cut in half!**
9) Imposing the new ONA height restrictions potentially adversely affects the development of up to **60 additional taxable properties**, not just our own. This would ultimately negatively impact, with zero revenue, Tillamook County from said properties as well.
10) Regarding our property alone, the county would lose:
    - Another two homes for which both would provide scarce Oceanside Handicap-Friendly dwellings (A new ADU and our new home).
    - Two residents whom, for decades, have longed to be dedicated and regular members of the community instead of the occasional visitors.

My roots in Tillamook County go deep, back to 1978! Not a day goes by without my dreaming of (as much as is medically feasible), living in Tillamook County again. Even my wife, of 28 years, has dreams of her own, as a participating Artist in the local Oceanside Art Show!

Please, as Tillamook County Commissioners, and Guardians of the Community, **DEFEAT the proposed ONA prohibitive restrictions**. And **HELP** me/us get back **HOME**!

Respectfully yours, Ken and Marilyn Marlow

Pacific Avenue, Oceanside (undeveloped) Property Owners.

Sarah Thompson

From: Melissa Farlow <melissafarlow@mac.com>
Sent: Wednesday, August 27, 2025 4:16 PM
To: Sarah Thompson
Subject: EXTERNAL: letter to Tillamook county Planning Commission
Attachments: Tillamook County Planning Commission.docx

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Tillamook County Planning Commission

Greetings Commissioners,

I am writing to express my strong support for the ZAPR committee's proposals that will shape Oceanside's future. As a longtime homeowner and active member of the Oceanside Neighborhood Association, I have closely followed this process and believe these recommendations deserve your approval.

The ZAPR committee has conducted thorough research and engaged in extensive community dialogue. Their recommendations have been carefully vetted and approved by the Oceanside Neighborhood Association through a transparent public process. I have personally attended or listened to numerous meetings to understand the issues and witnessed the committee's thoughtful deliberation.

Building heights standards strike a crucial balance between property rights and community character. Everyone who has an ocean view from their home values that view and doesn't want it blocked by taller construction in front of them. Proposed standards will allow our community appropriate oversight of future development that can impact neighbors and property values.

The proposed lighting requirements will reduce light pollution that disrupts wildlife migration patterns and obscures our spectacular night skies—one of Oceanside's greatest natural assets. These standards will minimize intrusive lighting while maintaining necessary safety illumination.

My husband and I bought our home in Oceanside in 2008 and have been visiting family here for over 30 years. Through my involvement with the Neighborhood Association, I've come to know many of my neighbors who have become friends. I've also witnessed our community's evolution and the challenges that come with growth.

While vocal opposition often dominates public discourse, many residents quietly support these sensible regulations. Since you specifically requested feedback from Oceansiders, I want to ensure you hear from those of us who believe the ZAPR committee has faithfully represented our community's best interests.

These proposals will help preserve what makes Oceanside special while allowing for responsible growth. I urge you to approve ZAPR's recommendations.

Thank you.
Respectfully,

Melissa Farlow
2000 MAXWELL MOUNTAIN ROAD
OCEANSIDE, OREGON 97134
August 27, 2025

Melissa Farlow

www.instagram.com/wildhorsephotos
www.instagram.com/melissafarlow
www.melissafarlow.com

+1.412.491.1491

Tillamook County Planning Commission

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Thank you.
Respectfully,

Melissa Farlow
2000 MAXWELL MOUNTAIN ROAD
OCEANSIDE, OREGON 97134
August 27, 2025

Sarah Thompson

From: Diane Niflis <dniflis@charter.net>
Sent: Wednesday, August 27, 2025 11:52 PM
To: Sarah Thompson
Subject: EXTERNAL: Written testimony for Sep 11 2025 meeting of Tillamook County Planning Commission
Attachments: Aug 27 2025 testimony to Till Co Planning Commission.docx

[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Sarah,

Attached is my written testimony for the Sep 11, 2025 meeting/hearing of the Tillamook County Planning Commission.

Thank you.

Diane Niflis

Date: 8/27/2025

To: Members of the Tillamook County Planning Commission

From: Diane Niflis
1605 Oceanside Lane (Park Addition resident since 1996)
1595 Oceanside Lane (Park Addition property owner since 1999)

Subject: **Testimony in opposition** to three (3) of the Legislative Text Amendment requests proposed by the Oceanside Neighborhood Association (ONA), as follows:

Regarding #851-25-000262-PLNG and #851-25-000270-PLNG

I strongly oppose the ONA's ZAPR committees' proposals to impose more restrictive building heights – and more restrictive methods of calculating them – on current and future residential and commercial property owners in Oceanside.

Firstly, there is no compelling health or safety reason for implementing them.

Secondly, it is pretty clear that the ONA ZAPR committees' intent is to further limit the total volume of each new structure ... to somehow 'preserve' a largely imaginary, and entirely subjective Oceanside 'village character.'

A 30' maximum height for non beachfront residential structures will prevent owners of Oceanside's many smaller platted lots from building three-story homes – clearly devaluing those properties. Many of these owners have held these lots for decades. Why would we not be *happy* for them to be able to build the homes they've been planning and saving for? Instead of creating obstacles for them? And, if someone is clever enough/creative enough to design a home such that they can contrive a more favorable height calculation ... well, good for them.

And, finally, it is my opinion that the ONA's new exemption language, purported to protect existing structures from becoming 'non-conforming,' is redundant, as this is already more-than-adequately addressed in current Tillamook County regulations.

Regarding #851-25-000269-PLNG

I oppose ONA's prosed additional criteria for variance requests regarding exceptions to maximum residential and commercial building heights, as being *totally unnecessary.* Tillamook County already has adequate procedures for variance requests.

(Not-entirely unrelated suggestion:

Perhaps the Oceanside Neighborhood Association should be divested of its status as an advisory body to the Tillamook Planning Commission. They are not representative of the community, and they have caused a lot of grief and conflict in the past 6+ years.

Sarah Thompson

From: Robert Ault <mrbob4370@gmail.com>
Sent: Thursday, August 28, 2025 7:32 AM
To: Sarah Thompson
Subject: EXTERNAL: Building Proposals

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Maintaining present building restrictions is in the best interest of the residents with concern to property values now and in the future. The present restrictions have worked well for years. Why adopt a change that could drastically change property values into unknown territory.

Robert Ault 165 Reeder St Oceanside

Sarah Thompson

From: Melody Rasmor <mrasmor@gmail.com>
Sent: Thursday, August 28, 2025 9:14 AM
To: Sarah Thompson
Cc: Sarah Absher
Subject: EXTERNAL: Oceanside
Attachments: Tillamook County Planning Commission Melody statement (final).docx

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Sarah,

PLease find the attached letter for my the Tillamook County Planning Commission.

Respectfully,
Melody Rasmor

--
Melody Rasmor
Phone 360 606-5030
email: mrasmor@gmail.com

August 28, 2025

Sarah Thompson

Tillamook County Planning Commission

1510-B Third Street,

Tillamook, Oregon, 97141.

Dear Commission and Sarah Thompson:

The purpose of this letter is to address the Tillamook County Planning Commission concerning the legislative text amendments submitted by the ONA for revisions to the Oceanside Land Use Codes on exterior lighting, calculations of building height and variance criteria, and maximum building height.

1.) exterior lighting,
2.) calculations of building height and variance criteria, and
3.) maximum building height.

I have owned my cabin for 42 years. I purchased my cabin in 1984 for $30,000.00. It sits on one of the smallest lots in the town, 1633 Rosenburg Loop, Oceanside, Oregon. It was part of the logging camp structures and overlooks the State Park. I was here during the Anchor Tavern days and remember the difficult times for the homeowner behind the structure which went up to 3 stories.

When I decided to remodel my cabin, I quickly was told by the county, two things, one was that you cannot change the footprint of the existing structure, and the second requirement was the height restriction had to be no more than 35 feet.

Since I was not a millionaire, I had limited resources and I wanted to get a construction loan but was told that the structure was too small to get a loan. So, I hired a contractor who would work with me overtime.

Those days are in the past but what I have now witnessed is a disrespect for the "little guy." I have felt the frustration of Oceanside residents because they are not being heard. Tillamook county is making money by allowing the structures to reach greater than 35 feet and if there was no original structure on the existing land, larger homes get built. The idea of a 16-unit hotel was proposed to the Tillamook Planning Commission in 2024 Permit - 851-24-000136-PLNG and it was not approved for now. I can only hope that the commission will carefully review the impact on the residents on Rosenberg Loop and the surrounding areas. Parking will continue to be a problem. Speeding on these small roads one way, one car road are also a hazard. Finally, if a 30-

foot height restriction comes into law will it be enforced? As far as the lighting issue I would agree with the downward coverings of the lights or timer for the exterior lights. I too have less star gazing capabilities but see the increase traffic and safety with more commercial businesses to be a bigger problem.

Finally, the best things about Oceanside are the views, the ocean air, the beach walks and how much people enjoy this community. My little cabin sits on Rosenburg Loop with 600 square feet and a small deck that has allowed me the pleasures of whale watching, pelican viewing and overall watching weddings, memorials, kayakers, sky gliders, surfers, agate finders, and just plain old family and doggy fun.

Commissioners please carefully review the ONA proposal to allow more of a voice for the "little guy"! It would be shameful to lose the unique feeling of the Three Arch Rocks in view once you come into Oceanside.

Thank you for your time.

Sincerely,

Melody Rasmor

1633 Rosenberg Loop

Oceanside, Or 97141

Sarah Thompson

From: Paul Wyntergreen <paulwyntergreen@gmail.com>
Sent: Thursday, August 28, 2025 9:19 AM
To: Sarah Thompson
Subject: EXTERNAL: Testimony for Oceanside legislative amendment hearing
Attachments: Planning Commission letter.pdf; ONA's proposed new height restrictions.png

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Please include the attached in the Planning Commission packets for their September 11 meeting.

Thank you,

Paul Wyntergreen
1420 Alder
Oceanside, OR. 97134

FROM THE DESK OF

Paul Wyntergreen

August 28, 2025

Tillamook County Planning Commissioners
201 Laurel Avenue
Tillamook, OR. 97141

Dear Commissioners,

This letter is submitted for your consideration in regards to a proposal to amend portions of the zoning code of the community of Oceanside.

Of key concern is the proposal to decrease the allowable building height. While there are multiple ways to approach a reduction if desired, *such as changing and simplifying the definitions of base or the top of structure for calculating purposes, requiring minimum roof pitches, etc.*, should you choose a reduction in the ultimate height number as proposed, care must be taken to avoid unintended consequences with existing structures.

The following is a recommended change to the second sentence in Subsection 7 (on attached Page 4 of the ONA proposed changes) that would allow for needed changes to built homes such as lifts and other ADA modifications which require matching levels and clearances: "~~They~~ maximum building height (or the height of the existing parent structures which were constructed prior to enactment of the current maximum height) shall ~~also~~ apply to all additions, remodels or repairs of structures ~~on which construction commences or a building permit is submitted (whichever occurs first) prior to enactment~~, provided that they shall not apply to or require nonconforming use reviews of those portions of the preexisting structure that already exceed the previously enacted height restrictions at time of its construction ~~of this provision~~."

Also, there has been some talk of how different areas of Oceanside, like the Capes, enjoy unique qualities such that they deserve differing zoning treatments. We live in the 'Village' section of the community (*that portion north of Care Meares Loop road between the entrance to the Sewer Plant & its terminus at Highway 131*) and we would support dividing Oceanside into different zoning areas and developing specialized architectural standards for the 'Village' amphitheater (*minimum facade articulations, minimum roof overhangs, fenestration requirements that preclude walls of plate glass, etc.*) in order to preserve its more vintage character.

This would not be an arduous task; there are many models that could be used as a basis and such future parameters authorized through an enabling clause included with the current zoning amendments that establishes an expedited process.

Paul Wyntergreen

- A copy of the survey shall be submitted with the application and other require material.

- Prior to approval of a building permit for any structure that appears to be within 3 feet of the maximum building height, the applicant shall sign a legall binding statement prepared by the department that holds Tillamook County harmless should construction of approved plans result in a structure exceeding the height limit and needing to be removed or altered.

. The requirements of this section shall apply to all new structures on which initial buildin permits are submitted or construction commences (whichever occurs first) on or after th date this ordinance is enacted. They shall also apply to all additions, remodels or repair of structures on which construction commences or a building permit is submitted (whichever occurs first) prior to enactment, provided that they shall not apply to or require nonconforming use reviews of those portions of the preexisting structure that already exceed the restrictions of this provision.

NOTE: *These revisions to Oceanside's building ordinance will override the definitions o Grade" and "Building Height" in Section 11 of the Tillamook County Ordinance that urrently applies to Oceanside.*]

Sarah Thompson

From: Craig Swinford <laddcirclepdx@gmail.com>
Sent: Thursday, August 28, 2025 10:04 AM
To: Sarah Thompson
Subject: EXTERNAL: Sept. 11th PC Meeting
Attachments: Tillamook Planning.pdf

[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Sarah,

Will you please confirm that you are able to open the PDF attachment. This letter is to be placed in the record for the September 11th, PC Meeting.

Thank you,
Craig Swinford

August 28, 2025

Tillamook Planning Commission

Re: #851-25-0000269-PLNG
#851-25-0000270-PLNG

My name is Craig Swinford and my spouse is Anne Swinford. We have owned residential property in Oceanside since 1992 as well as a vacant Commercial property with six garages located at 1495 Pacific Ave., which we acquired in 2014.

We would like to submit written testimony for the following issues:

Addressing Building Height & Calculations in the COS zone.

Our major concern is the proposal to reduce the height allowance in the Commercial zone on non oceanfront lots. There are only a handful of non oceanfront properties in the COS zone this would affect. Commercial zones are needed to balance community needs while maintaining harmony with residential areas.

As a Planning Commissioner, you have a difficult job:

Promoting Economic Development
Ensuring Orderly Development
Providing Convenience for Residents
Optimizing Infrastructure and Logistics
Shaping Community Character
Protecting Property Values.

Not an easy job, and we appreciate your time that you commit to the PC.

We feel the reduction in height and the submitted calculations, will severely limit the marketability of this site. Oceanside and the adjoining communities are rapidly growing right now, and limiting the COS zone further may have a negative effect on development, both residential and commercial.

When we bought this property 10 years ago, with the 35 foot height allowance, we had no immediate plans to develop. Times have changed and we don't feel down zoning is necessary.

I would ask the non oceanfront COS zone remain at the current 35 foot height limit.

Thank you for your time,

Craig Swinford
1730 Chinook
laddcirclepdx@gmail.com

Sarah Thompson

From: Henry Rosicky <henry.rosicky@gmail.com>
Sent: Thursday, August 28, 2025 11:37 AM
To: Sarah Thompson
Subject: EXTERNAL: Testimony on ONA Proposals (Henry Rosicky, 1625 Sunset Avenue, Oceanside)

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hi Sarah,

I'd like to submit my views regarding the current ONA Proposals for Planning Action. My wife and I are Oceanside homeowners (1625 Sunset Avenue).

We've noticed the trend toward larger / taller taller structures in the village. In fact we are quite literally living in the shadows of one such structure, the three-level that was built behind us at 5460 Ocean St (Photo is on page 37 of the ONA Proposals document). That structure was built at or near the maximum allowable height so as to provide views of Three Arch Rocks over our house and the houses across the street from us. The structure was also built as close as possible to our property line (I'm actually not convinced that it's in compliance and I've got it on my list to get a survey done to check this at some point). It feels like we have a multiple-unit apartment building towering over us, not a neighbor's house. The result is an invasion of our privacy in the backyard and into our back bedroom windows, which includes invasions of noise and line-of-sight. It has significantly impacted the quality of living at our location.

With that said, I'd like to provide my views on the 3 ONA Proposals in summary:

- Exterior Lighting - I believe this is a well-reasoned and achievable standard that would improve the quality of living in Oceanside.
- Calculation of Building Height - The way that the current building-height-calculation language is being interpreted and used is laughable and surely was not anticipated when it was written. It encourages distorted architectural designs in the service of increasing structure heights beyond what was intended. The proposal as I understand it is simpler and more in line with the intention of a maximum structure height.
- Revision of Maximum Building Height - I support reducing the building height as proposed. Enough damage to the community has already been done and 30' is adequate enough to allow some 3-story houses

Thank you!

Henry Rosicky

Sarah Thompson

From: Mark Hersh <markhersh971@gmail.com>
Sent: Thursday, August 28, 2025 11:46 AM
To: Sarah Thompson
Subject: EXTERNAL: Proposed Oceanside Land Use Ordinance Amendments

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Greetings Sarah Thompson,

Please accept these comments from a property owner in Oceanside (1370 Sunset Ave) on the proposed Oceanside land use regulation changes. Our area of Oceanside has a mix of structures.

#851-25-000262-PLING: Reducing Building height from 35-feet to 30-feet, proposal to exempt existing structures.

I support these changes. If the issue regarding the proposed exemption language is problematic, then strike the problematic language and retain the 30-foot maximum height limit.

#851-25-000268-PLING: Establishing lighting standards for the Oceanside area.

I support these changes and agree with the County's land use counsel that the County should consider similar standards county-wide.

#851-25-000269-PLING: Create a new method for calculating building height.

I strongly support these changes to the building height formula.

#851-25-000270-PLING: Reducing Building height from 35-feet to 30-feet.

I support this change to the maximum building height in the Oceanside commercial zone. If the issue regarding the proposed exemption language is problematic, then strike the problematic language and retain the 30-foot maximum height limit.

#851-25-000261-PLING: Change permitted use types for middle housing.

I support these changes.

Regarding "non-conformance" and "variance": Many structures/lots in Oceanside are already "non-conforming" and my guess is that permitting for remodeling of existing structures or construction on vacant lots is already very complex and requires significant consultation between the owner, the owner's builder/designer/architect, and county staff. If they have not already done so, the Planning Commission should quiz the Department of Community Development Director and staff on whether these proposed changes would significantly increase staff time/permitting costs.

I appreciate the opportunity to comment.

C. Mark Hersh
--
How many legs does a dog have if you call his tail a leg? Four. Saying that a tail is a leg doesn't make it a leg. -- Abraham Lincoln

Sarah Thompson

From: Missy Cory <missycorylpc@gmail.com>
Sent: Thursday, August 28, 2025 1:47 PM
To: Sarah Thompson
Subject: EXTERNAL: Testimony for 9/11/25 hearing

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hello Sarah,

Please find below our comments to be registered for the planning commission meeting September 11, 2025.

We are writing to express our opposition to the building height and variance criteria amendments.

We appreciate the desire of all communities seeing an increase in growth to preserve the aspects they love and have some say in how development progresses. That said, the proposed restrictions voted on in May and the ones in front of you now seem to be a reactive overreach by a minority and an attempt to control the aesthetics of the village. Personally, we appreciate the diversity of architecture and don't believe a homogenized cottage aesthetic is preserving "village character." The ONA is not an HOA. It should be a representation of the larger Oceanside community.

As you know, the proposals voted on in May were resoundingly not supported by the current Oceanside community (all voted NO except two). At this point, the ZAPR committee changed gears and voted to push the three proposals ahead to you without gathering a community vote at that time, despite multiple community members in person and on zoom asking to be heard on the issue. Pushing ahead with an outdated 2021 vote is not representative of the current community, given the increased number of engaged property owners and better understanding of the impacts. It seems the "minority report" expressing opposition from 2021 is no longer the minority.

Regarding building height - it is interesting to note the individuals pushing for greater restriction of Oceanside's regulations generally cite the county's "one size fits all" approach as not serving the wishes of the Oceanside community. Yet, their proposal of reduced amended building height specifically states they believe it can be applied universally regardless of topography.
We respectfully disagree.

The lot we own is on Norwester, one of the steeper roads in Oceanside. There are several houses on Norwester that are one story at or below street level, and given the steep grade are 3 or 4 stories tall on the downslope. This allows the property owners to best utilize their land - maximizing ocean views and do not - and will not - block the view of any neighboring houses. Due to the steep terrain, variances are also likely to be needed to accommodate these parcels.

To apply the proposed restrictions on building height and variances serves to significantly bring multiple facets of negative impact, limits and infringes on the rights of property owners, with potential positive impact only in limited places. For example, limiting a future hotel where the original cabins are to two stories versus three would rightly protect the views of those behind, whereas those of us

on Norwester (and other sloped lots) would be significantly impacted in a negative way without any benefits.

Thank you for your consideration.

Missy Cory & Guy DeKlotz
ZDP LLC

Lot 600 Norwester

Sarah Thompson

From: Randy Olson <randyolson@me.com>
Sent: Thursday, August 28, 2025 2:24 PM
To: Sarah Thompson
Subject: EXTERNAL: ZAPR Recommendations for Oceanside

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Tillamook County Planning Commission

Greetings Commissioners,

I am writing to express my strong support for the ZAPR committee's proposals that will shape Oceanside's future. As a longtime homeowner and active member of the Oceanside Neighborhood Association, I have closely followed this process and believe these recommendations deserve your approval.

The ZAPR committee has conducted thorough research and engaged in extensive community dialogue. Their recommendations have been carefully vetted and approved by the Oceanside Neighborhood Association through a transparent public process.

Building heights standards strike a crucial balance between property rights and community character. Everyone with an ocean view values that view and doesn't want it blocked by taller construction in front of them. Standards allow our community appropriate oversight of future development that can impact neighbors and property values while grandfathering in existing structures.

The proposed lighting standards will reduce light pollution that disrupts wildlife migration patterns and obscures our spectacular night skies—one of Oceanside's greatest natural assets. These standards will minimize intrusive lighting while maintaining necessary safety illumination.

We bought our home in Oceanside in 2008 and have been visiting family here for over 30 years. Through my involvement with the Neighborhood Association, I've come to know many of my neighbors. I've also witnessed our community's evolution and the challenges that come with growth.

While vocal opposition often dominates public discourse, many residents quietly support these sensible regulations. Since you specifically requested feedback from Oceansiders, I want to ensure you hear from those of us who believe the ZAPR committee has faithfully represented our community's best interests.

These proposals will help preserve what makes Oceanside special while allowing for responsible growth. I urge you to approve ZAPR's recommendations.

Which are:
#851-25-000262-PLING: Reducing Building height from 35-feet to 30-feet, proposal to exempt existing structures.

#851-25-000268-PLING: Establishing lighting standards for the Oceanside area.

#851-25-000269-PLING: Create a new method for calculating building height.

#851-25-000270-PLING: Reducing Building height from 35-feet to 30-feet.

#851-25-000261-PLING: Change permitted use types for middle housing.

Lots are small in the village of Oceanside and this is important.

Thank you.
Respectfully,

Randy Olson
2000 MAXWELL MOUNTAIN ROAD
OCEANSIDE, OREGON 97134
August 28, 2025

RANDY OLSON
INSTAGRAM WEBSITE
THEPHOTOSOCIETY
THEPHOTOSOCIETY - INSTAGRAM

Sarah Thompson

From: Jeff Mason <jeffm@intfac.com>
Sent: Thursday, August 28, 2025 3:39 PM
To: Sarah Thompson
Subject: EXTERNAL: ZAPR / Zoning Input

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Members of the County Planning Commission,
My wife Janice and I purchased a home in Oceanside at the end of 2009 and have lived here full time since the beginning of 2010.

We have been staying on the sidelines of the zoning debate regarding #851-25-000262-PLNG, #851-25-000268-PLNG, #851-25-000269-PLNG, and #851-25-000270-PLNG, for the most part, because they are not likely to have significant direct impact on our current residence at 600 Ridgewood Rd W. The exception to this is we supported a petition request to the ONA to revisit the issues voted on by ONA in 2021, to allow transparency and to give the many newcomers to Oceanside a chance to weigh in on what may be an important topic to them. Our understanding is many more people supported this request than attended the original ONA zoning vote in 2021. We were disappointed when the ZAPR committee chose to ignore this request.

It is also frustrating that the editor of the Oceansider and past President of ONA, Jerry Keene, uses the vehicle of the newsletter to create bias and push his own agenda as he did recently with his commentary: "A Tale of Two Oceansides...". In that letter he lumps people into either North Oceanside or South Oceanside camps. As many of the testimonies point out there are many viewpoints, in support and opposition in both geographic areas (as well as our neutral position). This Oceansider newsletter appears to be a means of creating division and furthering a personal agenda as opposed to the typically enjoyable updates on the happenings in and around Oceanside.

In summary, although we have less concern with the zoning particulars, we feel that ONA is not representing the community as a whole in the process.

Jeffrey and Janice Mason

Sarah Thompson

From: Maria <mmboregon@yahoo.com>
Sent: Thursday, August 28, 2025 11:45 PM
To: Sarah Thompson
Cc: clay brown
Subject: EXTERNAL: Testimony to Tillamook Planning Commission

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hello Sarah - Here is our testimony on the proposed building amendments being considered on Sept 11, 2025. for me and my husband, Clayton Brown.

When we purchased our home in 5374 Woodlawn St W in Oceanside in November 2024, we had no idea it would soon risk being considered non-conforming and be subject to a rash of new restrictions and worse. We have been visiting and staying in the Tillamook County area for 25 years and knew that we wanted to make this area our eventual home. For more than two years we had been searching for a home in the Netarts/Oceanside area.

Now that we own a house in Oceanside, it's hard to think about not being able to re-build the home that we already love so much or that our home harder to get insurance for. These new restrictions could easily cause some of the value of our home to be taken away. If our home is damaged or destroyed, we would be unable to restore our home back to its original fair market value. These restrictions also put in jeopardy our plans to make improvements to the home such as replacing the deck or adding solar panels because of possible permitting problems.

If these regulations were being proposed to address safety concerns, we might understand the need, but none of the proposed changes address safety concerns. We also understand the need for updating zoning or building requirements periodically, but we believe the proposed changes should be for NEW construction and not applied retroactively to long standing existing homes. Our home was built almost 20 years ago; this is not new construction and as such should be covered by a grandfather clause. If you start to put restrictions or non-conforming status on other existing homes throughout Tillamook County, there will be many issues including reduced new improvements and investments, reduced tax review and potential lawsuits. We hope to live in and contribute our time, money and energy positively to Tillamook County and Oceanside; we do not see these restrictions as helping with those goals.

Sincerely, Maria & Clayton Brown