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Land of Cheese, Trees and Ocean Breeze

MEMO

Date: July 21, 2022
To: Tillamook County Board of Commissioners
From: Sarah Absher, CFM, Director *SA*
Subject: July 28, 2022, Oceanside Incorporation Public Hearing

Included with this memorandum are copies of the following:

- Supplemental Staff Report dated July 21, 2022
- Public Testimony (“Exhibit A” to Staff Report)
- Board Order OA-97-03 (“Exhibit B” to Staff Report)

General Information:

The record is available for inspection at the Department of Community Development and is also available for public inspection on the Community Development homepage under the Planning tab of the Community Development webpage: [Land Use Applications Under Review | Tillamook County OR](#).

The Tillamook County Board of Commissioners will reopen the public hearing on July 28, 2022, at 2:00pm following quasi-judicial hearing proceedings. The hearing will take place at the ATV Building Tillamook County Sheriff’s Office located at 5995 Long Prairie Road, Tillamook, Oregon.

The hearings for these proceedings have been properly noticed according to the requirements of ORS 221.040(2). A link to access the hearing virtually will be posted the Community Development website the day prior to the hearing: [Community Development | Tillamook County OR](#).

Community Development hearing and meeting general information- including how to provide testimony and methods for participating in public meetings can be found at the Community Development webpage: [Hearing & Meeting Information | Tillamook County OR](#)

Please do not hesitate to contact me with any questions or concerns.

Sincerely,

A handwritten signature in blue ink that reads "Sarah Absher".



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**PETITION FOR OCEANSIDE INCORPORATION
#851-22-000224-PLNG
SUPPLEMENTAL STAFF REPORT**

Report Date: July 21, 2022

Report Prepared by: Sarah Absher, CFM, Director

GENERAL INFORMATION

- Request:** Petition for the incorporation of the Unincorporated Community of Oceanside and the creation of the City of Oceanside. Petition includes a new tax rate for properties within the proposed city limits of the City of Oceanside at 80 cents (\$ 0.80) per one-thousand dollars (\$1,000) (Exhibit B).
- Proposed Location:** All properties located within the Unincorporated Community Boundary of Oceanside (Exhibit A). Properties are located in Sections 24 and 25 as well as Sections 19, 30 and 31 of Township 1 South, Ranges 10 and 11 West of the Willamette Meridian, Tillamook County, Oregon.
- Petitioners:** Oceansiders United

APPLICABLE OREGON REVISED STATUTE

ORS 221: Organization and Government of Cities

- 221.020 Authority to incorporate
- 221.031 Petition to incorporate; filing; form; contents; approval by boundary commission
- 221.034 Incorporation of rural unincorporated community and contiguous lands
- 221.035 Economic feasibility statement; contents
- 221.040 Hearing on petition to incorporate; order fixing date of election on approved petition

PETITION & RECORD OVERVIEW

Petitioners seek an order scheduling an incorporation vote for the November 8, 2022, General Election pursuant to ORS 221.040(3). Petition proposes a tax rate for properties within the proposed city limits of the City of Oceanside at 80 cents (\$ 0.80) per one-thousand dollars (\$1,000) (Exhibit B).

The petition record can be found on the Department of Community Development webpage under the *Land Use Application Page* at the following link: [851-22-000224-PLNG | Tillamook County OR](#). Additional public comments received by the date of this staff report are included in "Exhibit A".

The purpose of this supplemental staff report is to memorialize comments made by staff at the July 13, 2022, public hearing regarding findings and policies contained within the Goal 14: Urbanization element of the Tillamook County Comprehensive Plan.

GOAL 14: URBANIZATION DISCUSSION

Statewide Planning Goal 14 is designed to keep distinct urban and rural lands and uses separate from one another. Tillamook County Goal 14: Urbanization element of the Tillamook County Comprehensive Plan is reflective of this design, provides definitions for urban and rural lands, and acknowledges the need to plan for unincorporated communities that do not fit the definition of rural lands or the definition for urban lands. The purpose of Goal 14 is "to provide an orderly and efficient transition from rural to urban land use". Several aspects are taken into account including planning the most efficient arrangement of residential, commercial and industrial uses.

The Goal 14: Urbanization element of the Tillamook County Comprehensive Plan acknowledges unincorporated communities of Oceanside, Netarts, Cloverdale, Pacific City and Neskowin function as urban communities. These communities cannot be described as rural lands as defined because they do not consist of sparse settlements, small farms or acreage homesites. These communities are served by urban services and in all physical respects, are no different from the incorporated communities of the County.

Prior to the adoption of new rules and goal amendments adopted by the Land Conservation and Development Commissioner (LCD) in 1994, established unincorporated communities such as Oceanside and those named above existed only as "exceptions" or "non-conforming uses" in Oregon's land use system. These communities were neither "urban" nor "rural". The ambiguous status questioned the legitimacy and value of communities and complicated needed planning for them.

Following the action taken by LCD and in response to the concerns and complications associated with the ambiguous status of these communities, Tillamook County prioritized the need for planning for unincorporated communities, beginning with Oceanside and the abovementioned unincorporated Tillamook County communities. These communities were prioritized given the significant development pressure experienced by these communities and concerns related to the impact of development on the livability expressed by community residents.

Goal 14 Element Section 3.3 *Planning for the Unincorporated Communities of Netarts, Oceanside, Pacific City, and Neskowin in Accordance with the Urbanization Goal* included the following findings:

The unincorporated communities of Oceanside, Netarts, Cloverdale, Pacific City, and Neskowin are not urban as defined by the Goals because they are not incorporated nor are they adjacent to any incorporated communities. neither do these communities fit the definition of rural lands in the Goals because they are not "non-urban agricultural, forest or open space lands" nor are they "other lands suitable for sparse settlement, small farms or acreage homesites with no or hardly any public services". Functionally, these communities are urban and they experience communities in the county face.

The Goal 14 element acknowledges that density of urban development has many impacts on the landscape and the community, and that impacts of urban development are valid community concerns that justify community regulation. Community services and facilities such as sewage disposal, water, storm drainage and roads are necessary for managing impacts in order to prevent unreasonable community burdens where densities are high and development is extensive.

After further analysis reflected in the Goal 14 element of the Tillamook County Comprehensive Plan, it was concluded that the Urbanization Goal (Goal 14) is a more appropriate framework to apply when planning for these communities because this goal requires consideration of services and facilities, the phasing of urban development, land use deficiency, housing and employment needs, and through the Housing Goal, a buildable lands inventory.

The following policy was upheld for the unincorporated community of Oceanside with the formation of the Oceanside Unincorporated Community Boundary, urban residential zoning districts and development of the Oceanside Community Plan adopted in 1998. These actions were required by the Goal 14 Urbanization element of the Tillamook County Comprehensive Plan:

Tillamook County recognizes that there are several communities in the County that are neither urban or rural as defined by the statewide planning goals and which are necessary, suitable and intended for urban development. The County will plan for these communities in accordance with the Urbanization Goal (Goal 14) because this goal best meets planning needs in these communities. The County will include procedural and substantive findings that fulfill the requirements of the exceptions process of Goal 2.

ORS 221.040(2): EXCLUSION OF LANDS & BENEFIT

“Benefit” is not specifically defined within ORS 221.440(2) however the Petitioners have provided examples reflected in the record of these proceedings of how properties within the proposed city boundary could be “benefitted” by incorporation.

“The Capes” development has requested to be excluded from the proposed area for incorporation because it was determined by the property owners of “The Capes” development there would be no “benefit” if included in the proposed incorporated city boundary. “The Capes” have argued that they currently benefit from urban services including road systems that are privately maintained and in light of the fact that the development is self-governed by additional development regulations beyond the County’s implementing zoning ordinances either by way of deed restrictions or CCRs enforced and upheld by the Homeowner’s Association (HOA). It is also argued that “The Capes” was “developed” prior to creation of the Unincorporated Community of Oceanside through a separate planned development land use process that continued to be recognized during the 1998 adoption proceedings for the unincorporated community of Oceanside. A copy of Board Order OA-97-03 is included as “Exhibit B”.

Additional areas within the Oceanside Unincorporated Community Boundary have provided written and oral testimony requesting to be excluded from the proposed city boundary as reflected in the record. These areas are depicted on the “Exclusion Map” in the record for these proceedings. During previous hearing proceedings and most recent during the July 13, 2022, hearing a discussion of existing benefits present in these areas took place. Findings in the record recognize these areas benefit from existing urban services and facilities and are defined as “urban” based upon previous analysis by the County reflected in the Goal 14 element of the Tillamook County Comprehensive Plan.

The discussion of benefits largely focused on continuation of these existing urban services and the land use planning impacts to these requested exclusion areas should they be excluded from the proposed city boundary. The following factors were taken into consideration:

- The majority of the areas proposed to be excluded are served by public roads absent a formalized road district or HOA. A benefit to remaining within the proposed city boundary is continued or enhanced road maintenance services and opportunities for future stormwater management infrastructure.
- Many of these areas do not have a HOA or a formal structure in place with CCRs that manage urban services and facilities such as road maintenance or development standards established through CCRs.
- Except for “The Capes” development, consensus by all property owners was not confirmed for other areas requesting to be excluded from the proposed city boundary.
- Location of some areas to be excluded (Terrasea) would result in an “island” of unincorporated area surrounded by city property.
- Should the formation of the City of Oceanside move forward, properties within the requested exclusion areas (if excluded) would lose urban zoning designations and would be rezoned to rural zoning designations such as the Rural Residential Zone.
- Rezoning of urban lands to rural zoning designations would result in loss of urban property rights for properties capable of development beyond one single family dwelling, including loss of future land division and multi-family development opportunities.
- Loss of urban property rights and multi-family housing opportunities is in conflict with the goals and policies of the Goal 10: Housing element and Goal 14: Urbanization element of the Tillamook County Comprehensive Plan.
- Rezoning could also result in Measure 49 Claim requests or other actions related to property takings against Tillamook County following required comprehensive plan, comprehensive plan map and zoning map amendments for the excluded areas.

Most notable, exclusion of these areas “undo” the long-range planning actions taken by Tillamook County through the 1990’s to formally adopt unincorporated community boundaries around these urban areas with the state acknowledged Goal 2 exception.

Inclusion of these excluded properties within the proposed city boundary mitigates potential loss of urban development benefits previously adopted through long-range planning efforts to acknowledge the already established urban nature of these areas, maintains consistency with applicable policies outlined in the Goal 14 element of the Tillamook County Comprehensive plan and avoids return of urban properties existing only as “exceptions” or “non-conforming uses” in Oregon’s land use system.

EXHIBITS

- A. Additional Public Testimony Received
- B. Board Order OA-97-03

EXHIBIT A

Lynn Tone

From: Yuriy Chanba <ychanba@gmail.com>
Sent: Friday, July 15, 2022 8:28 AM
To: Lynn Tone
Subject: EXTERNAL: FW: Clarification to Oceanside Incorporation verbal testimony on 7/13/2022

[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, Lynn.

Does this work better?

It's a screenshot included within the e-mail with Ms. Blanchard e-mails in the record.

If it still doesn't go through, I'll try something else.

Thank you!!!

Yuriy

Dear Commissioners,

Thank you for giving me the opportunity to provide testimony at the July 13 hearing on proposed City of Oceanside budgeting deficiencies.

3 minutes is not enough time to spend on a somewhat involved technical point, so following should provide a better and more clear description of a big problem around abuse of Contingency Reserve application within the Budget.

Oregon Department of Revenue Property Tax Division Local Budgeting Manual (150-504-420 Rev. 05-12) states the following about General Operating Contingency:

"The contingency estimate must be reasonable, based on past experience, and consistent with the purpose of the particular fund involved. It cannot be made in place of an estimate for expenditures which are known to be necessary and can be anticipated. It must not be used to cover up improper or loose budgeting practices. It must not be used as a "savings account" in which to sequester excess revenues." (emphasis added).

What is a reasonable contingency estimate for the proposed City of Oceanside in its 3rd year of operation?

Since no historic data exists for a city that does not yet exist, 3 methods can be used:

1. Mathematical method

There is no indication on the record Petitioners conducted this exercise. If they did, the Public had no opportunity to examine the method.

2. PMI (Project Management Institute) benchmarking

PMI provides a reference point for Contingencies at 3-10% of total operating expenses (based on mathematical methods). Since Contingency is a function of risk on the expense side of the budget, higher % planned for Contingency means higher the risk that a project would fail.

Oceanside's 22% Contingency is calculated based on the Budget within "July 7 Updated Feasibility Statement", page 6, "Increased Version Based on Actual TLT 2022". This percentage is outside of realm of a project that has any possibility to succeed.

3. Existing cities benchmarking

I brought up La Pine, OR Budget's Contingency Reserve of 4% as a valid benchmark to be used for Oceanside's proposed Contingency Reserve.

The petitioners retorted with **vague statement and no facts** that La Pine data was not applicable.

To add another reference to the record, Tillamook County's own Budget plans Contingency of just under 5%.

Did Tillamook County Treasurer Shawn Blanchard sign off on Petitioner's use of 22% Contingency?

No.

There is nothing in the record. There is a verbal statement by the Petitioners that Ms. Blanchard reviewed the latest Budget, and that she was qualified to do so. No argument with that.

However, the only public record on this is Ms. Blanchard stating she had no problem with old Economic Feasibility Statement referring old Budget. This is confirmed by the record's timing.

Lynn Tone

From: Shawn Blanchard
Sent: Tuesday, June 21, 2022 3:50 PM
To: Lynn Tone
Cc: Sarah Absher
Subject: FW: Oceanside

Hello Lynn – I know that Sarah is out for a few days. I am forwarding to you my amendment to the e-mail I had sent her on Friday. I do not know if there is a way to update the exhibit in the packet that is on the website.

Thank you,

Shawn

From: Shawn Blanchard
Sent: Tuesday, June 21, 2022 3:12 PM
To: Sarah Absher <sabsher@co.tillamook.or.us>
Subject: FW: Oceanside
Importance: High

Hello Sarah – I will need to amend my statement. The Projected Resources, Fiscal Year 11/2022-6/2023 is out of balance. Revenues are projected at \$172,000, but expenditures only add up to \$144,000. Fiscal Year 7/2024-6/2025 is out of balance. Revenues add up to a projected \$725,000 and expenditures add up to \$750,000.

Thank you,
Shawn

From: Shawn Blanchard
Sent: Friday, June 17, 2022 4:12 PM
To: Sarah Absher <sabsher@co.tillamook.or.us>
Subject: Oceanside

Hello Sarah - I met with Mr. Keene regarding the Economic Feasibility Statement for Oceanside Incorporation Petition #851-22-000224-PLNG. It was a pleasure to talk with him. I do not have any concerns regarding the feasibility statement.

Thank you,

In the record, Ms. Blanchard was referring to the Economic Feasibility Statement with the Budget version that had \$50,000 in Contingency (June 24 Packet for BOCC June 27 Hearing, page 59). The final version submitted in the record has \$105,000 in Contingency (July 7 2022 Updated Economic Feasibility Statement, page 6).

Why Contingency in the Budget increased from \$50,000 to \$105,000?

First adjustment from \$50,000 to \$60,000, as explained by petitioners on the record on page 31, note #13 in June 24 Packet for BOCC June 27 Hearing document, was due to increased TLT revenue projections.

Increase on the Revenue side due to updated Transient Lodging Tax data provided by the County and included in the record in "July 6 Packet for BOCC July 13 Hearing" document, page 27, and resulting attempt by the Petitioners to Balance the Budget, is the cause for the second bump, from \$60,000 to \$105,000. There is no note on the record why the second adjustment was made, but the first adjustment provides an explanation to the method.

In both adjustments, the Petitioners committed errors specifically referenced in the Oregon Department of Revenue document mentioned above – used Contingency category as a "savings account" in which they sequestered access revenues.

I can't imagine Ms. Blanchard signing off on such a budgeting adjustment, which was done after she provided statement in the record.

In addition to breaking State Rules, does Contingency increase even make sense when Revenue increases?

It makes no sense at all.

Contingency is a direct function of risks related to Expenses. Revenue, up or down, has no direct affect on the Contingency.

An argument could be made that Contingency could be reduced, if the projected Revenue was higher, because the City would have more money to allocate to actual expense categories.

However, there is no feasible scenario for risk to go up when suddenly projected revenue was up.

**What is the impact of improper Contingency treatment?
Erroneous property tax rate calculation.**

Property Tax Rate of \$0.80/1,000 in assessed value is not supported by the Economic Feasibility Statement.

In my testimony at July 13 hearing, I quickly (for the luck of time) worked the Board through exercise to calculate proposed Oceanside city property tax rate using most current Budget on the record as of July 14, 2022 and La Pine, OR Budget, which allocates 4% of Operational Expenses to the Contingency category, as a benchmark for Contingency estimation.

4% in Contingency for Oceanside Budget would result in allocation of \$19,000.
The resulting Oceanside property tax rate calculates to \$0.50/1,000 in assessed value.

If we are to conduct the same exercise and use \$50,000 in Contingency Ms. Blanchard indicated on the record she had no concern with, the resulting Oceanside property tax rate calculates to \$0.61/1,000 in assessed value.

For the record, following is the procedure to calculate the tax rate:

1. Replace erroneous Contingency total with proper value,
2. Recalculate Expenses Total,
3. Since the Budget now is not Balanced, adjust the Revenue Total to match Expenses total by adjusting a Revenue category that is the most ambiguous, or not anchored in any history or fact. In the Petitioners' Budget, City Tax is the only such category. All other categories are either provided by the County records, or discussed elsewhere in the Economic Feasibility Statement (and there is only one such category – Miscellaneous Fees and Taxes),
4. Use corrected City Tax total number to calculate Property Tax Rate/\$1,000 in assessed value.

I am asking you to disapprove the \$0.80/1,000 tax rate, and can only hope the Board finds this presentation useful in making the decision.

Thank you very much for keeping the written record open to allow for the above clarification.

Sincerely,

Yuriy Chanba
5378 Woodlawn St
Oceanside, OR

Dateline

Tillamook County

County increases contribution to repeater

The Tillamook County Commissioners on July 1 assented to a request by a North County TV translator cooperative to pay more for electricity used at a Neahkahnie Mountain repeater site. The county will now pay 50 percent of the cost, having formerly paid only 10 percent.

The citizen-run cooperative - TV Translators, Inc. - uses the site to relay signals from Portland television stations to members in North County.

While the cooperative has cut back its use of electricity by changing to solid state circuitry, the county has increased its use by adding weather radio capacity to the site, said commissioners' executive assistant Paul Levesque.

"A 50-50 cost sharing seems equitable under these circumstances," he told the commissioners.

Zone change opens land for pasture

A 190' by 500' parcel of land north of Fawcett Creek Road will shift from a rural residential to a farm zone, after final approval of the plan was given by the commissioners July 1.

The county planning commission gave initial approval June 11.

According to senior planner Lynda Willard, applicant George Hurliman intends to add the small parcel to an adjacent landowner's lot so that enough land is available to form two farm lots and Hurliman can graze cows on one of them.

Commissioner Ida Lane called the move "a creative solution."

Oceanside

Private road off county fix list

Having dug up a 50-year-old survey map, Tillamook County director of Public Works Jon Oshel reported to the county commissioners on July 1 that Radar Road between Oceanside and Cape Meares is a private road, not a public local access road as he had previously thought.

The error was found when county crews were about to grade the 400-foot-long gravel roadway as they had several times in the past. The road serves about 15 houses, said Oshel.

According to the map record from the mid-to-late 1930s, the area surrounding the lot was never made a subdivision and the road was never dedicated as a public road.

"Apparently, it belongs to the heirs of the original property owners," Oshel said.

Commissioners' Executive Assistant Paul Levesque added that the property that makes up the roadway was never kept on the tax rolls so that the county could foreclose and claim it.

Oshel said that law prohibits the county from spending money on the private road.

The Oceanside Water District at its June meeting conducted the following business:

- heard suggestions from the district engineer regarding water plans by The Capes development, and will review the plan with suggestions and corrections to be relayed to the developer.
- approved the 1992-93 budget.

My name is Kent Searles. My wife, Nancy, and I live at 2675 Radar Rd just north of Oceanside. We are full time residents and registered voters.

I've handed out a copy of a Headlight Herald article for your review that clearly states that Radar Road is a private road, not a County road like the streets in Oceanside.

We have learned that neither an incorporated Oceanside nor Tillamook County will maintain, or in any way improve private roads or lanes.

All 16 properties on Radar Road have privately owned and maintained septic tank systems and drain fields.

At one of your prior hearings on this matter, you asked for comments from a person who had served on the Oceanside/Netarts Sanitary District Board about extending their sewer lines north of the existing system toward our area. The answer given was -"not at all likely"- due to the costs of about a mile or so of sewer line and the required pumping station to service the area proposed for incorporation.

The only thing that we on Radar Road have in common with Oceanside is that we share in a common municipal water system that serves properties between the Netarts municipal system north to and including the town of Cape Meares. Yep. All the way to and including Cape Meares.

Both the Sanitary and Water districts are what I would call "Stand Alone service districts" that can tax their users for bond repayments and charge for user fees. They both have laws and administrative rules that they must follow. Neither of these service districts should be used to blackmail voters to vote one way or the other on the incorporation issue.

I believe that the real issue here is, who gets to control how and where the Short Term Rental Tax is spent within the proposed incorporation area. Right now, Tillamook County makes these decisions. We have a lot of STRs in and near Oceanside. This creates a huge revenue stream into the Tillamook County treasury that can be used anywhere within the County. I am sure that Tillamook County has become dependent on this revenue to some degree.

The proponents of incorporation surely want to control the STR Tax that is collected within the incorporation boundary and how it is spent. This does make sense to me. Keep the money where it was generated.

However, those of us who actually live here, live here because we love the area. We do NOT love either Tillamook County or an incorporated Oceanside spending money to attract more tourists!

Which brings up an interesting fact. Most STRs are owned by people outside our area. We have four STRs on Radar Road and none are owned by local voters. NONE. Why are we supporting outside business interests and not our residents who want peace and quiet?? Surely not more tourists, please.

All too often, politicians keep repeating a lie in hopes that, eventually, people might begin to believe that the lie is the truth. Both proponents and opponents of incorporation seem to be doing this! I do hate Politics as Usual, and this is what we have seen on this issue. We, and you, should be better than this. We should consider what is best for everyone in the area. Not just special interests.

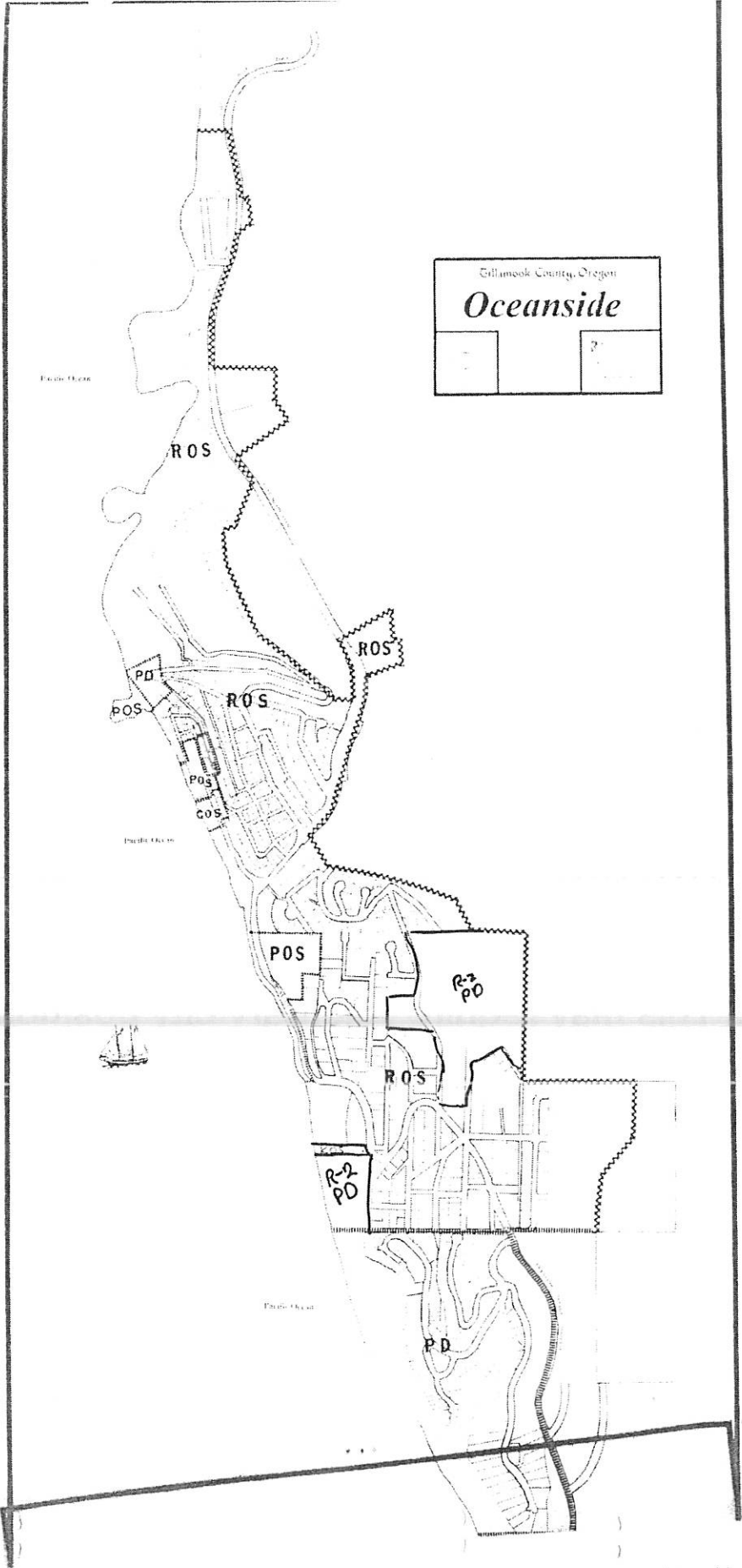
I believe that Tillamook County wants to keep the proposed incorporation area large in hopes that people like those of us who would receive little or no benefit would vote against the measure. That would leave the County in control of how STR Tax is spent.

I also believe that the proponents of incorporation want to protect their, and their clients, business interests from measures that would limit STRs in unincorporated areas like the voters did in Lincoln County.

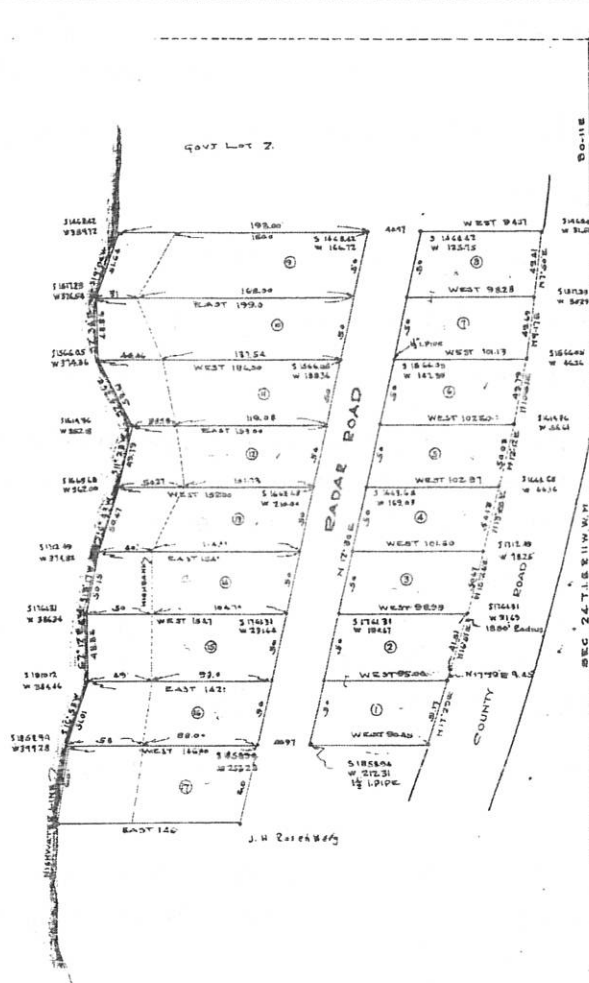
A compromise seems appropriate. A much smaller proposed incorporation area that would allow Oceanside village to incorporate with a much smaller budget. This may require voluntary city positions, but it would still satisfy a lot of what the proponents want. Money to improve their streets and support for tourist business interests within the village.

Thank you for listening to my comments.

Tillamook County, Oregon
Oceanside



PACIFIC OCEAN



SURVEYOR'S CERTIFICATE
I, W. E. Anderson County Surveyor of Tillamook Oregon do hereby certify that this map was made from notes taken during an actual survey made by me in July 1890 and that it correctly represents the property herein shown.

CROWN ZELLERBACK



ROSENBERG'S SHORT BEACH TRACTS
LOCATED IN QURT LOT 7
DEC 24 1890
TILLAMOOK OREGON
Scale 1" = 50'

Meridian coordinates are from the N.W. Cor. Sec 19.

B-152

B-152

July 18, 2022

Dear Commissioners;

I have again reviewed all written public testimony recorded by the County regarding incorporating Oceanside over the past few days. People see so many reasons in support of and against the issue. I hate seeing our super united community appear so divided.

I have tabulated the testimonials in favor of and opposed to incorporation. The challenge in this data collection was many people wrote multiple letters to you. Some changed their position along the way. I believe I have filtered that out and did not count any voice more than once, and for those who changed their position, counting only their most recent perspective.

69 testimonials support being Incorporated (3 showed a change in position)

159 testimonials oppose being Incorporated

I have cross-referenced these testimonials to the registered voter list.

37 testimonials for incorporation were created by registered voters

78 testimonials against incorporation were created by registered voters

As you know the democratic process means that **citizens actively participate in the decision-making of the government**. I believe this has been demonstrated here. I know a lot of people have worked very hard to vet this issue and I commend their dedication and passion to benefit the community through civics.

The people have spoken to you. Will you stop it here, or allow it to go to the November ballot? If voted down in November will that stop the effort, or will it go to the next election? Are we listening to the majority of the people or the loudest voices?

In my recent review of the testimonials, I noted this email from Jerry Keene early on in this effort.

Email from Jerry Keene to Len Wed, Dec 8, 2021, 7: 51 AM Thanks, Len. I sincerely appreciate that you took the time to challenge and test our analysis. If most people feel as you do after making the effort to study what we've offered, then it won't go forward. . . Jerry Keene

All the debatable topics become secondary concerns (is the budget feasible, are the staffing levels realistic, are we prepared for contingent liability, etc.?) when you consider the public testimony shows an overwhelming "no to incorporation" position. Thank you for your excellent work and efforts.

Bruce Jaeger, 5372 Woodlawn St Oceanside OR 97134

(503) 317-6150

From: [Debbi & Bruce Mitchell](#)
To: [Lynn Tone](#)
Subject: EXTERNAL: Incorporation
Date: Tuesday, July 19, 2022 3:36:19 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.]

My name is Bruce Mitchell at 5350 Castle Drive Oceanside, or I am not in favor of Incorporation.

The first is year one revenue.

You can't claim donations as planned revenue

The first year expenses

No IT expenses planned with is a big security issue.

An HOA is an HOA.

The Capes are no different than any other HOA and should not be treated any differently.

They all care for their roads, do emergency planning, and do Community planning and development. They should be treated like the other HOA's.

If you Let one out you need to let all HOA's out. If the Capes is out there needs to be a new petition that states the will of the people. In other words they will need a new petition that states the Capes is out for the people to sign.

Bruce Mitchell

Bruce

Bruce

Lynn Tone

From: Katie Songer <songerk@yahoo.com>
Sent: Wednesday, July 20, 2022 6:40 AM
To: Lynn Tone
Subject: EXTERNAL: Support for Oceanside incorporation

[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. Tone,

I previously submitted a comment on this issue that has been bundled with other comments from the previous round of incorporation hearings, but I'm writing to say that I still support Oceanside's incorporation. The leaders petitioning for incorporation have done their due diligence, have communicated brilliantly with community members, and have met every request presented by the County. I'm impressed with their thoroughness and patience. I'm confident that Oceanside is ready to self-govern in a responsible way, and in a way that best represents the interests and desires of local residents and businesses.

Sincerely,
Katie Songer
(Business manager in Oceanside)

Jan Holloway/Dave Taylor
180 Reeder Street
Tillamook, OR 97141

July 19th, 2022

Ms. Mary Faith Bell, Commissioner, Chair
Ms. Erin Skaar, Commissioner
Mr. David Yamamoto, Commissioner, Vice-Chair
Tillamook County Courthouse
201 Laurel Avenue
Tillamook, OR 97141

Dear Sir and Madams,

We own a vacation rental house at 180 Reeder Street in Avalon West, next to The Capes development. It has been a vacation rental since before 2005, when Jan's late husband bought it. We have included below our personal residence in Boise, Idaho.

We would like to voice our strong objections to inclusion of Avalon West into the proposed incorporation into Oceanside Neighborhood Association, citing no need for the extra costs and no benefit to us. We have had our own informal neighborhood organization for many years with no need for further organization. We have maintained our own streets for years.

We received no notification by the Oceanside Neighborhood Association of the vote to incorporate Avalon West. A vote should not have been taken until all owners in Avalon West were notified.

Avalon West owners and renters have no need to use the roads in the area of the village of Oceanside because they are purely residential. The principal access through Oceanside is a state highway which has direct access to the commercial establishments and the ocean access parking lot.

Our Avalon West neighborhood has several connecting streets which do not interconnect with any of the Oceanside streets. All of our streets have a single access point to the state highway. This is an identical situation to that of the The Capes, our neighbors to the south.

Thank you for your consideration.

Sincerely,

Jan Holloway

Dave Taylor
3081 W Hidden Springs Drive
Boise, Idaho 83714

Lynn Tone

From: Robert Ault <mrbob4370@gmail.com>
Sent: Tuesday, July 19, 2022 5:21 PM
To: Lynn Tone
Subject: EXTERNAL: Oceanside incorporation

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Thank you for accepting comments.

The primary concern is that all property owners do not have a vote if the decision is to place on a ballot for vote. There should be a way to send all property owners a ballot as many are not registered in Oceanside and thus no representation. Most are voting in other areas of the county and nearby cities. If there are ballots sent to all property owners, then a TRUE representation would be included in the voting.

Robert Ault 165 Reeder St Oceanside

Lynn Tone

From: Kaitlyn Sawyer <kissmeeekait@yahoo.com>
Sent: Tuesday, July 19, 2022 7:13 PM
To: Lynn Tone
Subject: EXTERNAL: Oceanside incorporation

[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 Lynn,

I am a senior resident inside the proposed boundary of Oceanside. I am hoping there is still a chance that our commissioners will reject this incorporation.

My income is based on a social security payment each month, and to be quite honest I just can't afford the increase in property taxes that this incorporation would put on me. Add all this to inflation, and other bond issues this last May that were passed and it will put a serious hardship on us seniors. I would definitely vote no on this issue to try to save my finances from this unnecessary hit, however it seems possible that this issue just might pass and I will involuntarily be thrown into a worse financial situation. These are just the types of things that create homeless issues. I'm sure Tillamook would like to avoid that.

Please! For the community, reject this effort to put this incorporation of Oceanside,. On the ballot.

Save Oceanside friends from itself, and say, no!

Kaitlyn Sawyer

Sent from Yahoo Mail on Android

Lynn Tone

From: Cynthia Miller <cynthia.l.miller@icloud.com>
Sent: Wednesday, July 20, 2022 9:20 AM
To: Lynn Tone
Subject: EXTERNAL: NO to Oceanside Incorporation

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

July 20, 2022

Dear Commissioners:

I continue to have hope that you are all reading the submissions. If that is the case, I believe the majority of submissions are in support of Oceanside Incorporation NOT going forward to a ballot. There have been many Oceanside residents that have made serious, fact-based and compelling reasons why we would like to see Oceanside remain the village that has been in place for 100 years.

The majority of residents WILL NOT benefit from the incorporation and still face a burden of having to pay taxes for benefits we will never see.

Please review all of the submissions you have received and grant the people's majority of refusing that small number of people who are demonstrating personal benefits vs. the whole of the people.

Respectfully submitted,

Cynthia Miller
735 Ridgewood Road
Oceanside OR 97134

(503) 842-6702

Lynn Tone

From: reos neabay.com <reos@neabay.com>
Sent: Wednesday, July 20, 2022 4:48 PM
To: Lynn Tone
Cc: reos neabay.com
Subject: EXTERNAL: Oceanside incorporation: boundaries and exemptions

[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. Tone:

I am writing to request that my property at 3090 Maxwell Mt. Rd Oceanside OR , 97134 (1S11-24DA-204) be excluded from the proposed City boundaries put forth by the "United Oceanside" group's petition to incorporate a sub area of the Oceanside Development district into a delineated City under Oregon's land use laws.

Oceanside Development district encompasses land that far exceeds the original "Oceanside" village. Our property and others were developed separately as "the Ridge Estates" north of the water tower on Maxwell Mt. These properties are comprised of one acre minimum and many have two to three acres of land. The properties were rural Tillamook County until about the year 2000 when we were annexed into Oceanside Development district. Our properties and others on the Ridge Estates development have more in common as rural Tillamook County entities than we do with any residents of the crowded village of Oceanside. As further proof of our separate nature, the Ridge Estates have deeded access to Lost Boy Beach, which no one in Oceanside has. To the north and bordered by Coleman Creek, we are contiguous with Radar Ridge development.

We have rights to sewer and water from Oceanside-Netarts Sewer District and Oceanside Water District by contractual agreements dating to the late 1970's.

Like the Capes and Radar Ridge, Ridge estates should have the right to opt out of the area "claimed" by the petitioners in their application to incorporate.

We have not seen the actual list of petitioners organized by the "Oceanside United" group nor do we know what the geolocation of properties they own or whether they are property owners. We also do not know whether any of the required petition signers are from areas that will be exempt from the incorporation process.

According to ORS 221: An area that has at least 150 residents and is not included in another city may be incorporated as a city. But this does not say that the "area" limited by the domiciles of these select "residents" can claim city boundaries in excess of 10 to 100 times the area they claim as domicile. Furthermore, ORS 221 intends that: "On receiving a petition signed by the required number of legal voters in the proposed city, the county governing body conducts a hearing to determine appropriate boundaries". "Oceanside United" does not represent Oceanside Netarts development district or its boundaries. It is purely an ad hoc group of petitioners.

It is up to the county Commissioners to LIMIT THE BOUNDARY claims of "Oceanside United" Group. Please make a decision as to whether you will exempt any property owners or corporate entities from this proposal of "city limits" prior to your vote to allow this matter to appear on any ballot. Time is not of the essence here and this proposal deserves far more consideration on your part especially on those duties required of the Commissioners under ORS 221. Any selective exemptions while not giving fair consideration to all can only result in future litigation.

Please provide the land owners of the district with a detailed map showing locations of petitioner group and the location of all other specific delineations of the local Development boundaries. It is an amazing lack of due diligence on the County's part that you have not provided maps by mailing to all concerned. Nor do we understand

Sarah Absher's statements concerning the Capes' "unique status" and excluding other areas would give rise to zoning problems. Is this what the County calls "legal advice" when they are about to do a shady deal? What do the county's Land Use Lawyers have to say?

A professional opinion from the legal team would certainly be appreciated...in writing.

Sincerely,
Robert Sullivan

Lynn Tone

From: joan bedlion <joanbedlion@gmail.com>
Sent: Wednesday, July 20, 2022 11:23 AM
To: Lynn Tone
Subject: EXTERNAL: Letter in opposition to incorporation of 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.]

Please add this testimony to the opposition petition of incorporation of Oceanside

To our county Commissioners

I have been blessed with the wonderful opportunity to enjoy the natural beauty and tranquility of Oceanside over the last 30 years. Five years ago, my husband and I were eventually about to buy our Retirement home in the Avalon area. Unfortunately, we have not been able to reside there as full time residents due to unforeseen commitments to assist our grown children. Since we are not residents, I am NOT given a say in expressing my vote. Writing this letter is my only way to interject a NO to incorporation of Oceanside. Tillamook has been doing a fine job. The thought of this town incorporating causes me concerns with the overall cost that it is going to take to run it, especially budgets that are hypothetical. Then you are looking at 1.5 people running the whole show is completely unrealistic. Who is going to be the Mayor, city counsel, city clerk, etc. Where are these people going to reside and do business? More cost. Even though, Oceanside friends/United say all our services will remain the same except some changing over of paperwork, we are already dealing with reversal of advice from the state land use officials and possible zoning complications could still arise with sewer hookups. Incorporation usually comes down to the Control issue and who is governing them and to have this in the hands of a few is scary. Incorporating means more laws, rules, ZONING, higher taxes, and overALL more endless RED tape. Please consider NOT allowing incorporation of Oceanside.

Thank You for your time and service
Joan Bedlion

Lynn Tone

From: Kim Green <kim@shortstorymarketing.com>
Sent: Wednesday, July 20, 2022 12:01 PM
To: Lynn Tone
Subject: EXTERNAL: OCC INCORP

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

July 20, 2022

Dear Commissioners:

I am not sure if my husbands & I submissions have counted/read from a while back yet, thus watching the meetings it has been evident that the topic seems to be moving in a different direction AFTER the initial "NO" from the council, to move forward, which is very alarming for me personally. Even though there might NOT be "new evidence" within my email today - it is event that this fact based "ONE SOLUTION does not fit the majority" theme is correct, it's safe to say, there is no end in sight if we are FORCED with this one solution.

The negative impact supersedes the united crowd; ex: I believe as a young middle aged business owner who moved here in 2019, what seemed to be a moreless retirement community, worries how this will impact those on fixed income for instance. THIS nonsense needs to stop as it's simply a POWER play at best. I ask for you to stick to your first "NO"

The majority of Oceanside residents have spoken/written/vocalized fact-based and compelling reasons why we would like to see Oceanside remain the village.

The majority of residents WILL NOT benefit from the incorporation and still face a burden of having to pay taxes for benefits we will never see. (I like to call these HOA subdivisions for the sake of talk) Partake handling their own needs - such as the Capes; Trill. TerraSea; etc.

Please review all of the submissions you have received and grant the people's majority voices and would LOVE to know we have been heard.

Respectfully submitted,

Kim Green
745 Ridgewood Road
Oceanside OR 97134

--

Kim Green
866-640-1234
Brand Development/Websites/Strategic Online Marketing

www.ShortStoryMarketing.com

July 18, 2022

To: Tillamook County Commissioners
David Yamamoto
Mary Faith Bell
Erin Skaar

Fr: Pam Zielinski
5680 Castle Dr NW
Tillamook, OR 97141 (Oceanside)

SUBJECT: PETITION TO INCORPORATE OCEANSIDE

The attorney for The Capes argued at the last hearing that The Capes should be excluded from the petition because there is no benefit to The Capes of being included in the incorporation. It seemed that the Commissioners were receptive to that argument.

In the "Incorporation Guide" published by the League of Oregon Cities, on page 11, the first paragraph in the Community Review section says as follows:

*It is important for those who gather the facts to assemble them for community presentations. The hard data and perceptions of community attitudes need to be shared in a series of informal meetings that encourage discussion and provide for consensus building. Citizens should have a non-threatening environment as they inquire about their community and share their thoughts. **The goal is to assess of [sic] community needs. It should be based on facts, but it must be tested against how the residents feel about their community. The primary indicator for change will be a community-wide belief that there are unmet needs. If the community reaction to the fact-finding study is one of satisfaction with the performance of existing institutions, a study of a different governmental approaches would not seem to be warranted. If the results reinforce the sense of need that prompted the study, the next steps should include refining the list of the area's service needs and possible boundaries.***

It also states on page 18:

The county commission may not include any land that in its judgment will not be benefitted (Millersburg Dev. Corp. v. Mullen, 14 Or. App. 614 (1973)).

The community has spoken loudly and clearly, as evidenced by the preponderance of commentary in opposition, that we do not need this incorporation and we feel there is zero overall benefit to most of us. Most of the community will not benefit from the central village improving its storm drain system. Most of the community will be damaged by the loss of timely land use planning services.

I am asking that the County Commissioners please heed the guidelines set forth in the Incorporation Guide and please deny the petition to incorporate.

Thank you.



20 July, 2022

Dear Commissioners,

Our names are Sheri and Lee Swindler and we are VERY much in favor of the Incorporation of Oceanside. We have spoken publicly to this effect to you the Commissioners and public in the past. We are registered Tillamook County voters and own the 10.5 acre property at the northern tip of the proposed boundary for the incorporated city of Oceanside. The Radar Road property owners do not speak for us nor represent us. We consider ourselves part of Oceanside and look forward to the many benefits that incorporation will bring to the entire community. We do especially feel that we will benefit from local control of zoning and variance decisions that will inevitably be necessary as Oceanside continues to grow out along Cape Meares Loop Highway. Those opposing incorporation are focused only on short term financial interest to the detriment of the areas long term interest in locally managed growth.

Sincerely,

Sheri & Lee Swindler
1 Short Beach Way, Oceanside

EXHIBIT B

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF TILLAMOOK COUNTY, OREGON

4	In the Matter of Amendments to Ordinances)	
5	No. 32 and No. 33 the Tillamook County)	OA-97-03
6	Comprehensive Plan and Land Use Ordinances,)	
7	to Establish Plan Policies and New Zoning for)	Findings and Decision
8	the Community of Oceanside; and Declaring)	Amending Ordinances
9	an Emergency)	No. 32 and No. 33

20

MAR 1998
RECEIVED
DEPARTMENT OF
COMMUNITY
DEVELOPMENT

THE BOARD OF COMMISSIONERS FINDS AS FOLLOWS:

1. The applicant, Tillamook County, initiated proceedings on February 27, 1997 to complete planning for the unincorporated community of Oceanside in accord with the requirements of the State of Oregon's Unincorporated Communities Rule to complete Periodic Review Task No. 6B.
2. The file in this proceeding is available in the office of the Department of Community Development under Ordinance Amendment OA-97-03 (32&33).
3. These planning amendments apply to the area within the Oceanside Community Growth Boundary defined by the Pacific Ocean to the West, the Oceanside-Netarts Mutual Interest Area Boundary Line to the South and Southeast, North of Radar Road to the North, and the Forest Zone Boundary to the East and Northeast
4. These amendments include Comprehensive Plan Findings and Policies and the application of three new zones throughout Oceanside -- the ROS (Residential Oceanside) Zone, the COS (Commercial Oceanside) Zone and the POS (Park Oceanside) Zone. Two Tillamook County Zones will remain within the community growth boundary -- the R-2 (Medium Density Urban Residential) Zone as an underlying zone to Tax Lot 900 (the Spindrift property) and the PD (Planned Development Overlay) Zone on Tax Lot 900 (aka the Spindrift property)

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and those properties where PD Master Plans have recently been approved (The Capes, House on the Hill, Ocean Pines II. In these areas the current county zoning regulations and existing Master Plan approvals, or any amendments thereto, shall apply.

5. The ROS Zone allows primarily one-family residential uses outright, with two-family residential uses being permitted conditionally. The COS zone allows small scale-low impact commercial uses to serve the community and surrounding area. The POS zone is designed to permit open space recreational activities which typically provides for visual and outdoor aesthetic qualities in the area that have relatively few impacts on neighboring areas and the community.
6. These amendments complete planning for the community of Oceanside that was begun in December of 1993. Approval by the Board of County Commissioners was given on July 9, 1997.
7. The Tillamook County Planning Commission held public hearings on February 27, 1997 and April 3, 1997, and voted unanimously to recommend approval to the Board of County Commissioners.
8. The Board of County Commissioners held de novo public hearings on May 28, 1997 and July 9, 1997. Both the Planning Commission and Board hearings were properly noticed according to the Periodic Review requirements contained in ORS 197.
9. The only objections heard at the Board hearings were those of the Marshall-Grimberg Group who own Tax Lot 900 (aka the Spindrift property). They requested that their property retain the existing County R-2/PD zoning instead of the proposed ROS zoning.
10. Four individuals testified in support of the plan.
11. On June 25, 1997 a public workshop was held by the Board to discuss the Marshall-Grimberg property (aka Tax Lot 900 or the Spindrift property).
12. The record of the May 28, 1997 and July 9, 1997 Board hearings is attached as the following Exhibits:

1 Exhibit 1- Staff Report (May 28 and July 9, 1997)

2 Exhibit 2- Oceanside Community Plan containing:

- 3 a. Oceanside Planning Overview
- 4 b. Oceanside Community Findings
- 5 c. Oceanside Community Policies
- 6 d. Oceanside Community ROS, COS and POS Zones
- 7 e. Oceanside Comprehensive Plan and Zoning Map

8 Exhibit 3 - Planning Commission Minutes (February 27 and April 3, 1997)

9 Exhibit 4 - Board of Commissioners Minutes (May 28 and July 9, 1997)

10 Exhibit 5 - Affidavit of Public Notice

11 Exhibit 6 - Attendance List of May 28 and July 9, 1997 Board Hearings

12

13 13. After reviewing the Planning Commission recommendation of approval, the staff report, the

14 written and oral testimony, and the records and files herein, the Board approved Ordinance

15 Amendment OA-97-03 (32 & 33) as recommended by the Planning Commission with one

16 revision. That revision being that Tax Lot 900 (aka the Spindrift property) retain the existing

17 County R-2/PD Zone. The portions of the Oceanside Community Plan formally approved are

18 the findings, policies, Oceanside ROS, COS, and POS Zones, and the Oceanside Zone Map.

19 NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF TILLAMOOK

20 COUNTY, OREGON ORDERS AS FOLLOWS:

- 21 1. Tillamook County Comprehensive Plan, Planning & Zoning Ordinance No. 32, shall be
- 22 amended to include the Oceanside Community Plan Findings, Policies and Zone Map.
- 23 2. Tillamook County Land Use Ordinance, Planning & Zoning Ordinance No. 33, shall be
- 24 amended to include Section 3.310 Residential Oceanside (ROS) Zone, Section 3.312
- 25 Commercial Oceanside (COS) Zone and Section 3.314 Park Oceanside (POS) Zone as
- 26 described in Exhibit 2.d.
- 27 3. Tillamook County Comprehensive Plan and Zoning Map Nos. 11 and 12 shall be amended
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as described in Exhibit 2.e.

4. This ordinance amendment being necessary for the immediate preservation of the public health, safety and welfare of the residents of Tillamook County, an emergency is declared to exist and this ordinance amendment shall take effect immediately upon adoption.

ADOPTED this 11th day of March, 1998.

BOARD OF COMMISSIONERS FOR
TILLAMOOK COUNTY, OREGON Aye Nay Absent/Abstain

Gina Firman ✓ _____ _____

Gina Firman, Chairperson

Jerry A. Dove _____ _____

Jerry A. Dove, Vice Chairperson

Sue Cameron ✓ _____ _____

Sue Cameron, Commissioner

ATTEST: Josephine Veltri

APPROVED AS TO FORM:

BY: [Signature]

[Signature]

Special Deputy

William K. Sargent, County Counsel

